

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

HEARING

ADVANCING RELIGIOUS FREEDOM WITHIN
THE U.S.-INDIA BILATERAL RELATIONSHIP

Wednesday, September 20, 2023

9:30 a.m., ET

Hart Senate Office Building
Room 216
120 Constitution Avenue, NE
Washington, D.C. 20002

P A R T I C I P A N T S

USCIRF COMMISSIONERS PRESENT:

Abraham Cooper, Chair
Frederick A. Davie, Vice Chair
David Curry
Mohamed Magid
Stephen Schneck
Eric Ueland
Frank Wolf

C O N T E N T S

	<u>PAGE</u>
Opening Remarks:	
Abraham Cooper, Chair, USCIRF	4
Frederick A. Davie, Vice Chair, USCIRF	9
Panel I:	12
Fernand de Varennes United Nations Special Rapporteur on Minority Issues	14
Q&A	22
Panel II:	45
Tariq Ahmed Foreign Law Specialist Law Library of Congress	51
Sarah Yager Washington Director Human Rights Watch	58
Sunita Viswanath Executive Director Hindus for Human Rights; and Representing Dalit Solidarity Forum, Federation of Indian American Christian Organizations of North America, Indian American Muslim Council, India Civil Watch International, and New York State Council of Churches	64
Irfan Nooruddin, Ph.D. Hamad bin Khalifa Al Thani Professor of Indian Politics Georgetown University	70
Q&A	76
Adjourn	99

P R O C E E D I N G S

CHAIR COOPER: Good morning, everyone, and welcome to the United States Commission on International Religious Freedom's hearing on Advancing Religious Freedom Within the U.S.-India Bilateral Relationship.

Thank you to our distinguished witnesses for taking the time to join us today and for offering their insight on how the United States can better support religious freedom in India.

While the focus of this hearing is to discuss policy options available for advancing religious freedom, we are encouraged and inspired that so many civil society and human rights organizations have submitted additional statements for the record, which will be made available on our website.

We appreciate the work of these groups who continually document and highlight conditions on the ground, which is crucial to informing our research and reporting on India.

The United States Commission on International Religious Freedom, or USCIRF, is an independent, bipartisan U.S. government advisory body created by the 1998 International Religious Freedom Act, or IRFA.

The Commission uses international standards to monitor freedom of religion or belief abroad and makes policy recommendations to the U.S. government.

Today, USCIRF exercises its statutory authority under IRFA to convene this important hearing.

Religious freedom conditions in India have notably declined in recent years. Since 2020, USCIRF has recommended the State Department designate India as a Country of Particular Concern, or CPC, for its systematic, ongoing and egregious religious freedom violations, including the Indian government's promotion and enforcement of laws and policies that target religious minorities.

Muslims, Sikhs, Christians, Dalits, and Adivasis are experiencing increased levels of

attacks and acts of intimidation.

The national government has continued to suppress minority voices and those advocating on their behalf through surveillance, harassment, demolition of property, and detention under the Unlawful Activities Prevention Act. These trends and their implication for U.S. foreign policy should not be ignored.

It's important to note that this hearing is taking place just months after Prime Minister Narendra Modi's high-profile state visit to Washington, D.C., where he met with President Biden and addressed a joint session of Congress.

When directly asked about India's treatment of religious minorities during the White House press conference, Prime Minister Modi responded that, quote, "There is no space for discrimination," unquote, in India, and suggested that steps did not need to be taken to advance religious freedom in the country.

Yet, for the past several years, religious freedom conditions in India have continued in a

downward trend, capturing international attention and highlighting the need for continuing discussions and engagement on policy options for advancing religious freedom in the country.

In the last few months alone, attacks against the country's Muslim and Christian minority communities have been particularly concerning.

In July, violence erupted between Hindus and Muslims following a Hindu procession in the Muslim neighborhood of Nuh near New Delhi. During the unrest, the mosque was torched and a deputy imam was killed.

Hundreds of Muslim homes were demolished and Muslim-owned businesses were targeted with widespread calls for boycotts.

Unfortunately, these kinds of incidents and calls for violence against minority groups are becoming more and more common.

Last month, Prime Minister Modi faced a vote of no confidence for his government's response to the ongoing violence against minority Christian Kuki community in Manipur that began in May.

Waves of violence have targeted religious symbols in places of worship and refuge, including churches and synagogues. Mobs burned or damaged more than 250 churches of different denominations and two synagogues across the state, displacing hundreds of thousands of people.

And in these and other instances of mass violence, the quick spread of disinformation and hate speech on social media has stoked mob vigilantism and other types of communal violence throughout the country.

These are just a few examples that highlight the particularly severe religious freedom violations taking place in India, which our distinguished witnesses will discuss in much greater detail.

And just to add a personal note, I want to use the hearings, both the beginning and I'll repeat it at the end, that USCIRF reiterates its request to be allowed to come to India to speak to all parties concerned on the very volatile issues we are discussing this morning.

I believe in the history of USCIRF, and certainly to date, since I've been a member of this Commission, the Indian governments have not given permission to USCIRF to officially visit.

I will now turn the floor over to my good friend, the vice chair of our Commission, Fred Davie, for his opening remarks.

VICE CHAIR DAVIE: Thank you, Chair Cooper.

I would like to join you in welcoming everyone to today's hearing, and thank you very much to our witnesses for taking time to join us and offer your expertise today.

In additions to the concerns raised by Chair Cooper, I wanted to highlight a few other key issues that USCIRF is tracking when it comes to religious freedom in India that we hope to discuss in more depth today.

As Chair Cooper mentioned, policymakers cannot ignore the foreign policy and trade implications of deteriorating religious conditions in India.

In addition to providing an overview of current conditions and policy options, we would also like to address how religious freedom concerns contribute to greater risk for trade and business partnerships.

Increased attacks against religious minorities near business hubs like Haryana, for example, create a climate of uncertainty and instability.

In addition, USCIRF's reporting indicates that over the last several years, state governments have implemented a number of legal restrictions on religious conversion, religious stress, educational curriculum, interfaith marriage, and cow slaughter that negatively impact Muslims, Christians, Sikhs, Dalits, and indigenous and scheduled tribal people.

Currently, 13 states have laws prohibiting or limiting an individual's ability to convert or change their religion.

These laws use vague language, come with hefty fines and punishments, and are often used to target interfaith couples.

Laws prohibiting cow slaughter also disproportionately affect the country's Muslim, Christian and Dalit populations and inflame mob violence against individuals accused of eating beef, slaughtering cows, or transporting cattle.

Sources also emphasize the prolonged detention of religious minorities, journalists, and religious freedom advocates.

USCIRF maintains a public database of individuals known to have been detained on the basis of peaceful exercise of their freedom of religion or belief.

This database, now named the Frank R. Wolf Freedom of Religion or Belief Victims List, currently includes 37 individuals across multiple faiths in India.

I would like to take a moment to highlight the cases of Meeran Haider and Rupesh Singh, both of whom are detained for protesting religious freedom conditions.

In April 2020, Haider was targeted for leading peaceful protests against the Citizenship

Amendment, CAA, and was charged with offenses under the Unlawful Activities Prevention Act, UAPA.

Singh is a freelance journalist known for reporting on state violence and discrimination against Adivasis. He has been detained since July, since July 2022, also under the UAPA.

We call on the Indian government to evaluate these cases and to release all prisoners of conscience and those detained for peacefully exercising their religious freedom or belief.

I want to thank you again, and I will now turn the floor back to our chair, Chair Cooper.

CHAIR COOPER: Thank you, Vice Chair Davie.

I would now like to briefly introduce our distinguished first witness. Each of our witnesses' full biographies can be found in the bio sheets provided, and they are also on our website.

Dr. Fernand de Varennes is, since 2017, the United Nations Special Rapporteur on Minority Issues.

As part of his mandate, he is the

reference point at the U.N. on the protection of human rights of national or ethnic, religious and linguistic minorities.

He is also Adjunct and Visiting Professor at the National University of Ireland-Galway and Visiting Professor at the Universite catholique de Lyon in France, and at the European Regional MA in Democracy and Human Rights in SEE, Global Campus South-East Europe, University of Sarajevo in Bosnia-Hercegovina.

That's quite a business card alone.

He completed his law degrees in Canada, the UK, and the Netherlands. He's the author of some 300 publications that have appeared in more than 30 languages. He's acknowledged as a renown global leading expert on human rights of minorities and has been awarded a number of accolades, including the 2021 Prize of the Federalist Union of European Nationalities, the 2004 Linguapax Award, Barcelona, Spain, the Knight's Cross of the Order of Merit of the Republic of Poland, and the Tip O'Neill Peace Fellowship in Northern Ireland.

We are honored that you have been able to join us this morning to give us an overview of an extremely complicated and an extremely important issue.

