

INDIA

FUNDAMENTAL FREEDOMS DETERIORATE FURTHER IN MODI'S SECOND TERM



Police at a protest against the controversial Citizenship Amendment Act and the National Register of Citizens in New Delhi, January 30, 2020

(Photo Credit: Mayank Makhija/NurPhoto via Getty Images)



INTRODUCTION

India will hold the world's largest [national election](#) over almost seven weeks starting from 19 April 2024 to choose its next Prime Minister and fill the 543 seats of the Lok Sabha, the lower house of parliament.

The election is taking place within a context of restricted freedoms. Since the nationalist conservative Bharatiya Janata Party (BJP) led by Prime Minister Narendra Modi won a second consecutive term in 2019, there has been an [alarming deterioration](#) of fundamental freedoms and civic space in India. Over the past 10 years, the Modi government and BJP supporters have attempted to silence dissent by targeting critics including civil society groups, human rights defenders and independent media.

The government uses the Unlawful Activities Prevention Act (UAPA), a draconian anti-terror law, and other repressive laws to target, harass, intimidate and detain activists, human rights defenders and journalists on fabricated and politically motivated charges in response to their work.

The authorities also block access to foreign funding for civil society organisations (CSOs) through the restrictive [Foreign Contribution Regulation Act \(FCRA\)](#). Human rights defenders and journalists in Indian-administered Jammu and Kashmir also continue to be targeted. Due to this, the CIVICUS Monitor, a global initiative to track the state of civic freedoms, [downgraded India's rating](#) to repressed in 2019, the second-worst rating available.



Protestors demand the release of activist Teesta Setalvad June 2022
(Photo Credit: REUTERS/Francis Mascarenha)

Further, the National Human Rights Commission of India (NHRCI), which lacks independence and accountability, has repeatedly [failed to deliver](#) on its mandate, in particular to protect the rights of people, especially human rights defenders.

The Indian government's actions are in contravention of its international human rights obligations to protect freedoms of association, expression and peaceful assembly under the International Covenant on Civil and Political Rights (ICCPR), which it ratified in 1979. Further, in March 2023, the United Nations (UN) Human Rights Council [adopted](#) India's Universal Periodic Review, with around 30 recommendations

relating to civic space. The government accepted recommendations to ensure a safe and enabling environment for civil society and noted recommendations to review restrictive laws, including the FCRA and UAPA. However, there has been no progress in implementing the [recommendations](#) to date.

Modi is running for his third term in the election and there are serious concerns about a pre-election [crackdown on his political opponents](#), with raids and arrests by federal agencies. This brief will highlight how these actions reflect a pattern of repression by the Modi government to undermine democracy and civic space, as documented by the CIVICUS Monitor.

ABOUT THE CIVICUS MONITOR

The [CIVICUS Monitor](#), an online platform that tracks threats to civil society in countries across the globe, rates civic space – the space for civil society – in India as **“Repressed”**.

The data provides the basis for civic space ratings, which are based on up-to-date information and indicators on the state of freedom of association, peaceful assembly and expression. Countries can be rated as:

CLOSED

REPRESSED

OBSTRUCTED

NARROWED

OPEN



CRACKDOWN ON CIVIL SOCIETY

India is often described as the world's largest democracy, having an active and vibrant civil society, which plays a major role in promoting, protecting and strengthening human rights. However, the quality of democracy and civic space and the ability to engage in dissent have shrunk drastically since Modi came to power. CSOs have faced an increased crackdown through the cancellation of their registrations, raids and investigations by law enforcement agencies.

The Indian government has increasingly used the FCRA to restrict foreign funding for CSOs. The FCRA was enacted in 1976 to regulate foreign contributions to organisations in India. The law gives the government a wide range of powers to suspend, refuse or cancel an organisation's licence to receive and use foreign funding. Increasingly, these powers have been used arbitrarily by the government against organisations that are critical of its institutions and policies on human rights.

According to a September 2023 report from [Amnesty International](#), in the last 10 years, more than 20,600 CSOs have had their FCRA licences cancelled, with almost 6,000 of these cancellations occurring since the beginning of 2022.

