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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 Union of Northwest Human Rights Organisation, 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.

[15 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.



Violations Of Human Rights And Fundamental Freedoms in Pakistan and Azad Kashmir, Pakistan Administered Kashmir

Our organization would like to draw your attention towards serious human rights violations in Pakistan in Azad Kashmir, Pakistan Administered Kashmir and Gilgit Baltistan.

In 1947, Pakistan backed a tribal invasion which led to the forced division & of State of the Jammu and Kashmir. Pakistan further divided its occupied parts into two separate regions known as Azad Jammu Kashmir (AJK) Gilgit Baltistan (GB). The former has been kept separated from the later by totally controlling it through the central government. It was not recognized by the international community. Its ambiguous legal status, political and social fault lines proved to be a bane for its autonomy and empowerment. Its relationship with Pakistan was also defined and maintained in the backdrop of its international legal status. State repression gave rise to sheer human rights violations in both regions.

In Gilgit Baltistan Pakistan government made a conscious efforts to win the hearts and minds of the Sunni minority in the region by further polarizing them through religious sermons and military training. By doing so, they ensured the continuity of religious tensions between the different sects, and also terrorized the majority Shia population through Sunni extremism. 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.

There is absolutely no transparent mechanism on the disclosure of revenues earned from tourism. While the federal government collects trekking fees, environmental protection fees and expedition adventure fees, it neither declares these revenues publicly nor shares any earnings with local communities. The money is not going to local communities and according to them it is unfair as the movement of heavily loaded trucks is causing environmental damage in that area. The locals resent such centralized control as it depicts the colonial mindset of the Pakistan. Baba Jan, a human rights activists jailed for more than ten years got released a year before in the backdrop of massive protests by the locals of Gilgit Baltistan and by the Human Rights activists at all International forums.

The present political structure and interim Act 1974 imposed by Pakistan rather than the Azad Kashmir, Pakistan Administered Kashmir Legislative Assembly. It doesn't serves the interests of the natives but vested interests of Pakistan. Interim Azad Kashmir, Pakistan Administered Kashmir act 1974 restrict the political association and liberty of the people of that region. According to the introduction of the 13th Amendment, Article 7(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.

On 25th July 2021 elections were held in Azad Kashmir, Pakistan Administered Kashmir. Islamabad a self-proclaimed advocate and champion of the right to self-determination of the Kashmiri people imposed new restrictions on Kashmiri nationalist groups & parties. Draconian Azad Kashmir, Pakistan Administered Kashmir Elections Act 2020 made it mandatory for all political parties to declare loyalty to Pakistan. Article 126 of the Act provides, (1) "No political party shall be formed with the object of propagating any opinion or acting in any manner prejudicial to the Ideology of State's Accession to Pakistan".

Tight controls on freedom of expression have been a hallmark of the Pakistani policy in Azad Kashmir, Pakistan Administered Kashmir in human rights watch report of 2005 title "with Friends like these". This control is highly selective. Pakistani-backed militant organizations promoting the incorporation of Jammu and Kashmir state into Pakistan have had free rein-particularly from 1986 when the insurgency began to 2001-to propagate views and disseminate literature; by contrast, groups promoting an independent or "United States of Jammu and Kashmir" find promoting their views sharply curtailed.

UN High Commissioner for Human Rights (OHCHR) reports on the human rights situation in Jammu and Kashmir recommended measures to improve human rights condition in the entire including I Jammu and Kashmir including Azad Kashmir, Pakistan Administered Kashmir and Gilgit-Baltistan.

