

House Foreign Affairs Committee  
Tom Lantos Human Rights Commission

Hearing  
on  
India: Recent Human Rights Reporting

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H-313, the Capitol

STATEMENT SUBMITTED FOR THE RECORD

Submitted by:

Simon-Skjodt Center for the Prevention of Genocide  
United States Holocaust Memorial Museum

The Simon-Skjodt Center for the Prevention of Genocide of the United States Holocaust Memorial Museum is grateful for the opportunity to submit this statement for the record.

The Center would like to express the Museum's gratitude to the Tom Lantos Human Rights Commission Co-Chairmen, Congressman Jim McGovern (D-MA) and Congressman Chris Smith (R-NJ), and the Commission Members for holding this timely and important hearing. We would also like to thank the staff of the Tom Lantos Human Rights Commission, in particular Kimberly Stanton and Mark Milosch, for all their hard work to make this important hearing a reality.

The Simon-Skjodt Center believes that timely global action by policymakers can prevent mass atrocities. The United States Holocaust Memorial Museum teaches that the Holocaust was preventable and that by heeding warning signs and taking early action, individuals and governments can save lives.

As our research has shown, rising levels of discrimination and dehumanization of minority communities in India is putting millions at an increased risk of mass atrocities. Without effective mitigation efforts, India may continue to experience a rise in the number of violent and fatal attacks against religious minorities, an escalation in the scale of the violence, and an increased level of state involvement in atrocities.

Mass atrocities are never inevitable. This testimony will outline atrocity risks and policy response options that can reduce these risks and shift the trajectory away from the normalization of dehumanization and violence.

## **Factors that increase the risk of mass atrocities in India**

Since coming to power in 2014, Prime Minister Narendra Modi and his Bharatiya Janata Party (BJP) have promoted a Hindu nationalist ideology that characterizes India's Muslim minority population as a threat to the security and success of India. This ideology also threatens the safety of other minorities and excluded groups, such as Christian communities and Dalits. This exclusionary ideology is demonstrated through discriminatory legislation, impunity for attacks on religious minorities, and a barrage of hate speech, including by political and religious leaders, that has tipped into outright incitement to violence.

India has ranked consistently high in the Simon-Skjodt Center's Early Warning Project Statistical Risk Assessment for Mass Killing, including the position of #5 in the world for 2023-2024.<sup>1</sup> In February of this year, the Simon-Skjodt Center published a policy brief, "Risk of Mass Atrocities in India," which we submit with this statement for the record.<sup>2</sup> Our work builds on the meticulous reporting of other credible entities, in particular by the US Commission on International Religious Freedom (USCIRF), and on the tireless efforts of international, regional, and India based civil society organizations.

As the Simon-Skjodt Center explains in its policy brief, India bears many indications of being at serious risk of mass atrocities, including a history of mass atrocities.<sup>3</sup> In India today political elites promote an exclusionary nationalist ideology that builds on prior discrimination and memories of violence to justify the targeting of religious minorities, particularly Muslims.<sup>4</sup>

Prime Minister Modi and the BJP have pursued a variety of discriminatory laws that threaten the human rights of religious minorities, particularly Muslims and Christians, and have created an environment that normalizes discrimination and even vigilantism against religious minorities, for example through anti-conversion laws.<sup>5</sup> Political and religious elites employ dangerous speech

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<sup>1</sup> The Early Warning Project uses quantitative and qualitative methods to spotlight countries where mass killings have not begun, but where the risk for such violence is high. A mass killing episode is considered to have occurred when the deliberate actions of armed groups within a country, including but not limited to state security forces, rebel armies, and other militias, result in the deaths of at least 1,000 non combatant civilians targeted as part of a specific group over a period of one year or less.

"Country – India | Early Warning Project," *Early Warning Project*, accessed September 2023, <https://earlywarningproject.ushmm.org/countries/india>.