A [legal analysis](#) undertaken by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in 2016 noted that the FCRA is in contravention of international law and standards.



Then Central Bureau of Investigations headquarters in Delhi (Photo Credit: Mint)

The law was further amended in 2010 and 2020 to make it more difficult for CSOs to receive foreign funding, giving the government greater powers to monitor and regulate CSOs. The [2020 amendments](#) prohibit the sub-granting of foreign funds, unless a grantee organisation is registered under the FCRA. This has caused difficulties in operations and programme implementation, as not all [grassroots organisations](#) meet the requirements to be registered under the FCRA. The amended Act also reduces the cap on administrative expenditure from 50 per cent to 20 per cent, which has had an impact on all organisations relying on foreign funds.

Prior to the amendment, the government could freeze an organisation's funds only when it was proved guilty of contravening the FCRA's provisions. But the amendment states that an organisation's account can be [suspended](#) based on 'any information or report' and after a 'preliminary inquiry', provisions that can be used arbitrarily against civil society.

The law and its amendments have been used to target and harass civil society and human rights defenders, who very often express criticism and dissent towards the government.

Civil society groups impacted on by the FCRA include prominent national organisations such as Citizens for Justice and Peace, Lawyers Collective and People's Watch, and international organisations such as [Amnesty International India](#) and [Greenpeace India](#).

The Indian government has also brazenly used its federal law enforcement agencies such as the Central Bureau of Investigation (CBI), Enforcement Directorate (ED) and Income Tax Department to harass CSOs and human rights defenders and criminalise them for their human rights work and for speaking out on human rights issues.



Lawyers Collective is a human rights organisation that works mainly on women's rights and sexual and reproductive rights and is headed by human rights defenders and lawyers Anand Grover and Indira Jaising. Its registration under the FCRA was initially [suspended](#) in May 2016 and cancelled in November 2016. In July 2019, the CBI raided homes and offices based on a case registered against Lawyers Collective under the FCRA.

In January 2022, the CBI [conducted raids](#) at the office of People's Watch, a human rights organisation in Tamil Nadu state. The CBI had registered a case against People's Watch on charges of violations of the FCRA.

In the same month, the government [refused to renew](#) Oxfam India's FCRA licence. In September 2022, the Income Tax Department conducted an 'income tax survey' of Oxfam India, during which its staff were not allowed to leave the premises and denied access to communication devices, with the internet shut down by the authorities. Officials also copied all data by [cloning the Oxfam India server](#) and the private mobile phones of the senior leadership team and finance lead. In April 2023, the CBI [registered a case against Oxfam India](#), allegedly for violating the conditions of its foreign funding licence and in relation to its attempts to pressure the central government to renew the licence by using foreign governments and institutions.

In September 2022, the Income Tax Department [raided](#) the offices of the Centre for Policy Research, a think tank in Delhi, as part of a probe related to alleged violations of the FCRA related to funds it received. In March 2023, the Ministry of Home Affairs(MHA) suspended its FCRA registration and in January 2024, [revoked](#) it, citing FCRA violations.

RESTRICTIONS AND SUPPRESSION OF PROTESTS

Since 2019, major protests in India have been met with arbitrary arrests and excessive use of force by the police, including the use of teargas and lathis (batons). Authorities have also used Section 144 of the



University students at a protest rally against CAA law in Kolkata
(Photo Credit: Sumit Sanyal/Anadolu Agency)

Criminal Procedure Code, a [colonial-era provision](#), to arbitrarily restrict or deny assemblies of more than five people. The authorities have also used internet shutdowns to prevent people gathering in protests.

In December 2019, tens of thousands of people across India, particularly students, protested against the passage of the discriminatory Citizenship (Amendment) Act (CAA) 2019. This was the strongest mobilisation of dissent against Modi and his party since they came to power in 2014. In Delhi, thousands of people gathered daily in the Shaheen Bagh area to take part in protests. In states ruled by the BJP and its allies, police used excessive force, mainly against students, as witnessed

in [educational institutions](#) such as Aligarh Muslim University and Jamia Milia Islamia, where police brutally attacked students.

