

Chapter 1: Introduction

Section A

1. Background

The Panel of Independent International Experts (PIIE), made up of three eminent experts who have led efforts to investigate serious human rights violations and to achieve justice for victims and survivors in multiple country situations around the world, and who were deeply alarmed by reports of serious human rights violations against Muslim communities in India, joined together in 2021 to review available reports of the abuses.

In our findings published in June 2022, we concluded that there was credible evidence to suggest that several human rights enshrined in treaty law and customary international law, including international human rights law and international criminal law, may have been violated. These were violations that we felt warranted formal investigation and reparation.

Cautioning that Muslims were at risk of becoming a persecuted minority within India, we urged India and the international community to take preventive and corrective measures.

Continuing Abuses

Since the publication of the Panel's previous report, human rights abuses against Muslims in India seem to have continued apace and arguably worsened.

In the three years since, Muslims have been reported suffering widespread targeting by militant Hindu groups and frequent crackdowns by authorities, especially in Bharatiya Janata Party (BJP)-ruled states. Abuses have typically included denial of the right to life, including a spate of extrajudicial killings by police of protesters and alleged criminals. There has also been a spate of lynchings on the pretext of cow slaughter, religious conversion, and so-called 'love jihad', among other accusations by 'vigilante groups' aligned to the ruling party, often in coordination with or with the knowledge of state authorities.

There have been reports of widespread and severe bodily harm, including maiming and other forms of custodial torture by authorities, as well as attacks by vigilante groups in collusion with authorities. There is also widespread reporting of arbitrary arrests and illegal imprisonments, on several pretexts, and systematic denial of fair trial rights. There also seems to be a pattern emerging of large-scale targeting of Muslims for physical destruction, often in reprisal as collective punishment, in the form of arbitrary demolition of homes and businesses, mass evictions, and removal from habitations, as well as expulsions, including unilateral deportations.

Facilitating this abuse might be a national security architecture – including draconian laws such as the National Security Act, Unlawful Activities Prevention Act, Uttar Pradesh Gangsters Act, and Jammu & Kashmir Public Safety Act, besides the Armed Forces Special Powers Act, among others –

that continues to be weaponised by authorities, at the state and central levels, to target Muslims disproportionately. Journalists documenting and reporting abuses, and lawyers and HRDs raising human rights concerns, are themselves increasingly targets of repression.

Dehumanisation of, and incitement to violence against, Muslims accompanies much of the abuse, with senior elected officials and Hindu religious leaders often leading these campaigns, to harass, boycott, expel, often assault, and sometimes kill and destroy Muslims. These calls are reported being made in diverse contexts: national and state-level election campaigns, such as the 2024 general elections, as well as the many state-level elections throughout the period; during Hindu festivals, such as Ram Navami in 2023, and other religious gatherings; and in the aftermath of terrorist attacks, such as the Pahalgam attacks in April 2025 and Delhi in November 2025, with calls for retribution against all Muslims. All have had serious consequences for Muslims, with a sharp rise in violence, as well as widespread human rights abuses by authorities in their aftermath.

In effect, there seems now to be a settled pattern of inhumane acts against Muslims, in some states at least, that is widespread and systematic, amounting to severe deprivation of fundamental rights of Muslims by reason of their Muslimness.

Institutionalising discrimination

The abuses seem to have been enabled in some cases, and accompanied in others, by discriminatory laws and policies targeting basic human rights and freedoms of Muslims specifically.

These include laws, policies, and executive orders that reportedly jeopardise the right to work of Muslims working in animal husbandry, retail meat and leather, and food and restaurant businesses, by shutting them down around Hindu festivals. They also include measures denying work around temples and Hindu festivals, as well as everyday discrimination against Muslims in access to livelihoods.¹ Vulnerable Muslims' right to education also seems to be denied, with authorities cracking down on madrasas and other informal schools that provide succour to poor Muslims.² There also seems to be a systematic effort to deny the right to housing, through arbitrary demolitions, including some as retribution, often collectively against entire communities.

Other laws and executive acts allegedly target public expressions of Muslim faith, including prayers, festivals, and gatherings. They also deny the right to freedom of conscience, including through anti-conversion laws; facilitate capture of Muslim places of worship and charitable endowments; and deny cultural rights such as those relating to personal laws, language, and history.

Authorities are also reported to be targeting Muslim religious and charitable institutions, using national security and other legal and administrative instruments. They prevent peaceful assembly and protests through administrative measures, coercion, unlawful and excessive use of force, and collective punishment. They also prevent Muslims from expressing their opinions through censorship or gag orders, administrative measures, and retributive punishment. All of this denies Muslims the right to freedom of association, assembly, and expression.

¹ Harsh Mander, 'How The State Assails Muslim Livelihoods in the Modi Era' (The Wire, 23 January 2026) <<https://thewire.in/communalism/how-the-state-assails-muslim-livelihoods-in-the-modi-era>> accessed 20 March 2026.

² Nabeel Ahmad and Iqra Anjum, 'The Slow Strangulation of India's Madrasas' (The Contrapuntal, 20 October 2025) <<https://thecontrapuntal.com/indias-war-on-madrasas/>> accessed 20 March 2026.

Additionally, laws and policies that effectively segregate Muslims from the rest of the population, and deny them rights, are reported to be emerging in multiple states.³ These include laws that criminalise mixed marriages, in the form of anti-conversion laws, and prevent inter-religious transfer of land and property, while allowing private housing societies to deny Muslims membership.

Alongside this, there seems to be a pattern of expropriation of landed property through the disproportionate clearing of Muslim encroachments, as well as widespread arbitrary demolitions. There is also heavy securitisation of Muslim habitations, turning them into ghettos with poor urban services.

Finally, a pattern is also emerging, of late, of the suffrage of Muslims increasingly under threat, with mass voter deletions reported from several states under the ongoing Special Intensive Revision process – an echo of mass denationalisation under the paused National Register of Citizens (NRC) process in Assam.⁴ There are also instances of Muslims being physically denied voting in recent elections, and public declarations by ruling parties to deny tickets to Muslims, as well as to eliminate Muslims from elected bodies over time, jeopardising their right to vote and political participation. With the discriminatory Citizenship Amendment Act now formally operationalised, and declarations by authorities for mass expulsion of Muslims on the false pretext of illegal immigration, the very right to nationality too seems to be beginning to be questioned in specific contexts.

In effect, these legislative and other measures, calculated to prevent the participation of Muslims in the political, social, economic, and cultural life of the country, and creating conditions deliberately preventing their full development, have accompanied the assault on life and liberty.

Hotspots and key actors

The violations are not uniform throughout India. Provinces ruled or controlled by the BJP – such as Assam, Bihar, Haryana, Jammu & Kashmir, Madhya Pradesh, Maharashtra, Uttarakhand, and Uttar Pradesh – have witnessed the most serious abuses by state actors. These include extrajudicial killings, arbitrary arrests and detentions, and torture and ill-treatment.

Across these regions, authorities are also reported to be resorting to various reprisals as collective punishment against minorities and dissenters, on various pretexts. These states are also the hotbeds of anti-minority incitement and violence, with Hindu militant groups aligned to the ruling party holding much sway and working in tandem with local authorities to target Muslims and other minorities.

Apart from state actors, including police and civilian authorities, BJP-allied militant groups like the Vishwa Hindu Parishad (World Hindu Congress) and Bajrang Dal (the Army of Hanuman), and various ‘cow protection’ gangs, are allegedly the principal actors behind much of the abuse. Senior BJP politicians, prominent Hindu religious leaders, as well as individual social media influencers aligned with the Rashtriya Swayamsevak Sangh (RSS – National Volunteer Force) network, are also reported to be enjoying a free rein, across the country and particularly in BJP-ruled states, to indulge in campaigns of hate, dehumanisation, and open calls to violence against Muslims.

³ ‘Rajasthan Approves Draft Bill to Restrict Property Transfer in “Disturbed Areas” to Address Communal Tension’ The Hindu (21 January 2026) <<https://www.thehindu.com/news/national/rajasthan/rajasthan-approves-draft-bill-to-restrict-property-transfer-in-disturbed-areas-to-address-communal-tension/article70533972.ece>> accessed 20 March 2026.

⁴ Silvia Masiero, ‘A New Layer of Exclusion? Assam, Aadhaar and the NRC’ (South Asia @ LSE, 12 September 2019) <<https://blogs.lse.ac.uk/southasia/2019/09/12/a-new-layer-of-exclusion-assam-aadhaar-and-the-nrc/>> accessed 20 March 2026.

Members of these outfits are frequently reported to be continuing to harass, intimidate, assault, and murder Muslims on various pretexts. In several BJP-ruled states, the reported cooperation and coordination between state actors and militant groups, to enforce Hindutva norms and state laws targeted at minorities, has effectively turned state institutions into a hybrid, what analysts are describing as a 'deep state'.⁵

The normalisation of anti-Muslim rhetoric and violence also seems to be resulting in a hardening of discriminatory social attitudes, as several recent all-India surveys confirm.⁶

Impact

Testimonies affirm that widespread anti-Muslim violence and physical destruction, daily harassment, and non-stop campaigns of denigration, carried out in language openly to oppress, subdue, and dominate, have the effect of infringing the community's freedom and dignity, and inflicting mental harm. This assault is compounded by socio-economic regression of the community, especially in the past decade. Recent research confirms that Muslims are India's poorest religious group, have the lowest level of access to public services, and are the only religious group to witness declining levels in higher education enrolment. New research also appears to confirm that socio-economic disparities may be widening even further.⁷

Muslim demands for justice and dignity

Muslims make up over 15% of the population of India, numbering over 200 million. States with the highest population of Muslims, including Uttar Pradesh, Assam, and Jammu & Kashmir, are also the states where they face the most organised campaigns of targeting, even as much of the anti-Muslim rhetoric plays out nationally.

Muslims have responded to the now many years of abuse in several ways: by petitioning authorities against discriminatory laws, policies, and practices; expressing their opposition through the media; and protesting on the streets. They have mobilised, including together with democratic voices and actors, in expressions of resistance.

In response to these efforts, Muslim groups and activists have faced the heavy hand of the state in a way that other dissenting voices have not: aggressive rhetoric, banning of protests, use of lethal force against peaceful protesters, and systematic use of lawfare, including mass detentions, to shut down Muslim voices. This has severely reduced space for dissent by Muslims in India aggrieved at their situation.

Muslims have also sought to use formal democratic institutions, including elected bodies, to express protest and demand equal treatment. A weak opposition in the national parliament and in crucial

⁵ Nilanjan Mukhopadhyay, 'From the Fringe to the Core' (Frontline, 24 September 2025) <<https://frontline.thehindu.com/politics/rss-centenary-hindutva-political-dominance-bjp-bhagwat-modi/article70033133.ece>> accessed 20 March 2026.

⁶ Christophe Jaffrelot and Hilal Ahmed, 'Indian Muslims: (Self-)Perceptions and Voting Trends in 2024' (2024) 12 Studies in Indian Politics 289 <<https://doi.org/10.1177/23210230241296356>>.

⁷ Abhishek Jha and Roshan Kishore, 'Muslims Are the Poorest Religious Group in India' (Hindustan Times, 30 June 2023) <<https://www.hindustantimes.com/india-news/muslims-in-india-the-poorest-religious-group-with-high-inequality-and-limited-opportunities-data-analysis-reveals-101688097160955.html>> accessed 20 March 2026; Kavitha Iyer, 'Segregated & Unequal: New Research Reveals How Public Services Are Restricted, Denied To Muslims, Dalits In Ghettoised Localities' (Article 14, 4 August 2023) <<https://article-14.com/post/segregated-unequal-new-research-reveals-how-public-services-are-restricted-denied-to-muslims-dalits-in-ghettoised-localities--64cc7264b3852>> accessed 20 March 2026; 'Minority Budget Utilisation Falls to Alarming Levels' (Kashmir Times, 13 February 2026) <<https://kashmirtimes.com/news/minority-budget-utilisation-falls-to-alarming-levels>> accessed 20 March 2026.

state assemblies; a history of mere lip service to Muslim issues; and an almost disappearing Muslim representation in these elected bodies over time mean that electoral democracy has not come to the rescue of Muslims under siege in India.

Muslims have also reposed their faith in the justice system, seeking criminal justice and reparations for crimes committed against them, as well as judicial review to overturn discriminatory laws and policies. Mostly, the justice system, including the highest courts in the land, has failed them, as the following section outlines.

Despite the closing space, Muslims continue to do what they can to push back and demand their rights – through public protest, as well as documenting abuses, raising awareness, and attempting to access justice institutions – all at grave risk to themselves.

Absence of domestic remedy

Despite the seriousness of the violations, remedial measures have been lacking. Journalists and human rights defenders reporting on the abuses are reported to be routinely targeted. Victims' attempts at seeking justice often seem fruitless. This results in a lack of acknowledgement of the crimes, little attempt by authorities to independently investigate and prosecute the perpetrators, and little effort to provide restitution to families, all devastated by grave abuses and discrimination. Key justice institutions, including the highest courts, have been accused of failing in their duty. A February 2025 report by the International Commission of Jurists raised alarm over the waning independence of India's Supreme Court.⁸ The UN Special Rapporteur on the Independence of Judges and Lawyers raised similar concerns about the independence and impartiality of the Supreme Court.⁹ Emblematic of the failures of domestic remedy mechanisms is India's National Human Rights Commission, which has been recommended a downgrade to 'B' status by the Global Alliance of National Human Rights Institutions.¹⁰

International concerns

These worsening abuses continue to occur despite repeated concerns expressed internationally, specifically by UN actors. Following widespread anti-minority violence in early 2024¹¹, and ahead of parliamentary elections that summer, the UN High Commissioner for Human Rights had publicly raised concerns over:

*'.....increasing restrictions on civic space, with human rights defenders, journalists and critics targeted, as well as by hate speech and discrimination against minorities, especially Muslims.'*¹²

⁸ International Commission of Jurists, 'Judicial Independence in India: Tipping the Scale' (2025) <<https://www.icj.org/wp-content/uploads/2025/02/Judicial-Independence-in-India.pdf>>.

⁹ Allegation letter from Special Rapporteur on the independence of judges and lawyers, 'AL IND 1/2025' (25 February 2025) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29690>>.

¹⁰ Grace Anu and Edgar Kaiser, 'Why NHRC's Global Downgrade Demands Urgent Reform' (The Wire, 4 January 2026) <<https://thewire.in/rights/why-nhrCs-global-downgrade-demands-urgent-reform>> accessed 20 March 2026.

¹¹ 'India: Violence Marks Ram Temple Inauguration' (Human Rights Watch, 31 January 2024)

<<https://www.hrw.org/news/2024/01/31/india-violence-marks-ram-temple-inauguration>> accessed 16 June 2025.

¹² 'Türk's Global Update to the Human Rights Council' (OHCHR, 4 March 2024) <<https://www.ohchr.org/en/statements-and-speeches/2024/03/turks-global-update-human-rights-council>> accessed 12 March 2024.

Yet, the elections that ensued were marred by widespread anti-Muslim hate and dehumanisation, as well as violent attacks, as reports mention.¹³ Human Rights Watch reported that India's senior-most officials, including Prime Minister Narendra Modi, fuelled anti-Muslim hate throughout the protracted campaign period.¹⁴ This was followed, after the elections, by a spike in anti-Muslim violence and targeting, captured by documentation groups and others.¹⁵ Communications by UN mandate holders issued later in 2024, demanding information on action taken by authorities against the hate campaign during elections, remain, from public information available, ignored by the Indian government.¹⁶

In July 2024, India was reviewed against its International Covenant on Civil and Political Rights (ICCPR) obligations. In its Concluding Observations, the Human Rights Committee called for India to check discrimination, hate, and violence against minorities, and to establish a credible mechanism for independently investigating grave abuses, among other recommendations.¹⁷ This followed unsatisfactory responses that the Committee received to concerns it had raised during the review. Key recommendations from India's 4th cycle Universal Periodic Review (UPR) (2022), including those on minority rights and basic freedoms, also seem to have remained unheeded.¹⁸

Given the pattern of escalation over time, atrocity prevention experts had warned in 2023, that:

*'If nothing is done to address ...risks, India may continue to experience a rise in the number of violent ... attacks against religious minorities, an escalation in the scale.'*¹⁹

And UN experts had the same year, alerted the world to the fact that:

*'India risks becoming one of the world's main generator of instability, atrocities and violence, because of the massive scale and gravity of the violations and abuses targeting mainly religious / other minorities, such as Muslims, Christians and Sikhs.'*²⁰

Recently, amid extreme rhetoric against Muslim Rohingya refugees in India, including by senior political leaders and creating a permissive context for their targeting²¹, the Committee on the Elimination of Racial Discrimination (CERD) warned India under its Early Warning and Urgent

¹³ Independent Panel for Monitoring Indian Elections, 'Electoral Integrity in India - An Agenda for Change: Learnings from the 2024 General Election' (2024) Briefing Paper <<https://indiaelectionmonitor.org/wp-content/uploads/2024/08/IPMIE-Briefing-Paper-Final.pdf>>.

¹⁴ 'India: Hate Speech Fueled Modi's Election Campaign' (Human Rights Watch, 14 August 2024)

<<https://www.hrw.org/news/2024/08/14/india-hate-speech-fueled-modis-election-campaign>> accessed 20 March 2026.

¹⁵ Anupreeta Das and Hari Das, "'Cow Vigilantes' Have India's Muslims on Edge' The New York Times (7 September 2024)

<<https://www.nytimes.com/2024/09/07/world/asia/india-religious-violence-muslims-modi.html>>; 'India Persecution Tracker: 2024 Overview' (South Asia Justice Campaign, 3 January 2025) <<https://southasiajusticecampaign.org/ipt2024/>> accessed 20 March 2026.