<sup>2</sup> "Risk of Mass Atrocities in India," *Simon-Skjodt Center for the Prevention of Genocide, US Holocaust Memorial Museum*, February 2024, [https://vault.ushmm.org/adaptivemedia/rendition/id\\_51d4f5d272fb370a2f4c17a7a5425a65c6404568](https://vault.ushmm.org/adaptivemedia/rendition/id_51d4f5d272fb370a2f4c17a7a5425a65c6404568).

<sup>3</sup> It is a large country with a history of mass atrocity crimes, which presents a risk for future atrocities. India has experienced several insurgencies since its independence, an independence accompanied by a brutal, cataclysmic experience of partition and intercommunal violence.

<sup>4</sup> See the Simon-Skjodt Center for the Prevention of Genocide report, "Risk of Mass Atrocities in India," for additional information.

<sup>5</sup> US International Commission on Religious Freedom, *2023 Annual Report*, 2023, [https://www.uscifr.gov/sites/default/files/2023-05/2023%20Annual%20Report\\_1.pdf](https://www.uscifr.gov/sites/default/files/2023-05/2023%20Annual%20Report_1.pdf);

that paints the Muslim community in particular as the “other” and as a threat to be answered with violence and even “genocide.”<sup>6</sup> Dangerous speech dehumanizes religious minorities and conditions the audience to accept, condone, and commit violence against them.<sup>7</sup> Hate speech has tipped into incitement to violence, including lynching, against minorities and typically with impunity.<sup>8</sup> Mob violence risks becoming “the new normal,” according to India’s Supreme Court.<sup>9</sup>

The United States has long touted democracy as a core shared value with India, and democracy can be an important bulwark against mass atrocity risk. However, key pillars of India’s democracy are reportedly being eroded; the judiciary is reportedly becoming more politicized, a large number of media institutions critical of the government have been shuttered, there is a shrinking of civic space (particularly for advocacy around religious freedom), and political

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Luke Wilson, “Issue Update: India’s State-level Anti-conversion Laws,” *US Commission on International Religious Freedom*, March, 2023,

<https://www.uscifr.gov/sites/default/files/2023%20India%20Apostasy%20Issue%20Update.pdf>.

<sup>6</sup> Hate speech by public figures reportedly increased by 490% in the first four years of the BJP’s rule, with 90% of the politicians involved being BJP members. Government officials, Hindu religious leaders, and private individuals have branded Muslims as “anti-nationalists,” “traitors,” and “terrorists,” with language that even calls for the “genocide” and “cleansing” of Muslim communities “like in Myanmar.”

See: Cecilia Jacob and Mujeeb Kanth, “‘Kill Two Million of Them’: Institutionalised Hate Speech, Impunity and 21st Century Atrocities in India,” *Global Responsibility to Protect*, 15, no. 2-3 (2023): 209-245; *Report of the Panel of Independent International Experts to Examine Information about Alleged Violations of International Law Committed Against Muslims in India Since July 2019*, by Sonja Biserko, Marzuki Darusman, and Stephen Rapp, Centre for Human Rights, University of the Free State, 2022, <https://piieindia.org/>; “India” in *Amnesty International Report 2022/23: The State of the World’s Human Rights* (Amnesty International Ltd 2023): 188- 192;

“India: Hindu event calling for genocide of Muslims sparks outrage,” *Al Jazeera*, December 24, 2021, <https://www.aljazeera.com/news/2021/12/24/india-hindu-event-calling-for-genocide-of-muslims-sparks-outrage>;

“USCIRF Calls Attention to Prevalence of Anti-Muslim Hate around the World,” *USCIRF*, March 15, 2024, [https://www.uscifr.gov/news-room/releases-statements/uscifr-calls-attention-prevalence-anti-muslim-hate-around-world#:~:text=In%20India%2C%20the%20government%20maintains.and%20vigilante%20violence%20including%20rape](https://www.uscifr.gov/news-room/releases-statements/uscifr-calls-attention-prevalence-anti-muslim-hate-around-world#:~:text=In%20India%2C%20the%20government%20maintains.and%20vigilante%20violence%20including%20rape;);

The South Asia Justice Campaign is presently tracking incitement and hate speech against religious minorities. Their tracker and data can be found here: “Hate Speech Monitor,” *South Asia Justice Campaign*, March 2024, <https://southasiajusticecampaign.org/hate-speech-monitor/>.