Indian authorities also [shut down the internet](#) in several states, contending it was necessary to maintain law and order, and used Section 144 of the Criminal Procedure Code to prohibit gatherings.



Authorities also arrested student leaders who were involved in peaceful protests on [fabricated charges](#) under the UAPA of inciting violence following communal riots in northeastern Delhi in February 2020.

In November 2020, tens of thousands of farmers organised [protests](#) in Delhi against [three farm laws](#) that came into force in September 2020. The farmers feared that these laws would dismantle regulated markets and stop the government buying their crops at a minimum guaranteed price.

The police used excessive force and prevented the farmers entering the city centre. In January 2021, farmers [broke through](#) police barricades around the centre and entered the grounds of Delhi's historic Red Fort during India's Republic Day celebrations. Police hit protesters with batons and fired teargas to try to disperse them. Mobile internet services were also suspended in parts of Delhi.



Farmers and police officers at the site of the protest at a border crossing between Punjab and Haryana states, India, February 2024. (Photo Credit: REUTERS/Francis Mascarenhas)

Police hit protesters with batons and fired teargas to try to disperse them. Mobile internet services were also suspended in parts of Delhi.

In February 2021, the authorities once again [blocked internet access](#) in several districts of Haryana state, which borders Delhi, due to the farmers' protests. They also used barbed wire, boulders, iron nails, makeshift walls and rods to [barricade](#) Delhi's borders against protesting farmers. On 7 February 2021, it was [reported](#) that at least 125 protesters had been arrested in police stations across Delhi.

On 13 February 2021, Delhi police [arrested](#) 21-year-old climate activist [Disha Ravi](#) for allegedly editing a protest toolkit relating to the farmer's protest. The Delhi police charged her with [sedition](#) and alleged that the toolkit Ravi edited was linked to a larger [criminal conspiracy](#) to 'wage economic, social, cultural and regional war against India'. She was [detained](#) for nine days before being released on bail.

In February 2024, farmers' organisations called for another [round of protest](#), including a march towards Delhi, seeking a legal guarantee for a minimum support price for all crops. Most of these farmers came from the state of Punjab and were stopped in Haryana by barricades made by [concrete blocks](#) and iron nails. Farmers who crossed these barricades faced excessive police force, including [teargas sprayed by drones](#).

In June 2022, protests over comments by a BJP spokesperson against the Prophet Muhammad were met with [curfews and the suspension of the internet](#) in several places in the northern state of Uttar Pradesh. The authorities also used [bulldozers](#) to raze the houses of some protesters in the city of Prayagraj. Among those whose houses were bulldozed was student activist Afreen Fatima. Her father, Javed Mohammad, was arrested by the police, who alleged that he was the 'mastermind' behind the protests in the region.



ATTACK ON PRESS FREEDOM AND ONLINE SPACE

India now ranks 161 out of 180 countries in the Reporters Without Borders (RSF) [World Press Freedom Index](#), dropping down 11 places in 2023. In its 2023 report, RSF [stated](#) that ‘media takeovers by oligarchs close to Prime Minister Modi have jeopardised pluralism’. India has witnessed an increase in [attacks](#) and restrictions against independent media and journalists in recent years.



Members of the media protest after the police raided the office of a news portal and the homes of journalists October 2023 (Photo Credit: [CPIJ](#))

Journalists faced reprisals from the state in relation to the anti-CAA protests in 2019. The Committee Against Assault on Journalists [released a report](#) in 2020, ‘[Republic In Peril](#)’, which outlines cases of assaults on journalists in Delhi including physical attacks, arrests, detentions, threats and intimidation. During riots in Delhi in February 2020, journalists reporting from the affected areas were [attacked](#), threatened by mobs and were asked to prove their [religious identity](#).

During the farmers’ protests in 2021, journalists reporting on protests encountered [harassment](#) and [arrest](#). Several journalists faced [criminal charges](#),

including for sedition, for tweeting about the death of a farmer, Navreet Singh, during a rally organised by farmers on 26 January 2021. A [criminal case](#) was also registered against journalists Ismat Ara and Siddharth Vardarajan for publishing a [news article](#) relating to the death of the farmer.