¹⁶ Allegation letter from Special Rapporteur on minority issues, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on freedom of religion or belief, 'AL IND 5/2025' (24 September 2024) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29337>>.

¹⁷ UN Human Rights Committee, 'Concluding Observations on the Fourth Periodic Report of India' (2024) CCPR/C/IND/CO/4.

¹⁸ 'India: Serious Concerns Raised at UN Rights Review' (Human Rights Watch, 18 November 2022)

<<https://www.hrw.org/news/2022/11/18/india-serious-concerns-raised-un-rights-review>> accessed 23 November 2022.

¹⁹ United States Holocaust Memorial Museum, 'Risk of Mass Atrocities in India' (Simon-Skjodt Center for the Prevention of Genocide 2024) Policy Brief <https://vault.ushmm.org/adaptivemedia/rendition/id_51d4f5d272fb370a2f4c17a7a5425a65c6404568>.

²⁰ 'UN Special Rapporteur Says 'India Risks Becoming One of the Main Generators of Atrocities'' (The Wire, 22 September 2023)

<<https://thewire.in/communalism/un-expert-says-india-risks-becoming-one-of-the-main-generators-of-instability-atrocities>> accessed 20 March 2026.

²¹ 'Arrest Hardeep Puri for Having Rohingya Infiltrators Settled in Delhi: Kejriwal' Deccan Herald (30 December 2024)

<<https://www.deccanherald.com/india/delhi/arrest-hardeep-puri-for-having-rohingya-infiltrators-settled-in-delhi-kejriwal-3336366>>

accessed 20 March 2026; 'Modi Delivers Another Hate Speech, Claims "Bangladeshi Infiltrators," Rohingyas' Taking over Jharkhand

Panchayats' (Maktoob Media, 15 September 2024) <<https://maktoobmedia.com/india/modi-delivers-another-hate-speech-claims-bangladeshi-infiltrators-rohingyas-taking-over-jharkhand-panchayats/>> accessed 20 March 2026.

Action procedure.²² The UN High Commissioner for Human Rights also highlighted India's recent deportation of Rohingya as an example of the normalisation of policies and practices that violate the rights of migrants and refugees.²³ The UN Special Rapporteur on human rights in Myanmar described the forced expulsions as 'unconscionable', 'representing a serious violation of the principle of non-refoulement'.²⁴

More recently, under the same Early Warning and Urgent Action procedure, CERD has also expressed concern about racial discrimination against Bengali-speaking Muslims in Assam across multiple contexts, including arbitrary deprivation of citizenship, excessive use of force, arbitrary arrests, systematic evictions, and racist hate speech, among others.²⁵

These warnings have been accompanied by a series of allegation letters by UN mandate holders concerning the human rights situation of Muslims in India. In 2025 alone, three mandate holders called on India to halt arbitrary and punitive demolitions disproportionately targeting Muslims²⁶; four mandates raised concerns over continuing instances of lynchings and other forms of violence by Hindu militant groups²⁷; ten mandate holders condemned a range of violations linked to counter-terrorism measures in Kashmir and against Muslims across India in the aftermath of the Pahalgam attacks²⁸; while others raised concerns about discriminatory legislative changes regulating Muslim charitable endowments.²⁹

2. Seeking justice and accountability

In the years since our last report, and noting the lack of domestic and international action in response to our warning that Muslims were at risk of becoming a persecuted minority in India, we reconvened in 2024 to assess the current situation. Alarmed by the worsening trajectory, we sought to contribute to addressing this escalation by gathering and assessing credible information on recent abuses and discrimination against Muslims in India under applicable international law. Our aim is to raise international awareness of ongoing violations and to support efforts towards formal investigation, accountability, and the prevention of further harm. This report is the product of that endeavour. We also intend for it to strengthen domestic voices – including Muslims and other democratic actors – seeking justice, dignity, and accountability, who face increasing repression within an authoritarian state structure and an entrenched network of Hindu majoritarian actors operating in tandem.

²² 'India Must End Racial Discrimination against Rohingya, Cease Forced Deportation and Arbitrary Detention, Urges UN Committee' (OHCHR, 2 July 2024) <<https://www.ohchr.org/en/press-releases/2024/07/india-must-end-racial-discrimination-against-rohingya-cause-forced>> accessed 20 March 2026.

²³ 'HC Türk Updates the Human Rights Council: "We Need to Safeguard Eighty Years of Progress on Freedom, Equality and Justice"' (OHCHR, 8 September 2025) <<https://www.ohchr.org/en/statements-and-speeches/2025/09/hc-turk-updates-human-rights-council-we-need-safeguard-eighty-years>> accessed 20 March 2026.

²⁴ Urgent action from Special Rapporteur on the situation of human rights in Myanmar, 'UA IND 4/2025' (12 May 2025) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29976>>.

²⁵ Early Warning and Urgent Action Procedure from Committee on the Elimination of Racial Discrimination, 'CERD/EWUAP/115thsession/2025/CS/BJ/Ks' (12 May 2026)

<<https://www.ohchr.org/sites/default/files/documents/hrbodies/cerd/earlywarning/letters/cerd-ewuap-letter-115-india-1.pdf>>.

²⁶ 'India Must Halt Arbitrary Demolitions Targeting Minorities and Marginalised Communities: UN Experts' (OHCHR, 23 June 2025) <<https://www.ohchr.org/en/press-releases/2025/06/india-must-halt-arbitrary-demolitions-targeting-minorities-and-marginalised>> accessed 20 March 2026.

²⁷ Allegation letter from Special Rapporteur on freedom of religion or belief and others, 'AL IND 6/2025' (10 July 2025) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30104>>.

²⁸ 'UN Experts Alarmed by Indian Counter-Terrorism Operations Violating Human Rights in Jammu and Kashmir' (OHCHR, 24 November 2025) <<https://www.ohchr.org/en/press-releases/2025/11/un-experts-alarmed-indian-counter-terrorism-operations-violating-human>> accessed 20 March 2026.

²⁹ Other letter from Special Rapporteur on freedom of religion or belief and Special Rapporteur on minority issues, 'OL IND 9/2025' (22 September 2025) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30319>>.ibid.

In the following pages, we set out the purpose of our inquiry; explain our focus on Assam and Uttar Pradesh; outline our methodology; identify the applicable legal framework; and clarify the standard of proof applied. These elements constitute Section A of Chapter 1. Section B presents a summary of our findings – Assam first, followed by Uttar Pradesh – and our key recommendations. Chapters 2 and 3 provide detailed factual and legal analyses of Assam and Uttar Pradesh respectively, followed by recommendations in Chapter 4, and annexures.

Objective: What is the PIIE seeking?

The Panel’s findings are intended to serve several advocacy objectives, including to:

- provide credible evidence and analysis to support the initiation of independent, effective, and genuine domestic proceedings by Indian authorities
- engage UN actors with a view to establishing a formal international inquiry into serious human rights violations, and to press India to meet its obligations under international law
- document and highlight abuses against Muslims in India; build support for diplomatic measures; and generate momentum for international action towards justice, accountability, and against impunity for crimes and violations against Muslims and other religious minorities
- strengthen domestic voices – including Muslims and other democratic actors – seeking justice, dignity, and accountability, through robust factual and legal analysis

Geographical focus

After initial survey of material, we decided to focus our examination on alleged violations in Assam and Uttar Pradesh (UP) states. This decision was arrived at due to:

- UP being India’s largest province, with a population of 240 million (2011 Census), as well as one with the highest Muslim population (44 million) in the country, making up 20% of the population of the state, the largest minority by far; and 23% of India’s total Muslim population. Likewise, Muslims in Assam, at 10.68 million (2011 Census), constitute 34.22% of that state’s total population, with Muslims forming a majority in 11 out of its total 27 districts. Assam and UP are thus central to the situation of Muslims in India.
- Data shows that some of the worst forms of violence and discrimination against Muslims in India have been taking place in Assam and UP – in terms of incidence, being widespread, and also seeming to have the full support of the state machinery and its seniormost officials. Prima facie, anti-Muslim violations in Assam and Uttar Pradesh seem to be becoming systematic and a result of state policy.
- UP has been ruled by the BJP at the state level since 2017, led, in the person of its Chief Minister, by a Hindu supremacist, Yogi Adityanath, himself a priest, and who has a long history of anti-Muslim baiting, including inciting hate and violence, founding violent groups, and mobilising Hindutva actors to target Muslims and other minorities.³⁰ In Assam, it is again

³⁰ ‘What Is the Yogi Adityanath Hate Speech Case of 2007?’ (The Indian Express, 21 August 2018) <<https://indianexpress.com/article/what-is/what-is-the-yogi-adityanath-hate-speech-case-of-2007/>> accessed 20 March 2026; Abhimanyu Chandra, ‘What The Hindu Yuva Vahini’s Constitution Tells Us About Yogi Adityanath’s Regime in Uttar Pradesh’ (The Caravan, 27 March 2017) <<https://caravanmagazine.in/vantage/hindu-yuva-vahinis-constitution-tells-us-yogi-adityanaths-regime-uttar-pradesh>> accessed 20 March 2026; Dharendra K. Jha, ‘Priest of Violence: Adityanath’s Reign of Terror’ (The Caravan, 1 January 2022) <<https://caravanmagazine.in/politics/adityanath-reign-of-terror>> accessed 20 March 2026.

the state Chief Minister, Himanta Biswa Sarma of the BJP, in power since 2021, who plays that role, having made anti-Muslim targeting the core of his polarising politics.³¹

- BJP's Hindu-first ideology, especially in Adityanath and Sarma's activist hands, also means that the targeting of Muslims in Assam and UP goes beyond life and liberty and inhumane treatment, to attempts to deny the very basis of life itself, including participation, development, and dignity, among others, as equal citizens. These have taken the form of a range of discriminatory laws, policies, and programmes, with Assam and UP, among all states, showing the highest and most widespread incidence of these violations.

3. Methodology and manner of working

The Panel:

- reviewed materials and draft language prepared by professionals and academics who have gathered information from victims, CSOs, and journalists working in Assam and Uttar Pradesh on incidents and allegations of serious human rights violations against Muslims in the two states;
- assessed such evidence in light of the applicable bodies of law, viz. international human rights law and international criminal law;
- analysed the credible evidence with regard to the commission of serious human rights violations and, where possible, identified alleged perpetrators; and
- examined whether independent and effective domestic proceedings have been carried out to investigate and prosecute such crimes and violations, and whether effective remedies have been provided to victims.

To that end, the Panel asked a team of professionals and academics to gather information on the range of reported abuses and discrimination by state and non-state actors against Muslims in Assam and Uttar Pradesh. Due care was taken to ensure that such collection was comprehensive, encompassing the range of applicable rights as defined by international law – thus including killings, arbitrary detention, torture, harmful speech and incitement; restrictions on freedom of religion or belief; violations of rights to freedom of peaceful assembly, expression, association, and information; and discriminatory laws, as well as the discriminatory implementation of laws, including discriminatory access to work, education, health, and other public services.

The time period for the investigation was July 2022 to January 2026.

The Panel also relied on a limited amount of primary material, including: (i) testimonies of victims and eyewitnesses (where victim/witness consent was available) collected by victim groups; (ii) information collected from national and state government sources, such as public statements, submissions in courts and court orders, as well as parliamentary debates and discussions; and (iii) social media content.

In all this, the Panel was informed by UN's Principles of Human Rights and International Humanitarian Law Fact-finding and Investigations, viz: Independence; impartiality, transparency; objectivity; credibility; professionalism and consistency, while maintaining integrity and confidentiality, and doing no harm.³²

³¹ Apoorvanand, 'Hate Wears a Crown in Assam' (Frontline, 12 February 2026) <<https://frontline.thehindu.com/politics/himanta-sarma-hate-speech-assam-muslims/article70622979.ece>> accessed 20 March 2026.

³² P33-35

In its assessment of the information, the Panel considered the following questions for analysis:

Factual analysis:

- Is there credible evidence for the alleged events and/or violations?

Legal analysis:

- Do the events/violations constitute violations of international criminal law/international human rights law?
- What provisions of international criminal law/international human rights law might have been breached?
- Which individuals or groups are responsible for these violations?
- Which measures were taken by India to remedy these violations?

4. Applicable law

The Panel analysed the information gathered, based on applicable rules and principles of international law.

International Human Rights Law

The Panel considered relevant treaties that have been ratified by India, including:

2. the Universal Declaration of Human Rights (UDHR, 1948)³³
 - the International Covenant on Civil and Political Rights (ICCPR, 1979)³⁴
 - the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1979)
 - the Convention on the Elimination of All Forms of Racial Discrimination (ICERD, 1968)³⁵
 - the Convention on the Suppression and Punishment of the Crime of Apartheid, 1973
 - the Convention on the Elimination of Discrimination Against Women (CEDAW, 1993)
 - the Convention on the Rights of the Child (CRC, 1992).³⁶

In addition, norms of customary international law were taken into consideration where India has not ratified relevant treaties, such as the Convention on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention for the Protection of All Persons from Enforced Disappearance.³⁷

International Criminal Law

This analysis is based on:

³³ Adopted on 10 December 1948 <'India: Hate Speech Fueled Modi's Election Campaign' (Human Rights Watch, 14 August 2024) <<https://www.hrw.org/news/2024/08/14/india-hate-speech-fueled-modis-election-campaign>> accessed 20 March 2026.>

³⁴ Adopted on 16 December 1966, entered into force on 23 March 1976 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>>

³⁵ Adopted on 21 December 1965, entered into force on 4 January 1969 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>>

³⁶ Adopted on 20 November 1989, entered into force on 2 September 1990 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>

³⁷ Adopted on 20 December 2006, entered into force on 23 December 2010 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>>

- (i) the definitions of crimes in the Rome Statute of the International Criminal Court, including crimes against humanity, war crimes, and incitement to genocide. The Panel notes that India is not a party to the Rome Statute;
- (ii) the Genocide Convention, 1948, which India ratified in 1959, but for which it has not yet enacted specific legislation in domestic law;
- (iii) the Apartheid Convention, 1973, to which India acceded in 1977.

5. Standard of proof

In reaching its conclusions, the Panel used the threshold standard that generally justifies the commencement of formal investigations: **the existence of credible information of violations of law**. The authors intend their review of the information to be comparable to a 'preliminary examination' conducted by the Prosecutor of the International Criminal Court before the commencement of formal investigations. This threshold standard is lower than the 'reasonable grounds to believe' standard that is required to assert a breach of state responsibility for a violation of human rights law. It is also lower than the standards of proof required to reach final civil or criminal judgments, such as 'preponderance of evidence' or 'guilt beyond reasonable doubt'.

The authors did not conduct site visits to locations where alleged violations occurred in Assam and Uttar Pradesh. However, the Panel did hear directly from some individuals affected by the violations documented in this report. In addition, the Panel relied extensively on reputable sources with direct access to victims and relevant sites, including international human rights organisations, UN Special Procedure mandate-holders, independent media, civil society organisations, and academic institutions. Drawing on their experience in comparable contexts, the authors assessed the credibility of this material and made findings as to whether the reported incidents constitute violations of international human rights law and international criminal law.

The Panel made no efforts to obtain a response from the Indian government, and there has been no attempt made to weigh defensive material. The Panel's sole purpose has been to gather and evaluate evidence and determine if, in its opinion, the alleged violations deserve a formal investigation.

Section B

1. Findings

A. Assam

*International Human Rights Law*³⁸

1. Right to life

Applicable law: Art. 3 UDHR and Art. 6(1) ICCPR

Arbitrary deprivation of life is said to have occurred when a person is deprived of their life as a result of an action that lacks a legal basis or is otherwise inconsistent with protecting laws and procedures, including when it is not strictly necessary in view of the threat posed by an attacker or disproportionate to the threat. The notion of 'arbitrariness' includes elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality. The obligation entails taking all necessary measures to prevent arbitrary deprivation of life. The use of force by law enforcement officials should be exceptional, and assemblies should ordinarily be managed with no resort to force. State parties must also ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State.

The Panel finds credible evidence that the right to life has been violated in Assam through arbitrary deprivation of life in police 'encounter' shootings, excessive lethal force during eviction operations, custodial deaths and other unlawful killings by state actors, and failure to protect Muslims from foreseeable lethal violence by non-state actors. Official data indicates that between May 2021 and August 2022, 171 police 'encounter' incidents resulted in 56 deaths and 146 injuries.³⁹ Media reports state that the death toll rose to 83 by January 2024, with over 45 of those killed (54%) identified as Bengali-speaking Muslims, who comprise 34% of the state population.⁴⁰ Police accounts in reviewed cases follow a recurring pattern: claims that the deceased attempted to flee or seize a weapon, routine filing of FIRs against the deceased or injured, and absence of independent investigation. No officials have yet been reported held criminally responsible. The scale of fatalities, repetition of identical justifications, public endorsement of force by senior officials including the Chief Minister, and lack of accountability indicate that lethal force has been normalized, rather than treated as a last resort. Separately, since 2016, at least eight Bengali-speaking Muslims have reportedly been killed in eviction-related operations conducted with police support.⁴¹ At least two more deaths were reported due to exposure to severe heat or cold following eviction reports.⁴² The Panel also reviewed continuing lynching and mob violence linked to cattle-smuggling allegations, resulting in five Muslim deaths since July 2023.⁴³

³⁸ A more detailed version of these findings appears in Part III.1 (Violations of International Human Rights Law) in Chapter 2 (Assam).