<sup>7</sup> Rachael Hilary Brown, *Defusing Hate: A Strategic Guide to Counteract Dangerous Speech* (United States Holocaust Museum: 2016), <https://www.ushmm.org/genocide-prevention/reports-and-resources/defusing-hate-a-guide-to-counteract-dangerous-speech>.

<sup>8</sup> “USCIRF Calls Attention to Prevalence of Anti-Muslim Hate around the World,” *USCIRF*, March 15, 2024, [https://www.uscifr.gov/news-room/releases-statements/uscifr-calls-attention-prevalence-anti-muslim-hate-around-world#:~:text=In%20India%2C%20the%20government%20maintains.and%20vigilante%20violence%20including%20rape](https://www.uscifr.gov/news-room/releases-statements/uscifr-calls-attention-prevalence-anti-muslim-hate-around-world#:~:text=In%20India%2C%20the%20government%20maintains.and%20vigilante%20violence%20including%20rape;);

“India: Surge in Summary Punishments of Muslims,” *Human Rights Watch*, October 7, 2022, <https://www.hrw.org/news/2022/10/07/india-surge-summary-punishments-muslims>;

“India: Vigilante ‘Cow Protection’ Groups Attack Minorities,” *Human Rights Watch*, February 18, 2019, <https://www.hrw.org/news/2019/02/19/india-vigilante-cow-protection-groups-attack-minorities>;

<sup>9</sup> Lindsay Maizland and Alyssa Ayres, “India’s Muslims: An Increasingly Marginalized Population,” *Council on Foreign Relations*, July 14, 2022, <https://www.cfr.org/backgrounder/india-muslims-marginalized-population-bjp-modi>.

violence and attacks on minorities have increased around elections.<sup>10</sup> India's democracy is not stable, static, or safe while key democratic institutions are under attack, and while the Indian government promotes and implements a vision for the State that excludes entire categories of constituents.

Since the publication of the Center's report, the Indian government under Prime Minister Modi has continued to take steps that favor extremists in their base and further isolate and endanger their Muslim citizens ahead of this year's elections. This includes the consecration in January 2024 of the Hindu Ram temple in Ayodhya, which was built on the site of a mosque that had been destroyed by Hindu nationalists.<sup>11</sup> Experts shared with the Center in advance of the consecration that such a move would be something for the international community to watch, as it demonstrates a willingness on the part of the BJP to enact the demands of more extremist elements in the party. In March 2024 the government announced that it intends to implement the 2019 Citizenship Amendment Act (CAA), which would fast-track citizenship for a number of religious communities from neighboring countries, with the explicit and notable exclusion of Muslims.<sup>12</sup> This recent announcement has sparked concerns that if the CAA is implemented together with the proposed National Register of Citizens (NRC) (which would examine the citizenship of individuals living within in India), the Muslim community in India could find their citizenship and rights at risk.<sup>13</sup>

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<sup>10</sup> For example, see:

"India: Freedom in the World 2023 Country Report," *Freedom House*, 2023,

<https://freedomhouse.org/country/india/freedomworld/2023>;

"India" in *Human Rights Watch: World Report 2023* (Seven Stories Press, 2023): 291-299;

US Department of State, *2022 Country Reports on Human Rights Practices: India, 2023*,

<https://www.state.gov/reports/2022-countryreports-on-human-rights-practices/india>;

"India," *Reporters Without Borders*, accessed September 2023, <https://rsf.org/en/country/india>.

<sup>11</sup> Meenakshi Ganguly, "India Hindu Temple Opening Stokes Religious Minority Fears," *Human Rights Watch*, January 22, 2024,

<https://www.hrw.org/news/2024/01/22/india-hindu-temple-opening-stokes-religious-minority-fears>.

