



# General Assembly

Distr.: General  
14 February 2020

English only

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## Human Rights Council

### Forty-third session

24 February–20 March 2020

Agenda item 3

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

## **Written statement\* submitted by World Muslim Congress, a non-governmental organization in general consultative status**

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

[17 January 2020]

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



## **Impact of lockdown and communication blockade on women and children in Indian administered Jammu and Kashmir**

Indian administered state of Jammu and Kashmir is under continuous lockdown since 5<sup>th</sup> of August when government of India in violation of bilateral agreements, United Nation resolutions and International law abrogated the Article 370 of the Indian Constitution which gave special status to the disputed territory and annexed it against the wishes and aspirations of the people. To quell any possible resistance against unscrupulous annexation, the occupying state rushed additional troops to the disputed region, imposed a crippling curfew, shut down telecommunication and internet, and arrested thousands of Kashmiris who are struggling for their inalienable right to self-determination guaranteed by the United Nations. The strict curfew and complete lockdown affected all shades of life, but women and children were the worst sufferers.

Doctors predicted a rise in the number of cases presenting with stress and anxiety, as a consequence of complete lockdown and communication blockade. The lockdown prevented many from talking to their families or stepping out of home for fear that they will be unable to contact their families when out. Kashmiri women in labor could not access obstetric care for safe delivery, putting their newborns at risk.

As a conflict-torn region, Kashmir has historically reported widespread prevalence of mental health issues. According to a survey in 2015, by the humanitarian organization, Médecins Sans Frontières 41% of the population showed signs of depression, 26% showed signs of anxiety and 19% showed probable symptoms of post-traumatic stress disorder (PTSD). Regardless, of these reports, the present lockdown barred people accessing mental health care and other medical services. According to Médecins Sans Frontières, the lockdown has shut down mental health services in four districts of Kashmir valley and were unable to reach their staff. The direct and indirect trauma exposure causes behavioral and psychological problems in children. It broke down parent and child mental health, which are interrelated. The trauma and toxic stress of lockdown and blackout imposed on Kashmiri children and families is unprecedented and has caused intergenerational harm.

It is irony of the fact that Indian government justified the decision of abrogating Article 370, would lead to gender equality and the "emancipation" of women in the Muslim-majority region. However, the numbers Hindu ruling nationalist party Bharatiya Janata Party (BJP) made sexist comments towards Kashmiri women. On August 10, Manohar Lal Khattar, Chief Minister of Haryana, said, "Kashmir is open; brides will be brought from there. But jokes apart, if [the gender] ratio is improved, then there will be a right balance in society." Earlier, the BJP's Vikram Saini, a Member of the Legislative Assembly, said: "Muslim party workers should rejoice in the new provisions. They can now marry the white-skinned women of Kashmir". The ending of special status culminated into the objectification of Kashmir women daily in India. The way their bodies were portrayed in Indian media created fear, intimidation and humiliation. This fragile situation has severely affected women, who have fewer opportunities to venture outside.

The illegal detention of hundreds of children since August 5<sup>th</sup>, many of them whisked away at midnight by the occupation forces with no record of their arrests, made it difficult to trace them. A report by the Indian Federation of Indian Women and other organizations gave a first-hand account of the haunting mothers standing at their doorsteps in the desperate hope of their children's return, not knowing where they are. These disappearances are in clear breach of the Indian Supreme Court directions in the D.K. Basu case, where the court said that the next of kin have to be informed of every such arrest and the reasons thereof. Kashmiri children have become pawns in a political game where the government wants to punish those protesting against its authority.

The practice of illegally detaining Kashmiri children by occupation forces is corroborated by the report of UN High Commissioner for Human Rights submitted in 2019 to Human Rights Council found that children in Kashmir, many of whose ages were wrongly recorded, were being detained and mistreated for several days in police lock-up, without any charge, mostly under the Public Safety Act (PSA), which allows preventive detention for up to two years without any trial.

Such treatment of Kashmiri children is undoubtedly a violation of Article 14(4) of the International Convention on Civil & Political Rights which states that “all proceedings against juveniles shall take into account their age and the desirability of promoting their rehabilitation.” The UN Convention on the Rights of the Child, ratified by India, provides that the arrest/detention of a child shall be in conformity with the law and used only as a last resort and for the shortest appropriate period. The guidelines of the National Commission for Protection of Child Rights clearly state that a blanket characterization of adolescent boys as security threats during civil unrest should be avoided and authorities should investigate and take action against personnel involved in arbitrary detentions, mistreatment or torture of children. Powers Act remained a key obstacle to accountability. However, none of these laws and directives seems to be followed in Kashmir.

The continuous lockdown and unlawful detentions of children have caused fear psychoses in Kashmiri society and the parents in Kashmir are too scared to send their children to school, lest they are picked up by authorities. When such disappearances take place in a conflict-torn region, who does the aggrieved party complain to?

Courts seem to be the only forums offering some promise of relief. However, since August 5, when Jammu and Kashmir’s special status was abrogated, the courts are overburdened with huge cases relating to the detainees and it takes months for a hearing. In addition to this, the prosecution seeks unnecessary adjournments to delay the disposal of such cases. If fortunately any of the detainees get his detention order quashed, he is not released but new detention order is issued and he continues to languish in the jail.

The use of excessive force on children has become another phenomenon in Indian Occupied Kashmir. Once a clash erupts between people and occupation force against the gross human rights violations, the forces use tear gas shells, pellet short guns and showed bullets, which make these minor children more vulnerable to these pellets and bullets.

Children’s rights, as outlined in the United Nations Convention on the Rights of the Child, are being violated daily in Kashmir, including the right to health, education, play, an adequate standard of living, access to information, protection from abuse and harm, freedom of thought, and peaceful assembly. Kashmiri children are prevented from accessing urgent medical care. Necessities — including baby food, milk and medicines are in short supply.

Local children’s organizations are being paralyzed by the blackout and lockdown while international organizations tasked with promoting children’s well-being, like UNICEF and Save the Children, have yet to initiate meaningful programs to address this crisis.

This is not rational. International organizations must fulfil their responsibility towards Kashmir conflict. They must demand an end to the blackout, lockdown and detentions of minors. They must demand that tear gas, pellet guns and violence not be used against children. We call upon United Nations to impress upon government of Indian to allow international aid organizations into Kashmir and develop meaningful partnerships and programming with those on the ground.

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