³⁹ Arshad Ahmed, 'Shootings Of Cattle-Smugglers, Drug Peddlers, Suspected Insurgents: Inside The 20-Fold Surge In Assam's Encounter Killings' Article 14 (5 April 2024) <<https://article-14.com/post/shootings-of-cattle-smugglers-drug-peddlers-suspected-insurgents-inside-the-20-fold-surge-in-assam-s-encounter-killings-660f6afe217d1>> accessed 11 December 2025.

⁴⁰ *ibid.*

⁴¹ See Annexure III for full list.

⁴² *Ibid.*

⁴³ See Annexure II.

2. Right to liberty and security

Applicable law: Arts. 3 (life, liberty and security), 9 (arbitrary deprivation of liberty) of UDHR; Art. 9 (liberty and security; arbitrary deprivation of liberty) of ICCPR

The rights to life, liberty and security of a person are guaranteed by the UDHR and the ICCPR. Arbitrary detention is understood as any form of confinement that has no legal basis, violates domestic law or due process of law, or is unreasonable, unnecessary or disproportionate. Deprivation of liberty resulting from the exercise of the rights or freedoms guaranteed by the ICCPR is arbitrary. The right of persons deprived of their liberty to be treated with humanity and with respect for their inherent dignity – the state assumes responsibility to care for their lives while depriving them of liberty. Due to this heightened duty of care, they must take all necessary measures to protect the lives of individuals deprived of their liberty. The duty to protect the life of all detained individuals includes providing them with necessary medical care and appropriate regular monitoring of their health.

Material reviewed by the Panel indicates that Muslims in Assam have been subjected to arbitrary deprivation of liberty in three principal contexts: the citizenship determination and detention regime; the mass ‘pushback’ expulsion drive; and selective enforcement of security and preventive detention laws. The process to identify so-called ‘illegal immigrants’ has resulted in large-scale detention and prolonged vulnerability to detention of Bengali-origin residents, particularly Muslims. Foreigners’ Tribunals have been criticised for systemic arbitrariness, including rejection of evidence, ex parte decisions, relaxed standards, and reversal of the burden of proof. Thousands have reportedly been declared ‘foreigners’ over minor discrepancies, leading to indefinite detention, family separation, denial of medical care, and custodial deaths.⁴⁴ From May 2025, sweeping operations to detain and expel ‘illegal immigrants’ led to at least 2,450 expulsions by early 2026, with detention likely affecting a significantly higher number.⁴⁵ Reports describe midnight raids, warrantless arrests, denial of access to lawyers or family, and removal despite legal proceedings being pending before higher courts.⁴⁶ Separately, preventive detention and security laws have also reportedly been used against Muslims on tenuous grounds, alongside prolonged pre-trial detention and restricted access to bail.⁴⁷

3. Torture and other cruel, inhuman or degrading treatment or punishment

Applicable law: Art. 7 of ICCPR; Convention Against Torture

Torture is understood as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has

⁴⁴ National Law School of India University and Queen Mary University of London, ‘Unmaking Citizens: The Architecture of Rights Violations and Exclusion in India’s Citizenship Trials’ (2025) <https://www.nls.ac.in/wp-content/uploads/2025/07/Unmaking-Citizens_online-report.pdf>.

⁴⁵ PTI, ‘Assam CM Himanta Biswa Sarma Says 18 Bangladeshi Infiltrators Sent Back’ The Hindu (8 September 2025) <<https://www.thehindu.com/news/national/a-total-of-18-bangladeshi-infiltrators-sent-back-from-assam-cm-himanta-biswa-sarma/article70025431.ece>> accessed 20 March 2026; ‘Assam CM Says Govt Can Expel up to 50,000 Undocumented Migrants to Bangladesh a Year under New Policy’ Maktoob media (2 January 2026) <<https://maktoobmedia.com/india/assam-cm-says-govt-can-expel-up-to-50000-undocumented-migrants-to-bangladesh-a-year-under-new-policy/>> accessed 7 February 2026.

⁴⁶ Hannah Ellis-Petersen and Shaikh Azizur Rahman, ‘India Illegally Deporting Muslim Citizens at Gunpoint to Bangladesh, Say Rights Groups’ The Guardian (19 June 2025) <<https://www.theguardian.com/global-development/2025/jun/19/india-deporting-indians-muslim-citizens-bangladesh-say-rights-groups-border>> accessed 28 July 2025.

⁴⁷ ‘3 Arrested In Assam Miya Museum Case, Sent To Police Custody’ NDTV (27 October 2022) <<https://www.ndtv.com/india-news/assam-miya-museum-case-3-arrested-sent-to-police-custody-3465048>> accessed 7 February 2026; ‘In Assam’s Crackdown on Beef, 100 Eateries Raided, 1,000 Kg Meat Seized, 132 Arrests | India News - The Indian Express’ The Indian Express (2 July 2025) <https://indianexpress.com/article/india/assams-crackdown-on-beef-over-100-eateries-raided-1000-kg-meat-seized-132-people-held-10100650/?ref=newlist_hp> accessed 7 February 2026; Rokibuz Zaman, ‘Pahalgam’s Aftermath in Assam: Terror Charges, Jail for Social Media Posts by Muslim Men’ Scroll.in (29 July 2025) <<https://scroll.in/article/1084948/pahalgams-aftermath-in-assam-terror-charges-jail-for-social-media-posts-by-muslim-men>> accessed 7 February 2026.

committed or is suspected of having committed, or intimidating him or other persons. Torture does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners. Any extra-custodial use of force that does not pursue a lawful purpose (legality), or that is unnecessary for the achievement of a lawful purpose (necessity), or that inflicts excessive harm compared to the purpose pursued (proportionality) contradicts the established international legal principles on use of force by law enforcement officials. Failure to take all precautions practically possible in the planning, preparation and conduct of law enforcement operations with a view to avoid unnecessary, excessive or otherwise unlawful use of force contravenes the State's positive obligation to prevent acts of cruel, inhuman or degrading treatment within its jurisdiction. The prohibition on torture is a *jus cogens* norm.

The Panel finds credible evidence that Muslims in Assam have been subjected to severe physical and psychological harm by, or with the acquiescence of, state authorities. During eviction and policing operations, force has exceeded what was necessary to effect arrest or disperse crowds. In multiple 'half-encounter' cases, Muslim men were deliberately shot in the legs or knees, a practice publicly endorsed by senior officials, supporting the inference that such force was punitive and discriminatory.⁴⁸ The most serious incidents meet the threshold of torture, while the broader pattern constitutes cruel, inhuman or degrading treatment. Detention practices marked by humiliation, intimidation, and retaliatory prosecution have inflicted severe psychological harm extending beyond individual detainees. Recurring mob attacks and lynchings, occurring amid official awareness and repeated non-intervention, further engage the state's obligation to prevent cruel and degrading treatment by private actors.⁴⁹

4. Expulsion, refoulement, and deprivation of nationality

Applicable law(s): ICCPR Articles 13, 17, 24; CRC Articles 3, 7, 9; ICERD Articles 5, 7; Refugee Convention Article 33; CAT Article 3; Customary international law

International law places limits on States' power to expel individuals. Expulsions must follow lawful procedures, provide individuals a fair chance to be heard, and must not be carried out collectively or in a discriminatory manner. States must not return anyone, including rejected asylum-seekers or undocumented persons, to a country where they face a real risk of serious harm. Expulsion decisions must respect the right to family unity and prioritise the best interests of the child. No one may be denied entry to their own country, and States must avoid arbitrary deprivation of nationality or other actions that would render a person stateless.

The Panel finds credible evidence that expulsion measures implemented since May 2025 have been carried out in a discriminatory, arbitrary, and collective manner, without adequate safeguards and in circumstances exposing affected individuals to serious harm. Official statements indicate that at least 2,450 individuals were expelled from Assam between May 2025 and early 2026.⁵⁰ Available reporting indicates that these operations overwhelmingly targeted Bengali-speaking Muslims and Rohingya refugees. There is no indication of comparable action against similarly situated non-Muslim undocumented migrants, indicating discriminatory enforcement rooted in ethnic and religious profiling. The forced expulsion of at least

⁴⁸ Arshad Ahmed (n 1); Pratyush Deep, 'Impunity in Uniform: In Assam, There's No Accountability for Police "Encounters"' NewsLaundry (20 November 2025) <<https://www.newslandry.com/2025/11/20/impunity-in-uniform-in-assam-theres-no-accountability-for-police-encounters>> accessed 11 December 2025; 'With CM's Endorsement, Assam Police Forges Ahead on "Encounter" Spree' (The Wire) <<https://thewire.in/government/assam-police-encounter-himanta-biswa-sarma>> accessed 14 April 2023.

⁴⁹ 'Data Reveals Rising Hate and Violence Against Bengali-Origin Muslims in Assam' (India Hate Lab (IHL), 31 July 2025) <<https://indiahatelab.com/2025/07/31/hate-campaign-in-assam/>> accessed 11 December 2025.

⁵⁰ PTI (n 5); 'Assam CM Says Govt Can Expel up to 50,000 Undocumented Migrants to Bangladesh a Year under New Policy' (n 5).

100 Rohingya refugees constitutes a clear breach of the principle of non-refoulement.⁵¹ These removals occurred without individualised protection assessments or access to asylum procedures, despite the well-documented risk of persecution, arbitrary detention, and torture in Myanmar. Other Bengali-speaking Muslims – both Bangladeshi nationals and Indian citizens – were expelled to ‘no man’s land’ at the India-Bangladesh border, transported at night and abandoned without food, shelter, or medical care, where they faced violence, extortion, and trafficking risks. Available evidence further confirms that Indian citizens have been unlawfully expelled under the current regime: at least 200 individuals pushed into Bangladesh were subsequently returned after being identified as Indian nationals, while others remain stranded without access to remedy.⁵² These actions violate the right of individuals to enter their own country and create risks of de facto statelessness, including through arbitrary deprivation of nationality. The expulsion regime operates through summary executive processes under the federal Ministry of Home Affairs and Assam’s state-level framework, allowing district officials or police-appointed authorities to order deportation within 24 hours, frequently before courts can decide pending appeals.⁵³ Individuals are reportedly detained without notice, denied access to lawyers or family, and removed before legal challenge is possible. Expulsions have been carried out in large groups without individualised assessments, and have included elderly persons, children, and long-term residents. Numerous cases involve forced family separation, with removals executed without regard for family unity or the best interests of children.

5. Freedom of expression, association and peaceful assembly

Applicable law: Arts. 19 and 20 UDHR; Arts. 19, 21 and 22 ICCPR; Art. 5(d) ICERD

Everyone has the right to hold opinions and to freely express themselves. Any restriction on the exercise of this right must be provided by law and be necessary and proportionate to the aim pursued. Certain types of expression should not ordinarily be subject to restriction, for instance discussion of government policies and political debate; reporting on human rights and/or government activities; and engaging in peaceful demonstrations or political activities. All forms of opinion are protected, including opinions of a political, scientific, historical, moral or religious nature.

The right to participate in an assembly includes the organisation and conduct of gatherings, in person or remotely, for the purpose of expressing views or exchanging ideas. Only peaceful assemblies which do not entail the use of physical force by participants that is likely to result in injury or death or serious property damage are protected. Any limitations on assemblies and associations should be in conformity with the law and must be necessary in the pursuit of legitimate interests.

Discrimination in the enjoyment of these rights is prohibited, including where restrictions have the purpose or effect of impairing their equal enjoyment on racial or ethnic grounds.

The Panel finds credible evidence of an escalating pattern of arbitrary and discriminatory restrictions on civic space in Assam, disproportionately affecting Muslims, including journalists, academics, activists, and civil society actors critical of state policies. Criminal law has increasingly been used to suppress dissent, including mass arrests following the April 2025 Kashmir attack for alleged ‘anti-India’ social media activity, invocation of sedition-related provisions against journalists associated with The Wire in August 2025, and an FIR against journalist Abhisar Sarma

⁵¹ ‘Stop Unlawful Deportations and Protect Rohingya Refugees in India’ (Amnesty International, 19 June 2025) <<https://www.amnesty.org/en/latest/news/2025/06/india-stop-unlawful-deportations-and-protect-rohingya-refugees/>> accessed 20 March 2026.

⁵² Hannah Ellis-Petersen and Shaikh Azizur Rahman (n 6).

⁵³ Srinath Rao, ‘Marked, Detained, Pushed Back: Inside India’s New Deportation Regime’ (The Polis Project, 30 November 2025) <<https://thepolisproject.com/read/pushed-back-india-new-deportation-regime-bangladesh/>> accessed 20 March 2026.

for critical commentary. Accompanied by disparaging public remarks by the Chief Minister, these actions reflect reliance on vague provisions to silence criticism rather than address genuine public-order threats. The Panel also reviewed arrests and harassment of public critics, including journalist Dilwar Hussain Mozumder, his brother, and university chancellor Mahbubul Hoque, alongside repeated public disparagement of Muslim journalists. Peaceful assembly has been treated as a law-and-order threat, with prohibitory orders used to block protest activity and civil society fact-finding. Prominent civil society actors like Syeda Hamid and Harsh Mander have faced intimidation and retaliatory complaints. Viewed cumulatively, these measures exceed permissible limitations under international law and constitute discriminatory interference with freedoms of expression, association, and peaceful assembly.

6. Right to freedom of religion or belief

Applicable law: Art. 18 UDHR and Art. 18 ICCPR; Art. 27 ICCPR

The right to freedom of religion encompasses the right to have or adopt a religion or belief of one's choice which is protected unconditionally, as well as the freedom to manifest them through worship, practice, teaching, etc., which can be restricted but only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or fundamental rights and freedoms of others. The right to adopt a religion also includes the right to change one's religion and bars compelling believers to adhere to a certain religion through coercive measures, including penal sanctions.

The right to freedom of religion for religious minorities is further reinforced by the ICCPR with a specific guarantee that persons belonging to minority groups shall not be denied to right to, inter alia, profess and practice their own religion.

ICERD further guarantees the enjoyment of freedom of thought, conscience and religion without racial discrimination, and prohibits distinctions that have the 'purpose or effect' of impairing the equal exercise of this right, including where religious identity is 'racialised' and used as a basis for discrimination.

The Panel finds credible evidence of escalating state interference with Muslim religious life in Assam, including restrictions on Islamic education, intrusive regulation of Muslim marriage and family practices, and the targeting or destruction of Muslim places of worship. Since 2021, state-funded madrassas have been abolished and converted into general schools, affecting nearly 98,000 students, with subsequent regulatory pressure extending to privately run institutions.⁵⁴ The 2025 prohibition of polygamy law criminalises marriages recognised under Muslim personal law and extends liability to religious functionaries, curtailing the institutional role of Muslim religious authorities and interfering with religious manifestation. The Panel also reviewed reports of mosque demolitions during eviction operations in Muslim-majority areas.⁵⁵ In the absence of safeguards for religious sites, and amid communalised rhetoric, such actions reflect a failure to respect and protect Muslim places of worship.

7. Prohibition of advocacy of hatred and incitement to discrimination, hostility or violence

Applicable law: Art. 20 ICCPR, Art 4 ICERD

⁵⁴ Makepeace Sitlhou, 'In India's Assam, Ban on Madrassas May Force Girls to Drop Out' Al Jazeera (11 March 2021) <<https://www.aljazeera.com/features/2021/3/11/shut-down-of-madrassas-in-indias-assam-could-see-girls-drop-out>> accessed 20 March 2026.

⁵⁵ 'Assam Eviction Drive Clears 5,962 Bighas of Forest Land in Nagaon; 1,700 Families Affected' (The Pioneer, 1 December 2025) <<https://dailypioneer.com/news/assam-continues-eviction-drive-to-clear-798-hectares-in-nagaon-district>> accessed 20 March 2026.

The ICCPR requires states to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence, by law. The ICCPR sets a high threshold for what might constitute such inciting advocacy of hatred. Speech that meets this high threshold, based on a contextual assessment as identified in the Rabat Plan of Action, should be prohibited, and when it occurs, elicit a robust response by the State.

In parallel, the ICERD requires States to combat racist hate speech as a form of racial discrimination. It obliges States to prohibit the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, and acts of violence or incitement to such acts, and to prevent public authorities or institutions from promoting or inciting racial discrimination. Such obligations apply not only to explicitly racial remarks, but also to indirect forms of expression targeting groups protected on grounds of race, colour, descent, or national or ethnic origin. In this context, racist hate speech emanating from political leaders or other public officials is of particular concern, given their position or status in society and their capacity to contribute to a climate of discrimination or hostility against protected groups.

Material reviewed by the Panel indicates that anti-Muslim hate speech in Assam has intensified, particularly against Bengali-speaking Muslims. Senior officials, led by the Chief Minister, have portrayed Muslims as outsiders, encroachers, and demographic threats through narratives such as ‘land jihad’ and demographic replacement. In early 2026, the Chief Minister – who has previously said that he ‘ignites fire’ against ‘infiltrators’, that Hindus are engaged in a ‘last battle of survival’, and that we wants ‘the situation to be explosive’ – reportedly stated that electoral roll removal notices were being served exclusively to ‘Miya’ Muslims to ‘give them trouble,’ that hundreds of thousands of Muslim voters would be removed, and that it was his ‘job’ to make them suffer; he also reportedly urged economic discrimination against ‘Miya’ rickshaw pullers. A ruling-party social media video depicted him firing at visibly Muslim individuals with ‘no mercy’. Such statements, delivered by the state’s highest elected authority, signal and legitimise discrimination and exclusion. The Panel also reviewed recurring mobilisation by Hindu nationalist and Assamese ethnonationalist groups, including identity-based targeting and vigilante violence, often following inflammatory rhetoric and coercive state measures.⁵⁶ Despite the foreseeable risk of harm, preventive action has been absent, heightening the danger of further targeted violence against Bengali-speaking Muslims.