The floor is yours.

DR. de VARENES: Thank you, Chair Cooper. The honor is mine. And distinguished commissioners, good morning, bonjour.

We sometimes tend to focus so much on the trees that we don't see the forest. Let me summarize I think the situation with three words: massive, systematic and dangerous.

Along with a number of U.N. special rapporteurs, I have recently expressed grave and growing concerns regarding the deteriorating situation of religious freedom and human rights in India.

We have, in the last decade, for example, issued numerous communications and press releases, communications being allegations of human rights violations that are raised through diplomatic channels to the concerned governments.

They show, well, they show a steady and alarming erosion of fundamental rights, particularly for religious and other minorities, when we reviewed communications from about 2011 to today.

By last year, 2022, almost all of them involved grave allegations of denial of fundamental rights, particularly targeting religious minorities.

For example, from the 12th of May 2020 to just a few months ago, May 2023, we had about 46 communications and an estimated 20 press releases involving India, and most of these involving minorities, the vast majority of these.

The most recent example, or the most recent communication that we issued, is perhaps symptomatic. On the 4th of September, myself and 18 other colleagues expressed our alarm about reports of serious human rights violations in Manipur, including alleged acts of sexual violence, extrajudicial killings, forced displacement and other ill treatment, where the victims were from

the predominantly Christian Kuki, or Kuki, minority last May.

Now there are dry statistics. I could say there were 160 persons reportedly killed by mid-August, thousands of homes and hundreds of churches have been burnt down, and some of you will have heard of a video which circulated on social media of two women from the Christian Kuki community being paraded naked, beaten, and brought to a field and allegedly gang raped.

Let's go to the field. Let's go underground and perhaps describe more accurately what happened. There was inaction from authorities until this video caught the international attention.

I saw that video, and what it showed was hatred, hatred directed against women because they were considered a threat, unworthy, less human, because they belonged to a despised religious and ethnic minority. That's why they were raped. That's why they were beaten.

It was only after the shock and outcry and

pressure from outside that men from the Hindu minority were finally arrested and charged.

By the way, these individuals for months circulated freely and behaved with complete impunity for months, despite the highly visible, public and horrific nature of what occurred.

And this, unfortunately, is not an isolated incident. We receive multitudes of reports of attacks, rapes, lynchings of members of religious minorities.

We also have reports of national, state and local religiously discriminatory policies and legislation targeting, well, amongst others—you've mentioned some of these, chair-religious conversion, interfaith relationships, the killing of cows, the wearing of hijabs, and other practices that restrict and prohibit religious beliefs or practices of minorities mainly, and all of these make a mockery of freedom of religion and non-discrimination guarantees for these religious and other minorities.

Human rights defenders, lawyers, and

journalists face harassment, surveillance, detention, and worse sometimes, under the, as mentioned previously, the Unlawful Activities Prevention Act.

You also know that non-governmental organizations have also been targeted and in some cases closed under the Foreign Contributions Regulation Act and also other legislation.

Now let me repeat. India risks becoming, in my opinion, based on the information I've received and the allegations we've received, it risks becoming one of the world's main generators of instability, atrocities, and violence because of the massive scale and gravity of the violations and abuses targeting, not exclusively, but mainly religious and other minorities such as Muslims, Christians, Sikhs and others.

It's not just individual or local. It is systematic and a reflection of, well, I guess the best description is religious nationalism.

There is a discriminatory citizenship determination process in Assam, which many of you

will know about in detail.

But potentially also other regions of the world. Assam is a model being looked at very closely in other parts of India, and this we should be very concerned with.

But this process could lead to millions being denied citizenship and mainly—not exclusively, again—but mainly from the Muslim minority community. And this process has to be seen also in the light of the 1999 Citizenship Amendment Act, which provides a fast track to citizenship for individuals unless you're a Muslim.

Now there's a religious test here, which does not sit well with democratic values and fundamental international human rights.

Now, there are fears, expressed by many, that this may be part of an effort to create a religious and discriminatory test for citizenship.

The disenfranchisement of millions, also, again, mainly Muslims because of their religion, has occurred through the relocation in 2019 of the special status or autonomy of Jammu and Kashmir.

Now under the direct control of the central Indian government, this really means that local elected bodies have been discarded, and the right of political participation and representation of once again mainly Muslim and other minorities in Jammu and Kashmir has effectively been stripped away, and they have lost many of their previous political rights.

A study noted recently that there has been a staggering increase, a 786 percent increase, in hate crimes against minorities between 2014 and 2018.

It is also widely acknowledged that hate speech and content inciting violence against religious minorities in social media is widespread, increasing, vitriolic, and involving incitement to violence, and even calls to genocide, and not always, but we could say generally, these are largely left unchallenged by state authorities.

Official silence is too often occurring over violent attacks and rhetoric, and this is encouraging majority nationalist groups to even

more brazen violence with a religious tint. We must never forget that.

The violence in Manipur is also a warning of the dangers of inaction. The danger is that left alone many more Manipurs may erupt. India ranks as eighth country with the highest risk of mass killings. This is extremely dangerous, as I noted earlier, and this is mainly because of the targeting of religious and other minorities, and is symptomatic of large-scale scapegoating and dehumanizing and instrumentalization of Muslims and other religious "others" that could lead to a slide towards horrific atrocities.

And lest we forget, there cannot be peace and stability without justice, and that is the fundamental principle on which the Universal Declaration of Human Rights rests.

There is, of course, much more that could be said time permitting, but I have a written summary, if you will, of the information that I've mentioned, which I can share with the commissioners if this would be of any assistance.

Thank you very much, again, for the honor and the privilege of being before this distinguished Commission. Merci beaucoup.

CHAIR COOPER: Thank you, Special Rapporteur, Dr. de Varennes.

As chair, I have the privilege of asking the first question, and since I'm a rabbi, it usually means there are two parts to it, so please excuse me.

The first one is sort of more of an overview, if you will. If you can briefly give us some perspective on how much of the 786 percent, a staggering figure, can be traced back to ethnicity and how much traced back to religion?

For us, it's not just an intellectual exercise. Our mandate is religious freedom, human rights seen through the lens of religious freedom.

And you mentioned it briefly. If you have again some more perspective for us because social media continues to play an increasingly dominant role in everyone's lives virtually around the world. You mentioned that vigilante violence is

often stoked by disinformation and social media. What is the role of the government, if at all, in combating this type of disinformation and holding perpetrators accountable?

What methods and policies do you think could be effective in combating this type of disinformation?

DR. de VARENES: Thank you very much, Chair Cooper.

I do not have a clear breakdown, for example, of the—in the case of hate crimes, involving the rise of hate crimes, the high level of hate crimes, involving minorities. I don't have statistics concerning a breakdown between ethnic versus religion. Quite often that would be a very difficult breakdown to provide.

When we talk about the Kuki minority, for example, they are at the same time an ethnic and religious and even we would say linguistic minority.

So I think it is an exercise which would be very difficult because you have a mesh of these

characteristics that describe the identity of a particular community, and quite often I think it may not be possible or very useful to do so.

In any event, I think what is significant in this case, and perhaps should retain our attention, is that in many cases, even though individuals can be distinguished on the basis of their ethnicity, the form of nationalism that is often expressed and the intolerance and prejudice that you can see in social media often has a religious flavor to it, even though there may be in addition ethnic components, for example.

If we think of, in the case of Assam, many of the hatred, hate speech that is circulated in social media is actually mainly targeted towards the Bengali Muslim minority, ethnic and religious at the same time, and you cannot, and you should not, in my opinion, dissociate one and the other.

However, to go back to what is central to your question, I think, is that the form of prejudice and hatred that tends to circulate a great deal in social media from other studies,

which I can provide information about, almost always has a religious dimension, not always, but I would say the vast majority of these do.

Therefore, this is perhaps the best information I can provide, but I do have other surveys that emphasize, that try to break down, to provide a breakdown of the kind of hate speech, in particular, that you have in Indian social media currently.

In terms of the role of government to combat hate speech in social media, there is an obligation, responsibility, on the part of government, but also a danger which we should be aware of.

The danger is not-unfortunately, there are reports of government using current legislation to actually repress, if you will, human rights defenders, of actually targeting the victims and those who are trying to protect the human rights of religious and other minorities.

So it is a kind of dangerous distortion of existing legislation that sometimes occurs.

To answer your question more directly, what should we expect from governments currently in relation to fighting hate crime and especially hate speech and incitement to violence and discrimination in social media, implement legislation. Ensure that the legislation they have in place conforms with international human rights obligations, in relation to the balance between freedom of expression and combating incitement to violence and discrimination.

This is not occurring in India. There is an unbalance or legislation that actually almost completely ignores the obligations of the Indian government under existing international treaties, and that to me is the main guidance, a guiding post that needs to emphasize, and which does not exist currently.

