



Tom Lantos Human Rights Commission Hearing

Challenges and Opportunities: The Advancement of Human Rights in India

**Tuesday, June 7, 2016
3:00 – 5:00 PM
1334 Longworth House Office Building**

Opening Remarks as prepared for delivery

Good afternoon. I join my distinguished colleague and Co-Chairman of the Tom Lantos Human Rights Commission, Rep. Joe Pitts, in welcoming all of you to today's hearing on challenges and opportunities in the advancement of human rights in India.

India is the world's largest democracy and a strategic partner of the United States. Tomorrow we will welcome Prime Minister Narendra Modi as he addresses a joint session of Congress, an occasion that will surely inspire pride among the three million Indian-Americans who live here in the U.S.

The promotion of human rights is a core value of U.S. foreign policy. As U.S-Indian ties strengthen and our partnership deepens, our two democracies must continue to engage on issues of accountability, rule of law and human rights. Our purpose today is to learn about the human rights challenges and opportunities in India, and to ask how U.S. policymakers can support India in complying with its human rights obligations.

India is an ethnically, culturally, and religiously diverse country that holds 1/6th of the world's population. No one should be surprised that political, religious, and communal tensions arise. Fortunately, India's constitution provides important human rights protections. Unfortunately, as happens in many countries, there is a gap between the promise of the constitution and other laws, and the practice on the ground.

For example, let's look at religious freedom. India is officially secular with a long history of religious tolerance. The constitution says that all people are entitled to freedom of conscience and have the right to profess, practice and "propagate" religion. India's federal law provides "minority community" status for five religious groups, Buddhists, Christians, Muslims, Parsis, and Sikhs.

But in spite of these constitutional protections, religious minority communities, including Sikhs, have experienced harassment and violence, often at the hands of Hindu nationalist groups, while impunity for the perpetrators of the violence persists. State-level "anti-conversion" laws allow government officials to decide whether conversions from Hinduism are legal – but choosing a religion is a private act that should not be subject to government regulation. Last March, the Indian government failed to issue visas for a delegation from the U.S. Commission on International Religious Freedom. None of this bodes well.

The Indian Constitution also provides for freedom of speech and expression. Yet just last month, a new Human Rights Watch report detailed the ways in which overly broad laws, including sedition and defamation laws that date from the colonial era, are being used as political tools to silence and harass critics.

This would appear to go hand in hand with the Indian authorities' recent crackdown on civil society. Restrictions placed on NGOs that receive foreign funding, and burdensome regulation of NGOs that are critical of government authorities, threaten to silence civil society voices. One reason this trend attracts attention here is that the United States is the top source of foreign donations to Indian NGOs, providing more than three times as much as the next largest donor.

Even though the Constitution prohibited caste discrimination in 1949, we will also hear today about the persistence of caste-based discrimination which affects millions of people, and the increased vulnerability of the Scheduled Castes to violence, sex and labor trafficking, and debt bondage. We will hear that crimes against women are unfortunately common, including kidnapping, rape, domestic violence, and dowry deaths; and that Dalit and tribal women are especially vulnerable.

One additional issue that I would like to highlight today is the fundamental obligation of the Indian authorities to take into account the human rights of people affected by major development projects in the country. In one well-known case, that of the Sardar Sarovar dam on the Narmada River, communities have been fighting for more than 30 years to keep from being uprooted, or to be appropriately compensated for the damage already done. Forced displacement due to macro-development projects is also a human rights violation.

The human rights challenges India faces are not insurmountable. But in order to overcome them, authorities will need to fulfill the promise of India's own constitution, by continuing to consolidate democratic practices, enforcing laws and sanctioning the use of violence. In India, as in the U.S. and other countries around the world, impunity facilitates the persistence of human rights violations.

Let me close by sharing a message from Rep. Zoe Lofgren who is on her way back to Washington this afternoon, but will not arrive in time to join us. She welcomes this hearing, and were she here, would speak out against the practice of forced conversion of non-Hindus and the lack of recognition of Sikhism as a fully separate religion.

I ask to enter into the record two documents:

- A letter from the South Asia Human Rights Documentation Center, dated June 2, 2016; and
- The November 2015 Independent People's Tribunal Report on Sardar Sarovar Claims and Realities of Development and Rehabilitation.

Thank you, Mr. Chairman.