8. Right to participate in public affairs and to vote

Applicable law: Art. 25 ICCPR

Article 25 of the ICCPR guarantees every citizen the right and the opportunity, without discrimination or unreasonable restrictions, to take part in the conduct of public affairs, to vote and stand for election in genuine periodic elections, and to have access to public service on general terms of equality. Any conditions on the exercise of these rights must be prescribed by law and based on objective and reasonable criteria. Restrictions may not be arbitrary, discriminatory, or disproportionate.

The UN Human Rights Committee has, in General Comment 25, clarified that elections must be genuine, periodic, and conducted by universal and equal suffrage through secret ballot, ensuring the free expression of the will of the electorate. States must facilitate voter registration, prevent intimidation or coercion, ensure accessible voting procedures (including for minorities, persons with disabilities, and illiterate voters), and provide ballots in minority languages where necessary. Independent electoral authorities, effective judicial review of electoral decisions, and freedom of expression, association, and assembly are essential components of electoral integrity and meaningful political participation.

⁵⁶ ‘Data Reveals Rising Hate and Violence Against Bengali-Origin Muslims in Assam’ (n 9).

Material reviewed by the Panel indicates sustained and discriminatory interference with the political rights of Bengali-speaking Muslims in Assam. The continued designation of around 93,000 individuals as ‘D-voters’ has resulted in prolonged disenfranchisement without effective remedy. The ongoing Special Revision of electoral rolls, including large-scale ‘Form-7’ objections targeting Muslim-concentration areas, heightens the risk of selective deletion. Public remarks by the Chief Minister that the process was intended to ‘trouble’ Miya Muslims further undermine neutrality and signal discriminatory intent incompatible with free electoral participation.⁵⁷

9. Right to protection from discrimination against women and girls

Applicable law: CEDAW; DEVAW; Arts. 2, 19 CRC; CERD GR 25

International law imposes comprehensive obligations on States to eliminate discrimination against women and girls and to prevent and respond to gender-based violence. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires States to take all appropriate measures to ensure women’s equal enjoyment of civil, political, economic, social, and cultural rights, including in family life, education, and employment. The Declaration on the Elimination of Violence against Women (DEVAW) clarifies that gender-based violence – whether by State or non-State actors – constitutes a violation of women’s human rights and obliges States to prevent, investigate, punish, and provide redress for such violence, with particular attention to women from marginalised or minority communities.

The Convention on the Rights of the Child (CRC) guarantees girls equal protection from discrimination and violence and affirms their right to education on the basis of equal opportunity. CEDAW and the CRC further require States to ensure women’s and girls’ access to education free from discrimination, including participation, equality within educational institutions, and the transformative role of education in advancing substantive gender equality. ICERD additionally recognises that racial discrimination may have distinct and compounded impacts on women and girls, requiring gender-sensitive analysis and targeted State responses.

Reports reviewed by the Panel indicate that the gendered operation of Assam’s citizenship verification regime⁵⁸, eviction policies, and law-enforcement practices have systematically exposed Muslim women and girls to heightened legal precarity, economic deprivation, and social vulnerability. These patterns reflect intersecting discrimination on grounds of gender and religion and a failure to ensure equal enjoyment of rights by Muslim women and girls.

10. Economic, social and cultural rights; minority rights

Applicable law: Arts. 2(1), 6(1), 11(1), 12, 13, 15 ICESCR; Art. 27 ICCPR; Arts. 1, 2, 5 ICERD

Economic, social and cultural rights include, inter alia, the rights to work and livelihood, health, education, adequate housing, food, and participation in cultural life. Under the ICESCR, States are required to take steps, to the maximum of their available resources, to progressively realise these rights, and to guarantee their enjoyment without discrimination, an obligation of immediate effect. The ICERD reinforces these obligations by requiring States to prohibit and eliminate racial discrimination in the enjoyment of economic, social and cultural rights, including where distinctions based on race, colour, descent, or national or ethnic origin have the purpose or effect of impairing equal enjoyment of such rights. For minority communities, these protections are further strengthened by Article 27 of the ICCPR,

⁵⁷ Manoj Anand, ‘Assam CM Denies Electoral Roll Anomalies, Says Notices to “Miya” Will Continue’ Deccan Chronicle (24 January 2026) <<https://www.deccanchronicle.com/nation/assam-cm-denies-electoral-roll-anomalies-says-notices-to-miya-will-continue-1932463>> accessed 7 February 2026.

⁵⁸ Vidya Krishnan, ‘Women Are Easy Targets in Citizenship Documentation Campaign’ (Dialogue Earth, 5 March 2020) <<https://dialogue.earth/en/justice/women-are-easy-targets-in-citizenship-documentation-campaign/>> accessed 20 March 2026.

which requires States to ensure that members of ethnic, religious or linguistic minorities are not denied the right to enjoy their culture, practise their religion, or use their language in community with others.

Reports reviewed indicate that economic, social and cultural rights in Assam have been impaired through measures framed as neutral administration but disproportionately affecting Bengali-speaking Muslims. State policies have restricted access to livelihoods, welfare, education, and cultural participation in ways incompatible with equality and non-discrimination. Intensified enforcement of the cow protection law, following rhetoric accusing Muslims of ‘weaponising beef’, has led to mass arrests and disruption of livelihoods.⁵⁹ Population control-linked welfare restrictions, introduced amid official references to ‘demographic change’, raise concerns of indirect discrimination. The abolition of state-funded madrassas affecting approximately 98,000 students, and actions targeting Miya cultural initiatives – including closure of a Miya Museum and public disparagement of Miya identity by the Chief Minister – further undermine minority cultural and educational rights.⁶⁰

11. Right to adequate housing and protection against forced eviction

Applicable law: Article 11(1) ICESCR; Articles 2(2) ICESCR; CESCR General Comments Nos. 3, 4, 7 and 26

The ICESCR recognises the right of everyone to an adequate standard of living, including the right to adequate housing. The Committee on Economic, Social and Cultural Rights has clarified that the right to adequate housing must be understood not merely as access to shelter or a physical structure, but as the right to live somewhere in security, peace and dignity.

The Committee has emphasised that the adequacy of housing is assessed through several interrelated elements, including legal security of tenure, habitability, affordability, accessibility, access to essential services, and appropriate location. States are required to ensure protection against forced eviction, harassment, and other threats to housing, regardless of the form of tenure under which housing is occupied.

Forced evictions are considered prima facie incompatible with the ICESCR, particularly where they result in homelessness, the use of excessive force, or the violation of other fundamental rights. Evictions may be carried out only in the most exceptional circumstances and must be accompanied by strict procedural safeguards, including prior notice, genuine consultation, access to legal remedies, provision of alternative housing, and protection against homelessness.

Secure and non-discriminatory access to land forms an integral component of the enjoyment of economic, social and cultural rights, including the right to adequate housing. States are required to prevent arbitrary displacement, respect customary and informal tenure arrangements, stop forced evictions affecting land-dependent communities, and ensure that laws, policies and practices do not undermine access to land or lead to dispossession.

The Panel finds credible evidence that eviction drives and land governance practices in Assam have resulted in sustained and large-scale interference with the right to adequate housing, with severe and disproportionate impacts on Bengali-speaking Muslims. Eviction operations have overwhelmingly targeted Muslim-concentration districts, involving mass demolition of homes,

⁵⁹ ‘Beef Being “weaponised” against Hindus, Says Assam CM Himanta Biswa Sarma’ The Hindu (10 June 2025)

<<https://www.thehindu.com/news/national/assam/beef-being-weaponised-against-hindus-says-assam-cm-himanta-biswa-sarma/article69679075.ece>> accessed 11 December 2025; ‘In Assam’s Crackdown on Beef, 100 Eateries Raided, 1,000 Kg Meat Seized, 132 Arrests | India News - The Indian Express’ (n 7).

⁶⁰ Makepeace Sitlhou (n 14); ‘3 Arrested In Assam Miya Museum Case, Sent To Police Custody’ (n 7).

schools, mosques, and livelihood infrastructure, often without prior notice, consultation, compensation, or rehabilitation. Since 2016, at least eight Bengali-origin Muslims have been killed amid eviction-related operations. Displaced families have frequently been left without shelter, basic services, or access to schooling, and in some cases relocated to flood-prone or undocumented sites. Parallel land measures –including restrictions on inter-religious land transfers and exclusion from regularisation schemes such as Mission Basundhara – have further curtailed secure access to land, reinforced by official rhetoric portraying evictees as ‘encroachers’ or ‘infiltrators.’⁶¹ Viewed cumulatively, these practices reflect discriminatory use of administrative powers and constitute retrogressive and unequal interference with the right to adequate housing and related economic and social rights.

12. Prohibition of discrimination

Applicable law: ICERD and all other international human rights instruments

The principle of non-discrimination is a foundational norm of international human rights law and applies across all civil, political, economic, social, and cultural rights. It requires States to ensure equal protection of the law and to refrain from distinctions or practices that impair the equal enjoyment of rights by protected groups.

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) constitutes the primary international legal framework governing racial and related forms of discrimination. ICERD defines racial discrimination as any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the equal enjoyment of human rights in any field of public life. States Parties are required to refrain from discriminatory conduct by public authorities, to prevent and punish discrimination by private actors, and to review and rescind laws, policies, and practices that produce discriminatory effects. The Committee on the Elimination of Racial Discrimination (CERD) has consistently affirmed that discrimination includes both intentional discrimination and discrimination in effect, including measures that produce unjustifiable disparate impacts on protected groups. Although ICERD does not expressly enumerate religion, CERD has recognised the intersection between racial, ethnic, linguistic, and religious discrimination, including where religious identity has been racialised and used as a basis for exclusion.

These standards are reinforced by the ICCPR, which guarantees equality before the law and prohibits discrimination, including on grounds of religion.

The material reviewed indicates a sustained pattern of differential treatment of Muslims in Assam – particularly Bengali-speaking Muslims – engaging the state’s obligation to guarantee equality before the law and equal protection without discrimination. Coercive measures across domains have been applied disproportionately, and at times almost exclusively, to Muslims, while comparable conduct by non-Muslim actors has attracted little action. Hostile and racist public rhetoric by the Chief Minister has further normalised exclusion and signalled tolerance of unequal treatment. Taken together, these patterns indicate entrenched institutional discrimination and State complicity in foreseeable discriminatory harms. The UN Committee on the Elimination of Racial Discrimination (CERD)’s decision to initiate its early warning and urgent action procedure in May 2025, and to reiterate concerns in January 2026, indicates its

⁶¹ Harsh Mander, ‘Corrosive Rhetoric against Bengali-Speaking Muslims Is Tearing Assam Apart’ Scroll (7 September 2025) <<https://scroll.in/article/1086202/harsh-mander-himanta-biswa-sarmas-corrosive-rhetoric-is-tearing-assam-apart>> accessed 11 December 2025; ‘Nothing Wrong With Religious Polarization, Says Assam Chief Minister Himanta Biswa Sarma’ ETV Bharat News (15 April 2024) <<https://www.etvbharat.com/en!/state/nothing-wrong-with-religious-polarization-assam-chief-minister-himanta-biswa-sarma-enn24041501921>> accessed 16 April 2024; Apoorvanand, ‘Hate Wears a Crown in Assam’ (Frontline, 12 February 2026) <<https://frontline.thehindu.com/politics/himanta-sarma-hate-speech-assam-muslims/article70622979.ece>> accessed 20 March 2026.

acknowledgement of the situation of Bengali-speaking Muslims as one where religious identity is racialised for exclusion.

*International Criminal Law*⁶²

1. Direct and public incitement to genocide, focusing on speeches by the Chief Minister

Applicable law: Art. 25(3)(e) of the Rome Statute and Art. III(c) of the Genocide Convention

Incitement to genocide requires that the perpetrator directly and publicly incites another to commit genocide, which is understood as certain acts committed 'with the intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such.' These include, *inter alia*, killing of members of the group and causing serious bodily or mental harm to the members of the group.

In the Panel's view, a series of public statements by CM Sarma raise sufficiently serious concerns under Article III(c) of the Genocide Convention and Article 25(3)(e) of the Rome Statute to warrant further independent investigation. Direct and public incitement is an inchoate crime, punishable even in the absence of a completed genocide, and requires public and direct encouragement of the destruction, in whole or in part, of a protected group, accompanied by specific intent that the group be destroyed in whole or in part. The material reviewed indicates that, across multiple speeches and public communications, Sarma repeatedly portrayed Bengali-speaking Muslims as 'infiltrators' and an existential threat, invoked imagery of setting 'fire,' framed events as a 'last battle of survival,' and called for conditions to be 'explosive' while facilitating arms licences in Muslim-concentration areas. Delivered at rallies, to the press, and through mass media, these statements were public in nature and direct in form, and would readily be understood by their intended audience as referring to Bengali-speaking Muslims. When assessed against the broader context documented in this report, it is clear that the *content* of the speeches meet the threshold required for the crime of direct and public incitement to genocide. It is less clear whether CM Sarma can reasonably be regarded as displaying *genocidal* intention (that the targeted group be destroyed in whole or in part), though his words do expressly support ethnic cleansing. While the Panel does not find specific intent in relation to genocide, we emphasise that India's *erga omnes* obligation to prevent genocide is both salient and extremely urgent in these circumstances.

2. Crime against humanity

Applicable law: Art. 7 of the Rome Statute

Crimes against humanity are defined as 'any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collective on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the

⁶² A more detailed version of these findings appears in Part III.2 (Violations of International Criminal Law) in Chapter 2 (Assam).

Court; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.'

- 2.1. Deportation or forcible transfer as a crime against humanity, focusing on expulsions to Bangladesh:** In the Panel's view, there is a reasonable basis to believe that the deportation and forcible transfer of Bengali-speaking Muslims from Assam may amount to a crime against humanity under Article 7(1)(d) of the Rome Statute, and that there remains a risk of their continued commission. Deportation or forcible transfer requires displacement, without grounds permitted under international law, of persons lawfully present in an area, committed as part of a widespread or systematic attack directed against a civilian population, with knowledge of that attack. The material reviewed indicates large-scale expulsions across international borders, as well as internal transfers to facilitate detention and removal, carried out pursuant to official directions and accompanied by coercive acts including detention, threats, and an environment of escalating hostility. In light of the serious procedural infirmities and discriminatory operation of citizenship determination processes documented in this report, those removed cannot credibly be regarded as unlawfully present for the purposes of Article 7(1)(d). Assessed cumulatively, the scale, organised character, and official endorsement of removals, together with publicly announced targets for further expulsions, support the inference that the conduct formed part of a widespread and systematic campaign directed against a civilian population. Senior officials authorising and publicising these measures would almost certainly have been aware of both the factual circumstances of the deportees' presence and the broader attack within which the removals occurred.
- 2.2 Persecution as a crime against humanity, focusing on hate speech:** In the Panel's view, there is a reasonable basis to believe that the cumulative pattern of hate speech against Bengali-speaking Muslims in Assam may amount to persecution as a crime against humanity under Article 7(1)(h) of the Rome Statute. Persecution entails the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of a group, when committed as part of a widespread or systematic attack directed against a civilian population. Since 2022, senior political leaders led by the Chief Minister have repeatedly characterised Bengali-speaking Muslims as an existential threat, invoked imagery of violent confrontation and demographic replacement, encouraged social and economic exclusion, and legitimised armed 'self-defence' in Muslim-concentration areas. These statements have been publicly disseminated and amplified by ruling-party structures and allied organisations. International jurisprudence recognises that persecutory acts need not involve direct physical violence; speech acts may constitute persecution where, considered cumulatively and in context, they are of comparable gravity to other crimes against humanity. Assessed against the broader factual matrix documented in this report, the content, scale, repetition, and institutional tolerance of anti-Muslim rhetoric support the inference that such speech forms part of a widespread and systematic attack directed against a civilian population. Discriminatory intent may reasonably be inferred from the express targeting of Bengali-speaking Muslims and from the alignment of rhetoric with coercive state measures. Given the official positions of key speakers and the integration of such rhetoric into policy and enforcement practices, their knowledge of the broader attack may likewise be inferred.
- 2.3 Persecution as a crime against humanity, focusing on forced evictions:** In the Panel's view, there is a reasonable basis to believe that the pattern of forced evictions and home demolitions

targeting Bengali-speaking Muslims in Assam may amount to persecution as a crime against humanity under Article 7(1)(h) of the Rome Statute. International jurisprudence recognises that acts of comparable gravity to physical violence, including the comprehensive destruction of homes, property, and means of subsistence, may constitute persecution where they operate as a discriminatory denial of fundamental rights. Assessed cumulatively and in the broader factual matrix documented in this report, the scale and recurrence of eviction drives, their organised and often violent execution by state actors, and their severe downstream consequences for housing, livelihood, education, and basic subsistence, support the inference that the conduct forms part of such an attack. Discriminatory intent may reasonably be inferred from identity-specific official rhetoric framing evictions as a response to Muslim ‘encroachment,’ from the differential targeting of Muslim settlements relative to similarly situated non-Muslim settlements, and from the integration of eviction practices within a land-governance framework that excludes Bengali-origin Muslims from regularisation and restricts inter-religious land transfers. Given the central role of senior officials in ordering, justifying, and publicly endorsing these operations, and the visibility and repetition of the practice across districts, their knowledge of the broader attack may likewise be inferred.

