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India: Human Rights Assessments

Overview

India is a multiparty, federal, parliamentary democracy. As reported by the State Department's *2023 Country Reports on Human Rights Practices* (Human Rights Reports or HRRs), India is the site of numerous human rights abuses, many of them serious, some seen to be perpetrated by state and federal governments or their agents. According to the 2023 HRR, India's government "took minimal credible steps or action to identify and punish officials who may have committed human rights abuses." The United Nations, other intergovernmental organizations, and numerous nongovernmental organizations (NGOs) have conveyed similar concerns. The reported scope and scale of abuses has increased under the leadership of Prime Minister Narendra Modi and his Hindu nationalist Bharatiya Janata Party, particularly since their reelection in 2019.

Numerous assessments also warn of democratic backsliding in India. For example, since 2019 the Sweden-based Varieties of Democracies project has classified India as "an electoral autocracy"; in 2023, it called India "one of the worst autocratizers in the last 10 years." Since 2021, U.S.-based Freedom House has redesignated India as "Partly Free," contending that "Modi and his party are tragically driving India itself toward authoritarianism." India's government issued a "rebuttal" of the Freedom House conclusions, calling them "misleading, incorrect, and misplaced."

The 2023 HRR for the first time includes a section on India's "transnational repression against individuals in another country," noting reports the government engaged in transnational repression against journalists, members of diaspora populations, civil society activists, and human rights defenders. The following sections describe further selected areas of human rights concerns.

Religious Freedom

About 80% of Indians are Hindu, 14% are Muslim, just over 2% are Christian, and just under 2% are Sikh. The State Department's *2022 Report on International Religious Freedom* (IRF) asserts that, "Attacks on members of religious minority communities, including killings, assaults, and intimidation, occurred in various states throughout the year" in India. It notes "cow vigilantism" against non-Hindus based on allegations of cow slaughter or trade in beef (cows are considered sacred animals in the Hindu religion), reported violent attacks against Christians averaging about 11 per week, and adoption of laws restricting religious conversions in 13 Indian states. In 2022, Secretary of State Antony Blinken stated "[We've] seen rising attacks on people and places of worship" in India, and the U.S. Ambassador at Large for IRF added that "some [Indian] officials are ignoring or even supporting" such attacks. The Indian government's response noted what

it called "ill-informed comments by senior U.S. officials" and suggested the IRF report was "based on motivated inputs and biased views."

Since 2020, the U.S. Commission on International Religious Freedom has recommended that the Secretary of State designate India as a Country of Particular Concern (CPC) under the International Religious Freedom Act "due to the Indian government's promotion of Hindu nationalism, and engagement and facilitation of systematic, ongoing, and egregious violations of religious freedom."

Press Freedom

The 2023 HRR identifies "serious restrictions on freedom of expression and media freedom, including violence or threats of violence against journalists, unjustified arrests or prosecutions of journalists, censorship, and enforcement of or threat to enforce criminal libel laws to limit expression." France-based Reporters Without Borders' (RSF) *2023 Press Freedom Index* ranks India 161st of 180 countries, down from 150th in 2022 and continuing a seven-year downward trend. RSF says "press freedom is in crisis" in India, which it calls "one of the world's most dangerous countries for the media." RSF finds "charges of defamation, sedition, contempt of court and endangering national security are increasingly used against journalists critical of the government, who are branded as 'anti-national.'" According to Freedom House, "attacks on press freedom have escalated dramatically under the Modi government," with Indian authorities using various laws "to quiet critical voices in the media."

Freedom of Expression

According to the 2023 HRR, violations of online freedoms in 2023 included "serious" restrictions on internet access, censorship of online content, and frequent government monitoring of digital media users. Access Now, a global digital rights group that calls internet shutdowns "dangerous acts of digital authoritarianism," named India the "world's largest offender" for the fifth consecutive year for blacking out the internet at least 84 times in 2022. The group reports India accounted for more than half of all documented shutdowns globally since 2016. Freedom House finds that, in India, "Academic freedom has significantly weakened in recent years, as professors, students, and institutions have faced intimidation over political and religious issues." Meanwhile, India has escalated pressure on U.S.-based tech platforms including Facebook, X (formerly Twitter), and WhatsApp over the companies' reluctance to comply with data and takedown requests, and it scrutinizes video streaming services such as Netflix and Amazon for content deemed controversial by Hindu nationalists and their allies in the Indian government.