CHAIR COOPER: Thank you, and we would love to see some additional materials to be sent to the Commission.

Vice Chair Davie, if you have a question, please.

VICE CHAIR DAVIE: Sure. Thank you, chair.

You mentioned that in your testimony that the National Register of Citizens in Assam has been used as a model in other parts of India.

Would you please, if you could, speak a little more about how this has been implemented and about the status of those who have been excluded from the National Register?

DR. de VARENES: Thank you very much, Vice Chair.

The pandemic has actually had a good effect, in that it seems to have delayed the process in Assam, the National Registry of Citizens and the potential loss of citizenship or non-recognition of citizenship of millions—I think about two million individuals in Assam.

There has been also the process put in place to appeal, if you will, the absence from the Registry of Citizens, has been delayed and apparently is kind of in a semi—a very slow situation. In other words, things have not been

proceeding in terms of the process to deny or not recognize citizenship, and the process also that would allow individuals to be recognized, to be added to the citizenship registry.

Apparently right now, however, there is fear that this situation of uncertainty is actually still very difficult or even dangerous for almost one million or more than one million, almost two million, individuals whose status is uncertain, and they are being denied access to basic services, for example, because their status is undetermined.

It is, there is extremely burdensome bureaucracy behind all of this, and right now things have not been moving forward because things have not been clarified, if you will, or have not been proceeding as they should since because of the pandemic.

However, there are reports that in West Bengal, another region in India, that there are some parties, some politicians, putting forward a possible registry of citizens also for that region, and there are hints that at the national level

there may be something like this also be considered.

VICE CHAIR DAVIE: Thank you very much.

I yield to the chair.

CHAIR COOPER: Thank you.

Commissioner Wolf.

COMMISSIONER WOLF: Well, thank you very much for your testimony. It was very informative. I was writing some notes down, and I have two questions basically based on what you said.

Do you personally, and I think it's important personally, your view, do you personally believe that Prime Minister Modi could change what is taking place in India?

And part of that question, does Prime Minister Modi care about what you and others are saying about him?

DR. de VARENES: I wish I knew. I would answer, Commissioner, in the following way. Politically, it may, if pressure can be exercised by United Nations, the United Nations, independent experts, and especially national governments, on

the Indian government and Prime Minister Modi, there is potential, there's always a possibility of a change of direction of delaying certain actions that are quite clearly massive and perhaps even approaches, if that's a correct word.

Therefore, politically, it may be able to exercise enough pressure to convince the Modi government that the time has come to actually change certain policies.

One should never underestimate a possible impact of international pressure, especially coming from allies of the United States.

The case of Manipur, I think that I illustrated, is an example of this. It was because of international attention, and I would say pressure, that you have a number of men who have committed the atrocities and the alleged rape of the Kuki women, it was only after this international focus appeared that state authorities in India actually proceeded to the arrest of those who may have been the perpetrators.

So I think politically there is a great

deal that could be done, but it is, one has to admit, and I personally view it, necessary to put pressure on the Modi government, on Prime Minister Modi, in many different levels.

And I take these opportunities as, if I may, I noticed that you had a hearing on the status of Tajikistan. I am going to Tajikistan on a country mission, as a matter of fact, in a few weeks.

I do know the situation in Tajikistan. The situation in Tajikistan pales when we look at the massive and the degree of atrocities committed in India on the basis of religion. And so if it seems that if one country such as Tajikistan is a Country of Particular Concern, given what we know about India, the logic would seem to suggest that India should be considered along those lines.

COMMISSIONER WOLF: Well, thank you.

You answered the second question before I asked it, and so I'm going to add a little bit to it.

It was what could we do or what could be

done to change what is taking place? And I think you answered that really before I asked the question.

So the last question I would have is—I don't know anything about the gentleman—can you appeal to his better angels and who, who in the world has the ability to sit down and say dear Mr. Prime Minister, this is not good, and for your future and for the future of India, for the good, does he, can you appeal to his better angels, and who could do that, do you believe?

DR. de VARENES: Thank you.

COMMISSIONER WOLF: And again thank you. I've learned a lot. I appreciate your testimony.

DR. de VARENES: Thank you very much, Commissioner.

I'm an optimist. By the way, in my job you have to be an optimist--

[Laughter.]

DR. de VARENES: --if you're involved in human rights.

There is a saying. I'm not sure how to

translate this in English. But you always have to be honest when you're dealing with friends or allies in order to make sure that they behave in the right way.

And the United States is a very close ally to India. It is a democracy, and as a democracy, I think there are much, much, much that needs to be said in all frankness and honesty.

In my view, it is for the government of the United States to be very frank here and indicate there are serious areas of concern, and as a friend and an ally, these have to be addressed in order to ensure, well, peace, stability and justice because if we don't have that, we are heading towards, as I said, a massive dangerous situation in India, and this will have repercussions on the United States.

COMMISSIONER WOLF: Thank you very much.

DR. de VARENES: Thank you.

CHAIR COOPER: We have nine commissioners. Our good friend David Curry has been in direct contact with members of the Christian community and

other minorities in India, and I have the privilege of asking him to ask you a few questions.

COMMISSIONER CURRY: Thank you, Chair Cooper.

Can you all hear me okay? I appreciate your comments. They ring true to me. I've become convinced that India has the most sophisticated, systematic persecution of religious minorities by any democratic government, and I don't say that lightly.

When you talk about harassment of journalists, others, you have both agents of the government and non-agent. We see this in America where they are harassing Indian citizens who live here, elsewhere.

Does the U.N. track that in other countries? Is that part of your mandate to track the harassment of the Indian government against religious minorities who are in other outside of India? Trans-international repression? That sort of thing?

DR. de VARENES: Yes, indeed. Thank you

very much, Commissioner, for that question.

Even as part, as a Special Rapporteur, my mandate as Special Rapporteur on religious, on minorities, I look at the situation of religious minorities in all countries of the world, in a sense.

Although there are also other entities, U.N. entities, that also will look at violations of freedom of religion, which overlaps religious minorities, around the world, and we have different mechanisms, in other words. There are different committees that look into such matters.

So there are many different branches, in fact, that do focus particularly on violations, not only on India but every country in the world as such.

COMMISSIONER CURRY: I think as it relates to Commissioner Wolf's comments, that there's much that the United States and the U.N. and others can do to draw attention to this because there are very serious implications.

My second question, then I want to give

the floor over to my other commissioners, I've heard of drafts of a new constitution which denied voting rights to Muslims, Sikhs, Christians. You mentioned, referred to a citizenship issue for some Muslims. Have you, is the U.N. tracking that at all? Is it aware of any constitutional drafts that would deny voting rights?

DR. de VARENES: I am not aware of that being the case, if there is any. I would suspect there are, but I'm not privy to that information as such.

May I take this opportunity to perhaps raise one of your closest allies and neighbors, what has occurred in Canada and the Prime Minister raising certain allegations, quite serious allegations, of Indian agents perhaps being involved in the assassination of a Canadian citizen who is a Sikh. And, as you know, the Sikhs are a member of a religious minority.

Without commenting on the veracity of this because many things are still uncertain, this is important in terms of making sure the message is

sent clearly to the government of India that certain types of conduct are not acceptable.

I repeat the three words I used earlier: massive, systematic, and dangerous. And as an ally, the U.S. should also raise all of its concerns very directly, and perhaps bluntly, because the situation, if I can perhaps make a personal observation and conclusion, the situation in India in terms of religious freedom and the discrimination and exclusion of religious minorities is one of the worst in the world.

COMMISSIONER CURRY: Thank you so much for your comments.

CHAIR COOPER: Just before we go on to Commissioner Schneck, let me just ask what role, if any, do you see the European Union playing in this situation? Obviously, you represent the United Nations. You have correctly underscored the need for the United States to pay closer attention.

The horrific event took place in Canada. The EU is an extremely powerful economic bloc. What role, if any, do you see the European

countries in this issue?

DR. de VARENES: I wish the European Union would listen to me, but I will be in the European Parliament actually in a few days actually. I think all international and regional organizations that are committed, if you will, to principles of democracy and human rights have a moral, and I would even say legal, obligation to exert pressure on India in any way they can.

If we forget the moral principles on which we are built upon, then we are supping with the devil, to use a rather colorful expression.

This is a very, I would say, historical moment, a pivotal moment. We actually have to be honest and frank and firm in order to have the situation change, and that includes the United States and the European Union and all other international or regional organizations whose mandate actually are based on principles of either democracy or rule of law or values of inclusion and integration.

CHAIR COOPER: Thank you.

Commissioner Schneck.

COMMISSIONER SCHNECK: Thank you, Chair
Cooper.

