

Mandates of the Special Rapporteur on minority issues; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on freedom of religion or belief

Ref.: AL IND 5/2024
(Please use this reference in your reply)

24 September 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on minority issues; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 52/5, 52/9 and 49/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of hate speech against the Muslim religious minority and incitement to violence and boycott against this minority in India.**

According to the information received:

With the Hindu nationalist Bharatiya Janata Party (BJP) in power at the federal level since 2014, communal tensions in India have been rising over the past few years manifested through an alarming increase in incidents of hate speech, both online and in offline public events, targeting and inciting violence and discrimination against Muslims.

Prime Minister Narendra Modi's Speeches:

On 16 April 2024, Indian Prime Minister Narendra Modi reportedly said that the party in power in West Bengal had permitted Bangladeshi-Rohingya infiltrators to spoil the demographics and law and order of Bengal. Additionally, on 21 April 2024, in a public meeting in Banswara district in Rajasthan, Prime Minister Narendra Modi reportedly referred to Muslims as 'infiltrators' and 'those with more children'. The excerpt from the speech translated as the following: "When they (the opposition Congress-led government) were in power, they had said that Muslims have the first right over the country's assets. This means that they will distribute wealth to those who have more children and those who are infiltrators. Is this acceptable to you?" His speech was widely streamed online (including by Prime Minister Modi's personal accounts) and broadcasted on television reaching a large audience. In the above-mentioned speech, Prime Minister Modi affirmed that the opposition would turn the Majority community (Hindus) in India into "second-class citizens" Consequently, it would make different Hindu castes fight among themselves so that they become fragile as a community and would divert about important issues. Furthermore, on 22 April 2024, Prime Minister Modi reportedly made a similar speech in Aligarh district (Uttar Pradesh), albeit without a direct mention of Muslims, and again on 23 April in Tonk-Swai Madhopur, in Rajasthan.

Conspiracy theories about India's Muslims having a higher fertility rate – hence putting India's Hindu majority at risk of demographic overhaul have been repeatedly refuted by researchers but are widely circulated by Hindu nationalists whose ideology considers Hindus to be the original inhabitants of India, and adherents of Islam are routinely referred to as 'infiltrators' and 'invaders'.

Throughout the election period, Prime Minister Modi reportedly made at least 61 contentious speeches across the country containing dehumanising statements against Muslims. Themes repeated by Prime Minister Modi (besides characterising Muslims as 'infiltrators' and 'those with more children') included: characterising the election as a choice between 'vote jihad' and 'Ram Rajya' (the reign of the Hindu god Ram) and referring to Muslims as the 'jihadi vote bank'. Furthermore, he also appeared to give credence to further, discredited anti-Muslim conspiracy theories, such as 'love jihad' and 'land jihad'. After an opposition leader reportedly asked Muslims to carry out a "jihad" of "votes" to encourage Muslim voter participation (noting "jihad" means "struggle"), Prime Minister Modi and other BJP leaders have referred to "vote jihad", saying "I hope you all know what the meaning of jihad is and against whom it is waged". Additionally, Prime Minister Modi's reported speeches appeared to carry undertones of violence. For instance, in one of the speeches he is reported to have said, "We have to clean up such people one by one".

Senior BJP Leaders' Speeches:

Prime Minister Modi's alleged rhetoric also appears to have been reproduced in similar speeches by other senior BJP leaders holding office at the central or state level that demonised and dehumanised India's Muslims. It was reported that there was a total of 380 such speeches during the entire election period (between notification on 16 March and the formal end of campaigning on 29 May). Senior BJP leaders accounted for 287 (76%) of these speeches.

For instance, India's Home Minister Amit Shah made similar speeches across the country, and on one occasion, appeared to incite violence "Give Modi a third term and we will fix these cow-killers". Additionally, Yogi Adityanath, the Chief Minister of Uttar Pradesh, in at least one of his speeches, appeared to celebrate his provincial Government's violent record against Muslims stating that "we deal with them so harshly that their descendants will remember".

Himanta Biswa Sarma, Assam's Chief Minister reportedly made similar speeches including, while referring to Muslims, he is reported to have said, "Those 'infiltrators' would be kicked out someday". Additionally, in another speech with explicit reference to physical threats of violence, he reportedly said, "We will just break their legs once and no one will do love jihad again". Furthermore, on 17 May 2024, he reportedly called on people not to make the same mistake Assam made, which means, voting for Congress, as Congress failed to stop the "infiltration" of Rohingyas, a Muslim minority from Myanmar. This speech is one of several appearing to incite violence and discrimination against Muslims delivered in different parts of the country.