- 2.4 **Apartheid against Bengali-speaking Muslims in Assam as a crime against humanity:** In the Panel’s view, there is a reasonable basis to believe that the systematic stripping of citizenship, legality, and residence from Bengali-speaking Muslims in Assam may amount to apartheid as a crime against humanity under Article 7(1)(j) and Article 7(2)(h) of the Rome Statute, and that apartheid conditions are being further strengthened and consolidated. The crime of apartheid entails inhumane acts of a character similar to other crimes against humanity, committed in the context of an institutionalised regime of systematic oppression and domination by one racial group over another, and with the intention of maintaining that regime. The material reviewed indicates a multi-pronged architecture of citizenship deprivation, including the exclusionary design and implementation of the National Register of Citizens; religion-based corrective pathways and exemptions under the Citizenship (Amendment) Act and subsequent executive orders favouring non-Muslim groups; operational guidance diverting non-Muslims from adjudicatory processes; and the recent introduction of executive procedures enabling summary determination of immigration status, detention, and expulsion. Assessed cumulatively and in light of the broader factual matrix documented in this report, these measures have resulted in large-scale nationality insecurity, disenfranchisement, denial of access to welfare and public services, arbitrary detention, deportation, and heightened exposure to violence and social exclusion. Such acts are of comparable gravity to other crimes against humanity and correspond to forms of legislative and administrative exclusion recognised in the 1973 Apartheid Convention as characteristic of apartheid regimes, including denial of nationality, political participation, and basic civil rights. They have operated within a legal and administrative framework that systematically marginalises and subordinates a racialised group defined by descent, ethnic origin, and perceived national origin intersecting with religion. The scale, policy-driven character, and sustained consolidation of these measures support the inference that they form part of an institutionalised regime of domination pursued pursuant to state policy. Given repeated public endorsement by senior officials and their central role in designing and implementing the relevant measures, their knowledge of the broader attack and intent to maintain that regime may likewise be inferred.

Right to an Effective Remedy⁶³

⁶³ A more detailed version of these findings appears in Part IV (The Right to an Effective Remedy) of Chapter 2 (Assam).

The Panel assessed⁶⁴ whether Assam provides meaningful avenues of redress in relation to four recurring patterns of violations documented in this report: ‘encounter’ killings; hate speech and incitement; discriminatory practices within the citizenship verification regime, including forced expulsion; and large-scale forced evictions and demolitions.

1. **State of access to justice:** Across the patterns examined, Muslims – particularly those perceived to be of Bengali origin – face structural barriers at the entry point.⁶⁵ Authorities have repeatedly refused to register FIRs or acknowledge complaints, and arrests and detentions are often carried out without formal notice or written record, obstructing families’ ability to initiate legal action. Even where FIRs are registered, they are frequently delayed or diluted, omitting material facts such as the identity of implicated officials. Victims report intimidation and reprisals, including threats of being declared foreigners or charged with fabricated offences, deterring pursuit of remedies. Access to legal representation is limited, with lawyers reportedly reluctant to take cases implicating police or border authorities. Legal aid is widely viewed as ineffective.
2. **State of investigations:** Investigations into serious violations, particularly those involving Muslims, frequently do not even begin. When they do, they routinely fail to meet basic requirements of independence, impartiality, promptness, and adequacy.
3. **State of prosecutions and judicial process:** Prosecutions of public officials across the priority categories appear virtually non-existent. Judicial proceedings initiated by Muslim victims are marked by delay and opacity.
4. **State of reparation:** Muslim victims of serious violations in Assam have received virtually no reparation. No compensation or official acknowledgment is reported in relation to families of those killed in alleged ‘encounters’ or those wrongfully expelled and later returned. A rare exception is a 2024 Gauhati High Court order awarding ₹3 million in compensation in a custodial death and illegal demolition matter in Nagaon, but this followed prolonged litigation and does not appear to reflect a broader pattern of effective redress.
5. **State of oversight institutions:** The Assam Human Rights Commission appears to have shown little initiative in politically sensitive cases, including in ‘encounter’ cases, and reportedly closed encounter-related cases on the basis that court proceedings were pending.⁶⁶ The Gauhati High Court’s oversight has been uneven – rejecting a PIL on ‘encounters’ in 2023 and showing no suo motu action on hate speech – while issuing limited interim relief in some ‘pushback’ cases and select eviction matters. A January 2026 ruling by the GHC upheld expulsions and rejected claims of discriminatory targeting, signalling judicial endorsement of the government’s approach.⁶⁷ The Supreme Court too appears increasingly reluctant to sustain monitoring of its own directives.⁶⁸

Accordingly, the Panel concludes that the remedial framework available to Muslims in Assam is largely ineffective in practice, and that individuals affected by the violations documented in this report have no realistic prospect of securing justice through existing domestic mechanisms.

⁶⁴ Through review of published news reports, as well as consultations with local civil society groups with access to survivor networks.

⁶⁵ For instance, see Pratyush Deep (n 8).

⁶⁶ ‘Supreme Court Asks Assam Human Rights Commission to Inquire into Alleged Fake Encounters in State’ (The Indian Express, 28 May 2025) <<https://indianexpress.com/article/india/supreme-court-assam-human-rights-commission-fake-encounters-10033846/>> accessed 20 March 2026.

⁶⁷ ‘5 Reasons Why Gauhati High Court Rules That Foreign Nationals Awaiting Expulsion Can’t Claim Illegal Detention’ (The Indian Express, 9 January 2026) <<https://indianexpress.com/article/legal-news/5-reasons-why-gauhati-high-court-rules-that-foreign-nationals-awaiting-expulsion-cant-claim-illegal-detention-10462630/>> accessed 20 March 2026.

⁶⁸ ‘CJI Calls Petitions Against CM Himanta’s Hate Speech “Calculated Effort to Demoralise High Courts”’ (The Wire, 16 February 2026) <<https://thewire.in/communalism/supreme-court-chief-justice-of-india-surya-kant-hate-speech-demoralise-high-court-muslims-himanta-biswa-sarma>> accessed 20 March 2026.

B. Uttar Pradesh

*International Human Rights Law*⁶⁹

1. Right to life

Applicable law: Art. 3 UDHR and Art. 6(1) ICCPR

Arbitrary deprivation of life is said to have occurred when a person is deprived of their life as a result of an action that lacks a legal basis or is otherwise inconsistent with protecting laws and procedures, including when it is not strictly necessary in view of the threat posed by an attacker or disproportionate to the threat. The notion of ‘arbitrariness’ includes elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality. The obligation entails taking all necessary measures to prevent arbitrary deprivation of life. The use of force by law enforcement officials should be exceptional, and assemblies should ordinarily be managed with no resort to force. State parties must also ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State.

The Panel finds credible evidence that the right to life has been violated in Uttar Pradesh through arbitrary deprivation of life by police in so-called ‘encounter’ killings, unlawful use of lethal force against Muslim protesters, deaths linked to custodial abuse, and failure to prevent targeted killings of Muslims by non-State actors. Since 2017, UP Police have conducted over 16,284 recorded ‘encounter’ operations, resulting in 266 deaths, including at least 48 in 2025 alone, the highest annual toll since 2017.⁷⁰ Previously disclosed official data confirmed that Muslims were disproportionately affected, comprising over 32 per cent of those killed despite constituting approximately 19 per cent of the population.⁷¹ The encounter killings reviewed by the Panel exhibit recurring features: reliance on claims of self-defence, absence of evidence that victims posed an imminent threat, failure to demonstrate that non-lethal alternatives were exhausted, and lack of independent investigation.⁷² Public endorsement of the ‘encounter’ policy by senior officials, including the Chief Minister, indicates that the use of lethal force has become normalised.⁷³ In November 2024, five Muslim men were killed in Sambhal during police firing at protesters.⁷⁴ Available evidence indicates that live ammunition was discharged by police in circumstances that do not appear to meet the strict requirements of necessity and

⁶⁹ A more detailed version of these findings appears in Part III.1 (Violations of International Human Rights Law) in Chapter 3 (Uttar Pradesh).

⁷⁰ ‘48 Killed In UP Encounters In 2025, Highest Under Yogi Adityanath Since 2017’ (NDTV, 31 December 2025) <<https://www.ndtv.com/india-news/up-police-killed-48-criminals-in-encounters-in-2025-highest-under-adityanath-since-2017-10141715>> accessed 16 February 2026.

⁷¹ India TV News, ‘Ahmed to Vikas Dubey to Mangesh Yadav, List of Prominent Encounters in UP under CM Yogi’s Rule’ (17 October 2024) <<https://www.indiatvnews.com/uttar-pradesh/from-asad-ahmed-to-vikas-dubey-to-mangesh-yadav-prominent-encounters-list-in-uttar-pradesh-under-cm-yogi-adityanath-rule-up-bahraich-latest-updates-2024-10-17-957624>> accessed 25 November 2024.

⁷² Saurav Das, ‘Extrajudicial Killings May Be Frequent in India’s Most Populous State’ New Lines Magazine (5 August 2024) <<https://newlinesmag.com/reportage/extrajudicial-killings-may-be-frequent-in-indias-most-populous-state/>> accessed 28 November 2024.

⁷³ ‘“Yamaraj Will Be Waiting For You”: Yogi Adityanath On Encounters’ (NDTV, 6 December 2025) <<https://www.ndtv.com/india-news/yamaraj-will-be-waiting-for-you-yogi-adityanath-on-encounters-9762546>> accessed 16 February 2026.

⁷⁴ ‘Sambhal: Fear Grips Indian City after Deadly Weekend Clashes’ BBC News (26 November 2024) <<https://www.bbc.com/news/articles/cr7ndg52y3zo>> accessed 20 January 2025; Abhik Deb, ‘“Fear, Fear and Only Fear”: Muslims in Sambhal Are on Edge as Government Turns against Them’ Scroll.in (26 December 2024) <<https://scroll.in/article/1077141/fear-fear-and-only-fear-muslims-in-sambhal-are-on-edge-as-government-turns-against-them>> accessed 20 January 2025; Nikita Jain, ‘Sambhal: Police Violence Survivors Wary of Threatening Police, False-Reporting Media’ Maktoob media (20 December 2024) <<https://maktoobmedia.com/india/sambhal-police-violence-survivors-wary-of-threatening-police-false-reporting-media/>> accessed 20 January 2025.

proportionality. Conflicting official explanations, absence of publicly disclosed forensic findings, and failure to ensure prompt and transparent investigation raise serious concerns of arbitrary deprivation of life. In addition, the Panel reviewed at least 15 targeted killings of Muslims by Hindu extremist non-State actors in UP since 2022, in contexts where religious identity was a motivating factor and the risk of violence was foreseeable.⁷⁵ Authorities have repeatedly failed to prevent such attacks or to ensure effective prosecution.⁷⁶

2. Right to liberty and security; and to freedom from torture and other cruel, inhuman treatment and punishment

Applicable law: Arts. 3 (life, liberty and security), 9 (arbitrary deprivation of liberty) of UDHR; Art. 9 (liberty and security; arbitrary deprivation of liberty) of ICCPR; Art. 7 of ICCPR (prohibition of torture); Convention Against Torture

The rights to life, liberty and security of a person are guaranteed by the UDHR and the ICCPR. Arbitrary detention is understood as any form of confinement that has no legal basis, violates domestic law or due process of law, or is unreasonable, unnecessary or disproportionate. Deprivation of liberty resulting from the exercise of the rights or freedoms guaranteed by the ICCPR is arbitrary. The right of persons deprived of their liberty to be treated with humanity and with respect for their inherent dignity – the state assumes responsibility to care for their lives while depriving them of liberty. Due to this heightened duty of care, they must take all necessary measures to protect the lives of individuals deprived of their liberty. The duty to protect the life of all detained individuals includes providing them with necessary medical care and appropriate regular monitoring of their health.

Torture is understood as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons. Torture does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners. Any extra-custodial use of force that does not pursue a lawful purpose (legality), or that is unnecessary for the achievement of a lawful purpose (necessity), or that inflicts excessive harm compared to the purpose pursued (proportionality) contradicts the established international legal principles on use of force by law enforcement officials. Failure to take all precautions practically possible in the planning, preparation and conduct of law enforcement operations with a view to avoid unnecessary, excessive or otherwise unlawful use of force contravenes the State's positive obligation to prevent acts of cruel, inhuman or degrading treatment within its jurisdiction. The prohibition on torture is a *jus cogens* norm.

The Panel finds credible evidence that Muslims in UP have been subjected to arbitrary deprivation of liberty through preventive policing, discriminatory enforcement of criminal laws, and reprisals for the exercise of protected rights. Arrests have followed communal incidents, allegations of cow slaughter or conversion, protest activity, journalistic expression, and peaceful manifestations of faith. The use of mass FIRs naming hundreds of 'unknown persons,' preventive detention and national security laws, coercive peace bonds, and prohibitory orders issued in the absence of demonstrable imminence of threat have exposed Muslim-majority localities to prolonged legal precarity. In addition, the Panel reviewed reports of at least 56 Muslims being shot and grievously injured in 2024 in so-called 'half-encounters'.⁷⁷ Available

⁷⁵ See Annexure II.

⁷⁶ For some examples, see Allegation letter from Special Rapporteur on freedom of religion or belief and others, 'AL IND 6/2025' (10 July 2025) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=30104>>.

⁷⁷ See Annexure IV.

information indicates that many victims were already under police control or did not pose an imminent threat warranting such force. The repeated pattern of close-range shootings, often targeting the lower limbs and causing permanent injury, combined with subsequent arrest, suggests the intentional infliction of severe pain as punishment and intimidation. The Panel also reviewed two other cases of Muslims being subjected to custodial torture and ill-treatment in other contexts.⁷⁸ The Panel also reviewed dozens of further instances of violent assaults against Muslims by Hindu extremist non-state actors, including cases involving minors.⁷⁹ These attacks frequently followed allegations relating to cow slaughter, interfaith relationships, or presence in Hindu-majority spaces, and in several instances escalated into large-scale violence during religious processions. Despite the foreseeability of such attacks, authorities repeatedly failed to prevent them or to ensure effective accountability, and in some cases engaged in disproportionate punitive action against Muslim victims instead of perpetrators.⁸⁰

3. Right to a fair trial

Applicable law: Art. 11 of UDHR, Arts. 14 and 15 of ICCPR

The right to a fair trial encompasses a range of procedural and substantive rights, including equality before courts, public hearings, a competent/independent/impartial court, presumption of innocence, legal representation, and other procedural due process rights, most of which do not allow for exceptions. States must respect these rights regardless of their legal tradition and domestic laws.

The Panel finds credible evidence that Muslims in UP have been systematically denied fair trial guarantees, including equality before the courts, prompt judicial review, access to counsel, and the presumption of innocence. Arbitrary arrests under broadly framed national security, anti-conversion, and cow protection laws have frequently been followed by prolonged pre-trial detention, delays in judicial scrutiny, and obstruction of access to lawyers and courts.⁸¹ Available data indicates persistent and disproportionate representation of Muslims among undertrial prisoners in the state.⁸² Witness and family accounts further described denial of legal access at early stages of detention, extraction of coerced confessions, tampering with evidence, and refusal by police to register complaints where Muslims are victims, particularly in cases involving state actors or organised Hindu extremist groups. The Panel also reviewed reports of selective prosecution and discriminatory administration of justice. Authorities have reportedly pursued harsh charges against Muslims while withdrawing or declining to pursue cases against Hindu extremist perpetrators, including in serious incidents of violence. In several cases, law enforcement prioritised allegations against Muslim victims over investigation of mob violence.⁸³ Public statements and conduct by certain judicial actors, including the use of majoritarian rhetoric

⁷⁸ Cases of Rehan Shah and Najma detailed in South Asia Justice Campaign, 'Torture and Impunity in India: Case Studies of Custodial Torture Against Muslims' (2025) 30–35 <https://southasiajusticecampaign.org/wp-content/uploads/2025/05/SAJC_Torture-in-India_May2025.pdf>.

⁷⁹ Cases documented in: 'India Persecution Tracker: 2023 Overview' (South Asia Justice Campaign, January 2024) <<https://southasiajusticecampaign.org/ipt2023/>> accessed 20 March 2026; 'India Persecution Tracker: 2024 Overview' (South Asia Justice Campaign, January 2025) <<https://southasiajusticecampaign.org/ipt2024/>> accessed 20 March 2026; 'India Persecution Tracker: 2025 Overview' (South Asia Justice Campaign, January 2026) <<https://southasiajusticecampaign.org/ipt2025/>> accessed 20 March 2026.

⁸⁰ For some examples, see Allegation letter from Special Rapporteur on freedom of religion or belief and others (n 7).

⁸¹ For instance, Manish Sahu, 'In Uttar Pradesh, More than Half of NSA Arrests This Year Were for Cow Slaughter' (The Indian Express, 11 September 2020) <<https://indianexpress.com/article/india/in-uttar-pradesh-more-than-half-of-nsa-arrests-this-year-were-for-cow-slaughter-6591315/>> accessed 18 October 2021; Hannah Ellis-Petersen and Ahmer Khan, "'They Cut Him into Pieces': India's 'Love Jihad' Conspiracy Theory Turns Lethal' The Guardian (21 January 2022) <<https://www.theguardian.com/world/2022/jan/21/they-cut-him-into-pieces-indias-love-jihad-conspiracy-theory-turns-lethal>> accessed 5 June 2023.

⁸² National Crime Records Bureau, 'Prison Statistics India 2022' (Ministry of Home Affairs) Also see, Chapter 3 (Uttar Pradesh), Part II (Factual Findings), 4.2. (Unequal treatment in administration of justice) of this report.

