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Human rights situations that require the Council's attention

Written statement* submitted by International Muslim Women's Union, 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.

[22 January 2024]

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



Right to Development

India, right from its creation, has been projecting herself as a secular country. The Indian constitution allows for the freedom of religion, meaning people should be able to follow and freely practice their religious beliefs. However, attacks on the minorities and even low-caste Hindus (Dalits) in the country by the members of majority Hindu community, particularly the followers of the Hindutva ideology, have remained a norm for the last over seven decades. This persecution of the minorities increased to an alarming proportion ever since the rightwing Bharatiya Janata Party led by Narendra Modi came into power in 2014. Backed by the extremist Hindu organization Rashtriya Swayamsevak Sangh, the Modi government is forcefully pursuing its agenda of turning India into a Hindu Rashtra (state).

Sadly, when it comes to Islam and Muslims, especially Indian administered Jammu and Kashmir, religious freedom and claims of secularism mentioned in the Indian Constitution are completely absent. After the abrogation of the special status of Indian-administered Jammu and Kashmir through the repeal of Article 370 on August 05, 2019, the Indian government is inclined upon erasing the Muslim identity of the Kashmiri people and impose the Hindutva ideology of RSS.

This is evident in the United States of America Commission for International Religious Freedom (USCIRF)'s 2022 report, which has designated India as a "Country of Particular Concern" for "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 in September 2022. . 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 Indian-Administered Jammu and Kashmir:

Muharram processions have not been allowed in Indian-Administered Jammu and Kashmir since 1989 due to "security reasons" and this year was no different. These processions are critical to the religious practice of Shia Muslims worldwide, who commemorate the death of the Prophet's grandson and members of his family.

Shortly after Muharram in 2022, Srinagar city saw processions led by Hindus for the celebration of the birth of Lord Krishna. Amidst loud pomp and show, these Janmashtami processions were provided security and thus organized under the aegis of the state. Notably, Kashmiri Pandits are known to be Shivites or followers of Lord Shiva and Janmashtami celebrations never used to be amidst such grandeur in the past. In 2023, the Muharram procession was allowed but with the condition that no anti national slogan will be raised curtailing the free speech.

The 600-year-old grand mosque of Srinagar has been shut down for Friday prayers of and on for the past five 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 Umar Farooq, has also been held under continuous house arrest and not allowed to deliver Friday sermons.

The Jamia Mosque was reopened on 22nd Dec, 2023 however, the head preacher of the mosque, Mirwaiz Umar Farooq still remains house arrested.

The closure of this grand mosque is not only a blatant violation of religious freedom of Kashmiris but has also been a source of emotional trauma for locals.

Special prayers of Shab e Qadr were also disallowed in the Jamia Masjid on the holiest night of the year for Muslims year 2023. On this night during Ramadan, people from across the valley throng the mosque to pray throughout the night. The administration cited "law and order" problems for this ban but, only a few days later it disallowed Eid prayers in the Old Town Eid Gah where they are held traditionally and asked for these prayers to be carried out inside the Jamia Masjid.

Notably, “praying in the open” (subject to weather and availability) is an important part of Eid prayers. There is no doubt that such tactics are not only violations of religious freedom but have also become a part of the psychological warfare that India is subjecting Kashmiri Muslims to.

The attacks on Islam and Muslims in Indian-Administered Jammu and Kashmir have not only been blatant and evident, but stealth and under cover too. While Friday sermons by Mirwaiz Umar Farooq and other prominent religious leaders have been disallowed owing either to their house arrests or detentions, an “Indianized” version of Friday sermons are being popularized. India also brings in clerics that align (or are forced to align) with its ideology in Indian-Administered Jammu and Kashmir.

On many occasions, the Indian state has attacked Islam in Indian-Administered Jammu and Kashmir not by physically tormenting Muslims, but by reducing Islam to an illusory and hollow identity marker that the state imbues with whatever meaning aligns with its own ends at any given moment.

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 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.

During the UPR 2022 of India at least 21 countries urged India to improve its protection of freedom of religion and rights of religious minorities, with several raising concerns over increasing violence and hate speech. Member states can play a role in addressing human rights issues by supporting resolutions, engaging in diplomatic efforts for ensuring the rights of religious freedom to the people of Indian Administered Jammu and Kashmir. However, the ability of the UNHRC and member states to influence the situation depends on the willingness of the involved countries to cooperate and implement recommendations.

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