



# General Assembly

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## Human Rights Council

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**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Written statement\* submitted by Comité International pour le Respect et l'Application de la Charte Africaine des Droits de l'Homme et des Peuples (CIRAC), 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.

[22 May 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **Systemic human rights violations in Pakistan-administered Kashmir and Gilgit Baltistan**

The State of Jammu and Kashmir was officially established on 16th of March- 1846 under the historical treaty of Amritsar between the British East India Company and the Maharajah Gulab Singh. Indian Administered Jammu and Kashmir consists Twenty Two (22), Districts, from Kashmir valley, Jammu & Ladakh regions. Whereas Pakistani Administered Azad and Pakistan Administered Kashmir consists of ten (10), districts and Gilgit- Baltistan region has fourteen (14), districts. The total area of the state is 2,22,236 Sq Km. Currently the state of Jammu and Kashmir has been divided into five Parts and three regions. The Indian Administered Jammu and Kashmir & Ladakh has been declared as the Union Territories by the Government of India on 5th of August- 2019. Whereas the Pakistan Administered Kashmir and Gilgit- Baltistan have been illegally ruled by Pakistan since 22nd of October- 1947 and Pakistan took direct control of Gilgit- Baltistan on 28th of April- 1949, under the pretext of Karachi Agreement. More than seven decades Pakistan has been trying to consolidate its claim on the region as its integral part, which was never supported by the majority of the people.

Need for Transitional Justice Efforts in Gilgit-Baltistan an autonomous region administered by Pakistan. Even though since the country's independence, Gilgit-Baltistan has been governed directly by Pakistan however secured no rights under the constitution to the people of the region, ensuring that they remained relegated to the status second-class citizens.

In stark contrast with the rest of the Pakistan, Gilgit-Baltistan was originally a Shia-dominated region. However, as part of the Islamization drive of the then government in the 1980s, Gilgit-Baltistan's demographics were altered through State-sponsored resettlement of the Sunni population into the region. It appears that the deliberate and intended consequence of this policy was the rekindling of the historical sectarian tensions between the Sunnis and Shias of the region. Coupled with the lack of a decentralized executive and any constitutional status, a climate of impunity permeated, its effect being the emergence of extremist groups thriving in the region.

While granting the region the status of a province has been mooted in 2020 by the Government of Pakistan, no real steps have been taken to address past violations and human rights infringements inflicted on its residents. Caught in the middle of persistent, violent conflict on the one hand, and step-motherly treatment by the State on the other, the people of the region have long been denied justice and have no real access to institutions to demand accountability.

In a report titled "Gilgit-Baltistan: aspirations for Identity, Integration and Autonomy" (2016) prepared by the Human Rights Commission of Pakistan, the united demand for greater autonomy from the people of the region came to be officially recorded. The Commission also recorded the rampant misuse of the Anti-Terrorism Act by State institutions against journalists, civil society organizations, and rights activists. The report further highlighted the plight of the internally displaced persons, who were arrested in connection with protests against State apathy towards the victims of the Lake Attabad disaster (2010).

The China-Pakistan Economic Corridor CPEC has also caused massive disquiet in the region owing to the lack of any semblance of participatory democracy in relation to a slew of developmental decisions that have economic, social, demographic, and ecological impacts. Greater political representation alone cannot be a concomitantly addressing the issue of past violations and justice victims. Under the auspices of the United Nations, transitional justice efforts are successfully underway in many conflict-ridden parts of the world.

Our organization urge this Council to call upon Pakistan to address the issue of access to justice to victims of past atrocities by both State and non-State actors in the region. Pakistan ought to institutionalize adequate transitional justice mechanisms towards this

The UNOHR report of 8th July- 2019, describes as " 28. Authorities in Gilgit-Baltistan also failed to amend similar provisions in the region's governance rules that restrict the rights to freedoms of expression and opinion, assembly and association. The Government of Gilgit-Baltistan Order 2018 and the updated Gilgit-Baltistan Governance Reforms 2019 retain the

same language limiting freedom of association from the Gilgit-Baltistan Empowerment and Self-Governance Order 2009. the same report define the state of repression on media person in Gilgit-Baltistan as "31. Journalists in Pakistan Administered Kashmir continue to face threats and harassment in the course of carrying out their professional duties. According to the Committee to Protect Journalists (CPJ), an anti-terrorism court in Gilgit-Baltistan sentenced journalist Shabbir Siham in absentia to 22 years in prison and fined him 500,000 Pakistani Rupees (USD 4,300) on charges of defamation, criminal intimidation, committing acts of terrorism, and absconding from court proceedings.

On 21 November 2018, Gilgit-Baltistan authorities arrested journalist Muhammad Qasim Qasimi after he engaged in a verbal argument with a local police official. According to the International Crisis Group (ICG), Pakistani intelligence officials have also warned journalists in Gilgit-Baltistan against criticising the CPEC projects.

It is true that since its inception Pakistan has been ruled by the undemocratic force. Consecutive military take over and martial laws never allowed the international concepts of democracy and rule of law to flourish in the country. Due to weak democratic governments in Pakistan both administered peripheries were handed over directly to the military and deep state. They have selected such people who have been waiting for the orders from those agencies manipulate power game in both regions. The people of both the regions remain deprived of basic amenities of life even while the region's natural resources are being and continue to be exploited by mainland Pakistan with the help of their local cronies.

The present political structure and interim Act 1974, is largely made Pakistan rather than the Pakistan Administered Kashmir Legislative Assembly. The present political setup in the region of Pakistan Administered Kashmir doesn't serve the interests of the people but vested interests of surrogates, the mainstream local leadership, and the State of Pakistan. Interim constitution 1974, of Azad Kashmir, Pakistan Administered Kashmir restrict the political association and liberty of the people of that region. The 13th Amendment, the final resolution of the Kashmir issue lies in the plebiscite yet to be conducted by the United Nations. Hence the status of both the peripheries are conditioned with the Plebiscite. But some of the clauses are self-contradictory; for example Article 7 sub-article (3) reads as, the people of Azad Kashmir, Pakistan Administered Kashmir are in any capacity, not allowed to go against the idea of that region's accession to Pakistan.

We urge that HRC should ask Pakistan to respect international conventions and its commitment on its administered regions and that it will not change demography of both the regions and would allow all the people and political parties irrespective of their stance on Jammu and Kashmir to take part in democratic process and to fairly propagate among the people their ideology about final settlement of the Jammu and Kashmir.

CIRAC urges upon HRC to put pressure on Pakistan and ask to stop promoting and exporting terrorism, dismantle terrorist's infrastructure Azad Kashmir, Pakistan Administered Kashmir and other parts and demand for released of enforced disappeared people, political and rights activists.