[Siddique Kappan](#), a journalist with a news channel in southern India, was arrested on 5 October 2020 in Uttar Pradesh state under the UAPA and on sedition charges while on his way to cover a case of alleged gang rape and murder of a Dalit girl. He was [accused](#) of trying to instigate violence. While Kappan was detained, the ED initiated another case against him on charges of money laundering. After a long legal battle and [28 months of imprisonment](#), he was released on bail in February 2023, but he continues to face criminal charges.



NewsClick founder and editor Prabir Purkayastha (Photo Credit: [CPIJ](#))

In October 2022, officials with the Delhi police crime branch [searched](#) the Delhi office of The Wire news website and the homes of its journalists Siddharth Bhatia, Jahnvi Sen, Siddharth Vardarajan and M K Venu, seizing their electronic devices. The searches were in relation to a police investigation into The Wire based on a complaint from Amit Malviya, a BJP official, about an article critical of him which was eventually withdrawn.

On 3 October 2023, police [arrested](#) Prabir Purkayastha, founder and editor of the NewsClick news portal and Amit Chakravarty, its head of human resources, and [raided](#) the homes of almost 40 journalists, staff and contributors connected to the site, [seizing](#) electronic

devices, including laptops and mobile phones, over allegations of illegal foreign funding, an accusation the outlet has categorically [denied](#). Their office has since been [sealed](#). The two were detained under charges of [terrorism and criminal conspiracy](#) under the UAPA. Since 2021, NewsClick has been targeted with raids, searches and seizures by various agencies of the Indian government, including the ED, the economic offences wing of the Delhi Police and the Income Tax Department.

In April 2022, prominent journalist Rana Ayyub was [barred](#) from leaving India, based on a notice issued



by the ED. Later, based on a court order, she was allowed to travel to the UK to attend events related to violence against women journalists. Ayyub, a journalist who is often critical of right-wing Hindu nationalist politicians, has been the target of [tax evasion investigations](#) and [online harassment and threats](#) in response to her reporting.

The Modi government has also restricted online space. Authorities have tried to [take down critical content](#) on social media platforms. In February 2021, the government threatened to punish employees at Twitter with fines and jail terms of up to seven years for restoring hundreds of accounts it had ordered the company to block. Most accounts were critical of Modi. In March 2021, around the farmers' protests, the Ministry of Electronics and Information Technology directed Twitter in several separate orders to shut down over 1,000 accounts under section 69A of the Information Technology Act. Twitter initially complied but then said that it would not take action on accounts belonging to news media entities, journalists, activists and politicians.

In January 2023, the Indian government [banned](#) a BBC documentary critical of Modi and his role and passivity during riots in Gujarat state in 2002 — one of the worst outbreaks of communal violence in India's recent history — that took place when he was Gujarat's Chief Minister. The authorities used provisions under 2021 Information Technology Rules to direct Twitter and YouTube to take down links to the documentary. In February, 2023, around two dozen officials from the Income Tax Department [raided](#) the BBC's India, located in Delhi and Mumbai, to start an 'income tax survey'.

The website of [Hindutva Watch](#), which tracks incidents of hate crimes and religiously motivated violence perpetrated by supporters of the BJP and Hindu vigilante groups, was [blocked](#) in India in January 2024. Its social media account on X (formerly Twitter) was also blocked on the orders of the Ministry of Electronics and Information Technology.

In 2023, the northeastern state of Manipur came under one of the longest [internet blockades](#) after violence broke out between the Kuki and Meitei communities. The blockade severely restricted essential journalistic freedoms of media and news professionals, as well as freedom of expression of all Manipur residents.

PERSECUTION OF HUMAN RIGHTS DEFENDERS AND CRITICS



Activists implicated in the Bhima Koregaon case and detained under the UAPA (Photo Credit: The Leaflet)

Since 2018, human rights defenders critical of the government have been implicated and imprisoned in politically motivated cases under the UAPA, including in relation to riots in Bhima Koregaon and Delhi. Under the UAPA's draconian provisions, activists remain in detention for long periods and are often denied bail even on health grounds.