Patterns of hate speech and incitement:

Incidents of hate speech at election rallies tend to follow a similar pattern with speakers using Islamophobic conspiracy theories such as ‘love jihad’, ‘land jihad’, religious conversions and illegal immigration, as fear-mongering tactics which follow issuing direct calls for violence and boycotts against Muslims in India.

According to Hindutva conspiracy theories against Muslims in India, the term ‘jihad’ coupled with ordinary words is commonly used in dog-whistling. For instance, ‘love jihad’ purports that Muslim men target Hindu women for conversion to Islam through seduction, love and marriage. Allegedly, the speakers often use such conspiracy theories to make calls for a Hindu-only nation and encourage Hindus to arm themselves urging them to keep and use weapons to further the cause of a Hindu nation or to act against purported perpetrators of ‘love jihad’.

While speakers usually do not directly use the term ‘Muslim’, they instead use typically Islamic names such as Abdul to denote Muslims or use other pejorative, demeaning and dehumanising language to denote Muslims such as jihadi, top “iwale” (skullcap wearers), “aatanki” (terrorists), “vidharmi” or “adharmi” (non-believers), “pattharbaaz” (stone pelters), and “gaddar” (traitor). Slogans raised in “incidents of hate speech at election rallies also call for violence against Muslims, for instance: “Desh ke gaddaron ko, golimaron salon ko” (shoot the traitors of our country)”, “Allah-Ullah kehne nahi dena ek bhi Mullarehne nahi dena” (We won’t let them say Allah, and we won’t let Muslims live)”, “Jab Mulle kate Jayenge, Ram Ram Chilayenge” (When Muslims will be chopped, they will cry ‘RamRam’)”. A report released in September 2023 highlighted that of 255 documented incidents of hate speech targeting Muslims in the first half of 2023, about 70% occurred in states scheduled to hold elections in 2023 and 2024 and about 80% of the incidents occurred in BJP-ruled States.

In the lead-up to elections on 7 May, BJP leaders regularly referred to property distribution by the opposition if they were elected, without mentioning Muslims but referring to what had been said by Prime Minister Modi previously, implying that property distribution would be in favour of Muslims. While not explicitly anti-Muslim/hate speech, Prime Minister Modi has continued to use religion as a polarising issue, for example saying that he will not mandate a Constitutional reservation for Muslims similar to Scheduled Castes/Scheduled Tribes and that he will bring in a Uniform Civil Code (doing away with religion-based personal laws) which would appear to be secular but raise concerns about legislating further discrimination against Muslims and other religious minorities.

Lack of Accountability from the Election Commission of India (ECI):

The Election Commission of India (ECI), as the constitutional authority mandated with conducting elections and curbing communal appeals during elections, failed to act against these speeches by Prime Minister Modi and others, all of which were made in public meetings as part of election campaigning and widely broadcast and reported. At a press briefing after the

conclusion of polling, the Chief Election Commissioner was reportedly quoted as saying that the ECI ‘deliberately decided’ not to ‘touch’ the ‘top two people in both parties’, a reference to Prime Minister Modi and opposition leader Rahul Gandhi. Furthermore, the ECI also did not initiate any action against the other three leaders highlighted above.

Communal tensions and hate speech in India in the past have tended to peak ahead of elections. This has resulted in physical violence against minorities, such as amid provincial elections in Delhi in February 2020. Additionally, Prime Minister Modi was able to continue making such statements and repeating them despite the significant outcry by civil society. According to Indian domestic law, appeals to vote on religious grounds and the promotion of enmity between different communities for electoral purposes are ‘corrupt practices’ (section 123 of Representation of the People Act) that are grounds for disqualification of a candidate. Further, the promotion of religious hatred in connection with an election is a criminal offence (section 125A of RPA). These election-time legal provisions are in addition to other provisions in the criminal code that prohibit and criminalise, inter alia, outraging religious feelings (section 297 of Bharatiya Nyaya Sanhita).

Despite this legislation in place, authorities in India, including state police and the ECI, have reportedly refused to acknowledge many complaints made regarding these speeches and conduct formal investigations so far. Similarly, no action for criminal prosecution of the above perpetrators has been taken by judicial authorities despite the 2022 Indian Supreme Court’s orders which gives the authorities discretionary power to register criminal complaints under relevant sections of the law against hate speech, even when there are no complaints reported. Furthermore, when individual citizens and/or political parties sought the intervention of higher courts against Prime Minister Modi and his BJP colleagues for hate speech during elections, their petitions were reportedly dismissed.