Civil Society

The 2023 HRR notes that NGOs report operating in “a climate of self-censorship and fear” in India, saying “numerous human rights groups faced restrictions,” and “government officials rarely cooperated with human rights NGOs.” Freedom House reports that, “A wide variety of NGOs operate, but some, particularly those involved in the investigation of human rights abuses, continue to face threats, legal harassment, excessive police force, and occasionally lethal violence.” NGOs in India have for years faced financing restrictions via the Foreign Contribution (Regulation) Act (FCRA), which requires NGOs to register with or gain prior permission from the government to operate. Over the past decade, the number of NGOs registered under the FCRA has decreased by more than half. The act has been “misused by government agencies to silence NGOs,” according to United Kingdom-based Amnesty International, which in 2020 ended its India operations following what it called “years of official threats, intimidation and harassment.”

Corruption

The 2023 HRR contends that corruption exists at multiple levels of government in India. Germany-based Transparency International’s *Corruption Perceptions Index 2023*, which measures relative degrees of global corruption, ranks India 93rd of 180 countries. Its “Global Corruption Barometer” found 89% of Indian citizens “think government corruption is a big problem.” Freedom House argues that, “Large-scale political corruption scandals have repeatedly exposed bribery and other malfeasance, but a great deal of corruption is thought to go unreported and unpunished, and the authorities have been accused of selective, partisan enforcement.”

Human Trafficking and Bonded Labor

The State Department’s 2023 *Trafficking in Persons Report* places India in the “Tier 2” category, meaning its government “does not fully meet the minimum standards for the elimination of trafficking, but is making significant efforts to do so.” It finds failure to meet minimum standards “in several key areas,” including anti-trafficking law enforcement efforts “inadequate compared to the scale of the problem” and high acquittal rates (84%) for accused traffickers. The U.S. Department of Labor says “children in India are vulnerable to the worst forms of child labor, including commercial sexual exploitation, sometimes as a result of human trafficking.” Freedom House notes that, while the Indian constitution bans human trafficking and bonded labor is illegal, estimates suggest that at least 20 million and up to 50 million workers are affected.

Human Rights in Kashmir

Until recently, Jammu and Kashmir (J&K) was India’s only Muslim-majority state; today, India has none. In 2019, the government made constitutional changes removing the state’s (nominally) autonomous status and bifurcating it into “Union Territories” with reduced administrative powers. A U.N. office said the changes “risk undermining minorities’ rights.” Human rights advocates decry Indian authorities’ use in J&K of several controversial laws: U.N. experts repeatedly express “grave concerns” about India’s Unlawful Activities (Prevention) Act (UAPA), claiming the

law “is applied as a means of coercion against civil society, the media, and human rights defenders.” Human Rights Watch’s *World Report 2024* criticizes both the UAPA and the Armed Forces (Special Powers) Act as allowing for mass detentions without charges and providing impunity for security forces “for grave human rights abuses” in J&K.

Gender Issues

According to the 2023 HRR, India is the site of “extensive gender-based violence, including domestic or intimate partner violence, sexual violence, workplace violence, child, early, and forced marriage, female genital mutilation/cutting, femicide, and other forms of such violence.” It says, “Law enforcement and legal recourse for rape survivors were inadequate, and the judicial system was unable to address the problem effectively,” noting reports that “low conviction rates in rape cases was one of the main reasons sexual violence continued unabated and at times unreported.” The HRR adds that, “Widespread sexual harassment remained a serious problem” and “Women faced discrimination in employment, occupation, and access to credit.”

Other Issues

The 2023 HRR’s India narrative opens with, “The outbreak of ethnic conflict between the Kuki and Meitei ethnic groups during the year in India’s northeastern state of Manipur resulted in significant human rights abuses.” It also finds such abuses in India in 2023 included “credible reports of” enforced disappearances; torture or cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison conditions; arbitrary arrest or detention; political prisoners or detainees; arbitrary or unlawful interference with privacy; “substantial” interference with the freedom of peaceful assembly and freedom of association; and crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons.

Issues for Congress

In the 118th Congress, H.Res. 542—“Condemning human rights violations and violations of international religious freedom in India, including those targeting Muslims, Christians, Sikhs, Dalits, Adivasis, and other religious and cultural minorities”—was introduced in the House in June 2023,

Also in the 118th Congress, S.Res. 424—expressing the sense of the Senate that the U.S. government engage New Delhi “to seek a swift end to the persecution of, and violence against, religious minorities and human rights defenders in India and a reversal of government policies that discriminate against Muslims and Christians on the basis of their respective faiths”—was introduced in the Senate in October 2023.

The Biden Administration requests \$103 million in foreign assistance to India for FY2025. Congress could consider whether to condition some or all such aid on improvements in human rights and civil liberties in India.

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