



Plenary sitting

B9-0077/2020

22.1.2020

MOTION FOR A RESOLUTION

to wind up the debate on the statement by the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

pursuant to Rule 132(2) of the Rules of Procedure

on India's Citizenship (Amendment) Act, 2019
(2020/2519(RSP))

Kati Piri

on behalf of the S&D Group

B9-0077/2020

**European Parliament resolution on India's Citizenship (Amendment) Act, 2019
(2020/2519(RSP))**

The European Parliament,

- having regard to its previous resolutions on India,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights (ICCPR),
 - having regard to the International Convention on the Elimination of All Forms of Racial Discrimination,
 - having regard to the Global Compact for Safe, Regular and Orderly Migration,
 - having regard to the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities of 18 December 1992,
 - having regard to the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials,
 - having regard to the Indian Constitution,
 - having regard to Rule 132(2) of its Rules of Procedure,
- A. whereas India's Citizenship (Amendment) Act, 2019 (CAA) amends its Citizenship Act of 1955 in an effort to enable irregular migrants to acquire Indian citizenship through naturalisation and registration; whereas the CAA restricts, however, eligibility to only Hindus, Sikhs, Buddhists, Jains, Parsis and Christians from Afghanistan, Bangladesh and Pakistan who entered India on or before 31 December 2014;
- B. whereas the CAA is explicitly discriminatory in nature as it specifically excludes Muslims from having access to the same provisions as other religious groups;
- C. whereas the Indian Government has stated that the countries listed in the CAA are Muslim-majority countries where minority religions are more likely to face persecution in their home countries, thus using this as justification for fast-tracked citizenship;
- D. whereas India shares a border with Bangladesh, Bhutan, Burma, Nepal, Pakistan and Sri Lanka, yet the CAA does not bring Sri Lankan Tamils under its purview, who form the largest refugee group in India and who have been resident in the country for over thirty years;
- E. whereas the CAA also excludes Rohingya Muslims from Myanmar, who have been described by Amnesty International and the United Nations as the world's most persecuted minority; whereas the CAA also ignores the plight of Ahmadis in Pakistan, Bihari Muslims in Bangladesh, and the Hazaras of Pakistan, all of whom are subject to

persecution in their home countries;

- F. whereas the CAA contradicts Article 14 of the Indian Constitution, which guarantees the right to equality to every person and protects them from discrimination on the grounds of religion, race, caste, sex or place of birth; whereas the CAA undermines India's commitment to uphold the Universal Declaration of Human Rights, the ICCPR and the Convention for the Elimination of Racial Discrimination, to which India is a State party, which prohibit discrimination on the basis of racial, ethnic or religious grounds;
- G. whereas the adoption of the CAA has sparked massive protests against its implementation, with 27 reported deaths, 175 injured and thousands arrested; whereas the Indian authorities have also used internet shutdowns, imposed curfews and placed limits on public transportation to prevent peaceful protests; whereas reports have emerged of hundreds of protesters being beaten, shot, and tortured, in particular in Uttar Pradesh;
- H. whereas on 5 January 2020, the campus of Jawaharlal Nehru University, where students were protesting against the CAA and the National Register of Citizens (NRC), was attacked by a masked mob that injured over 20 students and teachers from the University; whereas various media reports and students have alleged that the police stood witness to the attack and refused to control and arrest the mob;
- I. whereas the international community, including the UN, has already expressed concerns regarding the CAA and the violence that it has sparked; whereas, the spokesperson for the UN High Commission for Human Rights has expressed concern that the CAA is 'fundamentally discriminatory in nature';
- J. whereas more than 100 retired senior civil servants, including three former ministers, have written an open letter to the Indian public condemning Government policies, which they called 'morally untenable' and 'wasteful', and they stressed that the policies would certainly cause hardship for millions of people; whereas on 4 January 2020, more than 100 000 demonstrators took part in a peaceful march in Hyderabad in protest against the CAA;
- K. whereas the CAA was enacted during the Government's push for a nationwide citizenship verification process (i.e. the NRC); whereas the Government's statements revealed that the aim of the NRC process was to strip Muslims of their citizenship rights while protecting those of Hindus and other non-Muslims; whereas only Muslims who are not included in the NRC will have recourse to the Foreigners' Tribunals that have been established to determine the right to citizenship; whereas these tribunals have been internationally condemned for failing to protect the right to a fair trial and human rights guarantees;
- L. whereas the Indian Government is set to start a nationwide NRC, which will document the citizenship of more than 1.3 billion people in the country; whereas this exercise was recently concluded in Assam and resulted in the exclusion of more than 1.9 million people and has been used to label them as illegal migrants, who now face an uncertain future and possible deportation;

- M. whereas several Indian States have already announced that they would not implement the law; whereas the Government of Kerala, in its petition to the Supreme Court, called the CAA ‘a violation of the secular nature of the Indian constitution’ and accused the Indian Government of dividing the nation on religious lines;
1. Expresses its deep regret over the adoption and implementation of the CAA, which is discriminatory, dangerously divisive and may potentially create the largest statelessness crisis in the world and cause widespread human suffering;
 2. Recalls India’s international obligations under the Universal Declaration of Human Rights and ICCPR and Article 14 of the Constitution of India, which guarantees the right to equality to every person and protects them from discrimination on the inherent grounds of religion, race, caste, sex or place of birth;
 3. Denounces the fact that India has incorporated religious criteria into its naturalisation and refugee policies. Stresses that all migrants, regardless of their migration status, are entitled to the respect, protection and fulfilment of their basic human rights; calls on the Indian Government to address the legitimate concerns raised over the NRC, which may be used to target marginalised groups;
 4. Calls on the Indian authorities to ensure the right to peaceful protest and to guarantee the life and physical integrity of those who choose to demonstrate; calls on the Indian Government to ensure that the security forces comply with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; calls, further, on the Indian authorities to give full consideration to the grievances sparking the protests and meaningfully address the underlying causes of the political and economic crisis;
 5. Strongly urges the Indian Government to ensure that the Foreigners’ Tribunals function with utmost transparency and operate in line with international fair trial standards, ensuring that legitimate citizenship claims are not rejected due to systemic discrimination;
 6. Calls for EU and Member State representations in India to include the issue of ethnic and religious minorities’ discrimination in their dialogues with the Indian authorities, and to prioritise programmes that address discrimination against ethnic groups and religious minorities, including in areas such as education, and programmes that have a particular focus on discrimination against minorities;
 7. Calls on the Indian Government to immediately engage with various sections of the population for a peaceful dialogue and repeal the discriminatory amendments, which violate India’s international obligations to prevent deprivation of citizenship on the basis of race, colour, descent, or national or ethnic origin, as set out in the ICCPR and other human rights treaties;
 8. Recalls that while the CAA's stated goal of protecting persecuted groups is welcome, this should be done through a robust national asylum system that is based on the principle of equality and non-discrimination, and which applies to all people in need of protection from persecution and other human rights violations, with no distinction as to race, religion, national origin or other prohibited bases;

9. Takes note that the CAA will be reviewed by the Supreme Court of India and hopes that it will consider carefully the compatibility of the law with India's Constitution and with international human rights obligations;
10. Instructs its President to forward this resolution to the Council, the Commission, the Member States, the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy, the President of India, the Government of India, the Prime Minister of India and the Indian Parliament.