<sup>12</sup> Vijaita Singh, "Modi government announces implementation of the Citizenship Amendment Act rules 4 years after bill was passed," *The Hindu*, March 11, 2024,

<https://www.thehindu.com/news/national/modi-government-announces-citizenship-amendment-act-rules-4-years-after-bill-was-passed/article67939010.ece>.

<sup>13</sup> The original Citizenship Amendment Act was criticized by the Office of the High Commissioner for Human Rights. See: "New citizenship law in India 'fundamentally discriminatory': UN human rights office," *UN News*, December 13, 2019, <https://news.un.org/en/story/2019/12/1053511>.

Regarding the implementation of the CAA, see: "India: Citizenship Amendment Act is a blow to Indian constitutional values and international standards," *Amnesty International*, March 14, 2024,

<https://www.amnesty.org/en/latest/news/2024/03/india-citizenship-amendment-act-is-a-blow-to-indian-constitutional-values-and-international-standards/>. In a US State Department Statement Press Briefing on March 14, Department

Spokesperson Mathew Miller noted that the State Department is concerned about the notification of this Act and is closely monitoring its implementation. See: Matthew Miller, "United States Department of State Press Briefing:

March 14, 2024," *United States Department of State*, March 14, 2024,

[https://www.state.gov/?post\\_type=state\\_briefing&%3Bp=92333](https://www.state.gov/?post_type=state_briefing&%3Bp=92333).

## India's strategic and geopolitical importance

The United States views India as a strategic partner on multiple fronts. While confronting mass atrocity risks in India may be sensitive, this partnership rests on an assumption of stability and mutual democratic values, that are both being undermined by the Indian government's domestic discriminatory measures. Respect for human rights is a core component of a stable democracy.

India's geopolitical importance should reinforce the danger of India becoming an exporter of instability in a region already plagued by insecurity. Several areas where risks of atrocity and human rights violations have been exacerbated under the BJP's leadership are along India's borders - including with Pakistan and Bangladesh, two countries which also ranked in the top 10 countries at risk in this year's Early Warning Project's statistical risk assessment.<sup>14</sup> In December 2023, USCIRF issued a statement of concern about India's transnational repression of religious minorities, noting India's use of intimidation campaigns that reach beyond its borders to target journalists and activists seeking to advocate for religious minorities in India.<sup>15</sup>

## What can be done to mitigate mass atrocity risks?

The US government has the ability to shape its own responses to mass atrocity risk in India in a way which can also reinforce India's stability and democracy. Congress has the opportunity to hold the rest of the US government to its commitments on promoting and protecting human rights and preventing mass atrocities across the globe and with its key partners, including India.

The history of genocide and mass atrocities is filled with examples of communities risking their lives to deliver warnings to the rest of the world, only for these warnings to be ignored until it

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<sup>14</sup> The disputed (with Pakistan) territory of Jammu and Kashmir, the only Muslim majority state in India, lost its special status under Prime Minister Modi. Amnesty International has reported that human rights risks for residents of Jammu and Kashmir have become exacerbated following this change. See: Nasir Kachroo, "Protection of the human rights of the people of Jammu and Kashmir must guide the way forward," *Amnesty International*, December 11, 2023,

<https://www.amnesty.org/en/latest/news/2023/12/india-protection-of-the-human-rights-of-the-people-of-jammu-and-kashmir-must-guide-the-way-forward/>.

The state of Assam, which borders Bangladesh, conducted an updated National Registry of Citizens which rendered the citizenship of nearly two million people in question. See: "UN experts: Risk of statelessness for millions and instability in Assam, India," *OHCHR*, July 3, 2019,

<https://www.ohchr.org/en/press-releases/2019/07/un-experts-risk-statelessness-millions-and-instability-assam-india>.