Everyone hear me all right? First, Dr. de
Varenes, let me express my gratitude for your
being here today and how much I appreciate and am
moved by the alarming testimony that you've given.

Massive, systematic, dangerous are the
three words you used to describe the situation.
Last November, I had the duty to be part of a
mission of USCIRF to Cox's Bazar in Bangladesh to
witness firsthand the implications of genocide, the
genocide occurring in Burma.

One of the first groups, in fact, that we
visited at the refugee camps in Cox's Bazar was a
Hindu group that had been expelled and had become
refugees as a result of the situation there.

So I'm wondering if we're not seeing the
seeds of something in India that might point in a
similar horrible direction?

If something is not done, Dr. de Varenes,
could we be seeing the start of something that

might truly be genocidal? I'll leave it at that.

DR. de VARENES: Thank you.

The short answer is possibly yes. The longer answer is that there are lessons to be learned. When you deny citizenship to large groups of people because of their religion or race, that prepares the ground to treating them as lesser, lesser than you, lesser humans, in a sense.

We've seen it with the Holocaust and, in fact, when Nazi Germany removed citizenship to a number of Jews in Germany. We've seen what has happened in Myanmar, in Burma, when one million Rohingya, mainly Rohingya Muslims, were denied citizenship, treated as "others," dangerous, lesser deserving.

That created not only a humanitarian crisis, but a situation where genocide and attempted genocide was easier to commit.

It's not a leap of, too much of a leap of logic to say that we are creating the conditions where something similar could happen because in Assam, they're in the process, it's not finished,

but in the process of denying almost two million people citizenship because they are "others," mainly once again because of their religion and race.

And so we are creating conditions where this, the most atrocious of crimes, could potentially happen again. Yes.

CHAIR COOPER: Thank you.

And our last, but not least, Commissioner, our good friend, Commissioner Magid, if you have a question, last question for the Special Rapporteur?

COMMISSIONER MAGID: Thank you so much, sir, for your testimony this morning.

I would like to ask you about the arresting and detaining of imams in the Kashmir region, and the use of law, the Public Safety Act, and there's any way that this matter of detaining the imams and religious leaders in this act can be addressed in terms of creating a mechanism of bringing those imams and religious leaders being arrested to the attention of various governments that are, you know, friends with the Indian

government?

The other issue, that issue of censorship. I know that some religious leaders, reading reports, their ceremony being censored, whether Christians or Muslims.

I want you to shed light on this.

DR. de VARENES: Thank you very much for your question, Commissioner.

I think it is important to keep in mind that there have been efforts from international organizations. I have issued a couple of communications on the situation in Kashmir, and the situation in Kashmir also began a number of years ago, but particularly from 2019.

I think what is important is to always draw attention on the need to guarantee the human rights of everyone, including religious minorities, imams, and others, and to emphasize India's obligations in that regard.

India, and this is on the public record, has often claimed or asserted that because it's a democracy, and it respects rule of law, that we

shouldn't worry about the situation in India.

I would say that that's a facile response. But what is important is to ensure that it is a democracy which complies with the rule of law in respect of international human rights obligations.

And that last bit is missing, and this is the part I believe very strongly we have to emphasize, the law is being misused here in ways which unfortunately is possible as law because they are not fully respecting, complying with the rights of the people in Kashmir and religious leaders such as imams in Kashmir.

We have tried or I have tried to some extent to raise the visibility of this issue and to increase the pressure. I've even raised some of these issues before the U.N. Secretary General in New York and at the U.N. Human Rights Council in Geneva.

What needs to be done is more pressure from, in my opinion, from governments, from allies, of India to make sure that they remember that democracy with law also needs rights guarantees,

and right now you are not, you do not have the right balance in this, which allows this kind of conduct to be conducted with relative impunity.

Once again, it is very important for the United States, Canada, the European Union, and others to actually raise not only their concerns but increase their pressure in a very strong, assertive, frank way.

And we are doing a somewhat this at the United Nations. I believe you'll be seeing more efforts in that direction, and this is perhaps one way that you can build enough pressure to have certain gestures made.

As I said, even the case of Manipur, we were able to have individuals arrested for what occurred to the Kuki women. At the governmental level, it has to be from the governmental level, government to government also that more is being done in a strong but firm way.

COMMISSIONER MAGID: Thank you so much.

CHAIR COOPER: Thank you, Special Rapporteur, for being here and for actually

threatening to give the United Nations a good name.

[Laughter.]

CHAIR COOPER: This is a week they need all the help they can get so we're pleased you're here in D.C., and thank you for your guidance.

DR. de VARENES: Thank you, I think.

[Laughter.]

CHAIR COOPER: It is a compliment, sir.

We have a lot of ground to cover so we would like to ask the second set of witnesses to come to the table. Take a minute or so to get organized, and we're going to take about a 90-second break here just to stretch our legs.

[Whereupon, a short break was taken.]

CHAIR COOPER: So we were just talking during the break. If we read the full bios of the four distinguished presenters today, I know it would make their moms happy, but I don't know how much time would be left to actually have the interaction that the Commission is very much looking forward to.

So I'll do my best to do some editing, and

I apologize in advance for pronunciation errors, which will be a given, and for leaving out important facts that members of the family would be incensed if they found out we edited them.

We have four distinguished panelists for the second session, a lot of ground to cover, and I think a lot of different perspectives, which is something that the commissioners here especially are appreciative of our fantastic staff. We wouldn't really be in much a position to do anything without them. They're all here this morning, and, yes, that is in lieu of getting a raise right now.

Our first panelist, Tariq Ahmad, is the Foreign Law Specialist for the Law Library of Congress in Washington, D.C.

He has provided legal research reports and memos for congressional staff and committees, executive branch agencies, the federal judiciary, and the general public since joining the Law Library of Congress in 2010.

His research work, and perhaps the main

reason why he's here this morning, covers mostly South Asian jurisdictions, including India, Pakistan, Afghanistan and Bangladesh.

He takes a particular research interest in religion and law issues in South Asia and has drafted reports on the validity of Islamic and Hindu marriages in Pakistan and India, and on blasphemy and anti-conversion laws in the region.

Mr. Ahmad holds degrees in international law from American University's Washington College of Law, an LLB from University College in London. He also holds a BA in political science from Ohio State University.

Our second witness, Sarah Yager, is well known here in Washington. She is the Washington Director of Human Rights Watch.

Prior to joining, she was the first senior advisor on human rights in the Chairman's Office at The Joint Staff of the U.S. Department of Defense.

And prior served as Deputy Chief of Staff of Policy at the U.S. Mission to the United Nations under my good friend, Ambassador Samantha Power.

I'd like to hear more about that as a sidebar, but it won't be for today.

For nearly a decade, Ms. Yager was Executive Director of Center for Civilians in Conflict, leading efforts to advise warring parties on civilian protection and responsible use of force.

Sarah holds degrees from Georgetown and Columbia Universities, is a member of the Council on Foreign Relations, a board director at the Center for Civilians in Conflict, CIVIC, and an adjunct professor at Georgetown University, as well as a professor of practice at Arizona State University.

Our third presenter this morning, Sunita Viswanath, is the Executive Director of Hindus for Human Rights.

She's worked for over 30 years in women's rights and human rights organizations. She's co-founder of Hindus for Human Rights in June 2019 and also serves as a board member.

In 2001, she co-founded the international

women's human rights organization, Women for Afghan Women, and served as board chair until 2022.

There's so much here. She was honored by President Obama at the White House in 2015 as a "Champion of Change" for her work with Sadhana.

In 2021, she was recognized by the Center for American Progress as one of 21, quote, "faith leaders to watch."

She's an advisory board member at the Population Media Center, and is a board member of the Dalit Solidarity Forum.

She is one of five Hindus appointed to New York City Mayor Eric Adams' Faith Transition Team, and the only Hindu in December 2021 Marquis Who's Who list of faith-based influencers.

During today's hearings, Sunita will be reading a joint statement on behalf of Dalit Solidarity Forum, the Federation of Indian American Christian Organizations of North America, the Indian American Muslim Council, the India Civil Watch International, and the New York State Council of Churches.

Our final presenter, Irfan Nooruddin, is the Hamad bin Khalifa Professor of Indian Politics in the School of Foreign Service at Georgetown University.

His books are *The Everyday Crusade: Christian Nationalism in American Politics*, *Elections in Hard Times: Building Stronger Democracies in the 21st Century*, and *Coalition Politics and Economic Development: Credibility and the Strength of Weak Governments*.

It sounds like a good list of prayers for the faithful to undertake.

Dr. Nooruddin studies comparative economic development and policymaking, democratization and democratic institutions. He's been a Fellow with the Woodrow Wilson International Center for Scholars here in Washington and was formerly Senior Director for the Atlantic Council's South Asia Center.