Consequences of these speeches and incitement for hate speech:

Since 1 June 2024, following the above-mentioned speeches, there has been a marked increase in violence against India’s Muslims, by Hindu extremists including many incidents with close links to the BJP. Allegedly violence has been accompanied by a pattern of BJP leaders continuing to threaten and incite violence against Muslims. For instance, on 27 June, Karnail Singh (a state-level leader of the BJP Delhi unit), was reported openly threatening to ‘slaughter 200,000 Muslims’. Similarly, on the same day, Nitesh Rana, an elected BJP Member of the Legislative Assembly (MLA) in Maharashtra state, reportedly offered a bounty on the tongue of prominent Muslim leader and parliamentarian Asaduddin Owaisi.

At least nine Muslims were reportedly murdered in instances of communally motivated mob lynching in the month after the elections concluded: Three people killed in Raipur on 7 June; One person killed in Aligarh on 18 June; One person killed in Anand on 22 June; One person killed in Kolkata on 26 June; One person killed in Koderma on 2 July; One person killed in Shamli on 4 July; and One person killed in Ranchi 7 July. Hindu extremists were also reported instigating communal violence around the Muslim festival of Baqr

Eid (17 June) in four states (Telangana, Odisha, Himachal Pradesh, and Rajasthan), resulting in dozens of injuries.

Similarly, incidents of incitement and hate speech have been accompanied by violence by state actors in BJP-ruled states. For instance, three extra-judicial killings of Muslims by state actors have been reported. On 5 June a Muslim man died due to alleged custodial torture by police in Kashmir and on 22 June two unarmed Muslim men were shot dead by forest guards in Assam respectively.

Additionally, on 15 June in Madhya Pradesh state police razed 11 homes owned by Muslims, claiming that they were holding beef, in an apparent act of punitive demolition. Allegedly, there have also been several instances found of arbitrary detention, involving Muslims, across the country. In some instances, Muslim cattle traders have been prosecuted under draconian national security laws

Without prejudging the accuracy of the information received, we wish to express our deep concern with regard to the rising communal tensions and instances of hate speech in India against Muslim minorities, resulting in hostility, discrimination and potential physical violence, which in numerous cases appear to be incited by Indian political leaders, instead of being prevented, addressed and remedied. Such incidents, involving incitement to religious hatred, discrimination, hostility or violence, fall within the 'Top Level' category set out in the United Nations Strategy and Plan of Action on Hate Speech (Rabat Plan of Action) and are prohibited under international law, including under article 20 of the International Covenant on Civil and Political Rights (ICCPR), ratified by India on 10 April 1979.

The prohibition of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence required under article 20 has a high threshold as it requires the fulfilment of three components: a) advocacy of hatred; b) advocacy which constitutes incitement and c) incitement likely to result in discrimination, hostility or violence. Yet, this threshold appears to be fulfilled *prima facie* in the above-mentioned allegations.

Considering the communally and politically charged context in India, the official position, popular following and apparent impunity enjoyed by Prime Minister Modi and other high-ranking public officials (speaker), his direct mention of Muslims together with references to demeaning, stereotypical and untrue remarks as well as widely-known conspiracy theories associated with them (content and form), and their seeming intention to wilfully advocate and engage in hateful statements inciting to discrimination, hostility or violence (intent), the speech in question is likely to lead to further hostility, discrimination and potentially violence (likelihood of harm) against India's Muslims. As such, it fulfils the criteria of the Rabat Plan of Action and potentially amounts to prohibited hate speech, violating articles 20(2), 2(1) and 26 ICCPR.

We underscore that any restrictions to freedom of expression and efforts to combat hate speech must be implemented in full adherence to the carefully crafted international standards on the matter and in a manner that is completely equal for all, without exceptions.

We would like to recall that concerns about the escalation in discrimination, incidents of hate speech and incitement to violence against the Muslim religious minority in India have been the subject of previous communications from Special Procedures mandate holders, including IND 6/2017, IND 5/2022, IND 15/2020, IND 9/2022, and IND 6/2020. We remain deeply concerned, especially in light of these incidents.