⁸³ For some examples, see Allegation letter from Special Rapporteur on freedom of religion or belief and others (n 7).

in cases involving Muslims, further raise concerns regarding judicial impartiality.⁸⁴ In addition, practices such as punitive demolitions, extrajudicial killings, and maiming operate as forms of summary punishment outside the judicial process, effectively denying Muslims the presumption of innocence and meaningful due process. Taken together, these patterns indicate a justice system that is neither impartial nor administered without prejudice.

4. Rights to freedom of expression, association, assembly

Applicable law: Arts. 19 and 20 UDHR; Arts. 19, 21 and 22 ICCPR; Art. 5(d) ICERD
<p>Everyone has the right to hold opinions and to freely express themselves. Any restriction on the exercise of this right must be provided by law and be necessary and proportionate to the aim pursued. Certain types of expression should not ordinarily be subject to restriction, for instance discussion of government policies and political debate; reporting on human rights and/or government activities; and engaging in peaceful demonstrations or political activities. All forms of opinion are protected, including opinions of a political, scientific, historical, moral or religious nature.</p>
<p>The right to participate in an assembly includes the organisation and conduct of gatherings, in person or remotely, for the purpose of expressing views or exchanging ideas. Only peaceful assemblies which do not entail the use of physical force by participants that is likely to result in injury or death or serious property damage are protected. Any limitations on assemblies and associations should be in conformity with the law and must be necessary in the pursuit of legitimate interests.</p>
<p>Discrimination in the enjoyment of these rights is prohibited, including where restrictions have the purpose or effect of impairing their equal enjoyment on racial or ethnic grounds.</p>

The Panel finds credible evidence of escalating and discriminatory restrictions on freedom of expression, association, and peaceful assembly in UP, particularly where Muslims engage in protest, journalism, organised civil society activity, or public religious expression. Muslim journalists reporting on religious violence, police abuse, and Hindu extremist hate speech have faced multiple FIRs, arrest under serious criminal provisions, prolonged detention, and public vilification by ruling party figures.⁸⁵ Cases against journalists reporting on lynchings, communal violence, and state misconduct indicate a pattern of criminal law being used to intimidate and silence minority voices. Public dissemination of lists labelling Muslim journalists as ‘anti-national’ or ‘media jihadists’ by ruling party legislators has further exposed them to harassment and violence and indicates a failure of the State to protect press freedom. Educational and civil society spaces associated with Muslims have similarly been subjected to intimidation and punitive scrutiny. More broadly, organised Muslim civil society and human rights defenders

⁸⁴ Ishita Mishra, ‘Allahabad High Court Judge Shekhar Kumar Yadav at VHP Event: “India Will Run as per Wishes of Its Majority”’ The Hindu (8 December 2024) <<https://www.thehindu.com/news/national/india-will-run-as-per-wishes-of-its-majority-allahabad-high-court-judge-shekhar-kumar-yadav-at-vhp-event/article68962493.ece>> accessed 8 March 2025; Ratna Singh, ‘India Will Function as per Wish of Majority; “Kathmullahs” against Nation: Allahabad HC’s Justice SK Yadav’ Bar and Bench (9 December 2024) <<https://www.barandbench.com/news/hindustan-function-wishes-majority-justice-shekhar-kumar-yadav>> accessed 8 March 2025; ‘“Love Jihad” Being Waged by Certain Community, Poses Major Threat to Nation’s Unity: U.P. Court Judge’ The Hindu (2 October 2024) <<https://www.thehindu.com/news/national/uttar-pradesh/love-jihad-being-waged-by-certain-community-poses-major-threat-to-nations-unity-up-court/article68711006.ece>> accessed 8 March 2025.

⁸⁵ ‘Human Rights Organisations Condemn Criminal Complaint Lodged against Award-Winning Journalist Mohammed Zubair’ (Index on Censorship, 9 December 2024) <<https://www.indexoncensorship.org/2024/12/human-rights-organisations-condemn-criminal-complaint-lodged-against-award-winning-journalist-mohammed-zubair/>> accessed 31 January 2025; ‘Indian Police Launch Criminal Investigation into 2 Journalists under New Penal Code’ (Committee to Protect Journalists, 10 July 2024) <<https://cpj.org/2024/07/indian-police-launch-criminal-investigation-into-2-journalists-under-new-penal-code/>> accessed 31 January 2025; Omar Rashid, ‘BJP MLA Circulates List of Muslim Journalists Reporting on Foul Play in UP By-Polls’ The Wire (21 November 2024) <<https://thewire.in/communalism/bjp-mla-circulates-list-of-muslim-journalists-reporting-on-foul-play-in-up-by-polls>> accessed 31 January 2025.

have faced bans, raids, and arrests that appear aimed at suppressing dissent rather than addressing demonstrable threats.⁸⁶ Peaceful protest by Muslims is routinely treated as a law-and-order offence rather than a protected right. Authorities have imposed blanket prohibitory orders, internet shutdowns, and mass arrests to pre-empt or respond to anticipated demonstrations, including protests against hate speech, legislative changes affecting Muslim religious endowments (*waqfs*), and religiously motivated violence.⁸⁷ Individuals have been required to furnish coercive ‘peace bonds’ for symbolic acts such as wearing black armbands during prayers, and peaceful religious affirmation campaigns have triggered FIRs, detentions (including of minors), ‘half encounters’, and demolition or sealing drives in Muslim localities.⁸⁸ Such measures are frequently sweeping, disproportionate, and accompanied by punitive action against entire communities, amounting in effect to collective punishment.

5. Right to freedom of religion or belief

Applicable law: Art. 18 UDHR and Art. 18 ICCPR; Art. 27 ICCPR

The right to freedom of religion encompasses the right to have or adopt a religion or belief of one’s choice which is protected unconditionally, as well as the freedom to manifest them through worship, practice, teaching, etc., which can be restricted but only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or fundamental rights and freedoms of others. The right to adopt a religion also includes the right to change one’s religion and bars compelling believers to adhere to a certain religion through coercive measures, including penal sanctions.

The right to freedom of religion for religious minorities is further reinforced by the ICCPR with a specific guarantee that persons belonging to minority groups shall not be denied to right to, inter alia, profess and practice their own religion.

ICERD further guarantees the enjoyment of freedom of thought, conscience and religion without racial discrimination, and prohibits distinctions that have the ‘purpose or effect’ of impairing the equal exercise of this right, including where religious identity is ‘racialised’ and used as a basis for discrimination.

The Panel concludes that the legal and political framework governing religious freedom in UP, particularly the Prohibition of Unlawful Conversion of Religion Act, 2020, is incompatible with international standards and is being enforced in a coercive and discriminatory manner. The Act contains vague and expansive definitions of prohibited conduct, including ‘allurement,’ ‘misrepresentation,’ and ‘undue influence,’ permitting arbitrary interpretation. It also requires prior declaration of conversion to state authorities and public disclosure of personal details, empowers warrantless arrests, reverses the burden of proof, and imposes severe non-bailable penalties. Available information indicates that enforcement of the law has disproportionately targeted Muslims (and Christians), while comparable conduct by Hindu actors has not attracted similar scrutiny.⁸⁹ The Panel further reviewed a pattern

⁸⁶ ‘Q&A: Understanding India’s Crackdown on Muslim Groups’ Al Jazeera (19 October 2022)

<<https://www.aljazeera.com/news/2022/10/19/qa-why-is-indias-government-banning-muslim-groups>> accessed 23 May 2025.

⁸⁷ Omar Rashid, ‘Rs 10-Lakh Bonds, Notices for Silent Protests: UP Is Cracking Down on All Criticism of Waqf Act Amendments’ The Wire (7 April 2025) <<https://thewire.in/communalism/waqf-act-criticism-protests-uttar-pradesh-10-lakh-bond>> accessed 23 May 2025.

⁸⁸ *ibid*; ‘More Arrests, “Encounter”’: Bareilly on Edge, Houses Locked, Families Fearful’ (The Indian Express, 2 October 2025)

<<https://indianexpress.com/article/cities/lucknow/more-arrests-encounter-bareilly-on-edge-houses-locked-families-fearful-10283008/>> accessed 13 March 2026; Aliza Noor, ‘“4,505 Muslims Booked, 265 Arrested Pan-India, 89 Held in Bareilly”: APCR Report’ (The Quint, 11 October 2025) <<https://www.thequint.com/news/politics/4505-muslims-booked-265-arrested-pan-india-89-held-in-bareilly-apcr-report-i-love-muhammad-protests>>.

⁸⁹ Ellis-Petersen and Khan (n 12); ‘UP’s “Love Jihad” Law Partisan towards Muslim Women? Police Refuses to Take Cognisance of Cases Involving Them’ National Herald (Lucknow, 10 December 2020) <<https://www.nationalheraldindia.com/india/ups-love-jihad-law-partisan-towards-muslim-women-police-refuses-to-take-cognisance-of-cases-involving-them>> accessed 5 October 2023 Also see the analysis in Section 1.5 (Right to freedom of religion or belief) in Chapter 3 (Uttar Pradesh).

of criminalisation of Muslim religious practice and public worship. Dozens of Muslims have been reportedly arrested since 2022 for offering prayers in public or private spaces, selling religious texts, or engaging in peaceful religious affirmation.⁹⁰ In September 2025, expressions of support for the 'I Love Muhammad' campaign were met with sweeping FIRs, mass detentions including of minors, prohibitory orders, internet shutdowns, and subsequent sealing and demolition drives in Muslim localities.⁹¹ These measures were imposed in the absence of demonstrable public disorder and reflect the use of preventive policing to suppress religious manifestation. Comparable public religious activities by Hindu groups have not elicited similar state action. The Panel also reviewed repeated state interference with Muslim places of worship. Authorities have carried out demolitions and sealing actions against mosques and shrines without meaningful due process, including in circumstances where legal proceedings were pending.⁹² Several prominent mosques remain subject to judicially sanctioned surveys and title disputes despite federal legislation preserving the religious character of places of worship.⁹³ In communally charged contexts, such actions have preceded mobilisation and violence, as seen in Sambhal in November 2024. In addition, organised Hindu extremist groups have repeatedly targeted mosques during religious processions and festival-linked mobilisations, with inadequate preventive intervention by police.⁹⁴

6. Prohibition of advocacy of hatred and incitement to discrimination, hostility or violence

Applicable law: Art. 20 ICCPR, Art 4 ICERD

The ICCPR requires states to prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility, or violence, by law. The ICCPR sets a high threshold for what might constitute such inciting advocacy of hatred. Speech that meets this high threshold, based on a contextual assessment as identified in the Rabat Plan of Action, should be prohibited, and when it occurs, elicit a robust response by the State.

In parallel, the ICERD requires States to combat racist hate speech as a form of racial discrimination. It obliges States to prohibit the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, and acts of violence or incitement to such acts, and to prevent public authorities or institutions from promoting or inciting racial discrimination. Such obligations apply not only to explicitly racial remarks, but also to indirect forms of expression targeting groups protected on grounds of race, colour, descent, or national or ethnic origin. In this context, racist hate speech emanating from political leaders or other public officials is of particular concern, given their position or status in society and their capacity to contribute to a climate of discrimination or hostility against protected groups.

Reports reviewed by the Panel indicate that anti-Muslim hate speech and incitement have continued and intensified in UP, including by senior state officials, influential Hindu nationalist religious figures, and aligned media platforms. Public rhetoric has repeatedly portrayed Muslims

⁹⁰ 'India Persecution Tracker: 2023 Overview' (n 10); 'India Persecution Tracker: 2024 Overview' (n 10); 'India Persecution Tracker: 2025 Overview' (n 10).

⁹¹ Aliza Noor (n 19).

⁹² Sara Ather, 'Politics of Ruin: Why Modi Wants to Demolish India's Mosques' (Al Jazeera, 3 April 2023)

<<https://www.aljazeera.com/opinions/2023/4/3/politics-of-ruin-why-modi-wants-to-demolish-indias-mosques>> accessed 20 March 2026.

⁹³ Hannah Ellis-Petersen, 'Thousands of Mosques Targeted as Hindu Nationalists Try to Rewrite India's History' The Guardian (30 October 2022) <<https://www.theguardian.com/world/2022/oct/30/thousands-of-mosques-targeted-as-hindu-nationalists-try-to-rewrite-indias-history>> accessed 26 August 2023.

⁹⁴ 'India's Hindu Festivals Bring Increasing Anti-Muslim Violence' (Human Rights Watch, 5 April 2023)

<<https://www.hrw.org/news/2023/04/05/indias-hindu-festivals-bring-increasing-anti-muslim-violence>> accessed 29 August 2023;

'India: Violence Marks Ram Temple Inauguration' (Human Rights Watch, 31 January 2024)

<<https://www.hrw.org/news/2024/01/31/india-violence-marks-ram-temple-inauguration>> accessed 16 June 2025.

as infiltrators, demographic threats, traitors, and civilisational enemies in a context already marked by recurrent violence and discriminatory state action. Statements by the Chief Minister since 2017, including warnings of ‘revenge’ against protesters, that ‘Yamaraj’ (the Hindu god of death) was waiting, and his open endorsement of a policy of ‘knocking down’ alleged criminals disproportionately affecting Muslims, as well as repeated invocation of conspiracy narratives such as ‘love jihad’ and ‘land jihad’, among others, have been widely disseminated.⁹⁵ Delivered by the highest public official in the state, such remarks are highly likely to legitimise hostility and embolden extremist elements operating on the ground. The Panel further reviewed a sustained pattern of anti-Muslim incitement by senior Hindu nationalist religious figures operating within the state.⁹⁶ Public rallies, including events attended by armed participants, have featured repeated dehumanising characterisations of Muslims and, in numerous instances, explicit calls for violence.⁹⁷ In December 2025, extremist priest Yati Narsinghanand – whose speeches in 2020–21 the Panel had previously argued amounted to direct and open incitement to genocide – reportedly called on Hindus to form ‘suicide squads’ to target Muslims, yet no meaningful enforcement action is known to have followed.⁹⁸ Uttar Pradesh recorded the highest number of reported in-person hate speech events nationally in 2024 and 2025, with the overwhelming majority targeting Muslims.⁹⁹ Despite judicial directives requiring prompt registration of cases in instances of hate speech, enforcement has remained virtually non-existent, reinforcing a climate of impunity. The failure of state authorities to prevent, investigate, and sanction such advocacy of hatred – combined with rhetoric from senior officials that fosters and legitimises such elements – heightens the risk of further targeted attacks.¹⁰⁰

7. Right to participate in public affairs and to vote

Applicable law: Art. 25 ICCPR

Article 25 of the ICCPR guarantees every citizen the right and the opportunity, without discrimination or unreasonable restrictions, to take part in the conduct of public affairs, to vote and stand for election in genuine periodic elections, and to have access to public service on general terms of equality. Any conditions on the exercise of these rights must be prescribed by law and based on objective and reasonable criteria. Restrictions may not be arbitrary, discriminatory, or disproportionate.

The UN Human Rights Committee has, in General Comment 25, clarified that elections must be genuine, periodic, and conducted by universal and equal suffrage through secret ballot, ensuring the free expression of the will of the electorate. States must facilitate voter registration, prevent intimidation or coercion, ensure accessible voting procedures (including for minorities, persons with disabilities, and illiterate voters), and provide ballots in minority languages where necessary. Independent electoral authorities, effective judicial review of electoral decisions, and freedom of expression, association, and assembly are essential components of electoral integrity and meaningful political participation.

⁹⁵ See Annexure V.

⁹⁶ For instance: ‘Armed Monk Network Mobilising Hindus for Violence in Uttar Pradesh’ (India Hate Lab, 2 December 2025) <<https://indiahatelab.com/2025/12/02/armed-monk-network-in-uttar-pradesh/>> accessed 12 February 2026 Also see; India Hate Lab, ‘Report 2024: Hate Speech Events in India’ (Center for the Study of Organized Hate 2025) <<https://www.indiahatelab.com/2025/02/10/hate-speech-events-in-india-2024/>>; India Hate Lab, ‘Report 2025: Hate Speech Events in India’ (Center for the Study of Organized Hate 2026) <<https://www.csohate.org/2026/01/13/hate-speech-events-in-india-2025/>> accessed 12 February 2026.

⁹⁷ Ibid.

⁹⁸ Pawan Kumar, ‘Form Suicide Squads & ISIS-like Outfits, Yati Narsinghanand Urges Hindus amid Sword Distribution in Delhi, Ghaziabad’ (Alt News, 9 January 2026) <<https://www.altnews.in/hindus-should-leave-organizations-like-bajrang-dal-and-form-an-organization-like-isis-yati-narsinghanand-giri/>> accessed 20 March 2026.

⁹⁹ India Hate Lab, ‘Report 2024: Hate Speech Events in India’ (n 27); India Hate Lab, ‘Report 2025’ (n 27).

¹⁰⁰ As noted by UN experts in Allegation letter from Special Rapporteur on minority issues, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on freedom of religion or belief, ‘AL IND 5/2024’ (24 September 2024) <<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29337>>.

