



General Assembly

Distr.: General
2 June 2022

English only

Human Rights Council

Fiftieth session

13 June–8 July 2022

Agenda item 2

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Jammu and Kashmir Council for Human Rights (JKCHR), 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.

[21 May 2022]

* 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.



Indian Administered Jammu and Kashmir

Under agenda item 2 the Human Rights Council shall be receiving the oral updates from the High Commissioner on various Human Rights situations in particular in Myanmar, Afghanistan, Nicaragua and an oral update on the grave human rights and humanitarian situation in Mariupol, including “an assessment of the nature and causes of violations or abuses of human rights and of violations of international humanitarian law committed there”.

The Council shall receive a report from the Commission appointed by the “President of the Human Rights Council, to investigate in the Occupied Palestinian Territory, including East Jerusalem, and in Israel all alleged violations of international humanitarian law and all alleged violations and abuses of international human rights law leading up to and since 13 April 2021” on its main activities. This would be the first report by the independent, international commission of inquiry.

The proactive interest of the Human Rights Council in conflict zones, in particular, Mariupol and the Occupied Palestinian Territory is commendable and encouraging.

Unfortunately the Human Rights Council has failed to address itself in equity to all people of many other habitats. As a result these people, who have been left out, have a genuine sense of grievance. Jammu and Kashmir Council for Human Rights (JKCHR) has invited the interest of Human Rights Centre to their plight as back as in its communication of 10 January 1990.

The NGO discussed a 13 item agenda on 6 July 1990, with section heads of Summary Executions, Torture and Disappearances and with the United Nations High Commissioner for Refugees (UNHCR) Asia and Middle East at the UN Human Rights Centre in Geneva.

The human rights situation in Indian Administered part of Jammu and Kashmir was flagged at the UN World Conference on Human Rights in Vienna in June 1993. JKCHR was also elected to represent the Unrepresented Peoples and Nations of the World. The NGO addressed the Plenary and Main Committee of the Conference and played a lead role in the establishment of the Office of the High Commissioner for Human Rights.

JKCHR has continued to make oral and written submissions to the Human Rights Commission, Sub Commission and the Human Rights Council on the Human Rights Situation in Indian Administered Jammu and Kashmir and in other parts of the world, in particular Iraq, the State of Palestine and Timor-Leste etc. The work done by JKCHR continues to remain an important point of reference during the Parliamentary debates in the United Kingdom of Great Britain and Northern Ireland and many Commonwealth countries.

Office of UN High Commissioner for Human Reports in its 14 June 2018 and 8 July 2019 Reports on the Human Rights Situation in Indian Administered Kashmir and Pakistan Administered Kashmir made a recommendation to the Human Rights Council - “Consider the findings of this report/s including the possible establishment of a commission of inquiry to conduct a comprehensive independent international investigation into allegations of human rights violations in Kashmir.”

Around 17 recommendations were made to India and 7 to Pakistan asking the two countries to fully respect international human rights law obligations and improve the human rights situation in the respective parts of Jammu and Kashmir under their administration, pending a UN supervised vote.

On 18 May 2022 the role of Human Rights Council and the work of JKCHR came up during a debate in the House of Lords in British Parliament. Lord Qurban Hussain of Liberal Democrats expressed his deep concern on the plight of the people of Ukraine and the people of Indian Administered Jammu and Kashmir. He said “The people of Ukraine deserve every bit of assistance they can get, and we will continue to support the Government as they give them all possible humanitarian and diplomatic support as well as military equipment and training.”