In May 2023, violence broke out in the state of Manipur, which borders Burma. Prime Minister Modi's government has been criticized for its handling of the crisis and for seeking to suppress information about human rights abuses. For more information, see: "India: UN experts alarmed by continuing abuses in Manipur," *OHCHR*, September 4, 2023, <https://www.ohchr.org/en/pressreleases/2023/09/india-un-experts-alarmed-continuing-abuses-manipur>; Meenakshi Ganguly, "Indian Government Finally Responds to Violence in Manipur," *Human Rights Watch*, July 21, 2023, <https://www.hrw.org/news/2023/07/21/indian-government-finally-responds-violence-manipur>;

"Ranking of All Countries 2023-2024," *Early Warning Project*, accessed March 2024,

<https://earlywarningproject.ushmm.org/ranking-of-all-countries>.

<sup>15</sup> "USCIRF Deeply Concerned by India's Transnational Repression Against Religious Minorities," *US Commission on International Religious Freedom*, December 15, 2023.

<https://www.uscifr.gov/news-room/releases-statements/uscifr-deeply-concerned-indias-transnational-repression-against> nst.

was too late. Congressional leaders have an opportunity to make sure this does not happen for the people of India.

The Center would like to conclude this statement by making the following recommendations:

**To the US and other Governments:**

- US Congress can call on the State Department to assess India in accordance with the US State Department Atrocity Risk Assessment Framework (ARAF) and to report its findings to relevant Congressional committees.
- US Congress can organize regular hearings and briefings to receive updates and highlight concerns on the risk of mass atrocities in India.
- US Congress can provide oversight to decisions regarding arms sales and other military cooperation with India.
- Members of Congress can issue letters and make use of congressional delegations to highlight specific concerns regarding the prevention of mass atrocities in India.
- Regularly express serious concern about dangerous speech and the mass atrocity risks facing minorities as a regular part of US diplomatic engagements with Indian officials;
- Support the Indian government as a fellow democracy in fostering an enabling environment for a robust civil society and a free press. This includes engaging with the Indian government on the Foreign Contribution Regulation Act and the Unlawful Activities Prevention Act, and ensuring that the US can provide and increase funding safely for civil society organizations in India, including those working on documentation of mass atrocities, combatting disinformation in the digital space, and promoting social cohesion and peacebuilding;
- Consider pursuing financial sanctions or visa restrictions on those individuals most responsible for mass violence against civilians in India. Visa restrictions may be particularly effective given the close relationship between the US and India and frequency of informal travel by many nationals and officials to the United States;
- The State Department could designate India as a “country of particular concern” in accordance with the International Religious Freedom Act in accordance with USCIRF recommendations for 2023, and support an official USCIRF visit to India.

**To the Indian Government:**

- Ensure that government officials refrain from hate speech or incitement to violence, and that there is an official rebuke when public authority figures use dangerous speech;
- Ensure that campaigning in 2024 is in line with India’s own laws on hate speech;
- Ensure that any laws and policies passed, including with regard to citizenship, or civil society, correspond with constitutional protections and international legal obligations;

- Cease harassment of civil society and media in public and online spaces, and properly investigate when such claims are made;
- Ensure those—including government officials—who commit mass atrocities are held accountable;
- Protect civilians and safeguard human rights and the rule of law in Jammu and Kashmir, and Manipur;
- Adopt and act on recommendations that United Nations member states made at India's Universal Periodic Review (UPR) process in 2022 aimed at protecting religious minorities. Among these recommendations were calls for India to protect the rights of all minorities in accordance with its constitution, to repeal laws preventing religious conversion, investigate cases of religious violence and discrimination, and to condemn and address hate speech against Muslims and other minorities.

#### **To Multilateral Institutions:**

- Based on India's standing invitation for United Nations Special Procedures, more Rapporteurs representing relevant mandates could visit India to meet with affected communities and offer recommendations to officials;
- The Office of the United Nations High Commissioner for Human Rights could establish an office for the first time in India. United Nations member states can support this effort by encouraging the Indian government to enable the creation of this office, and can provide or identify for the office when requested. This Office can be used as an opportunity to support the protection of vulnerable communities, the documentation of and accountability for crimes against civilians, and for the provision of support to the Indian government in bringing laws and practices in line with international obligations;
- United Nations member states involved in India's UPR at the Human Rights Council can follow up bilaterally on recommendations made for protections for religious minorities.