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 steps taken by your Excellency's Government to curb and put an end to the above-mentioned hate speech by public authorities, including top-level state officials and political leaders.
3. Please provide clarifications on how the alleged statements and incidents, if accurate, are compatible with your Excellency's Government's obligations to international human rights law and the relevant international human rights standards of the matter. Please indicate how your Excellency's Government plans to address any inconsistencies with international human rights law and standards.
4. Please provide us with information on other steps taken by your Excellency's Government, in accordance with international human rights standards and best practices, to combat hate speech, incitement to discrimination, hostility or violence, threats of violence and acts of violence committed against persons belonging to the Muslim minority in India.
5. Please provide clarification on what constitutional, legislative and policy safeguards are put in place by your Excellency's Government to protect against all forms of discrimination against the Muslim community.
6. Please provide information on the actions taken by the Election Commission of India (ECI) and other state institutions in **terms of investigating and, if appropriate, sanctioning** the above-mentioned speeches by public authorities, including top-level state officials and political leaders.

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

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

Nicolas Levrat
Special Rapporteur on minority issues

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Nazila Ghanea
Special Rapporteur on freedom of religion or belief

Annex

Reference to international human rights law

In connection with the alleged facts and concerns, we would like to remind your Excellency's Government of its legal obligations under **international law** applicable to the issues brought forth.

We firstly recall that the **Universal Declaration of Human Rights**, adopted by the General Assembly on 10 December 1948, is a foundational standard-setting document of the United Nations system, and recognizes in article 1 that "all human beings are born free and equal in dignity and rights". In addition, article 18 recognizes the "right to freedom of thought, conscience and religion" including the right "either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance". Understood within the context of minority rights, this means that States should refrain from practices which discriminate against or impede the religious freedoms of minority groups on their territory.¹

We would also like to recall your Excellency's Government's obligation under the **International Covenant on Civil and Political Rights (ICCPR)**, ratified by India on 10 April 1979. **Articles 2(1), (2), and (3)** provide the obligations of Each State Party to the **ICCPR**. Specifically, **article 2(1)** of the Covenant stipulates that "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". Further, **article 2(2)** of the **ICCPR** states "Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant".

In addition, **article 2(3)** of the **ICCPR** provides that "each State Party undertakes to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; and to ensure that the competent authorities shall enforce such remedies when granted".

Moreover, the following **ICCPR** articles provide universal obligations pertaining to the right to human life and protection of human life from cruel, inhuman or degrading treatment. **Article 6(1)** of the Covenant stipulates that everyone "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". Additionally, **article 7** of the Covenant states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment

¹ E/CN.4/Sub.2/AC.5/2005/2, para. 4

or punishment.”

Further, **article 17(1) and (2)** of the **ICCPR** provides the protection of human life from interference. **Article 17(1)** states that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor unlawful attacks on his honour and reputation”. **Article 17(2)** states “Everyone has the right to the protection of the law against such interference or attacks”.

In addition, **article 18(1), (2), (3) and (4)** of the **ICCPR** provides the following protection of freedom of thought, conscience and religion. According to **article 18(1)**, “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and 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”. **Article 18(2)** states “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice”. **Article 18(3)** states “Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others”. **Article 18(4)** provides “the States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions”.

In accordance with the state obligations pursuant to article 18 of the ICCPR, we remind your Excellency’s Government of the **CCPR general comment No. 22: article 18 (Freedom of Thought, Conscience or Religion)**, adopted by the Human Rights Committee on 30 July 1993. We recall the Committee’s conclusion that “no manifestation of religion or belief may amount to [...] advocacy of national, racial, or **religious** hatred that constitutes **incitement to discrimination, hostility or violence**” and that “States parties are under the obligation to enact laws to prohibit such acts (CCPR/C/21/Rev.1/Add.4, para. 7). We further highlight the conclusion that even when one religion is declared a state religion and is practiced by the “the majority of the population,” this does not justify “any discrimination against adherents to other religions or non-believers” (CCPR/C/21/Rev.1/Add.4, para. 9).

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend. Yet, this right is subject to some carefully crafted restrictions, including under articles 19(3), 20 and 4 ICCPR.

Article 19(3) states that this right may be subject to certain restrictions, but these shall only be such that (i) are provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) are necessary and proportionate for those objectives.

Article 20(2) ICCPR prescribes that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence

shall be prohibited by law. This prohibition has a high threshold as it requires the fulfilment of three components: a) advocacy of hatred; b) advocacy which constitutes incitement and c) incitement likely to result in discrimination, hostility or violence (A/67/357, para. 43).

