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Mr Josep Borrell Fontelles
High Representative of the Union for Foreign Affairs and Security Policy/
Vice-President of the Commission

29 April 2021

Dear High Representative Borrell,

EU-INDIA SUMMIT: TIME TO STOP SILENCING DISSENT IN INDIA AMID THE COVID-19 PANDEMIC

Ahead of the European Union (EU)-India summit on 8 May, Amnesty International is writing to express our grave concerns about the right to health and life in India, as well as the Indian government's silencing of dissent even as the COVID-19 pandemic rages across the country. The current wave of infections in India, and the shortages of COVID-19 treatments, including oxygen and vaccines – along with the silencing of critics of India's pandemic response – are all heart-breaking indications why human rights must be at the centre of exchanges at the EU-India summit. At this crucial moment, the EU and its member states must robustly engage with their Indian counterparts and ensure concrete human rights deliverables as an outcome of the summit.

In recent days, the Indian authorities [ordered](#) Twitter and Facebook to take down dozens of social media posts critiquing the Indian government's mishandling of the COVID-19 pandemic. This comes against the background of a long-standing crackdown on India's human rights defenders who face spiralling harassment, arrest and detention.

The Indian authorities routinely use [repressive legislation](#) to silence civil society. On 28 September 2020, the government amended the Foreign Contribution (Regulation) Act (FCRA), banning NGOs from passing funds received from foreign donors to grassroots NGOs, thereby impeding their work. At the same time, the authorities have also used anti-terror laws indiscriminately, including the Unlawful Activities Prevention Act (UAPA), National Security Act (NSA), and Sedition Act, to target students, journalists and peaceful protestors critical of the government and to grant impunity to the police and the army.

In December 2019, the Citizenship (Amendment) Act (CAA) was passed to allow refugees from certain religious denominations in Afghanistan, Bangladesh and Pakistan to obtain Indian citizenship, but excluding Muslims. At the same time, the Union Home Minister Amit Shah threatened to implement the National Registry of Citizenship (NRC) in the country which together with the CAA, could disenfranchise Muslims. This led to mostly peaceful protests across the country for months even as the protestors were met with constant demonization, police crackdown and restrictions of freedom of speech and movement. According to government data, 53 people – mostly Muslims – died in the riots, and more than 500 were injured.

On 10 September 2020, the government of India [froze the bank accounts](#) of Amnesty International India. As a result, over 100 staff had to be let go without any severance or back pay, and the office was forced to close down its operations on 30 September. Amnesty International India faced reprisal for its work, in particular on [human rights violations in Jammu and Kashmir](#), and [accountability of Delhi Police during the Delhi riots](#).

Since 2018, the authorities have conducted a sustained smear campaign against Amnesty International India, prompted by its reporting on human rights violations in India. Its office and trustees' residences have been raided several times and its funds frozen. The authorities have repeatedly interrogated Amnesty International India's staff, management and board and repeatedly asked for the same documents. To date, no charges have been filed, and [a joint letter](#) of United Nations experts raising concern about the situation of Amnesty International India, remains without response.

All these actions stand in blatant violation of India's national and international human rights commitments. Against the background of the COVID-19 pandemic, the work of Indian civil society to defend the rights to health, to freedom of expression and to receive and impart information without interference – is of paramount importance in the country's public health emergency.

After the EU-India human rights dialogue on 12 April, the EU and India jointly "[reiterated their commitment to the shared principles and values](#) of democracy, freedom, rule of law and respect for human rights." The shared value of human rights was likewise affirmed at the recent [Raisina dialogue](#). At the same time, India is a member of the UN Human Rights Council (HRC) and as such is [required](#) to uphold the highest human rights standards. When seeking election to its second term on the UN HRC, India made a [pledge](#) to "continue to foster the genuine participation and effective involvement of civil society in the promotion and protection of human rights."

Drawing on the shared values of respect for human rights, the EU and its member states must make full use of the opportunity provided by the summit to put human rights squarely at the centre of EU-India relations.

The EU and its member states must boost their action for the rights to life and health in India by building on EU support for ACT-A (Access to COVID-19 Tools Accelerator) and COVAX (COVID-19 Vaccines Global Access), to ensure that India and all other low- and middle-income countries have [sufficient medical oxygen](#) and to support the scaling up in the production and supply of vaccines. In the same spirit, the EU and its member states should use the summit to demonstrate global solidarity and drop opposition to the proposed temporary waiver of certain provisions of the TRIPS Agreement for COVID-19 products as proposed by India – and to support the sharing of open and non-exclusive licences through the COVID-19 Technology Access Pool (CTAP).

At the same time, the EU and its member states must call on India to deliver on its commitments in practice and to protect those defending human rights at this critical time:

- **Take immediate measures to end all forms of targeted attacks, arbitrary arrest and harassment of civil society actors**, including human rights defenders, human rights lawyers, journalists, peaceful protesters and those who continue to be jailed without trial during the COVID-19 pandemic.
- **End the use of repressive laws to crack down on civil society and amend or repeal laws in line with international human rights law**, including the Foreign Contribution Regulation Act, Unlawful Activities (Prevention) Act, Section 124A on Sedition in the Indian Penal Code, National Security Act, and Jammu and Kashmir Public Security Act
- **Commit publicly to respecting and protecting the rights to freedom of expression, peaceful assembly and association**, in line with guarantees in the Indian Constitution and its obligations under international human rights law, in particular the International Covenant on Civil and Political Rights, and other international commitments
- **Immediately unfreeze the accounts of Amnesty International India** so that it can resume its work and meet its financial commitments to its staff
- **Cease all harassment and intimidation of staff and board members of Amnesty International India** and take concrete steps to assist Amnesty International India and other civil society groups and organizations to carry out their human rights work freely and without fear of reprisal.

Thank you in advance for your action for human rights in India, and we stand ready to provide any further information you may require.

Yours sincerely,



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Amnesty International