The Panel reviewed credible allegations that Muslim voters in Uttar Pradesh have faced heightened risks of exclusion from electoral rolls and coercive interference with the exercise of the franchise. Concerns have arisen in connection with the ongoing Special Intensive Revision of electoral rolls, with opposition parties and civil society actors alleging large-scale deletion requests targeting Muslim voters, including the reported use of pre-filled forms seeking removal of minority electors.¹⁰¹ Earlier elections in 2024 were marked by reports of missing names from rolls in Muslim-majority areas, denial of voter slips, and partial or complete exclusion of longstanding voters at polling stations.¹⁰² Where roll anomalies disproportionately affect a religious minority and are not promptly remedied through transparent procedures, the integrity and equality of the franchise are called into question. The Panel also reviewed reports of police intimidation and violence at polling sites in Muslim-concentration constituencies, including allegations of physical assault, removal of voters from booths, seizure of voter identification documents, and threats of punitive police action.¹⁰³

8. Right to protection from discrimination against women and girls

Applicable law: CEDAW; DEVAW; Arts. 2, 19 CRC; CERD GR 25

International law imposes comprehensive obligations on States to eliminate discrimination against women and girls and to prevent and respond to gender-based violence. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) requires States to take all appropriate measures to ensure women's equal enjoyment of civil, political, economic, social, and cultural rights, including in family life, education, and employment. The Declaration on the Elimination of Violence against Women (DEVAW) clarifies that gender-based violence—whether by State or non-State actors—constitutes a violation of women's human rights and obliges States to prevent, investigate, punish, and provide redress for such violence, with particular attention to women from marginalised or minority communities.

The Convention on the Rights of the Child (CRC) guarantees girls equal protection from discrimination and violence and affirms their right to education on the basis of equal opportunity. CEDAW and the CRC further require States to ensure women's and girls' access to education free from discrimination, including participation, equality within educational institutions, and the transformative role of education in advancing substantive gender equality. ICERD additionally recognises that racial discrimination may have distinct and compounded impacts on women and girls, requiring gender-sensitive analysis and targeted State responses.

The Panel reviewed credible reports indicating that Muslim women and girls in Uttar Pradesh face gendered and religiously motivated violence, harassment, and intimidation. Inter-faith couples have been threatened, publicly shamed, assaulted, and forcibly separated, with Muslim women subjected to sexualised abuse and humiliation. These incidents reveal serious failures by authorities to exercise due diligence in preventing, investigating, and prosecuting gender-based violence, and to protect women's autonomy in choosing a spouse and partner. The propagation and official endorsement of conspiracy narratives targeting inter-faith relationships have further exposed Muslim women and girls to coercion and violence, creating a climate in which private

¹⁰¹ 'Muslim Voters' Names Being Deleted Under SIR in Uttar Pradesh' (IndiaTomorrow, 4 February 2026) <<https://indiatomorrow.net/2026/02/04/muslim-voters-names-being-deleted-under-sir-in-uttar-pradesh/>> accessed 20 March 2026.

¹⁰² Independent Panel for Monitoring Indian Elections, 'Electoral Integrity in India - An Agenda for Change: Learnings from the 2024 General Election' (2024) Briefing Paper <<https://indiaelectionmonitor.org/wp-content/uploads/2024/08/IPMIE-Briefing-Paper-Final.pdf>>.

¹⁰³ Ibid.

actors operate with relative impunity.¹⁰⁴ The Panel also reviewed incidents involving direct misconduct by state actors, including police intimidation of Muslim women voters and the use of lethal or excessive force in circumstances affecting Muslim women during enforcement actions linked to cow slaughter or other discriminatory measures.¹⁰⁵ Such conduct engages both the obligation to protect women from violence and the obligation to ensure equal participation in public life. In addition, credible reports of Muslim women and girls being denied entry to, expelled from, or harassed within educational institutions for wearing the hijab or burqa indicate discriminatory interference with their right to education.¹⁰⁶ Read together, these patterns demonstrate intersecting discrimination on grounds of religion and gender, resulting in systemic denial of equal protection and equal enjoyment of fundamental rights for Muslim women and girls in Uttar Pradesh.

9. Economic, social and cultural rights; minority rights

Applicable law: Arts. 2(1), 6(1), 11(1), 12, 13, 15 ICESCR; Art. 27 ICCPR; Arts. 1, 2, 5 ICERD

Economic, social and cultural rights include, inter alia, the rights to work and livelihood, health, education, adequate housing, food, and participation in cultural life. Under the ICESCR, States are required to take steps, to the maximum of their available resources, to progressively realise these rights, and to guarantee their enjoyment without discrimination, an obligation of immediate effect. The ICERD reinforces these obligations by requiring States to prohibit and eliminate racial discrimination in the enjoyment of economic, social and cultural rights, including where distinctions based on race, colour, descent, or national or ethnic origin have the purpose or effect of impairing equal enjoyment of such rights. For minority communities, these protections are further strengthened by Article 27 of the ICCPR, which requires States to ensure that members of ethnic, religious or linguistic minorities are not denied the right to enjoy their culture, practise their religion, or use their language in community with others.

The Panel reviewed material indicating persistent structural marginalisation of Muslims in UP across income, employment, education, and representation in public services. Empirical studies point to deep socio-economic disparities, raising concerns as to whether development schemes are reaching Muslim communities on equal terms. The continued exclusion of Dalit Muslims from recognition as Scheduled Castes further entrenches disadvantage and denies access to constitutionally guaranteed benefits. The absence of targeted measures to address well-

¹⁰⁴ Piyush Rai and Varsha Sriram, 'UP: Muslim Couple "Beaten to Death" Over Son's Affair With Neighbour's Daughter' *The Quint* (20 August 2023) <<https://www.thequint.com/news/crime/uttar-pradesh-couple-beaten-to-death-son-elopes-latest-news>> accessed 25 November 2024; Maktoob Staff, 'UP: Minor Muslim Girls Aged 5 and 9 Raped by 25-Year-Old, One Murdered, Another Rescued' *Maktoob media* (20 August 2022) <<https://maktoobmedia.com/india/up-minor-muslim-girls-aged-5-and-9-raped-by-25-year-old-one-murdered-another-rescued/>> accessed 17 March 2025; Ellis-Petersen and Khan (n 12); Betwa Sharma and Ahmer Khan, 'Hindu Vigilantes Work With Police to Enforce "Love Jihad" Law in North India' *The Intercept* (3 July 2021) <<https://theintercept.com/2021/07/03/love-jihad-law-india/>> accessed 5 October 2023.

¹⁰⁵ For instance: 'UP: 55-Year-Old Muslim Woman Dies after Police Barge into Her Home Searching for Beef' *Maktoob media* (28 August 2024) <<https://maktoobmedia.com/india/up-55-year-old-muslim-woman-dies-after-police-charge-into-her-home-searching-for-beef/>> accessed 30 January 2025; Ghazala Ahmad, 'UP: Muslim Woman "accidentally" Shot in Head during Passport Inquiry Dies; Accused Cop Still at Large' *Maktoob media* (13 December 2023) <<https://maktoobmedia.com/india/up-muslim-woman-accidentally-shot-in-head-during-passport-inquiry-dies-cop-still-at-large/>> accessed 17 March 2025; 'UP: Muslim Woman Shot Dead by Police While Resisting Her Son's Detention in Cow Slaughter Case' *Maktoob media* (15 May 2022) <<https://maktoobmedia.com/india/up-muslim-woman-shot-dead-by-police-while-resisting-her-sons-detention-in-cow-slaughter-case/>> accessed 17 March 2025; 'Clip Shows SHO Pointing Gun at Women Voters' *The Times of India* (21 November 2024) <<https://timesofindia.indiatimes.com/india/clip-shows-sho-pointing-gun-at-women-voters/articleshow/115505686.cms>> accessed 30 January 2025.

¹⁰⁶ For instance: 'Hijab Row in Uttar Pradesh: Burqa-Clad Girls Denied Entry to College in Moradabad; Professors Say 'uniform Implemented' Organiser (19 January 2023) <<https://organiser.org/2023/01/19/104925/bharat/up-girls-denied-entry-to-moradabad-college-for-wearing-burqa-professors-say-uniform-implemented/>> accessed 31 January 2025; 'Kanpur College Students Expelled for Wearing Hijab, Told to Join Madrasa' (*Clarion India*, 9 August 2024) <<https://clarionindia.net/kanpur-college-students-expelled-for-wearing-hijab-told-to-join-madrasa/>> accessed 31 January 2025; 'Hijab Wearing Girls Barred from Attending College in Uttar Pradesh's Bijnor' (*Muslim Mirror*, 13 August 2024) <<https://muslimmirror.com/hijab-wearing-girls-barred-from-attending-college-in-uttar-pradeshs-bijnor/>> accessed 31 January 2025.

documented disparities calls into question compliance with the obligation of non-discriminatory and progressive realisation of economic and social rights. In addition, several state-led measures appear to have had disproportionate and adverse economic effects on Muslims. The post-2017 crackdown on slaughterhouses and meat trade, restrictions on meat sales near temples, ID-display directives linked to conspiracy narratives like ‘spit jihad’, and the closure of Muslim-run manufacturing units have collectively disrupted livelihoods in sectors historically dominated by Muslims.¹⁰⁷ Reports of economic boycotts, extortion, and vigilante violence against Muslim traders by Hindu extremists—and usually met with inadequate state response—further undermine equal access to work and livelihood. Punitive demolitions of homes and commercial establishments, reportedly carried out without due process despite Supreme Court intervention in 2024, have resulted in continued loss of shelter and economic security, disproportionately affecting Muslim families.¹⁰⁸ The Panel also reviewed patterns of housing segregation, discriminatory exclusion from neighbourhoods, and differential treatment in redevelopment projects, suggesting state tolerance of, or participation in, spatial segregation.¹⁰⁹ In the cultural sphere, the selective renaming of places with Muslim historical association, renewed disputes and surveys targeting mosques, hostility towards Urdu and madrassas, and insufficient protection of Muslim cultural and religious sites collectively indicate interference with the cultural identity and heritage of a protected minority.¹¹⁰ Taken together, these measures and omissions reflect a pattern of discriminatory exclusion affecting Muslims’ equal enjoyment of economic, social, and cultural rights in Uttar Pradesh.

10. Prohibition of discrimination

Applicable law: All international human rights instruments

The principle of non-discrimination is a foundational norm of international human rights law and applies across all civil, political, economic, social, and cultural rights. It requires States to ensure equal protection of the law and to refrain from distinctions or practices that impair the equal enjoyment of rights by protected groups.

¹⁰⁷ Human Rights Watch, ‘Violent Cow Protection in India: Vigilante Groups Attack Minorities’ (2019) <<https://www.hrw.org/report/2019/02/18/violent-cow-protection-india/vigilante-groups-attack-minorities>> accessed 17 October 2021; Ghazala Ahmad, ‘Hindutva Vigilantism Pushes UP’s Cattle Traders to the Brink amid State Inaction’ (Maktoob Media, 8 June 2025) <<https://maktoobmedia.com/india/mob-attacks-police-inaction-pushes-ups-cattle-traders-to-brink/>> accessed 20 March 2026; Sharik Laliwala, Sabah Gurmat and Prannv Dhawan, ‘Anti-Pollution Norms & State Policies Cripple UP’s Leather Industry, Pushing Muslim Livelihoods To The Brink’ Article 14 (21 July 2023) <<https://article-14.com/post/anti-pollution-norms-state-policies-cripple-up-s-leather-industry-pushing-muslim-livelihoods-to-the-brink--64b9ed725f942>> accessed 29 January 2025; Alishan Jafri, ‘“Thook Jihad” Is the Latest Weapon in Hindutva’s Arsenal of Islamophobia’ The Wire (20 November 2021) <<https://thewire.in/communalism/thook-jihad-is-the-latest-weapon-in-hindutvas-arsenal-of-islamophobia>> accessed 18 December 2024; Mohammad bin Ismail, ‘Baseless “Jeans Jihad” Rumours Ruin Muslim Livelihoods from Delhi to UP’ (Clarion India, 13 August 2025) <<https://clarionindia.net/baseless-jeans-jihad-rumours-ruin-muslim-livelihoods-from-delhi-to-up/>> accessed 20 March 2026.

¹⁰⁸ Amnesty International, ‘Bulldozer Injustice in India’ (2024) <<https://www.amnesty.org/en/documents/asa20/7613/2024/en/>>; Anuj Behal, ‘Bulldozer Raj Rolls On’ Frontline (17 February 2025) <<https://frontline.thehindu.com/politics/bulldozer-demolitions-muslim-homes-india-hindutva-communal-violence-supreme-court-bjp-politics/article69222253.ece>> accessed 11 March 2025.

¹⁰⁹ Anuj Behal (n 39).

¹¹⁰ ‘Eight UP Railway Stations Renamed; Akhilesh Yadav Says “Halaat Bhi Badlo”’ (28 August 2024) <https://www.business-standard.com/india-news/eight-up-railway-stations-renamed-akhilesh-yadav-says-halaat-bhi-badlo-124082800374_1.html> accessed 31 January 2025; ‘From “Aligarh” to “Harigarh”: Uttar Pradesh Continues Its Name Changing Spree’ The Wire (8 November 2023) <<https://thewire.in/government/from-aligarh-to-harigarh-uttar-pradesh-continues-its-name-changing-spree>> accessed 31 January 2025; ‘Fresh Row over Urdu, UP’s Forgotten Second Official Language’ Hindustan Times (21 February 2025) <<https://www.hindustantimes.com/india-news/beyond-the-news-fresh-row-over-urdu-up-s-forgotten-second-official-language-101740126969543.html>> accessed 11 March 2025; Clarion India, ‘Urdu Academies of Minority Universities Not Allocated Budget in the Last 8 Years’ (Clarion India, 15 December 2024) <<https://clarionindia.net/urdu-academies-of-minority-universities-not-allocated-budget-in-the-last-8-years/>> accessed 11 March 2025; S.N. Sahu, ‘Adityanath’s Remarks Against Urdu Assail the Constitution’ The Wire (28 February 2025) <<https://thewire.in/communalism/adityanaths-remarks-against-urdu-assail-the-constitution>> accessed 5 July 2025; ‘Yogi Government Cancels Recruitment of 4000 Urdu Teachers for Basic Education Department’ (India Today, 9 October 2018) <<https://www.indiatoday.in/education-today/news/story/yogi-government-cancels-recruitment-of-4000-urdu-teachers-1359082-2018-10-09>> accessed 11 March 2025.

The material reviewed reveals a sustained and multi-layered pattern of differential treatment of Muslims in Uttar Pradesh across policing, criminal justice, political participation, and the economic, social and cultural spheres, engaging the state's obligation to ensure equality before the law and the equal protection and equal benefit of the law without discrimination. Many coercive powers have been applied disproportionately, and in several contexts almost exclusively, to Muslims.¹¹¹ Comparable enforcement has not been directed at Hindu actors implicated in incitement or communal violence. Prosecutions against Muslims have been pursued with marked vigour, while cases against Hindu perpetrators have been withdrawn, diluted, or left without effective follow-through. Serious violations against Muslim protesters have not yielded prompt, impartial, and independent accountability.¹¹² Differential treatment is also evident in political participation and governance. Muslims remain significantly underrepresented in elected office; the ruling party has fielded no Muslim candidates; and polarising rhetoric has framed electoral competition in communal terms.¹¹³ Allegations of targeted voter roll deletions and intimidation have disproportionately affected Muslim-concentration constituencies, without comparable reports concerning other communities. In the economic, social, and cultural spheres, state measures have directly targeted Muslim livelihoods, institutions, religious practices, and cultural identity in ways not mirrored elsewhere, while majoritarian religious and cultural initiatives have been publicly endorsed and facilitated. Read together, these patterns are indicative of entrenched institutional discrimination and state complicity in violations perpetrated against Muslims by both state and private actors. The cumulative effect is the systemic denial of equal protection and equal enjoyment of rights, inconsistent with the fundamental guarantees of non-discrimination and equality under international human rights law.

*International Criminal Law*¹¹⁴

1. Crimes against humanity

Applicable law: Art. 7 of the Rome Statute

Crimes against humanity are defined as 'any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population; (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law; (f) Torture; (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; (h) Persecution against any identifiable group or collective on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; (i) Enforced disappearance of persons; (j) The crime of apartheid; (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.'

¹¹¹ See the discussion in Section 4.1. (Unequal treatment in law enforcement) in Part II (Factual Findings), Chapter 3 (Uttar Pradesh) of this report.

¹¹² See the discussion in Section 4.2. (Unequal treatment in administration of justice) in Part II (Factual Findings), Chapter 3 (Uttar Pradesh) of this report.

¹¹³ See the discussion in Section 4.3. (Selective political exclusion of Muslims) in Part II (Factual Findings), Chapter 3 (Uttar Pradesh) of this report.

¹¹⁴ A more detailed version of these findings appears in Part III.2 (Violations of International Criminal Law) in Chapter 3 (Uttar Pradesh).