In the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, key terms are defined as follows: “Hatred” and “hostility” refer to intense and irrational emotions of opprobrium, enmity and detestation towards the target group; the term “advocacy” is to be understood as requiring an intention to promote hatred publicly towards the target group; and the term “incitement” refers to statements about national, racial or religious groups which create an imminent risk of discrimination, hostility or violence against persons belonging to those groups (A/HRC/22/17/Add.4, appendix, footnote 5).

In the Rabat Plan of Action, a total of six factors were identified to determine the severity necessary to criminalize incitement (ibid, para. 29):

- (a) The “social and political context prevalent at the time the speech was made and disseminated”.
- (b) The status of the speaker, “specifically the individual’s or organization’s standing in the context of the audience to whom the speech is directed”.
- (c) Intent, meaning that “negligence and recklessness are not sufficient for an offence under article 20 of the Covenant”, which provides that mere distribution or circulation does not amount to advocacy or incitement.
- (d) Content and form of the speech, in particular “the degree to which the speech was provocative and direct, as well as the form, style, nature of arguments deployed”.
- (e) Extent or reach of the speech act, such as the “magnitude and size of its audience”, including whether it was “a single leaflet or broadcast in the mainstream media or via the Internet, the frequency, the quantity and the extent of the communications, whether the audience had the means to act on the incitement”.
- (f) Its likelihood, including imminence, meaning that “some degree of risk of harm must be identified”, including through the determination (by courts, as suggested in the Plan of Action) of a “reasonable probability that the speech would succeed in inciting actual action against the target group”.

The report on hate speech by the Special Rapporteur on freedom of expression noted that “the promotion and protection of the right to freedom of expression must, however, go hand in hand with efforts to combat intolerance, discrimination and incitement to hatred” and called on States to carefully construe and apply their laws to combat hate speech, in line with international standards (A/67/357, paras. 75 and 76). Further, in her report on online hate speech, the Special Rapporteur on freedom of opinion and expression urged States to “actively consider and deploy good

governance measures, including those recommended in Human Rights Council resolution 16/18 and the Rabat Plan of Action, to tackle hate speech” ([A/74/486](#), para. 57 (c)).

In a recent report to the Human Rights Council (A/HRC/47/55), the Special Rapporteur on freedom of religion or belief explores the advocacy of hatred based on religion or belief. She also examines the many forms such hatred takes, its differing legal implications and how it burdens members of society, individually and collectively. The Special Rapporteur further considers State and civil society responses and transformative responses to counter the advocacy of hatred based on religion or belief.

Further, the following **ICCPR** articles provide protection of the family, including children. In relation to the family, **article 23(1)** of the Covenant states “The family is the natural and fundamental group unit of society and is entitled to protection by society and the State”. Meanwhile, **article 23(2)** provides “The right of men and women of marriageable age to marry and to found a family shall be recognized”. In relation to children, **article 24(1)** of the Covenant provides the “Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State”.

In relation to universal equality free from discrimination, **article 26** of the **ICCPR** provides “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”. In the context of State obligations **to protect such rights for minorities**, **article 27** of the covenant provides “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language”.

In relation to State obligations pursuant to article 27 of the ICCPR, we recall **CCPR general comment No. 23: article 27 (Rights of Minorities)**, adopted by the Human Rights Committee on 8 April 1994. In particular, we recall their authoritative interpretation of the obligations which stem from this provision, that “a State party is under an obligation to ensure that the existence and the exercise of this right are protected against their denial or violation” and that “positive measures of protection are, therefore, required not only against the acts of the State party itself, whether through its legislative, judicial or administrative authorities, but also against the acts of other persons within the State party” (CCPR/C/21/Rev.1/Add.5, para. 6.1).

We would further like to refer to your Excellency’s Government’s obligation under **International Covenant on Economic, Social and Cultural Rights (ICESCR)**, ratified by India on 10 April 1979. **Article 2(2)** of the Covenant provides that the States Parties should “undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, **religion**, political or other opinion, national or social origin, property, birth or other status”. We highlight article 15.1(a), which states that all people have the right “to take part in **cultural life**”.