He has a Ph.D., University of Michigan, and a BA from Ohio Wesleyan University. He was born and raised in Bombay, India.

What an amazing and distinguished panel.
Let us go and start with you, Tariq.

MR. AHMAD: Thank you.

Honorable Chair, Vice Chair, esteemed commissioners, it is an honor for me to appear before you today to testify, and I thank you for the opportunity to address this critical issue.

My name is Tariq Ahmad, and I'm a Foreign Law Specialist at the Law Library of Congress where I focus on South Asia and have a particular interest in law and religion issues.

In today's testimony, I've been asked to provide an overview of the general legal framework for protection of religious freedom in India and how particular laws are used to discriminate against religious minorities.

Given the time limit, I'll be focusing on state anti-conversion laws. India is a diverse country with a Hindu majority population but with significant religious minorities, including Muslims, Christians, Sikhs, Buddhists, Jains, among others.

While the Indian constitution guarantees certain fundamental rights and freedoms to all its citizens, including the guarantee of freedom to profess, practice, and propagate one's religion under Article 25, there have been concerns and debates over laws and incidents that have been seen as discriminatory against religious minorities.

Some of these concerns have been raised previously as well in regards to the state level anti-conversion laws and cow slaughter laws.

India's Freedom of Religion Acts, or "anti-conversion" laws, are state-level statutes that have been enacted to regulate religious conversions.

These laws began to be introduced in the 1960s after failed attempts to enact an anti-conversion law at the union, or central, level and were first enacted in the states of Orissa and Madhya Pradesh.

At present time, such laws are in effect in at least 12 out of 28 states. While there are some variations between the state laws, they are

very similar in their content and structure. All the laws seek to prevent any person from converting or attempting to convert either directly or otherwise another person through misrepresentation, force, fraud, undue influence, coercion, allurement, or marriage.

Many of these terms have been criticized as being vaguely defined, lacking clarity and precision, which makes the laws easy to misuse or abuse.

Most of these laws include a provision on prior government notice or approval of a conversion within a prescribed period from the person converting and/or the person or priest who is conducting the conversion.

Some states appear to exclude reconversions to, quote-unquote, "parental," "native," and "original" faiths from their prohibitions, which raised the criticism of discriminatory treatment of non-Hindu faiths.

Penalties for breaching the laws vary from state to state and can range from monetary fines to

imprisonment with punishments ranging from one to five years of imprisonment, and some of the laws have been updated to up to ten years as well, and fines from 5,000 rupees up to 1 lakh Indian rupees, which is between \$60 to \$1,200.

Some of the laws provide even stiffer penalties if they're women who are being converted, children, or members of scheduled casts or scheduled tribes.

Some anti-conversion laws have also been criticized for having a reverse evidentiary/onus clauses where the accused has to prove that the conversion was conducted without force or consent.

More recently, since 2017, several states have passed freedom of religion acts or updated preexisting ones that attempt to regulate religious conversions and include controversial marriage provisions, sometime pejoratively referred to as "love jihad" laws.

In 1977, the Supreme Court examined whether the right to practice and propagate one's religion also included the right to convert. The

Court upheld the validity of the earliest anti-conversion laws in Madhya Pradesh and Orissa on the basis that propagation only indicated persuasion exposition without coercion and that the right to propagate did not include the right to convert any person.

The Supreme Court also relied on state legislative subject, subject matter, of public order to find that the laws clearly provide the maintenance of public order if forcible conversion had not been prohibited that would create public disorder in the states.

More recently, some high courts have begun to scrutinize, water down, or strike down more onerous provisions of these laws. For example, in 2012, the Himachal Pradesh High Court declared the offending statutory provision regarding informing authorities in advance regarding a change in religion, and they struck down that provision.

In 2022, Gujarat High Court put a stay on several sections of the Gujarat Freedom of Religion Act, including sections on conversion through

marriage and prior permission provision.

And then in November 2022, the High Court in Madhya Pradesh state issued an interim order where the court stated that adult citizens who convert to marry of their own volition must not be prosecuted for violating a provision requiring a declaration from a district magistrate before a person converts to a different religion.

However, other high courts have also taken a different approach in providing guidelines on conversions and inter-faith marriages or through ordering inquiries to see if conversions are being conducted according to the law.

Proponents and advocates of anti-conversion laws believe that these laws are necessary to protect the vulnerable sections of the populations for what they describe as "predatory proselytization" and to preserve the harmony of society.

Human rights organizations and institutions have expressed concern over the years about the lack of equitable treatment within these

laws and the misuse of these laws against religious minorities, as well as their human rights implications.

Despite criticism of India's anti-conversion laws, some human rights bodies, including USCIRF, have acknowledged that in late 2000s and 2010s, these laws have rarely resulted in arrests, and there have been no convictions.

However, in more recent years, while enforcement of these laws still varies across different states, active arrests appear to be on the rise in certain states though exact numbers are hard to come by.

Nevertheless, as has been noted by USCIRF and other human rights or groups, these laws have been used to harass interfaith couples, create a hostile and violent environment for religious minority communities, and to encourage vigilantism.

This brings my testimony to an end. Thank you for your commitment on these issues and giving me the opportunity to share my thoughts with the Commission.

CHAIR COOPER: Thank you so much, Tariq.

I urge everyone to read the full testimony. There's a lot there to absorb. We appreciate it very much. A lot to learn from all.

In order to make sure that all of our witnesses are going to be heard, we're going to take all the testimonies first, back to back, and then we'll go to the Q&A.

So Ms. Yager, the floor is yours.

MS. YAGER: Thank you.

Your Commission's focus on religious freedom is timely and welcome. Thank you so much for having Human Rights Watch here.

I am the Washington Director of Human Rights Watch, which means that I collected a lot of evidence of human rights abuses from my colleagues who work full-time on India. I, of course, engage with the Biden administration, trying to get them to do better in the world. So you will hear very brief summary of the abuses that we are collecting and then some recommendations for the U.S. government, both the administration and Congress.

There has been an undeniable increase, as we've heard today, in the number and frequency of attacks against religious minorities in India, especially Muslims and Christians, and that appears to stem largely from the 2014 election of Prime Minister Modi and his Hindu nationalist party, the BJP.

I want to make a distinction here between India and India's leaders. So the abuses that I am about to describe come from India's leaders and the recommendations are to India's leaders.

The Indian government is obligated under international law to protect religious and other minority populations and to fully and fairly prosecute those responsible for discrimination and violence against them.

The government of India is routinely failing to uphold these obligations. BJP leaders and affiliated groups across India have a long track record of stigmatizing religious minority communities, making divisive hate-filled remarks against Muslims, particularly around state and

national elections, and of course this is something we are worried about coming into the 2024 general election.

Just as we would expect from the U.S. government when responding to racism and xenophobia, we expect the Modi administration to publicly condemn these remarks and warn that incitement to discrimination, hostility and violence by BJP supporters against minorities will be prosecuted.

BJP leaders have embedded prejudices into government agencies and formerly independent institutions like the police. Clashes between BJP supporters and Muslim communities are often provoked, for instance, during Hindu religious processions, in which some people brandish swords and other weapons and chant anti-Muslim slogans.

Police action responding to the resulting violence is almost always biased, with Hindu government supporters largely protected from arrest and prosecution while religious minorities are unlawfully targeted.

The BJP government has also adopted policies that legitimize discrimination and exclusion of religious minorities.

The most obvious case is the citizenship law passed in 2019, which discriminates against Muslims.

Also, in 2019, the government revoked the special constitutional autonomy granted to Jammu and Kashmir, India's only Muslim-majority state, and has arrested activists and journalists on vague terrorism allegations.

Other laws are being misused to specifically target Christians and against inter-faith couples.

So Human Rights Watch has catalogued many, many more abuses that we submitted in our written testimony.

Let me get to what the United States should do. We hope and have been pressing the Biden administration and members of Congress to publicly speak out about the Indian government's abusive and discriminatory policies and practices

against religious minorities, as well as hate speech by ruling BJP members and officials.

Why do we want this condemnation to be public? Because clearly diplomatic channels are not enough to affect the actions of the Modi government, which cares deeply about its image and its reputation in geopolitics.

Prime Minister Modi was warmly welcomed in Washington, as we remember, very recently by the White House and Congress. With this unmitigated demonstration of support by U.S. officials, we question what reason he has to change course.

We're also concerned about the safety of human rights defenders who speak out against the Indian government's abuses. We urge the State Department to increase its support to Indian civilian society activists and human rights defenders, and to publicly defend them where and when necessary.

Finally, a word on China. The looming specter of China's increasing partnerships around the world comes up in nearly every meeting I have

in Washington related or unrelated to China. Apparently everything is related to China. But China's rise cannot be an excuse for U.S. officials to overlook, ignore or play down the human rights abuses of its friends.

