



**Center for Global & Strategic Studies
Islamabad**

**Human Right Abuses in IIOJK and Universal
Declaration of Human Rights**

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Published on 10th December, 2020

Worldwide Human Rights Day is observed on 10th December each year. On this day in 1948, a landmark agreement on human rights was passed by the United Nations. This agreement was named as 'The Universal Declaration of Human Rights' (UDHR). United Nations General Assembly adopted the declaration for



the wider protection of human rights of everyone at the global level irrespective of the state, region, colour, creed or religion. The salient features of the declaration are; equality of everyone before the law, protection against arbitrary



arrest, the right to life and a fair trial, the right to own property; freedom of thought, conscience, and religion; freedom of opinion and expression; and freedom of peaceful assembly. It also secures socio-economic rights, cultural rights, the right to work, the right to an adequate standard of living, and the right to education and health facilities. Whereas the Universal Declaration of Human Rights demands securing the right of everyone without discrimination, there is no practical mechanism of enforcement to ensure these rights, especially in developing countries.

The declaration is comprehensive in its essence, however, nothing has been done against the massive human rights violations in Indian Illegally occupied Jammu and Kashmir (IIOJK). The people of IIOJK are undergoing all forms of discrimination, tyrannies, suppression and brutalities of Indian occupation forces since last over seven decades. There are no human rights of Kashmiris secured under Indian occupation in IIOJK. Indeed, the Kashmiris of IIOJK are facing genocide, displacement, detention, rapes, siege and clamp-down in their own state and motherland. Now their land is being given to non-Kashmiris from various Indian states. Under the Indian occupation, the land and



properties of Kashmiris are being snatched to inhabit non-Kashmiri Hindus for making demographic changes. This act of making demographic changes falls in the category of serious crimes against humanity and a grave violation of human rights.

In violation of the contents of the declaration, in Indian Illegally Occupied Jammu and Kashmir, there are no human rights of the Kashmiri Muslims. They are humiliated, tortured, killed and their women folks are raped only because they are Muslims and demand their right to self-determination. There are no laws for the Kashmiris, except the will of Indian security forces. Security forces have complete impunity to arrest Kashmiris, detain, or kill any Kashmir Muslim at will. No one in IIOJK has the right to life, liberty, or fair trial. Kashmiris of IIOJK cannot imagine the freedom of thoughts, opinion, expression, or freedom of peaceful assembly to even meet each other. Kashmiri' s cultural rights, identity, and right to education and health facilities are out of the question in IIOJK.

The spirit of UDHR was to attain and proclaim “a common standard of achievement for all peoples and all nations” . This aspect seems unlikely to be fulfilled in the case of IIOJK. It is worth mentioning that in the last three years, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has highlighted the massive human rights violation in IIOJK more than once. In its Press briefing on October 29, 2019, Mr. Rupert Colville, the spokesperson for the UN High Commissioner for Human Rights, has highlighted the post-August 5, 2019 human rights situation in IIOJK, which is under siege since then. OHCHR criticized the state of the curfew imposed by India in IIOJK. The curfew is indeed,

“preventing the free movement of people, as well as hampering their ability to exercise their right to peaceful assembly, and restricting their rights to health, education, and freedom of religion and belief.” OHCHR has also highlighted the human rights abuses, excessive use of force including the use of pellet-firing shotguns, tear gas, and rubber bullets by security forces during sporadic protests by Kashmiri youth.

Indeed, very less is known on account of actual killings, torture, arrests, and rapes in IOK, since there is total clampdown in the entire occupied state. OHCHR has shown its serious concerns over the Indian Army “threatening residents” to pose for the normalcy in their businesses and routine once asked to show to the international community. As per international law, “Torture is totally and unequivocally prohibited.” nevertheless, Kashmiris of IIOJK are facing this globally prohibited act on daily basis. In June 2018, in its 49-page report, OHCHR gave details of details human rights violations and abuses in IIOJK. It was the first-ever report issued by the UN on the human rights situation in the





state. It was mentioned in that report that, Kashmir conflict has robbed millions of (Kashmiris) “their basic human rights, and continues to this day to inflict untold suffering.” In that detailed report, guarantees were sought for ending the cycles of violence in IIOJK. That report asked the UN for the establishment of a fair commission of inquiry to conduct a comprehensive independent international investigation into allegations of human rights violations in Kashmir.

Look at the audacity of so-called secular India that, it outrightly rejected the OHCHR report and there was no international and UN condemnation to this Indian act. On July 8, 2019, another report was initiated by OHCHR, criticizing the Indian Government for continued human rights violations in IOK and the failure of UN and major powers for not establishing a commission of inquiry, demanded in its 2018 report. India was encouraged by the procrastination of major powers, the international community and above all the UN over the OHCHR reports about the ground realities in IOK. In its current press release, OHCHR has criticized the communication and internet disconnection in IOK, highlighting that, “Media outlets continue to face undue restrictions” with dozens of local journalists arrested and many youth killed.

After remaining in a state of occupation, brutalities, oppression, and suppression and now besieged for the last 500 days, the people of IIOJK has the right to demand an end of Indian atrocities and massive human rights violations in the occupied state. They also demand a practical role of the United Nations and the international community to end their sufferings at the hands of brutal Indian security forces. Kashmiri desires that there should be a practical



implementation of the UN resolutions and ‘Universal Declaration of Human Rights’ in Indian Occupied Kashmir in their entirety. In the absence of their practical implementation, UN resolutions, UDHR, international law and other covenants would remain elusive for the people of IIOJK. United Nations, major powers and the civilized international community must treat Kashmiris at par with the rest of humanity at least in the context of human rights in their own state. Otherwise, UN Charter, UN resolutions on Kashmir and the Universal Declaration of Human Rights will remain as flaccid and lifeless documents as archives in the UN Library, narrating the tales of helplessness and ineffectuality of this international body.