



Dear High Representative Borrell,

THE EU MUST BREAK ITS SILENCE ON INDIA'S HUMAN RIGHTS RECORD

Ahead of the informal meeting of European Union (EU) Foreign Ministers in Slovenia in September, Amnesty International, Civicus, International Commission of Jurists, International Federation for Human Rights (FIDH), and the World Organisation Against Torture (OMCT), are writing to express our grave concerns about the continued reticence from the EU and its member states in effectively engaging India on human rights. In light of the deteriorating human rights situation in the country, we urge the EU and its member states to fundamentally revise their strategy toward relations with India.

The increasing use of draconian laws and ill-intentioned use of government agencies to target dissenting individuals and organizations have resulted in the silencing of civil society in India. The United Nations High Commissioner for Human Rights Michelle Bachelet has [highlighted](#) how the space for human rights defenders in India is progressively shrinking, including through use of vaguely-worded laws and arrests of activists under terrorism and sedition laws for exercising their rights to freedom of expression and peaceful assembly.

As countries worldwide strategize to move forward from the Covid-19 crisis and respond to a shifting geopolitical landscape, they must bear in mind the heavy cost of neglecting human rights. It is imperative to translate the EU's longstanding commitment to human rights and a rules-based multilateral order – and repeated statements of shared commitment to human rights - into tangible and actionable dialogue.

As the EU finalizes its Indo-Pacific strategy, it cannot afford to hold different standards for engaging on human rights in Asia. Coherence will be central to a credible values-based EU foreign policy that creates impact on the global human rights agenda and sends truly unequivocal signals of support to those defending human rights in India and worldwide.

While focusing on [strengthening](#) trade and economic ties with India, the European Union and its member states have been reluctant to formulate public expressions of concern on human rights in India, with the exception of [occasional statements](#) focused solely on the death penalty. We must also reiterate here that media and social media messages are welcome yet cannot replace the significance and impact of an official, public statement at crucial moments as recently when the 84-year-old human rights defender Father Stan Swamy [died in custody](#) after months of concern about his ill health, lack of access to medical care, denial of bail and exposure to COVID-19.

The EU and its member states play a crucial role in engaging India on human rights as a key like-minded partner in Asia. As a member of the UN Human Rights Council and the UN Security Council, India has committed to uphold the highest standards in the protection and promotion of human rights. EU engagement with India must fully reflect these expectations through robust human rights benchmarks and calls for accountability.

Silence in this area of EU-India relations only risks strengthening impunity and accelerating the backsliding of India's record of upholding human rights. Box ticking exercises like the last [local human](#)

[rights dialogue](#) with India or empty references to allegedly “shared values of human rights and democracy” do little to course correct the EU’s long silence on critical issues.

In line with the EU’s recently renewed [pledge](#) to speak up and take action whenever and wherever human rights abuses occur, we call on you to engage the Indian government to:

- 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 (FCRA), Unlawful Activities (Prevention) Act (UAPA), Section 124A on Sedition in the Indian Penal Code, National Security Act, and Jammu and Kashmir Public Security Act (PSA)
- **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, including in Jammu and Kashmir.
- **Immediately put an end to the harassment and unfreeze the accounts of all human rights organisations**, including Amnesty International India, so that it can resume its work and meet its financial commitments to its staff that has been now due for almost a year. Likewise, ensure civil society can carry out their human rights work freely and without fear of reprisal.

At this crucial moment, EU Foreign Ministers must ensure concrete human rights deliverables as an outcome of their conversations with their Indian counterpart. They must also immediately join the efforts of India and South Africa-led TRIPS Waiver proposal at the World Trade Organization to save countless lives. The TRIPS waiver is critical to combating the COVID-19 pandemic with speed, scale and an equitable distribution of vaccines as the demand has surpassed supply in many places around the world as the lives and health of millions hang in the balance.

We look very much forward to seeing the EU and its member states find a unified voice and robustly engage with India on human rights at the Gymnich meeting and beyond.

Yours sincerely,

Amnesty International

Civicus

FIDH (International Federation for Human Rights), within the framework of the Observatory for the Protection of Human Rights Defenders

International Commission of Jurists

OMCT (World Organisation Against Torture), within the framework of the Observatory for the Protection of Human Rights Defenders