Unfortunately, this is precisely what we are seeing. India's leadership can change course. The country itself, its institutions, and its people have the muscle memory to reinvigorate its democracy and to respect human rights. But India's friends and its allies need to be tougher and to lead with their values.

Thank you.

CHAIR COOPER: Thank you very much for sticking to the five-minute rule. That was extremely impressive, and thank you for your specific suggestions, which we'll focus on as well in the Q&A.

Sunita, before you arrived, we did read your, the full bio that was presented to us, but, more importantly, we've already announced that your statement is going to be made on behalf of about

seven different organizations, which we've listed, and so we invite you to make your presentation now.

MS. VISWANATH: Thank you for inviting me to testify.

We, our coalition, the organizations that you already announced, are disappointed that Muslims, Christians, Sikhs and Dalits, who face the brunt of religious freedom and human rights violations under Indian Prime Minister Narendra Modi, have not been invited to speak on this panel.

The Biden administration is in denial of religious persecution in India, failing to call out India's persecution of its 250 million Muslims and 40 million Christians.

In June, President Biden shocked the world by applauding India's, quote, "open, tolerant, robust debate" with Modi standing next to him at the White House, just two days after 75 members of the U.S. Congress had written to President Biden expressing concern over the shrinking of political space, the rise of religious intolerance, the targeting of civil society organizations and

journalists, and growing restrictions on press freedoms and Internet access in India.

Yesterday, the New York Times wrote: "Mr. Biden has soft-pedaled any criticism of the increasing suppression of minority groups and opposition voices in India, and the encouragement of Hindu nationalism under Mr. Modi."

Two days ago, the Canadian Prime Minister accused India of assassinating a Sikh Canadian citizen. If true, it would be a reminder that the dangerous Hindu nationalist violence has reached our shores.

Many Americans have been intimidated and harassed by and received death threats from Indian operatives. To them, India's possible complicity in this assassination has an element of plausibility. This is bound to have a chilling effect on civil rights activism in India.

We implore the Biden administration to urgently acknowledge that India under Modi is on a dangerous and alarming path towards religious authoritarianism and is undeniably a Country of

Particular Concern.

Encouraged by America's silence, the fanatical and murderous ideology of Hindu nationalism in India has now reached a new low, instigating horrific violence against Christians and Muslims, including extrajudicial killings, mob lynchings, arbitrary arrests and demolition of their homes and places of worship.

Graphic sexual violence against women has sharply risen, most horrifically demonstrated in a viral video from Manipur state. Of course, such violence against Dalit community predates the Modi regime, but has significantly become worse since his coming to power.

Since May, more than 180 people have been killed, 400, at least, churches burnt to the ground, and 50,000 Christians driven from their homes in Manipur.

This violence has been carried out by militant mobs, supported and armed by the state administration run by the BJP, Modi's party, and egged on by the police.

In Uttarakhand state, mobs backed by the BJP ruled administration have forced thousands of Muslims to flee as their homes and businesses were demolished.

We also object to the Modi government's closing of FCRA accounts, which has barred American charities from continuing to serve the needs of marginalized Indian people.

We decry the misuse of conversion laws to stop both Indian and American Christians from doing charitable work. And we object to the intimidation, denial of entry, and even detention of American visitors to India, who represent religious minority groups.

Sadly, the man at the apex of the escalating violence against religious minorities, Narendra Modi, is being feted by government after government, including ours, who are paying lip service to human rights.

The rejection by the Biden and Trump administrations of USCIRF's recommendation to designate India as a CPC for three years in a row

is a troubling precedent.

If the Biden administration continues its uncritical embrace of the Modi government despite mounting violations of religious freedom and human rights in India, America will carry the burden of being on the wrong side of history.

USCIRF's credibility has historically rested on its mandate to remain independent in calling out religious freedom violations worldwide without political interference.

Only USCIRF is in a position to speak truth to power, as it has, by recommending that the U.S. designate India as a CPC and sanction Indian officials engaged in religious persecution.

The first step to advancing religious freedom in India within U.S.-India bilateral relations would be for Secretary Blinken to designate India as a CPC in December.

As a Hindu, and as the Executive Director of Hindus for Human Rights, I reiterate that we stand unequivocally in solidarity with India's minority communities.

Our Hindu faith and Indian democracy have pluralism and religious freedom at their heart.

Some of our allied organizations have submitted separate statements, which they would like entered into the record.

That's the end of my remarks. I request the chair to please allow a member of the Muslim American community to speak for one moment in the spirit of allowing the agency of targeted minorities.

It would be one minute. Would you allow this?

CHAIR COOPER: I'm afraid that I'm going to have to play the bad guy and not only for one reason. I know from our Executive Director that we have six requests from six very respected groups, all of whom don't need the stamp of approval from USCIRF, but for the purposes of this hearing and the quality of the people who are scheduled and the time limit we have on this room, I just can't afford it.

So, thank you, Sunita. I'm going to come

to you again on the Q&A.

Irfan. Irfan, if you will start your--

MS. VISWANATH: Sir, I have—I have--

CHAIR COOPER: By the way, just to

reiterate, all of the groups that you referred to, they have written testimonies. They'll be included directly into the hearings and be available on our website.

MS. VISWANATH: Thank you.

CHAIR COOPER: Irfan, the floor is yours.

DR. NOORUDDIN: Good morning.

Thank you so much for having me here. My name is Irfan Nooruddin. I'm a professor in the School of Foreign Service and Department of Government at Georgetown University. I study Indian elections and politics, global democratization, and democratic backsliding and religious nationalism.

My colleagues have described in considerable detail the policies and laws enacted in India over the last decade that imperil the practice of religious freedom in that country and

with it risk dealing a fatal blow to the unique experimental secular, multi-ethnic, multi-religious democracy envisioned by India's independence movement.

I will therefore use my time to focus elsewhere on the societal transformation occurring in parts of India that fuel such religious bigotry and violence. This should concern all who wish India well.

These changes I will argue are more challenging in some sense for foreign observers to understand, yet perhaps also offers the U.S. government its best opportunity to pressure the government in India to defend the values of pluralism, equality and liberty that leaders of both nations claim to share.

India's challenges with religious freedom are not new nor are they the result of any one political party or government. There is quite bluntly plenty of shame and guilt to be shared by the ostensible guardians of India's public institutions who are charged with safeguarding the

constitution's commitment to secular democracy.

Indian governments and politicians of all stripes have sought to inflame religious tensions by polarizing the electorate to gain an advantage at the polls.

And too often such cynical electioneering spills over into outright violence. As far back as the 1950s, India's newspapers document large-scale riots in which hundreds lose their lives, many more are maimed and scarred, and countless more lose what little property they possess to rampaging mobs.

The deadly riots that rocked Bombay in January 1993 followed a month-long provocation that culminated in the gleeful destruction of an ancient mosque in Ayodhya.

The 2002 pogrom in Gujarat is another. In each, over a thousand people were murdered in their homes and on the streets in just a matter of a few days.

In February 2020, while the U.S. president was in Delhi, across the town, there was another

riot in which 53 people were killed, mostly Muslims.

This summer, we have seen what happened in Manipur.

But while this record is ugly and long, by all available metrics, incidents of riots and of everyday incidents of bigotry against minorities have increased dramatically since 2014, and especially since 2019.

If such large-scale conflagrations are the crescendos, then the steady drumbeat of this very macabre score is the everyday violence that has grown over the past decade.

Vigilante groups, in a manner reminiscent of the darkest periods of American history, harass, beat and murder Muslim men rumored to be smuggling beef, dating a Hindu girl, or insulting a deity.

No evidence is required, and of course even if the charges were true, none of these are criminal acts, and these vigilantes have no authority, and yet act they do.

They do so knowing fully well that the

authorities are unlikely to take any action or hold them accountable. Indeed, a running joke today is that it is far more likely that the victims will be charged by the police on the grounds of inflaming religious tension than any perpetrators.

In Gujarat, in 2002, over a thousand people were killed. Virtually no convictions were made. Eleven men who were convicted have just been released, even though they had life imprisonment sentences. This summer another 69 were acquitted. A thousand people dead; no one in jail for justice.

The fact that the government of the day does nothing to stop such violence or to enforce the laws of the land, generally it's what I term "majoritarian impunity."

In election speech, dog whistles and by overt action. A minister of the central government garlanding eight men charged with murdering a Muslim man, they accused of transporting beef.

A well-oiled information cell amplifying hate on every available platform, even as the government cracks down on critics and dissenters,

by forcing U.S. social media companies to delete accounts, censor content, or risk losing FCRA licenses. The message received is loud and clear: we have your back.

So what can we do? Given the messages sent to Delhi by the executive and legislative branches across multiple administrations, it's hard not to be cynical and not to assume that the problem is not a lack of policy options but rather a lack of will and commitment.

