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*Plenary sitting*

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**B9-0082/2020**

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))

**Shaffaq Mohammed, Petras Auštrevičius, Catherine Bearder, Phil Bennion, Katalin Cseh, Chris Davies, Barbara Ann Gibson, Martin Horwood, Irina Von Wiese**  
on behalf of the Renew Group

**B9-0082/2020**

**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 the indivisibility of human rights, including civil, political, economic, social and cultural rights, is one of the main objectives of the European Union in its relations with India;
- B. whereas the Citizenship (Amendment) Act, 2019 (CAA) extends fast-track Indian citizenship to some religious minorities who have fled persecution in neighbouring countries, namely undocumented migrants from the Hindu, Sikh, Buddhist, Jain, Parsi or Christian communities of Afghanistan, Bangladesh or Pakistan, who entered India on or before 31 December 2014;
- C. whereas the Government's informal justification for fast-track citizenship is that the countries listed in the CAA are Muslim-majority countries where religious minorities are more likely to face persecution;
- D. whereas India shares a border with Bangladesh, Bhutan, Burma, Nepal, Pakistan and Sri Lanka; whereas Sri Lankan Tamils, who form the largest refugee group in India and have been resident in the country for over thirty years, do not, however, fall under the purview of the CAA; whereas the CAA also excludes Rohingya Muslims from Burma, 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 Hazaras in Pakistan, all of whom are subject to persecution in their home countries;

- E. whereas the CAA is explicitly discriminatory in nature as it specifically excludes Muslims from access to the same provisions as other religious groups;
- F. whereas, according to the Indian Constitution, India is a sovereign secular democratic republic and including religion as a criterion for citizenship is therefore fundamentally unconstitutional;
- G. whereas the amended law 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 law also undermines India's commitment to uphold the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), and the International Convention on the Elimination of All Forms of Racial Discrimination to which India is a State Party and which prohibit discrimination on racial, ethnic or religious grounds;
- H. whereas all migrants, regardless of their migration status, are entitled to respect, protection and fulfilment of their human rights;
- I. whereas the adoption of the CAA has sparked massive protests against its implementation, with 27 reported deaths, 175 people being injured and thousands of arrests; whereas the authorities have also used internet shutdowns, curfews and limits on public transportation to prevent peaceful protests;
- J. whereas the police have responded brutally across India, with reports of hundreds of protesters being beaten, shot and tortured, in particular in Uttar Pradesh;
- K. whereas on 5 January 2020, the campus of Jawaharlal Nehru University, a leading location for students 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 outlets and students have alleged that the police witnessed the attack, but refused to control and arrest the mob;
- L. whereas the CAA sets a dangerous precedent and represents an intensification of the Government's Hindu nationalist agenda;
- M. whereas both the contents of the CAA and the violence it has encouraged, both from the police and pro-government groups, are clear breaches of the human rights of residents of India and its neighbouring countries;
- N. whereas the international community, including the UN, has already expressed concerns regarding the CAA and the violence that has followed its implementation; whereas the Office of the United Nations High Commissioner for Human Rights has expressed its concern that the CAA is 'fundamentally discriminatory in nature';
- O. whereas the CAA was enacted during the Government's push for a nationwide citizenship verification process (i.e. the NRC); whereas government statements indicate that the NRC process aims to strip Muslims of their citizenship rights while protecting those of Hindus and other non-Muslims;
- P. whereas the Indian Government is set to introduce the NRC, which will document the

citizenship of more than 1.3 billion people in the country; whereas this exercise was recently concluded in Assam, resulting in the exclusion of more than 1.9 million people who were labelled 'illegal' migrants and who may now be detained in newly built detention camps or deported; whereas detention camps are also being built in Karnataka;

- Q. whereas the Government of India denies any form of discrimination, even though the amendments mean that the NRC process explicitly excludes Muslims;
- R. whereas it is difficult to view the CAA in isolation, as both the amendments and the NRC could deprive minorities of their citizenship of India; whereas only Muslims excluded from the NRC will have difficulty winning their cases at foreign tribunals;
- S. whereas several Indian States have already announced that they will 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 Government of dividing the nation on religious lines;
1. Is concerned that the CAA is fundamentally discriminatory in nature and condemns its adoption; regrets the fact that India has incorporated religious criteria into its naturalisation and refugee policies;
  2. Calls on the Government of India to immediately engage in peaceful dialogue with various sections of the population and repeal the discriminatory amendments, which violate India's international obligations to prevent the deprivation of citizenship on the basis of race, colour, descent, or national or ethnic origin as enshrined in the ICCPR and other human rights treaties;
  3. Recalls that while the goal of protecting persecuted groups is welcome, this should be done through a robust national asylum system that is premised 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 grounds;
  4. Is worried that the CCA amendments constitute a dangerous shift in the way citizenship is determined in India, and are set to create the largest statelessness crisis in the world and cause immense human suffering;
  5. Takes note that the CAA will be reviewed by the Supreme Court of India and hopes it will consider carefully the compatibility of the law with India's Constitution and with international human rights obligations;
  6. Calls on the Indian Government to address the legitimate concerns over the NRC, which will be used to target marginalised groups;
  7. Reiterates that peaceful assembly is enshrined in Article 21 of the ICCPR, to which India is a State Party;
  8. Condemns the violence and systematic brutality associated with the CAA; calls on the Indian authorities to end their violent repression of those who are critical of their

policies;

9. Calls on the Indian Government to ensure that security forces comply with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
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.