In May 2020, UN experts expressed [concerns](#) over the non-conformity of various UAPA provisions with international human rights law and standards. In October 2023, they reiterated their concerns, stating that the law's pretrial detention period of 180 days — which can subsequently be increased — is beyond reasonable.

A report by [People's Union of Civil Liberties](#) shed light on



the fact that between 2015 and 2020, under three per cent of arrests under the UAPA led to conviction: out of 8,371 people arrested under the law, only 235 were convicted over five-year period. The report also noted that once arrested under the UAPA, it usually takes a long time for a person to get bail. The implication is that the UAPA is being used as tool to harass and detain activists and critics.

In 2018, the police registered a case against activists following violence that broke out during an annual rally by Dalit people in [Bhima Koregaon](#) village in Maharashtra on 1 January 2018. The police [claimed](#) that speeches at a meeting on 31 December 2017 led to the violence. In June 2018, the police arrested prominent Dalit activist Sudhir Dhawale, academic Professor Shoma Sen and activists Mahesh Raut, Surendra Gadling and Rona Wilson on charges of inciting violence at Bhima Koregaon under various provisions of the UAPA and alleged they were linked to a banned Maoist organisation. In August 2018, they also arrested activists Sudha Bharadwaj, Arun Ferreira, Vernon Gonsalves, Gautam Navlakha and Varavara Rao in this case. In 2020, after the investigation had been taken over by the National Investigation Agency (NIA), folksingers Ramesh Gaichor, Sagar Gorkhe and Jyoti Jagtap were also arrested, along with Anand Teltumbde, Professor Hany Babu and Father Stan Swamy.

All remained in pretrial detention in overcrowded prisons, even during the COVID-19 pandemic. Their bail applications were continuously rejected, including on medical grounds and despite deteriorating health conditions. Of those arrested, only Sudha Bhardwaj, Varavara Rao and Anand Teltumbde are currently out on bail, while Gautam Navlakha remains under [house arrest](#). Father Stan Swamy died in prison on 5 July 2021, after having multiple bail applications rejected, even when he tested positive for COVID-19.



Former Jawaharlal Nehru University (JNU) leader and student activist Umar Khalid (Photo Credit: Amnesty International)

In June 2020, [Amnesty International and the Citizen Lab](#) uncovered a coordinated spyware campaign targeting eight of the activists arrested in the Bhima Koregaon case. In June 2021, Arsenal Consulting, a US-based digital forensic firm that examined electronic copies of the computers and email accounts belonging to activists Surendra Gadling and Rona Wilson, stated that their devices have been [hacked to plant evidence](#). Father Stan Swamy's device was also hacked to plant similar evidence. It was also found that phones of several of the activists arrested in the Bhima Koregaon case were targeted with the [Pegasus](#) spyware sold by Israel's NSO Group.

Student activists have also faced repression for their activism. In September 2020, Delhi police arrested [Umar Khalid, a student activist](#) who led peaceful protests opposing the CAA. He was accused of inciting communal violence through speeches in February 2020 under various provisions of the UAPA and Indian Penal Code, including charges of rioting, murder and acts of terrorism. Although Khalid was initially granted bail in one of the cases in April 2021, he has now been held in pretrial detention for over three years.

In April 2020, police [arrested](#) Gulfisha Fatima, a student activist who also took part in peaceful protests against the CAA, in a case related to the riots in Delhi. She was charged under multiple sections of the Indian Penal Code. A Delhi court granted Fatima bail in the first case in May 2020, but police later included



her in another case to ensure her continued detention. In the [second case](#), police charged Fatima under various provisions of the UAPA for her alleged involvement with other activists in an alleged 'pre-planned conspiracy' that led to the Delhi riots.

International human rights groups have raised [concerns](#) regarding the arrests of these activists for their participation in peaceful protests under the UAPA and have called for their release.