Yet, a constructive suggestion maybe. If my analysis is correct, attacks on religious freedom today involve the government's silence and lack of action rather than any explicit involvement in ordering and carrying out the attacks.

Perhaps this offers an opening for the U.S. government to call upon its alleged partner to speak more clearly and act more decisively to defend religious minorities by keeping the focus on how the government might act to curb societal excess.

We can offer to share America's hard-

learned lessons of combating segregation and racial violence and of how U.S. anti-discrimination legislation regulation are enforced and given teeth.

The rhetoric of every joint statement issued by the U.S. and Indian government proclaim the shared commitment to the principle of unity and diversity.

Let's offer India to work together to achieve this goal. Their response will reveal much about the future of India's religious freedom.

CHAIR COOPER: Thank you.

DR. NOORUDDIN: Thank you.

CHAIR COOPER: Thank you, Irfan.

I'd like to actually start. I'm going to ask a question all four panelists, if they wish, can take.

I want to start following up directly with you. There, as you know, there's been increased trade discussions and deals made between the U.S. and India over the last few years.

If you can try to go into some more detail

about how can U.S. officials include religious freedom as a focus of these conversations?

DR. NOORUDDIN: Thank you, Chair Cooper.

The U.S.-India trade relationship is one of the bright spots of the bilateral relationship. It has grown dramatically, and India plays a potentially critical role in the Biden administration's commitment to build supply chain resilience.

This offers, therefore, a lot of leverage, especially if American private sector companies look to India to diversify their global production chains, but also to explore the huge market that India represents.

But what we have ignored is that American private sector activity in India is also endangered by the religious intolerance that has grown. American companies stand risk of being attacked by the same forces in society.

An ad campaign that promotes, for instance, a Hindu man and a Muslim girl together or vice versa could suddenly become the target of all

sorts of atrocities within the community who are for inflaming religious tension.

The social media companies, mostly American social media companies, are under incredible pressure by the Indian government to take down content that the Indian government claims is promoting anti-national attitudes.

YouTube reports that India is the single-largest source of take-down requests. Twitter is doing the same. Facebook is doing the same. What can the U.S. government do to support those?

But on your direct question, chairman, I would argue that the trade conversation that's going on needs to embed the commitment made publicly by U.S. Trade Representative Katherine Tai to build environmental and social considerations into U.S. trade policy.

If we're going to be talking about signing a U.S.-India trade deal, a conversation that's been ongoing for many years, the current situation would suggest that this provides us tremendous leverage. Access to the U.S. market is a key desirable for

the Indian government. It is good for the Indian economy.

So I think it gives us a chance to say, hey, these are not independent of each other. We want to make sure that American businesses doing work in India are protected. Muslim employees of those American businesses are protected. Sikh and Jewish employees are protected. That American businesses can act in ways that are consonant with their shareholders' interests but also in ways that are in consonant with their values without fear of coming under persecution by the Indian government and by vigilante groups in society.

So I think there's a lot of opportunity to link these issues, and I appreciate your question.

CHAIR COOPER: Thank you.

Sunita, would you like to make a comment?

MS. VISWANATH: Yes. I think we all want for India and the United States to be trade partners, political allies, friends. What kind of friend will we have in India if India's democracy collapses?

What kind of trade partner will we have if the religious minorities in India face an existential, literally an existential threat to their existence? That's a question for our country.

And in terms of a trade partnership, when there's worldwide news, it's in all the headlines, of the corruption at the heart of the relationship with India's largest corporations and the government, is that a trade partner that the oldest democracy in the world seeks?

CHAIR COOPER: Thank you.

Ms. Yager, you know a little about these kinds of questions. If you can add some specifics, it would be very helpful.

MS. YAGER: Sure. I'm not sure that I could add specifics about trade necessarily with India, but I will say that the Biden administration is, I think, going in the wrong direction in a number of countries on this front by not including human rights in these types of agreements, trade agreements, defense agreements.

And certainly when you see this kind of repression, it causes instability. That, of course, becomes a rotten thing within the agreement and actually causes instability here in the United States, whether economic, security or otherwise.

So I would just say that this is obviously a very important issue, and it's not one that is brought up enough.

CHAIR COOPER: Thank you.

Tariq.

MR. AHMAD: I think my colleagues have covered it.

CHAIR COOPER: Okay. Thank you for that.

I'm going to ask Commissioner Wolf to ask the next question.

COMMISSIONER WOLF: Thank you, Mr. Chairman.

I want to thank you for the testimony. It really was very, very good.

I would not rely on the business community because we see genocide against Uyghurs in China, we see Cardinal Zen being prosecuted in Hong Kong,

we see the genocidal activity against the Buddhists in Tibet, we see the Falun Gong, and we see prominent businessmen flying to China and sitting down with Xi and saying how great it is. So I would not count on it.

The business community, we need—President Reagan said the words in the Constitution and the words in the Declaration of Independence were a covenant, not only with the people in Philadelphia in 1776 and 1789, but a covenant with the entire world. A covenant with the people of India, every denomination.

And we want to be friends with them, but we want it in the same way that Ronald Reagan did. He made it very clear: there will be changes. So I would not rely on the business community.

I have so many questions, but I guess there's one that I kind of asked the other person. Do you believe that Prime Minister Modi could change? What's taking place? If he had a spiritual, said, okay, I'm going to change today, do you think he could change?

Secondly, does Prime Minister Modi care about—you know, politicians always care about what does the press think; what do the people think? Does he care what the world is say—does he care about what the four of you have just, just said? And then that's—that's enough.

How would we change? So those questions. Does he care and does he have a better angel that we could appeal to because we want to be friends with India, with everybody in India? I have a number of good friends who are from India, and we want—but, so, how do you answer those, those questions? Just go anyway you want to.

DR. NOORUDDIN: Happy to start.

I share your skepticism over the business community. So my suggestion was instead that the U.S. government in framing these conversations about supply chains in which it will be encouraging American businesses to consider India as a destination could use that as a point of leverage.

But whether we rely simply on the private sector to do the right thing, you and I probably

share the same skepticism.

The second question I think suggests the historical record is that the Indian government is uniquely sensitive to external criticism. They react—this hearing will be covered in every major outlet. It will be covered on the news. We will come under all sorts of criticism and name calling by certain parts of the government ecosystem.

They care a great deal.

And this next election campaign will feature the clips and photo opportunities from the state visit, from the G-20, from the Prime Minister's visit to Bastille Day in Paris.

He has, in fact, invested a tremendous amount of political capital in building his image as a global statesman since 2014.

You know, President Obama wrote his blurb in the Time magazine's feature where he was rated one of the hundred most powerful people in the world. Obama provided a blurb and the photo opportunities of Obama and he going to the MLK Memorial were plastered all over the country.

So I do think in Mr. Modi, you can appeal to sort of what his legacy is going to be and what a partnership of India is going to be.

I do think also focusing just on Mr. Modi is a mistake. Much of what I would argue is occurring is occurring at much lower levels of the government. It's occurring because, in fact, not enough is said, and those are forces in society that have their own private relationships with the United States.

What I would love to see is actually the kind of rules that have been announced about Bangladesh and visa restrictions for those seen as being culpable in election violence to be applied evenly across a large swath of Indian elite society that is complicit in all this.

So I think there's a lot of leverage to be gained from India's desire to be seen as a voice of the global South, to be seen as a major player on the world stage.

And at the end of the day, for all of the concerns one might raise, Mr. Modi's real modus

operandi is silence. He does not speak on these issues. And I think appealing to him to say you're a world leader, if you want to stand beside the prime ministers of Japan and Australia and the president of the United States at every Quad meeting and talk about democratic shared values, this is the opportunity to do that.

Come out and do it with us, and that, I think, is our best chance to appeal to the ego, to appeal to the ambition of somebody who really does want to be remembered as a global statesperson.

CHAIR COOPER: Okay. Thank you.

The real enemy right now here and present is the clock. So I'm going to actually ask my colleagues to ask their questions, and then we're going to ask each of our panelists to cherry pick from those questions and any final thoughts they may have.

So let me start with Commissioner Curry, and we'll go from there.

COMMISSIONER CURRY: Thank you, Chair Cooper.

I agree on your comments, that it is a lot of the local municipalities that are carrying out this violence, but I think it is worth noting that much of what we know about the persecution is because the perpetrators themselves are posting it on social media.

Why? Because they know that the government is not going to prosecute them and pursue them because they're encouraging them.

My question, however, is regarding to faith and theology, and it's my belief that this is not an outcome of Hindu theology, but really is really an offense to it, and perhaps you could speak to that or one of the other panelists?

CHAIR COOPER: Thank you.

Maybe also to expand, if you can inform us as to which religious leaders in India are speaking out on this issue?

