



Plenary sitting

**B9-0077/2020 }
B9-0078/2020 }
B9-0079/2020 }
B9-0080/2020 }
B9-0082/2020 } RC1**

28.1.2020

JOINT MOTION FOR A RESOLUTION

pursuant to Rule 132(2) and (4) of the Rules of Procedure

replacing the following motions:

B9-0077/2020 (S&D)

B9-0078/2020 (PPE)

B9-0079/2020 (GUE/NGL)

B9-0080/2020 (Verts/ALE)

B9-0082/2020 (Renew)

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

Michael Gahler, Sandra Kalniete, Ivan Štefanec

on behalf of the PPE Group

Kati Piri

on behalf of the S&D Group

**Shaffaq Mohammed, Petras Auštrevičius, Catherine Bearder, Phil
Bennion, Katalin Cseh, Chris Davies, Barbara Ann Gibson, Charles**

Goerens, Martin Horwood, Sophia in 't Veld, Irena Joveva, Moritz

Körner, Ilhan Kyuchyuk, Javier Nart, Samira Rafaela, Michal Šimečka,

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PE643.503v01-00 }

PE643.504v01-00 }

PE643.506v01-00 } RC1

Irina Von Wiese

on behalf of the Renew Group

Scott Ainslie, Hannah Neumann, Ernest Urtasun, Caroline Roose, Yannick Jadot, Damien Carême, François Alfonsi, Benoît Biteau, Michèle Rivasi, Karima Delli, Tilly Metz, David Cormand, Jutta Paulus, Marie Toussaint, Anna Cavazzini, Markéta Gregorová, Marcel Kolaja, Mikuláš Peksa, Reinhard Bütikofer, Diana Riba i Giner, Alice Kuhnke, Magid Magid, Gina Dowding, Patrick Breyer

on behalf of the Verts/ALE Group

Manuel Bompard, Idoia Villanueva Ruiz, Manon Aubry, Eugenia Rodríguez Palop, Miguel Urbán Crespo, Dimitrios Papadimoulis

on behalf of the GUE/NGL Group

Fabio Massimo Castaldo

**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 EU-India Strategic Partnership launched in 2004,
 - having regard to the statement by UN experts of 3 July 2019 on the risk of statelessness for millions and instability in Assam, India,
 - having regard to the EU Guidelines on the Death Penalty, on Torture and on Freedom of Expression,
 - having regard to the EU Guidelines on Human Rights Defenders,
 - having regard to the Council conclusions of 10 December 2018 on the EU Strategy on India,
 - 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 Global Compact for Safe, Regular and Orderly Migration,
 - having regard to the UN Convention relating to the Status of Stateless Persons,
 - having regard to the International Convention on the Elimination of All Forms of Racial Discrimination,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights,
 - having regard to the Indian Constitution,
 - having regard to Rule 132(2) and (4) of its Rules of Procedure,
- A. whereas on 9 and 11 December 2019 both Houses of the Parliament of India passed the Citizenship (Amendment) Act, 2019 (CAA), amending the Indian Citizenship Act, 1955;
- B. whereas India's new CAA seeks to expedite citizenship for Hindus, Sikhs, Buddhists, Jains, Parsis and Christians fleeing persecution in Afghanistan, Bangladesh and Pakistan who have been resident in the country since before 2015, but does not extend the same protection to Muslims;

