

For immediate release

India's Amendments to Citizenship Law are Discriminatory and Violate Fundamental Rights to Equality

Bangkok, 19 December 2019: The Asia Pacific Refugee Rights Network (APRRN) strongly condemns the recent amendments to India's citizenship law, which it considers exclusionary, discriminatory, and violative of the fundamental right to equality.

The amended law is purported to protect persecuted minorities by offering Indian citizenship, but limits that access only to non-Muslim religious minorities from Pakistan, Afghanistan, and Bangladesh. It thereby excludes Muslim refugees from these countries, including Ahmadiyas and Shi'as, whose ongoing persecution in their own countries is well documented. It also fails to cover other neighbouring countries where ethnic and religious minorities have faced serious human rights violations, such as Sri Lanka and Myanmar.

Themba Lewis, Secretary General of APRRN, referred to the Citizenship Amendment Bill as "an extremely dangerous development in India and the greater region. It couches discrimination in the language of protection from persecution and not only threatens to invite wider division, and potential violence, but undermines the fundamental concept of human rights: that they apply to all humans."

In discriminating on the basis of religion, the amended law disregards the principle of secularism and the right of equal protection under the law, enshrined in India's Constitution, as well as India's obligations under the International Covenant on Civil and Political Rights and the Convention for the Elimination of Racial Discrimination, to which India is a State party. Further, while India is not a signatory to the 1951 Refugee Convention, it is obligated to adhere to the globally recognised principle of *non-refoulement* and thereby not render any individual, regardless of religion, to a situation where they may be compelled to return to a country where they may be at risk of persecution. India has also endorsed the Global Compact for Safe, Regular and Orderly Migration and the Global Compact on Refugees and is therefore obliged to ensure that all its migration governance measures are centred in human rights and respond to all migrants in situations of vulnerability.

Further, the amendment is closely linked to India's National Register of Citizens; it will allow non-Muslims who are excluded from the Register to reacquire citizenship, while pointedly denying this shield to excluded Muslims and deeming them illegal migrants liable to be deported.

In light of the above, APRRN calls upon the Supreme Court of India and other relevant Indian authorities to review the new amendments in light of India's democratic and pluralistic ethos, Constitutional ideals and international law obligations, and to take corrective action to ensure that the law is compatible with the human rights principles of equality and non-discrimination.

The Asia Pacific Refugee Rights Network (APRRN) is a network of 400 civil society organisations and individuals from 28 countries committed to advancing the rights of refugees in the Asia Pacific region. APRRN aims to advance the rights of refugees and other people in need of protection through joint advocacy, capacity strengthening, resource sharing and outreach.

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