International Human Rights Council IHRC based in Hong Kong, China reported case of gang rape victim Maria Tahir from Azad Kashmir, Pakistan Administered Kashmir she is being denied justice while her rapists are out loose. Culprits supported by former senior minister from Azad Kashmir, Pakistan Administered Kashmir allegedly kidnapped her, kept her in illegal custody for months, raped and tortured her to extort millions of Pak Rupees as ransom. If the victim fails or refuses to pay she was threatened by the blackmailers to make the video of her rape public. Her case was referred by authorities to the local community court, that is an illicit practice according to law of the land. HRC should take serious note of such issues where the local authorities and judicial fraternity has failed in the dispensation of justice and rule of law. Due to voiceless & weak civil society, strict control on print media and absence of electronic media most of the cases of human rights violations, excess of power used by Pakistani intelligence agencies and their cronies the world knew very little about these regions where an iron curtain has been used to stop the flow of information.

Further the people in both peripheries aren't provided adequate electricity. Anyone who advocates for the rights or raise any voice against plundering of natural resources have been dealt with under draconian laws like Schedule 4, and anti- terror laws have been framed against most of the nationalist political activists in Gilgit Baltistan and Azad Kashmir, Pakistan Administered Kashmir.

Pakistan has inflicted a strict political repression to curb the freedom of association, freedom of conscience and belief. The Jammu and Kashmir Council is enjoying an overwhelming authority under interim Constitution of 1974. All the Major subjects doesn't fall under the constitutional ambit of the administrations at Muzaffarabad and Gilgit- Baltistan.

Pakistani retired civilian and military officers have acquired big chunks of the land in Gilgit Baltistan and also encouraging Afghan refugees and Punjabi nationals occupying some businesses in Azad Kashmir, Pakistan Administered Kashmir through the issuance of domicile certificates that are against the international conventions and against the letter and spirit of the UN-Resolutions on Jammu and Kashmir.

Pakistan is using members of the Jammu and Kashmir legislature from Refugees settled in Pakistan to undermine the rights and authority of Muzaffarabad administration. According to a former Member of the Azad Kashmir, Pakistan Administered Kashmir Assembly Mr. Tahir Khokhar, 5 assembly members & their 35 family members have been issued fake domiciles and those people have been fraudulently exploiting local resources and have been enjoying at state exchequer.

Plundering of natural resources & deforestation is causing widespread resentment among the locals. Pakistan has colonized the natural resources of both regions. A local Government department known as AKLAS is helping Pakistan to smuggle precious trees (Woods) and causing deforestation and contributing global warming effects in the region. The forest area is shrinking rapidly under the state patronage. The local forest depart is unable to stop deforestation which heavily causing land erosion and other disasters in both region.

The precious stones in the Neelam valley have also been colonized; the military has occupied that area by marking it security zone. The illegal excretion of gemstones has made some people wealthy and depriving local people of any benefit being master of those natural resources.

The diversion of the Neelam and Jhelum rivers has caused another drastic environmental catastrophe in the District Neelam and District Muzaffarabad. The people in the upper areas have also been deprived of drinking water due to tunneling in the mountainous regions. These conditions have compelled people to migrate from their ancestral lands.

Those who oppose these policies are dealt with the iron fist of the state security apparatus. Harassment, intimidation, blackmailing and targeting dissenting voices is routine matter by the secret agencies of Pakistan.

HRC in its June- 2018/ 2019 reports have also expressed its concerns and recommended to the Government of the Pakistan to provide 4G internet services to the students in Azad Kashmir, Pakistan Administered Kashmir. Since then the state hasn't taken any action in this regard, the military owned Special Communication Organisation(SCOM), has hegemony on telecommunication in both regions.

Islamabad has gradually destroyed local culture, language, traditions and festivities of the people and turned that region into a proxy land that is only contributing for the terror activities.

HRC should ask Pakistan to respect international conventions and its obligations on its stop changing demography of both the regions.

This unsustainable situation is inherent to the context of protracted military occupation, in which violence and repression are used to perpetuate a system of subjugation of the people

It is a political reality that requires firm action based on accountability and general compliance with international law. This must commence with the dismantlement of the occupation, including the Azad Kashmir, Pakistan Administered Kashmir and the illegal settlements in Jammu and Kashmir