SILENCING OF ACTIVISM AND THE MEDIA IN KASHMIR

Human rights work in Kashmir has almost come to a complete standstill due to arrests of activists and continuous harassment of CSOs and activists through raids and interrogations. This trend has increased rapidly since August 2019, when the central government [abrogated Article 370](#) of the Indian constitution, which recognised Kashmir's special autonomous status.

In August 2019, as well as arbitrarily revoking its special status, the Indian government divided the state of Jammu and Kashmir into two federally administered territories: Jammu and Kashmir and Ladakh. No provincial-level elections have been conducted in the two regions since 2019 and they are directly governed by Indian government. In December 2023, the Indian apex court, while [upholding the decision](#) to revoke the special status, ordered the government to conduct elections before 30 September 2024.

Since August 2019, journalists who report on critical issues have been targeted and arrested, human rights organisations have faced raids and activists have been arrested under anti-terror laws. These incidents have created a chilling effect in the region.



*Kashmiri human right defenders Khurram Parvez and Irfan Mehraj
(Photo Credit: Twitter/CIVICUSalliance)*

[Khurram Parvez](#) is the Programme Coordinator of the Jammu Kashmir Coalition of Civil Society, Chairperson of the Asian Federation Against Involuntary Disappearances and Deputy Secretary-General of the International Federation for Human Rights. He has faced systematic harassment for advocating against human rights violations in Indian-administered Jammu and Kashmir. The NIA arrested him in November 2021, accusing him of being in contact with people linked to a Pakistani militant group. He faces politically motivated charges under the Indian Penal Code and the UAPA related to conspiracy, terrorism and sedition.

On 22 March 2023, Parvez was [arrested in a second case](#) after two days of interrogation by the NIA, implicating him in another case of financing terrorism under the UAPA, along with Kashmiri journalist and human rights defender Irfan Mehraj. In June 2023, the UN Working Group on Arbitrary Detention found his detention to be [arbitrary](#), among other concerns, and called on the Indian authorities to release him.

On 20 March 2023, the NIA [arrested](#) Irfan Mehraj in connection with a case relating to alleged terror funding. Mehraj has produced [reporting critical](#) of the impact of Indian government policies in Kashmir, including reports on extrajudicial killings, and has been associated with the Jammu Kashmir Coalition of Civil Society. He was [charged](#) under several sections of the Indian Penal Code and the UAPA. In June 2023, UN experts expressed serious [concerns](#) regarding the charges against and arrest of Mehraj and Parvez, stating that their continued detention is 'designed to delegitimize their human rights work and obstruct monitoring of the human rights situation in Indian-administered Jammu and Kashmir'.



The Committee to Protect Journalists reported in 2022 that Kashmir media is at '[breaking point](#)' as detentions of journalists increase. In Kashmir, authorities often tend to describe journalists as 'social-media users' with an intent to '[control the narrative](#)'.

Across two days in April 2020, three journalists faced [criminal cases](#), including under the UAPA. Photojournalist [Masrat Zahra](#) was booked under the UAPA for uploading 'anti-national posts' on social media. Journalist Peerzada Ashiq was also booked for 'publishing rumours against public tranquillity'. He was initially questioned by the police about his [news story](#) on the funeral of two militants. A day later, he was charged under the Indian Penal Code. The authorities alleged that the details in his article were 'factually incorrect and could cause fear or alarm in the minds of the public'. On 20 April, journalist and author Gowhar Geelani was charged under the UAPA for 'indulging in unlawful activities' through social media. The police claimed that he was '[glorifying terrorism](#) in the Kashmir Valley through his posts'.

Kashmiri journalist Asif Sultan was initially arrested in August 2018 under the UAPA. It is said that his arrest was due to a story he wrote about insurgent leader Burhan Wani, whose death [sparked protests](#) in Kashmir. Four years later in April 2022, when the Jammu and Kashmir High Court provided him bail, Asif was detained in [another case](#) under the draconian Public Safety Act, which allows for detention for up to two years without trial. On 11 December 2023, a court in Srinagar in Kashmir quashed Sultan's detention under the Public Safety Act and ordered his release. Even after this, Sultan remained in jail for [78 more days](#) awaiting 'clearance letters' from Kashmir's home department.