Magid, if you have a quick question.

COMMISSIONER MAGID: Yeah. My question is misusing of laws, and you know that this not only in India, but there are many places in the world,

using, misusing of antiterrorism laws, of targeting Muslims, leaders, and so forth, especially in the region of Kashmir.

I would like you to shed light on this issue.

CHAIR COOPER: Thank you.

Commissioner Ueland.

COMMISSIONER UELAND: Just very quickly here in this lightning round. Thank you all for being here. I'll submit a few questions for the record in the interest of time.

Thanks, chairman.

CHAIR COOPER: Thank you.

And Commissioner Schneck.

COMMISSIONER SCHNECK: I'll be quick as well. It seems like most of the violence that's taking place is extra-governmental, and so we're talking about society.

And I think this question is particularly directed at Ms. Yager. A healthy civil society is in a sense a fundamental bulwark for human rights and especially for the rights of freedom of

religion or belief.

So I'm curious if we could get an update on the status of civil society institutions in India and whether actions by the Indian government are impacting civil society?

CHAIR COOPER: Okay. Let's start then with Ms. Yager, and we'll go to Sunita, Tariq, and Irfan.

MS. YAGER: Thank you.

I will absolutely submit an answer to that question in greater detail. As I said in my testimony, more support needs to be going to civil society because you're absolutely right that that is the bulwark against repression.

And so perhaps my fellow panelists can say more about that as well.

One thing I wanted to note just in my closing is to say that as a human rights advocate, I very seldom appeal to better angels. The soul cannot be governed by international law or geopolitics, but policymaking actions can.

And so while I would love to appeal to

Prime Minister Modi and the BJP party to do better, to stop what they are doing, I do find that what it's going to take is for President Biden and other leaders around the world to take significant action at this point.

This is one of those inflection points, as much as that has become a cliché in Washington. And that's why we have U.S. policy tools like trade agreements, like defense cooperation, like the nuanced diplomatic carrots and sticks that come with a state visit, the hosting of a G-20 with very little criticism around what is happening in India at that time, which simply empowers leaders who are becoming authoritarian and repressive in nature.

So with that, thank you so much for having us.

CHAIR COOPER: Thank you.

Sunita.

MS. VISWANATH: Yes. I want to first go back to the question about whether Narendra Modi cares.

I think he cares deeply that India

continues on this murderous path. That's what he cares about because he was born and raised, and he cut his teeth in the RSS, which is a far-right, I would say fascist organization, that its blueprint is to render India a Hindu nation where Muslims and Christians don't belong, have no rights, don't exist.

That is where Narendra Modi was formed, and this is, this is the path that was laid down in the founding documents of the RSS. When in 2002, when the Gujarat carnage took 2,000 or more lives of Muslims, when he was asked to comment, he made a comment that showed just how much he cares, that he cares as much as if a puppy was killed in the road. That's how much he cares.

The real question is does India care? And they will tell us next year in the election if they care about the fact that in states like Uttarakhand we mentioned, there are black crosses—it's so chilling—placed on Muslim houses and businesses, and people, Muslim families, Muslim business owners have to flee for their lives.

Around India, hundreds of Hindu citizens come together and take group oaths not to give their business to Muslims. This is what is happening in India civil society. This is happening under our watch.

This is what is happening. You asked about my faith, Hinduism. They are Hindu. My family, my community is Hindu. They are devout Hindu, and they have taken, they are veering, careening to the right, and they have lost their way.

They do not, they do not see what is happening. They are reading the misinformation. They are getting lies on their WhatsApp, and they are willfully blind. This is where we are, and I know because I'm Hindu.

Some of us, the people who reach out to Hindus for Human Rights, some people are awake and alert. We are the vanguard. Not in our name is what we say.

You asked about Hindu religious leaders that are speaking up. I don't want to say their

names because I don't want violence to happen to them. But Swami Agnivesh is no longer here. He was one radical monk that always spoke against this hatred, always, and he died, in part, his life was shortened by two brutal beatings by Hindu nationalist mobs.

And if you look at the attendance at the Parliament of World Religions just last month, you will see that quite a few Hindu religious leaders spoke for unity, and there's one beautiful thing that happened just a few days ago.

So, in December 2021, hundreds and hundreds of saffron-clad Hindu religious leaders, women and men, came together in the holy city of Haridwar and openly, proudly, you can see it on YouTube, called for a genocide of Muslims.

That was heartbreaking for a Hindu like me and the people in my organization. But there's hope. There always has to be hope. A few days ago, on 16th and 17th of September, 25 Hindu religious leaders gathered in that same holy city of Haridwar for a peace gathering.

It's 25 in a country of 1.4 billion. It's a drop in the bucket, but we need, that drop in the bucket is our salvation, and so the real question, sir, is do we care? And if we care, what are we going to do?

When 100,000, 200,000, some astronomical number of Muslims or Christians are killed in a catastrophe that is about to happen, what will we say?

Will we say that happened on our watch and we're sorry? It will be too late.

CHAIR COOPER: Thank you.

Tariq, you spoke, your presentation was about various laws. Can you take a moment about whether the rule of law will prevail in India, as you see it?

MR. AHMAD: I think that on one side we've seen like at least since 2017 a worsening of the situation in terms of how these laws, how anti-conversion laws are the central part of the political agenda of Hindu nationalist groups and political parties to make them more stiffer, to

make them more, more onerous, and, of course, and the central part is to update these laws to target interfaith couples.

So you see this worsening trend, but at the same time in terms of hope, in terms of rule of law, we do see a little bit of a trend where high courts are taking, they're not striking down these laws, but they are seeing that certain aspects of certain sections of them that they feel are a bit more onerous like prior, notice of prior approval aspects of these laws, to strike those down.

Certain marriage provisions that have been added, to look at, scrutinize those a little bit more. So there's a little bit of hope in that end.

But as our colleagues have said, this trend is only going to change if there are actually political costs to these political parties that are advocating for these laws.

And as we've seen in Karnataka where the Congress Party has come into power, they have already announced that they are going to scrap their anti-conversion laws. So there is a little

bit of hope in that end, and that when there are actually political costs, there could be some change.

CHAIR COOPER: So just before we come to Irfan, let me just say on behalf of all the commissioners and our staff how grateful we are for each of you in here today, and for the issues and the passion which you delivered your message.

I also want to just emphasize the importance of you keeping USCIRF informed because, as we speak, as far as I know, we are still officially uninvited to come to India.

We hope that the news coverage that for sure will follow in India will also emphasize that we'd like to hear from all the voices. We'd like to be boots on the ground.

And for a country as important and historically that actually taught the rest of the world religious tolerance, sort of brought it to the table, many, many centuries ago, for us to have been at this point right now, point of inflection, historically, in terms of the abuse or the use of

religion for very troubling goals is extremely worrying.

I just want to again emphasize on behalf of USCIRF and our commissioners, we'll continue to follow what's going on. But, please, when there are 25 religious leaders who do speak up, whatever the numbers are, please inform us. It will help us, and it will also give us a little bit of hope for the future.

And, finally, Irfan, if you would share a few closing thoughts.

DR. NOORUDDIN: It's difficult to follow those beautiful words of yours, chairman, but just on the civil society question, let me urge that I think the time is ripe for us to do a pretty serious analysis of the impact of FCRA regulations.

The last time I'm aware that Congress paid attention to this was in December 2016 when there was a hearing at the House Foreign Affairs Committee about the use of FCRA. In that case, it was a denial of FCRA to Compassion International.

But anecdotal evidence is that, you know,

in 2014, there was some 20,000 extant FCRA licenses. That number has dropped to about 6,000 today. Some of those might have been just defunct licenses, but others of those might have been targeted.

Anecdotally, again, that if it had Christian in the title of the NGO, they were more likely to get denied.

That is, you know, those are anecdotes, and I want to be very clear. I'm a political scientist. I want this to be much more rigorous with the resources you have at your disposal understanding how these laws are being used, and whether they are, in fact, being used in a way to target religiously oriented organizations that are doing legitimate work in India.

Those are American organizations. They deserve the defense and protection of the American government so long as they are following the laws of the countries in which they're operating.

And I think it's one of those sharp points of the spear where the Indian government has used

this, and again the FCRA regulation dates back to 1979. This is not new, right, but we are sitting here today. We can't go back to 1979 and advise them against doing that.

What we can say is that in 2023, if it's being used in ways that violate the principles of religious freedom, that is something the U.S. government should be speaking more loudly about.

But thank you again to all of you and thanks to my colleagues for the incredible work they do every day.

CHAIR COOPER: Thank you very much, and on behalf of our Vice Chair Frederick Davie and my fellow commissioners, it's my honor and responsibility right now to close today's hearing.

[Whereupon, at 11:19 a.m. ET, the hearing was adjourned.]