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Human rights situations that require the Council's attention

Written statement* submitted by International Muslim Women's Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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Women rights in conflict area, a case study of Indian Administered Jammu and Kashmir

Kashmiri women are the biggest victims of the ongoing conflict. They have suffered human rights abuses under the impunity of the suffocating Indian military presence in Indian administered Kashmir. According to statistics from Jammu and Kashmir state commission from women, a now defunct government institution is established to protect women and children rights to ensure quick prosecutions. Cases of domestic violence and general violence have been rising more than three thousand a year during the previous clampdowns in 2016 and 2017.

Let us view this problem, in the light of the Universal Declaration of Human Rights 1948. Since the founding of the United Nations, gender equality is the foremost agenda and has been among the most fundamental guarantees of human rights. Adopted in 1945, the Charter of the United Nations sets out as one of its goals “to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, [and] in the equal rights of men and women”. Furthermore, Article 1 of the Charter stipulates that one of the purposes of the United Nations is to promote respect for human rights and fundamental freedoms “without distinction as to race, sex, language or religion”. This prohibition of discrimination based on sex is repeated in its Articles 13 (mandate of the General Assembly) and 55 (promotion of universal human rights).

In 1948, the Universal Declaration of Human Rights was adopted. It, too, proclaimed the equal entitlements of women and men to the rights contained in it, “without distinction of any kind, such as ... sex;”. In drafting the Declaration, there was considerable discussion about the use of Women’s Rights Are Human Rights of the term “all men” rather than a gender-neutral term. The Declaration was eventually adopted using the terms “all human beings” and “everyone” in order to leave no doubt that the Universal Declaration was intended for everyone, men and women alike.

The International Muslim Women’s Union would like to discuss the status of women rights in conflicts. Different Indian governments during the past seventy three years have architected the present disturbing scenario in Indian Administered Kashmir. The situation has worsened ever since the present government has assumed office in Delhi since 2014. This government systematically implemented a muscular policy and a doctrine of state is quelling the rebellion by force. This policy change has dangerous implications.

On 5th August India launched its intended assault to fracture the state of Jammu and Kashmir in two union territories. This scenario should be kept in mind when we are discussing women rights in Indian Administered Kashmir.

Widows and half widows

Ever increasing number of widows and half widows in Indian Administered Kashmir is a matter of great trauma as it reduces the grace and color of life of a woman. There is a long way to get freedom for women from the clutches of suppression and humiliation committed against them. Women of Indian Administered Kashmir die in silence. The economic, social and psychological status of widows devastates under the social patriarchy and inequality. In most of the cases she loses the property rights. There is no existence of initialization and rehabilitation. Most of the widows and half widows are from poor families. Half widows are such women whose husbands are subjected to enforced disappearances but have not been declared dead. These half widows live in isolation with little or no social or financial support. Most of the half widows have not remarried due to doubt about their husband’s fate and lack of consensus among Muslim scholars from this issue. According to a Kashmiri sociologist, Dr. Bashir Ahmed Dabla, the conflict has affected women and children more than any other group or class especially widows and orphans.

United Nations Security Council has stressed the need to survey and compensate women in Indian Administered Kashmir, whose husbands have been killed or maimed. The situation of

widows and half widows is an eye opener for the world if it realizes that more needs to be done rather than observing an international day for widows.

People of Indian Administered Kashmir are frequently facing human rights violations. India as a party to the dispute has failed to protect human rights. The right to live a respectful life without external interference is a dream for all, especially women, but this right has not been granted to the women of Indian Administered Kashmir. Indian army denied, distorted and buried all evidence and suppressed the truth.

Kunan and Poshpora in the India-administered Kashmir was such an incident that had changed the social and mental life of our women when 150 girls and women were raped that night; nearly 200 men were tortured. Barns became torture chambers. The next morning, as one can well imagine, was marked by immense horror and paralyzing pain. And yet, justice is elusive over all these years, as the Indian army has continued to exercise brutality and has enjoyed complete impunity, thanks to the Armed Forces Special Powers Act (AFSPA). The controversial law lets Indian Army personnel enter any premise at any time in the Valley, without a search warrant, and use lethal force, if they deem it necessary. The Indian state has continuously avoided responsibility for abuses at the hands of the Army. Human rights groups have repeatedly condemned extrajudicial killings by Indian forces [BBC report].

The Shopian rape and murder case is the abduction, rape and murder of two young women allegedly by local Indian army, in mysterious circumstances between 29 and 30 May 2009 at Bongam, Shopian district in the Indian administered state of Jammu and Kashmir. Two women who were sisters-in-law went missing from their orchard on the way home on 29 May 2009. The next morning, their bodies were found both one kilometer apart. Local police rejected the allegations saying that the women appeared to have drowned in a stream.

There has been no justice since and that is what they mean when they say justice denied. "The killers, the rapists are the ones who are doing the investigation," says the father of one. How can you trust a system that is run by the very people who are part of the society that questions the integrity of a woman who has been raped?.

Eight year A. was kidnapped and gang raped and then murdered by the priest and government servants in a temple in Kathua, in Indian-administered Kashmir. On the morning of 17 January, Muhammad Yusuf Pujwala was sitting outside his home in Kathua when one of his neighbors came running towards him. He stopped in front of Me Pujwala and broke the news: they had found his eight-year-old daughter, A. B.. Her body lay in bushes in the forest, a few hundred meters away. The Indian Administered Kashmir valley has a turmoiled relationship with India - the way women and children have been targeted.

This organization demands an impartial investigation of all these cases by international organizations. The way women and children are used as weapons of war is alarming. Indian rule from 1989 to 2020 has increased pain among women and their families by arresting their only bread earners and kept in different Indian jails. Despite the fact that 187 countries have ratified the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), discrimination against widows has been ignored. Before conclusion it needs to be emphasized that every conflict has many consequences. Oppression and state sponsored terrorism are responsible for increasing the population of widows, half widows and rape victims. Enlightened opinion of the world must converge to resolve the conflict by redeeming their democratic right to choose their future as per United Nations Charter and United Nations resolutions.