- 1.1. Torture as a crime against humanity, focusing on widespread and systematic maiming by the police force:** In the Panel’s view, there is a reasonable basis to believe that the practice of so-called ‘half-encounters’ by UP Police may amount to torture as a crime against humanity under Article 7(1)(f) of the Rome Statute. In 2024 alone, at least 56 Muslims and 2 Hindus were grievously injured in custodial or allegedly staged public shootings, typically shot in the knees or legs, with victims predominantly being Muslims accused of cattle-related offences, indicating a systematic pattern rather than isolated excesses. Shooting individuals in the legs while in custody or during staged arrests constitutes the intentional infliction of severe physical pain and lasting injury, satisfying the material elements of torture where victims are in the custody or under the control of police and the suffering is neither inherent in nor incidental to lawful sanctions. The consistency of injury patterns, allegations of planted weapons, absence of imminent threat, and instances of public staging point to punitive and premeditated violence rather than legitimate law enforcement. The pattern is both widespread and systematic: maimings in 2024 occurred across at least 16 districts with recurring fact patterns – custodial apprehension, near-identical injuries, publicised ‘encounters,’ and official celebration – while senior officials, including the Chief Minister, publicly endorsed aggressive encounter policing, granted ‘full authority’ to forces, and popularised rhetoric such as ‘thok do’ (“kill them” or “knock them down”), supporting the inference of a state policy. Police forces inflicting this violence would, by virtue of their position, have knowledge that their actions were part of a broader attack directed against a civilian population.
- 1.2. Other inhumane acts as crimes against humanity, focusing on widespread and systematic abusive policing:** In the Panel’s view, there is a reasonable basis to believe that unlawful violence by UP Police targeting Muslims may amount to ‘other inhumane acts’ as a crime against humanity under Article 7(1)(k) of the Rome Statute. We include within the ambit of our analysis extrajudicial killing, maiming or so-called ‘half-encounters’, and the actions of the police in Bahraich in October 2024 and in Bareilly in September–October 2025. These acts are similar in gravity to other Article 7 crimes and, by definition, cause great suffering and serious injury; police collusion and direct participation in mob violence against Muslims in Bahraich, followed by discriminatory arrests and investigation, are also similar in character to persecution. Read together, the conduct constitutes an ‘attack’ in the sense of a course of conduct involving multiple prohibited acts committed against a civilian population, and appears to be both widespread and systematic, carried out pursuant to, and in furtherance of, a state policy of targeting Muslims through abusive and punitive policing. Based upon the reports we have reviewed, police personnel engaging in these abuses acted intentionally, or at a minimum with knowledge that their actions were likely to cause serious physical, mental, or dignity harm, and – consistent with the previous analysis – with knowledge of the broader attack.
- 1.3. Persecution as a crime against humanity, focusing on hate speech:** In the Panel’s view, there is a reasonable basis to believe that hate speech targeting Muslims in Uttar Pradesh from 2022 to the present may amount to persecution as a crime against humanity under Article 7(1)(h) of the Rome Statute. ‘Persecution’ entails the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity. As international jurisprudence recognises, persecutory acts need not result in physical harm. Acts rendered serious by the discrimination they seek to instill may suffice, and underlying acts may be considered cumulatively in their context. The material reviewed indicates that anti-Muslim hate speech in Uttar Pradesh has been grave, widespread and systematic, including repeated dehumanising rhetoric and open endorsement of punitive violence by senior political and religious figures, as well as explicit calls for violence. Directed at Muslims as an identifiable group and disseminated in a context marked by recurrent and large-scale abuses against the same

population, such speech contributes to the denial of equal protection and equal enjoyment of fundamental rights. Considered together, the scale, repetition, institutional tolerance, and absence of meaningful accountability support the inference that this conduct forms part of a widespread or systematic attack directed against a civilian population, carried out with intent to discriminate on religious grounds and with knowledge of the broader attack.

- 1.4. Persecution as a crime against humanity, focusing on the targeting of Muslims protesting discrimination:** In the Panel's view, the official targeting of Muslims protesting discriminatory measures or hate speech in Uttar Pradesh may amount to persecution as a crime against humanity under Article 7(1)(h) of the Rome Statute. The measures reviewed were directed at Muslims as an 'identifiable group or collectivity' and at a civilian population. Multiple underlying acts amounted to denial of human rights and fundamental freedoms, including repeated and blatant violations of the right to freedom of assembly, large-scale arbitrary detention, allegations of torture and cruel, inhuman or degrading treatment, punitive demolitions and destruction of livelihoods, and discriminatory deployment of administrative and preventive measures. These underlying violations have been considered cumulatively and in their wider socio-political context. Bearing in mind their repetitive and cumulative nature, and the broader context of legislative, administrative, and policing measures targeting Muslims, we are of the view that these acts taken together amount to persecution. The targeting of Muslims protesting discrimination is both widespread and systematic: a wide range of state interventions have been observed across districts and time periods. Intent to discriminate on religious grounds may be inferred from the stark differential treatment of Muslims as compared to Hindus engaging in public mobilisation, as well as from official rhetoric linking coercive state action to Muslim protest activity. The alleged persecutory acts were committed by state actors who, by virtue of their official positions, would have known of the widespread and systematic nature of the attack.
- 1.5. Persecution as a crime against humanity, focusing on the targeting of Muslims in trades and occupations relating to meat:** In the Panel's view, the targeting of Muslims engaged in meat-related trades in Uttar Pradesh may amount to persecution as a crime against humanity under Article 7(1)(h) of the Rome Statute. The measures were directed at Muslims as an 'identifiable group or collectivity' and at a civilian population. Multiple underlying acts amounted to denial of human rights and fundamental freedoms, including severe violations of the right to life and freedom from torture in the context of 'cow protection' enforcement; large-scale violations of the right to liberty and security through apparently arbitrary mass arrests and detention; and violations of equal treatment before the law and non-discrimination resulting in loss of livelihoods and housing and exposure to harassment and violence. Considered cumulatively and in their wider socio-political context, including legislative and administrative measures targeting Muslims and policing marked by significant anti-Muslim bias, these acts taken together amount to persecution. The targeting is both widespread and systematic, rooted in the cow protection law and related measures that jeopardise sectors in which large numbers of Muslims work. Discriminatory intent may be inferred from the tailoring of official measures to criminalise and exclude Muslim communities and from differential treatment of Hindus committing comparable offences. Officials designing these policies, and police forces and Hindutva vigilantes enforcing them and inflicting violence would, by virtue of their respective roles, know of the broader attack.

*Right to an Effective Remedy*¹¹⁵

¹¹⁵ A more detailed version of these findings appears in Part IV (The Right to an Effective Remedy) in Chapter 3 (Uttar Pradesh).

The Panel assessed¹¹⁶ whether Uttar Pradesh provides meaningful avenues of redress in relation to four recurring patterns of violations documented in this report: ‘encounter’ killings, mob and vigilante violence, hate speech and incitement, and punitive demolitions.

1. **State of access to justice:** Across the patterns examined, Muslim victims report facing structural barriers at every stage. Police have frequently refused to register FIRs; where registered, complaints are often delayed, diluted, or stripped of material facts, including the identity of perpetrators.¹¹⁷ Allegations by victims’ families are routinely reframed using generic terms, undermining subsequent investigation. Complainants reported reprisals, including fabricated counter-FIRs, intimidation, and threats of false implication. Lawyers representing victims routinely face harassment. Legal aid is widely perceived as ineffective. Families seeking accountability for serious violations regularly encounter procedural obstruction, non-registration of complaints, and coercion. Access to justice for Muslims in UP appears neither timely nor non-discriminatory in practice.
2. **State of investigations:** In UP, inquiries into serious human rights violations against Muslims are often conducted by officers connected to the implicated units, undermining independence. Essential evidence is frequently not collected or selectively relied upon. Investigations are delayed, minimally progressed, or redirected through parallel cases naming victims as accused. In ‘encounter’ cases and mob attacks, investigative step required under binding Supreme Court safeguards are inconsistently or inadequately undertaken.¹¹⁸ Investigative processes in UP thus appear vulnerable to manipulation and often shield alleged perpetrators rather than establish the truth.
3. **State of prosecutions and judicial process:** Cases initiated by Muslim victims frequently stall through repeated adjournments and due to limited prosecutorial initiative. By contrast, counter-cases against Muslim victims often proceed at pace. Prosecutors reportedly fail to challenge investigative deficiencies, particularly where police or politically connected actors are implicated. Meanwhile, the state government has sought withdrawal of serious charges against politically aligned individuals, including in communal violence cases, reinforcing perceptions of selective prosecution and impunity.
4. **State of reparation:** Muslim victims of serious violations in UP have had almost no access to meaningful reparation. Families of those killed in alleged ‘encounters’ have not received compensation or rehabilitation. A rare exception was a Supreme Court order in March 2025 directing compensation and reconstruction following unlawful demolitions. However, similar demolitions have continued, indicating that such relief is exceptional.
5. **State of oversight institutions:** The UP Human Rights Commission appears to have played a virtually non-existent role in addressing serious violations affecting Muslims. The National Human Rights Commission has been accused by victims of making ‘formality’ visits and inquiries followed by no meaningful corrective action. The Allahabad High Court has intervened in specific instances – recently condemning routine ‘half encounters’ and staying certain demolitions –

¹¹⁶ Through review of published news reports, as well as consultations with local civil society groups with access to survivor networks.

¹¹⁷ For instance, see examples in Allegation letter from Special Rapporteur on freedom of religion or belief and others (n 7).

¹¹⁸ As noted by the Allahabad HC recently in *Raju Alias Rajkumar vs. State of U.P* 2026. See: Sparsh Upadhyay, ‘No Instant Rewards For UP Cops; Mandatory FIR & Medical Aid For Injured: Allahabad High Court Tightens Noose On “Encounter Culture”’ (31 January 2026) <<https://www.livelaw.in/high-court/allahabad-high-court/allahabad-hc-up-police-encounter-guidelines-no-promotions-fir-mandatory-sp-contempt-medical-521322>> accessed 20 March 2026.

but remains inconsistent in its overall remedial impact.¹¹⁹ The Supreme Court has previously issued binding safeguards on ‘encounter’ killings, mob lynchings, hate speech, and punitive demolitions, but there is no indication of meaningful implementation in UP.¹²⁰ The Court has, worryingly, increasingly declined to monitor enforcement of its own safeguards, leaving non-compliance unaddressed.

The Panel concludes that the remedial framework available to Muslims in Uttar Pradesh is ineffective in practice, and that individuals affected by the violations documented in this report have no realistic prospect of securing justice through domestic channels.

2. Conclusion and recommendations

In our 2022 report, we had expressed serious concern that Muslims had become a persecuted minority in India, especially in BJP-ruled or controlled states of Assam, Jammu & Kashmir and Uttar Pradesh. This conclusion was based on our examination of credible evidence, and our assessment pointing to violations against Muslims in India of a wide range of international human rights, as well as some episodes of violence potentially amounting to crimes against humanity and war crimes, and some hate speech amounting to incitement to commit genocide. All these violations were targeted, disproportionately affecting Muslims, showing the ideological driver behind these actions. Taken together, we felt the situation showed a state-led, systemic targeting and marginalisation of Muslims because of their religion and their status as a minority.

Since that report, we have only seen—based on analyses by UN and civil society experts and independent media—the situation worsen, with Muslims, especially in BJP-ruled states such as Assam and Uttar Pradesh, suffering widespread abuses and targeting by authorities and private actors, including the frequent use of lawfare, as well as a plethora of discriminatory laws and policies disadvantaging Muslims, expanding and tightening.

Dehumanisation of, and incitement to violence against, Muslims accompanies much of the abuse, with senior elected officials and religious leaders often leading these campaigns to harass, boycott, expel, and often assault and sometimes kill and destroy Muslims. The evidence is clear: there appears to be a settled pattern of inhumane acts against Muslims that is widespread and systematic, especially in Assam and Uttar Pradesh, amounting to severe deprivation of the fundamental rights of Muslims by reason of their Muslim identity.

The conclusion we have arrived at, based on our factual and legal analysis of the evidence, is that the international human rights of Muslims in India, already being violated, are increasingly hardening in intensity and expanding in scope, especially in the two states in question. Violations under international criminal law, too, appear to be deepening and expanding against Muslims in Assam and Uttar Pradesh, as we outline in our findings, including crimes against humanity such as torture and inhumane treatment, deportation, persecution and apartheid, as well as ethnic cleansing. We also note the lack of any effective domestic remedy for victims, a continuation of India’s failure to fulfil its obligation to provide judicial redress.

In our 2022 report, we had warned that history shows us that systemic discrimination and hostility against minorities, in the hands of a mobilised majority, often escalate to mass atrocity crimes, including genocide. The situation—and risks—do not appear to have been mitigated; indeed, they have arguably worsened. Alarming, in both states, the most senior elected officials themselves lead

¹¹⁹ Ibid.

¹²⁰ See Annexure VIII of a list of some of these guidelines.

the rhetoric against Muslims in their jurisdictions, in addition to directing discriminatory policies and practices that marginalise them. Their public endorsement of coercive measures, and repeated characterisation of Muslims as security and demographic threats, also provide a permissive signal for mobilisation and violence by non-state actors.

We reiterate the call that we made in our original report in 2022: that India is obligated to act to prevent genocide under the Genocide Convention and to protect its citizens from genocide, crimes against humanity, war crimes and atrocity crimes under the first pillar of the Responsibility to Protect, unanimously adopted by the UN General Assembly in 2005. India must live up to these obligations to prevent the commission of even greater human rights violations, atrocities and crimes against Muslims in India.

We also reiterate that, since domestic-level remedies have so far been ineffective, inadequate or inaccessible, the credible information we received justifies the initiation of formal investigations by a competent, independent and impartial body mandated by the UN, which would conduct in-depth investigations into the allegations we have uncovered in this report, with a view to ensuring accountability in the future.

Based on the above findings, the Panel makes the following recommendations:

2.1. To the UN Human Rights Council

- Mandate an independent fact-finding body to investigate past and ongoing human rights violations against Muslims in India, and an international mechanism to preserve information on serious human rights violations against minorities gathered by the fact-finding and documentation processes, for future accountability proceedings.
- Fulfil its obligations to act to prevent human rights violations and respond promptly to human rights emergencies and assist in de-escalation of the situation (contained in UNGA resolution # 60/251), by promoting and advancing UN resolutions condemning the abuses and the named perpetrators.
- Specifically, mandate:
 - o the UN High Commissioner for Human Rights to carry out a comprehensive assessment of the human right situation in India and reports his findings to the UNHRC, followed by an Interactive Dialogue at the Council.
 - o a territorial mandate of a Special Rapporteur, with a mandate to monitor, assess and publicly report on the human rights situation in India, including against religious minorities, and document violations and abuses, and to report annually to the HRC and the UNGA.

2.2. To the UN High Commissioner for Human Rights; Special Advisers on the Prevention of Genocide and the Responsibility to Protect; and UN Special Procedures Mandate Holders

- Actively and visibly monitor serious human rights violations against Muslims and other vulnerable religious minorities in India.
- Request and conduct in-country visits to gather information on serious human rights violations against Muslims and other vulnerable religious minorities.
- Publicly express concerns at the treatment of Muslims in India.
- Conduct a comprehensive assessment of the human right situation in India and reports findings to HRC, as well as publicly.

- Establish an evidentiary repository to receive and preserve information on serious human rights violations in India, gathered by civil society led fact-finding and documentation processes, for future accountability proceedings. Creates official evidentiary repositories insulated from regime control.
- More vocally raise concerns about reprisal against activists and NGOs and journalists - in-country and overseas - reporting human rights abuses, and engaging with the UN.

2.3. To the Government of India

- Fulfil its obligations under International Covenant on Civil and Political Rights (1979) and especially Genocide Convention (1949) to prevent and punish crimes of genocide.
- Deliver its commitment under Responsibility to Protect (2005), to protect Muslims and other minorities from genocide, war crimes, crimes against humanity, and ethnic cleansing, by addressing both the root causes and direct causes of the abuses and other crises.
- Deliver its commitment to implementing UN Human Rights Council resolution 58/29 on 'combating intolerance, negative stereotyping, stigmatisation, discrimination, incitement to violence and violence against persons, based on religion or belief', and to the associated Rabat Plan of Action on the Prohibition of Incitement to Hatred.
- Conduct effective, independent and impartial investigations, and where it is merited, prosecutions of international crimes and any serious human rights violation that amounts to a criminal offence under the domestic laws.
- Provide adequate, accessible and effective reparation to victims of serious human rights violations, including interim measures to alleviate immediate needs.
- Implement measures to promote equal access to socio-economic rights for Muslims.

2.4. To the Supreme Court of India

- Ensure independent, effective and expedient resolution of cases challenging the constitutional validity of laws impacting Muslims as a religious minority.
- Ensure protection of the internationally recognised fundamental right to a fair trial, of all those accused by authorities of crimes, including Muslim HRDs, student leaders and other individuals, and under extended pre-trial detentions
- Provide effective remedies to victims of serious human rights violations.

2.5. To the governments of other States

- Monitor the human rights situation in India.
- Fulfil their obligations under internal law, including Genocide Convention and Responsibility to Protect, to address incitement to genocide and risks of genocide and mass atrocities in India
- Use available diplomatic or economic leverage to urge India to protect Muslim minorities.
- Exercise your extra-territorial jurisdiction in accordance with the national legal framework to hold perpetrators of international crimes to account.
- Impose targeted sanctions against perpetrators of serious human rights violations, where warranted under the national legal framework.

2.6. To social media companies

- Implement their responsibilities under Rabat Plan of Action on Prevention of Incitement to Hatred; and abide by the UN Guiding Principles on Business and Human Rights, in their operations.
- Take proactive 'zero tolerance' steps against hate speech on their platforms.
- Launch early warning system to protect vulnerable minorities.
 - Be transparent on page and post takedowns.
 - Establish and enforce content moderation systems, oversight mechanisms and community standards that are able effectively to protect minorities.
 - Document and report violations against Muslims and other religious minorities.
 - Launch human rights audits of the impact of their operations on minorities.

2.7. To Indian and international civil society

- Document and report violations against Muslims and other religious minorities.
- Enable Indian authorities and international stakeholders to improve commitment to minority rights.
- Equip frontline minority and human rights activists and networks to raise and demand rights and justice, without fear of reprisal.
- More public awareness raising, domestically and internationally, on human rights abuses in India, especially on Muslims and other religious minorities
- More coordinated advocacy between groups – local and international – to undertake advocacy and awareness raising
- Establish a peoples' tribunal on human rights violations in India – to influence formal international accountability processes, shape media narratives, and provide survivor recognition
- Establish memorialisation projects and truth archives, as reparative and memory initiatives.