- C. whereas India also shares a border with Bhutan, Burma, Nepal 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 30 years; whereas Amnesty International India has pointed out that the CAA does not bring under its purview other persecuted minorities, including Muslim populations such as the Rohingya in Burma, Ahmadis in Pakistan, Hazaras in Afghanistan and Bihari Muslims in Bangladesh;
- D. whereas the CAA has sparked controversy, particularly in the light of Articles 14, which guarantees the right of equality before the law, and 15, which protects every person from discrimination on the grounds of religion, race, caste, sex or place of birth, of the Indian Constitution; whereas in a statement issued on 13 December 2019, the spokesperson for the UN High Commissioner for Human Rights stated that the CAA was ‘fundamentally discriminatory in nature’ and that it appeared to undermine India’s commitment to equality before the law as enshrined in its constitution and stemming from its international obligations;
- E. whereas the Supreme Court of India has begun consideration of petitions on the CAA with a view to assessing its constitutionality and has given the government 40 days to respond to these petitions;
- F. 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 Indian Government of dividing the nation on religious lines;
- G. whereas the protests that broke out around India, particularly on university campuses, in response to the adoption of the CAA were met with a brutal crackdown by security forces, resulting in at least 25 people being killed, 160 injured and thousands arrested; whereas the Indian authorities have also used internet shutdowns and placed limits on public transportation to prevent peaceful protests; whereas reports have emerged of hundreds of protesters being beaten, shot at or tortured, in particular in Uttar Pradesh; whereas the Indian authorities have also restricted internet access in many areas of the North East and of Uttar Pradesh, where a large proportion of Indian Muslims reside; whereas shutting down internet communications is a violation of the fundamental right to access information;
- H. whereas the CAA was enacted amid the Indian Government’s push for a nationwide citizenship verification process, the National Register of Citizens (NRC); whereas the government’s statements indicate that the NRC process aims to strip Muslims of their citizenship rights while protecting those of Hindus and other non-Muslims; whereas most likely only Muslims who are not included in the NRC will have to appear before 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; 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 these processes may exacerbate the climate of xenophobia, while fuelling religious intolerance and discrimination in the country;

- I. whereas under the current government there has been an increased crackdown on the rights to freedom of expression, association and peaceful assembly, including the jailing of peaceful critics on charges of sedition, criminal defamation or terrorism; whereas the Indian authorities conducted several raids in 2018 and 2019 on the homes of activists and academics who have been vocal critics of the government and outspoken on human rights, specifically in relation to the CAA; whereas the human rights defenders arrested include Akhil Gogoi, Dharjya Konwar and Bitu Sonowal; whereas Manash Konwar, Lakhyajyoti Gogoi, Mohammad Faizal, Sadaf Jafar, Pawan Rao Ambedkar, Anoop Shramik, Robin Verma and Mohammad Shoaib have been released on bail, but an investigation into their cases is still pending;
 - J. whereas the Strategic Partnership between the European Union and India is based on the shared values of democracy, the rule of law and respect for human rights, commitment to the rules-based global order and effective multilateralism, sustainable development and a common interest in further developing bilateral cooperation;
1. Deeply regrets the adoption and implementation of the CAA, which is discriminatory in nature and dangerously divisive; calls on the Government of India to immediately respond to citizens' petitions as required by the Supreme Court; further calls on the Government of India to engage with various sections of the population in peaceful dialogue and to repeal the discriminatory amendments, which violate India's international obligations; warns against the increasing nationalism which has resulted, inter alia, in the fuelling of religious intolerance and discrimination against Muslims;
 2. Recalls that while the CAA's stated goal of protecting persecuted groups is welcome, an effective national asylum and refugee policy should be just and holistic in nature and apply to all those in need;
 3. Calls on the Indian Government to address the legitimate concerns raised over the NRC, which may be used to target marginalised groups; is worried that the NRC marks a dangerous shift in the way citizenship will be determined in India, and may create a large-scale statelessness crisis and cause immense human suffering;
 4. Stresses that all migrants, regardless of their migration status, are entitled to the respect, protection and fulfilment of their basic human rights;
 5. Condemns the violence and brutality that broke out in different regions of India following the adoption of the CAA; recalls the special responsibility of law enforcement services to show restraint and allow peaceful protest; calls for a prompt and impartial investigation into the events; calls on the Indian authorities to immediately and unconditionally release the protesters and human rights defenders currently held under arrest;
 6. Condemns the decision of the Indian authorities to shut down internet access to global networks, preventing communication and the free flow of information; underscores that

such actions are a clear violation of the freedom of speech;

7. Notes that the CAA is being considered by the Supreme Court of India and that the Government of India has been given 40 days to respond to petitions; trusts that any ruling from the Supreme Court will bring more clarity to the CAA and its compatibility with the Constitution of India and India's international obligations;
8. Calls on the Indian authorities to cooperate proactively with all special procedures of the UN Human Rights Council; urges them to cooperate in particular with the UN Special Rapporteurs on minority issues, on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and on freedom of religion or belief;
9. Calls on the VP/HR to continue a constructive dialogue with India on all aspects of cooperation, including political and human rights; calls for EU and Member State representations in India to include the issue of ethnic and religious minorities' discrimination in their ongoing 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;
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 Indian Parliament and the Governments of the States of India.