In an attempt to curtail freedom of movement of Kashmiri journalists, the Indian authorities have suspended the passports of several journalists and imposed [arbitrary travel bans](#). It is reported that the passports have been suspended based on '[instructions from intelligence agencies](#)'. Authorities in New Delhi [stopped](#) Kashmiri photojournalist Sanna Irshad Mattoo travelling to the USA in 2022. Earlier that year, when she was awarded the Pulitzer prize for her coverage on COVID-19, she was barred from travelling to attend the award ceremony and was said to be on a [no-fly list](#).

Since 2019, Amnesty International has [documented](#) the cases of at least six Kashmiri journalists, human rights activists, academics and politicians – Bilal Bhat, Shah Faesal, Gowhar Geelani, Aakash Hassan, Sanna Mattoo and Zahid Rafiq – who have been barred from travelling outside India without any lawful justification.

Since August 2019, Kashmir has also experienced one of the longest internet shutdowns. Indian-administered Kashmir experienced more [internet shutdowns](#) and restrictions than any other region in 2022. This has impacted on the work of [journalists](#), leaving them unable to report news and get access to information or official responses.

In 2019, the UN Office of the High Commissioner for Human Rights released a [report](#) on the situation of human rights in both Indian and Pakistan-administered Kashmir. The report highlighted that there has not been a single prosecution of army officers involved in human rights violations. The report recommended the formation of a [commission of inquiry](#) to conduct a 'comprehensive, independent, international investigation' into allegations of human rights violations in Kashmir.



RECOMMENDATIONS

To the Indian authorities:

- Repeal or amend the FCRA so that it does not violate India's obligations to protect freedom of association, which includes the ability of CSOs to access foreign funding, and cannot be misused to prevent the protected activities of CSOs.
- Adopt best practices on freedom of peaceful assembly, as put forward by the 2012 report of the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, and review and amend laws and regulations, including section 144 of the Code of Criminal Procedure and Standing Orders issued by police and administrative authorities, in order to guarantee fully the right to freedom of peaceful assembly.
- Immediately and impartially investigate all instances of extrajudicial killing and excessive force committed by security forces in the context of protests.
- Ensure freedom of expression and media freedom by all bringing national legislation into line with international standards and ensure that journalists and writers may work freely and without fear of reprisals for expressing critical opinions or covering topics that the government may deem sensitive.
- Revise the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules 2021, so that these conform with international human rights norms related to online freedom of expression, and ensure they are not used to censor content critical of the government.
- End the use of blanket or open-ended internet shutdowns and be more transparent in the issuance and extension of shutdown orders.
- Review and amend restrictive laws, particularly the UAPA and sedition provisions in the Indian Penal Code, to conform with international law and standards, as set out in the ICCPR.
- Immediately and unconditionally release all human rights defenders, including student activists, journalists, academics and others detained for exercising their fundamental freedoms, and review their cases to prevent further harassment.
- Take steps to ensure that all human rights defenders in India are able to carry out their legitimate activities without any hindrance or fear of reprisals in all circumstances, including human rights defenders from excluded groups, with an understanding of additional barriers they face, and conform to the provisions of the UN Declaration on Human Rights Defenders.
- Take steps to implement the recommendations made by the Office of the High Commissioner for Human Rights in its reports on the situation of human rights in Indian-administered Kashmir made in 2018 and 2019.

To the international community:

- Call on the Indian government to protect the rights to freedoms of association, expression and peaceful assembly, and release all those arbitrarily detained for their peaceful activism.
- Speak out publicly and privately about any concerns over government harassment or prosecution of human rights defenders and individuals criticising the government for their actions.
- Consider the findings of the Office of the High Commissioner for Human Rights in its reports on the situation of human rights in Indian-administered Kashmir, including the possible establishment of a commission of inquiry to conduct a comprehensive independent international investigation into allegations of human rights violations in Kashmir.
- Make public statements, including at the UN Human Rights Council, raising the concerns outlined above, and initiate more formal Council action if required.