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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Community Human Rights and Advocacy Centre (CHRAC), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[30 January 2024]

* Issued as received, in the language of submission only.



The Right to Freedom of Religion or Belief

Freedom of religion or belief is guaranteed by Article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights, and the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief. Freedom of religion or belief has many dimensions and it intersects with other human rights. The right to freedom of religion or belief, as defined by international standards, is a wide-ranging right covering a large number of distinct yet interrelated issues. The elements of freedom of religion or belief are divided into five different categories. The first category deals with elements of the right to freedom of religion or belief and the right to manifest one's religion or belief. The second category covers discrimination concerning the freedom of religion or belief. The third category deals with vulnerable groups, including women, children, refugees, members of minorities, and persons deprived of their liberty. The fourth covers situations where the right to freedom of religion intersects with violations of other human rights, such as the right to freedom of expression and the prohibition of torture and other cruel, inhuman, or degrading treatment or punishment. The fifth category covers cross-cutting issues including international provisions on limitations and derogations.

42 years after the adoption of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and 75 years after the proclamation of the Universal Declaration of Human Rights, which enshrined the rights to freedom of religion or belief as well as non-discrimination on that basis, the landscape of freedom of religion or belief in the world remains very challenging.

Violence against marginalized religious or belief communities does happen very often and is facilitated by, legally mandated discrimination at the national level and is unchecked and widespread. In numerous States individuals and communities are denied their fundamental rights to their religious or belief identities from the day of inception. A key mechanism for this is the refusal by Governments to officially recognize religious or belief identities, which may include indigenous, non-religious beliefs, and others, and the spate of individual and collective human rights violations that flow from non-recognition. These widespread violations begin mostly in areas of conflict.

Despite being currently ruled by a right-wing Hindu nationalist government, India claims to be a “secular democracy.” Its constitution allows for the freedom of religion, meaning people should be able to follow and freely practice their religious beliefs. India’s constitution says that the state will not “discriminate, patronize or meddle in the profession of any religion”. However, when it comes to Islam and Muslims, and especially when it comes to the Indian Administered Jammu and Kashmir, religious freedom and claims of secularism mentioned in the Indian Constitution are completely absent.

Indian Administered Jammu and Kashmir is a UN-recognized disputed territory for which UN resolutions stand passed by the United Nations. But sadly, the Kashmiris have been deprived of all freedoms including religious freedom.

Instead, the state is attempting to erase people’s Muslim identity and facilitate Hindu supremacy. This is evident in the United States Commission for International Religious Freedom (USCIRF)’s 2022 report, which has designated India as a “Country of Particular Concern” for “engaging in and tolerating systematic, ongoing, and egregious violations of religious freedom”. Social media was rife with videos of Kashmiri students being forced to chant Hindu hymns for Mahatma Gandhi’s birth anniversary. This came immediately after popular Muslim clerics across Indian Administered Jammu and Kashmir were detained and slapped with the draconian Public Safety Act.

Here are some other events that expose India’s denial of religious freedom and enforcement of Hindu supremacy in Kashmir. On numerous occasions, the Indian army has desecrated the Qur’an, the Holy Divine book for Muslims. This desecration is an attempt at psychological warfare and is done with full knowledge of the consequences. In 2013, as the videos of one such incident went viral, Muslims in the region protested and were met with force, leading to the death of four Kashmiri protestors.

The 600-year-old grand mosque of Srinagar has been shut down for Friday prayers for the past three years. The mosque has been revered by Muslims across Indian Administered Jammu and Kashmir for centuries. On religious occasions like Eid, Shab e Meraj, and Shab e Baraat, hundreds of thousands of devotees throng the mosque from all over the region. The head preacher of the mosque, Mirwaiz Dr. Umar Farooq, has also been held under continuous house arrest and not allowed to deliver Friday sermons. Jamia Masjid Grand Mosque is frequently sealed and people are not allowed to offer prayers.

The closure of this grand mosque is not only a blatant violation of the religious freedom of Kashmiris but has also been a source of emotional trauma for locals. Muslim clerics from Indian Administered Jammu and Kashmir have often been subjected to detention without charges. As part of its settler-colonial project, India wants to manage and eventually marginalize Indian Administered Jammu and Kashmir's Muslim identities and histories. The Indian government wants to suppress people's right not only to practice their religion freely but also to enforce greater hinduization in society. Religious freedom of the Muslim-majority population in Indian Administered Jammu and Kashmir has been caged for decades and with each passing day, to further its settler-colonial project in the region, India continues to tighten the noose around this freedom.

Curtailed freedom of religion of millions of Kashmiris by the Government of India had given birth to the regime of atrocities. This attitude of the Indian Government is a clear message given to the people of Indian Administered Jammu and Kashmir that have no right to enjoy. Restrictions and curtailment of this fundamental religious freedom of millions of Kashmiri Muslims constitutes a serious violation of applicable international human rights law, to which India is a party. The Indian Administered Jammu and Kashmir had turned into a massive military prison, where every Kashmiri is under arrest.

Attacks on religious places by Indian forces and their agents are a routine matter to keep the people away from worship. The military siege of Dargah Hazratbal (shrine) is a glaring example of suppression of Kashmiris' religious freedoms and desecration of their worship places. Hundreds of people are denied passports and other travel documents to perform Haj and Umrah just because they raise their voices against Indian repression.

Kashmiris have seen the complete communications blockade of telephone (landline and cellular) and internet services for years together as a policy of the Indian Government depriving the Kashmiris and the students from contacting their families and imparting education and competition.

These measures amount to "collective punishment" on an industrial scale and violate all principles and precepts of human rights and humanitarian law. Kashmiris call upon the international community, including the United Nations human rights machinery and other relevant bodies, to hold India accountable for these deliberate crimes against religion, violations of international law, and lack of respect for human decency.

Indian Administered Jammu and Kashmir is a matter of right to Self-determination. The right to self-determination is a fundamental principle of international law. Every year, the UN General Assembly adopts a resolution that reaffirms the legal right of people to decide their destiny. It expresses unequivocal support for the realization of the right to self-determination for people under foreign occupation. Regrettably, the Kashmiri people have not been able to exercise this inalienable right.

India is taking several steps to consolidate its grip over Indian Administered Jammu and Kashmir which is an internationally-recognized disputed territory. Following its illegal and unilateral actions of 5 August 2019, India's efforts have been aimed at engineering demographic and political changes so that the Kashmiris are reduced to a disempowered community in their land. The Indian Supreme Court's recent verdict is yet another manifestation of India's desire to undermine the right to self-determination of the Kashmiri people.

In addition, India is continuing to subject the Kashmiri people to systematic human rights violations. It has created an environment of fear to crush dissent.

It is time for the international community, especially the United Nations, to live up to their promises and take necessary measures to enable the people of Indian Administered Jammu and Kashmir to exercise the right of self-determination as enshrined in the United Nations Security Council resolutions. It must also call for an immediate cessation of human rights violations, and the restoration of the rights and fundamental freedoms of the Kashmiri people including freedom of religion and belief.