In relation to State obligations pursuant to article 15.1(a) of the ICESCR, we would like to refer your Excellency's Government to **general comment No. 21, Right of everyone to take part in cultural life (art. 15, para. 1a of the Covenant on Economic, Social and Cultural Rights)**, published by the UN Committee on Economic, Social and Cultural Rights on 21 December 2009. We highlight the conclusion that art. 15.1(a) protects the rights of minorities "to their cultural diversity, traditions, customs, **religion**, forms of education, languages, communication media (press, radio, television, Internet) and other manifestations of their cultural identity and membership" and that all efforts to integrate minorities into broader society must be done "based on inclusion, participation and non-discrimination, with a view to preserving the **distinctive character of minority cultures**" (E/C.12/GC/21, para. 32 - 33).

In addition to the above-cited international human law, we would like to bring your Excellency's Government's attention to other **international human rights standards, best practices, and recommendations** which are relevant to the issues raised.

In relation to State obligations pursuant to **article 27** of the **ICCPR**, we would like to remind your Excellency's Government of the international standards stemming from the **Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities** (hereinafter, "the Declaration"), adopted by consensus by the UN General Assembly (UNGA) on 18 December 1992 (A/RES/47/135). **Article 2** sets out the fundamental rights afforded to persons belonging to minorities. **Article 2.1** states that all "persons belonging to national or ethnic, religious and linguistic minorities [...] have the right to [...] to profess and practise their own religion [...] in private and in public, freely and without interference or any form of discrimination". **Article 2.2** elaborates the right of minorities "to participate effectively in cultural, religious, social, economic and public life". Moreover, the Declaration sets out specific obligations for States as it pertains to the rights of minorities. **Article 1.1** calls on States to protect and promote the "national or ethnic, cultural, religious, and linguistic identity of minorities within their respective territories". **Article 1.2** calls on States to "adopt appropriate legislative and other measures to achieve those ends". In addition, **article 4.1** declares that, where required, States take steps to ensure that "persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law". As it pertains to the attitudes of the majority population towards minorities, **article 4.4** states that "States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory".

We further recall the **Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief**, adopted by consensus by the UNGA on 25 November 1981 (A/RES/36/55). In particular, we draw attention to article 2.1 which declares that "no one shall be subject to discrimination by any **State, institution, group of persons, or person** on the grounds of religion or belief". We further highlight **article 4.1** which outlines States' duty to "take effective measures to **prevent and eliminate** discrimination on the grounds of religion or belief" and article 4.2 which calls on States to "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 belief in this matter”.

We also recall the **Recommendations of the Forum on Minority Issues at its sixth session: Guaranteeing the rights of religious minorities (26 and 27 November 2013)**, published on 22 January 2014. In particular, we recall recommendations related to the **prevention of violence and protection of the security of religious minorities**. We highlight the conclusion that States “must act appropriately and rapidly to protect the rights and security of persons belonging to religious minorities under threat, and prosecute anyone who commits, supports or incites violence against them” (A/HRC/25/66, para. 53). We further highlight the recommendation that “States should ensure that all cases of intimidation, harassment, persecution and other serious human rights violations against persons belonging to religious minorities, **including through the use of Internet tools and platforms**, are thoroughly and immediately investigated, and that the perpetrators are punished” (A/HRC/25/66, para. 57). We finally bring attention to conclusion that “negative portrayal of religious minorities in the media or official or political discourse has a significant influence on how they may be perceived by the population in general, and should be addressed” as well as the corresponding recommendations that in cases where “such discourse amounts to hate speech or incitement to religious hatred, appropriate legal penalties should be enforced, in conformity with international standards” (A/HRC/25/66, para. 59).

We also recall the **Recommendations made by the Forum on Minority Issues at its thirteenth session on the theme “Hate speech, social media and minorities” (19 – 20 November 2020)**, published on 26 January 2021. We bring your Excellency’s Government attention to the recommendation that “States should act decisively, quickly and effectively to address and counter hate speech against minorities in online communications, including by swiftly and effectively investigating and prosecuting those responsible, holding them accountable and ensuring that victims have effective access to justice and remedy” (A/HRC/46/58, para. 10). Moreover, we call attention to recommendations for States to take “preventive measures against intolerance and hate speech against minorities, including by creating the conditions for social and economic stability, inclusion and cohesion” (A/HRC/46/58, para. 14). To that end, the outcome document recommendations call on States to “adopt human rights education initiatives on minority rights, including in school curriculums; promote diversity and pluralism; and combat discrimination, stereotyping, xenophobia, racism and hate speech by disseminating positive, alternative and inclusive narratives that invite dialogue” (A/HRC/46/58, para. 15).