Lord Hussain who on many occasions has interacted with the Office of the United Nations High Commissioner for Human Rights in Geneva on the human rights situation in Indian Administered Jammu and Kashmir said in the Parliamentary Debate in the House of Lords,

“I have some understanding of the suffering, pain and physical and mental trauma that the people of Ukraine are going through, as someone born in a conflict zone called Kashmir, a state divided between India and Pakistan, which is waiting for a UN-promised plebiscite to determine its destiny. Over the years, its people have witnessed the loss of more than 100,000 lives, the continued violation of human rights, divided families, three full-scale wars and sporadic border skirmishes. Most of the human rights abuses recorded are in Indian administered Kashmir. According to reputable human rights organisations such as Amnesty International, Human Rights Watch and the UN Commission for Human Rights, the Indian army is involved in raids and crackdowns in residential homes, illegal arrests and detentions, torture, rape and murder, with complete impunity under the Armed Forces (Special Powers) Act. Thousands of young people have been partially or completely blinded by targeted pellet gunfire from the Indian armed forces. Thousands of women are known as “half widows” because their husbands have gone missing and, to add to their agony, 3,000 unmarked mass graves have been discovered. Only an independent investigation can tell whether any of their husbands or relatives are among those buried in these mass graves. Prominent political leaders such as Shabir Shah, Asiya Andrabi and Yasin Malik have been incarcerated for a very long time. Their families fear for their lives. What I have described is the tip of the iceberg. The UN Commission for Human Rights has made repeated requests for free access to investigate these reports of human rights abuses, but those requests have never been respected by the Indian Government.”

The recommendation for the establishment of a “commission of inquiry to conduct a comprehensive independent international investigation into allegations of human rights violations in Kashmir”, made in the two reports of Office of the United Nations High Commissioner for Human Rights has been made in the House of Lords in British Parliament as well.

JKCHR proposes and strongly recommends that Human Rights Council and Office of the High Commissioner for Human Rights should invite people like Lord Qurban Hussain to assist India and Pakistan to reconcile on the issue of the enjoyment of all human rights and fundamental freedoms in Jammu and Kashmir. The United Kingdom of Great Britain and Northern Ireland represented on the Council has a duty to flag these efforts made in the British Parliament for the attention of the Council.

In March 1959 UN Secretary General Dag Hammarskjöld visited Srinagar (Indian Administered Jammu and Kashmir) to assess the economic and political conditions of the people. The two reports prepared by the Office of the United Nations High Commissioner for Human Rights in June 2018 and July 2019, are a source of great comfort to the people of Indian Administered Jammu and Kashmir. A follow up on the recommendations made to the Human Rights Council and to the Governments of India and Pakistan, does not seem to have merited the interests of the Council. It is a cause of genuine grievance to the people – who are guaranteed “rights, dignity, security and self-determination” in the UN template on Kashmir.

JKCHR has been returning to UN Human Rights Commission, Sub Commission and Human Rights Council for the last 32 years. The NGO supports the inclusivity reflected in the UN template on the principle of equality and right of self-determination of the people. We find that the Council has left it too late for the people of Indian Administered Jammu and Kashmir, in not instructing the High Commissioner for Human Rights, as it has done in other cases for this 50th session.

India, Pakistan and the United Kingdom of Great Britain and Northern Ireland are currently members of the Council and are sitting in the session. The Council could use the offices of the United Kingdom of Great Britain and Northern Ireland in encouraging India and Pakistan to accept the recommendations made in the two reports of the High Commissioner for Human Rights to improve the human rights situation in the respective parts administered by them. At the same time The Council should re-visit the recommendation made in the reports to “consider the findings, including the possible establishment of a commission of inquiry to conduct a comprehensive independent international investigation into allegations of human rights violations in Kashmir.”

Human Rights are for all. Jammu and Kashmir Council for Human Rights (JKCHR) welcomes the High Commissioner's oral update on Myanmar, Afghanistan, Nicaragua and an oral update on the grave human rights and humanitarian situation in Mariupol.

We would however, urge that the people of Indian Administered Jammu and Kashmir, should not remain left out from a due promotion and protection of human rights under the Council's mandate. The presence of an around 900,000 Indian soldiers in the India Administered part of Jammu and Kashmir is not a good news for the life and habitat in Kashmir. It is a violation of the obligation accepted by India under para 2 (c), (i), (ii) and (iii) of UN Security Council Resolution 47 of 21 April 1948.
