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**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up and implementation
of the Durban Declaration and Programme of Action**

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.

[22 August 2019]

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



Jammu and Kashmir - new developments reflect a gradual tearing into their roots and culture

The world has witnessed an alarming rise in xenophobia and racism in recent times. Discrimination in all its forms should be opposed and challenged, wherever it may be. But unfortunately, it is only spreading like a disease, proving hard to tackle. And recent times has seen a worrying rise in Islamophobia, where Muslims are unfairly targeted for simply belonging to the Muslim faith.

This has been widely reported in Europe, where people have been verbally and at times even physically attacked because of their faith, which is unacceptable. The United Kingdom of Great Britain and Northern Ireland has now clearly defined Islamophobia, which is significant because many debated whether this form of discrimination even existed. But it does, and it can be experienced in many parts of the world today, due to the change in political and social climate.

And it is also happening in places that people are neglecting. This can be said for Indian Administered Kashmir, an international dispute recognised by the United Nations, but ignored by the rest of the world. In order to understand the issue faced within Indian Administered Kashmir, it is important to understand the current set up in New Delhi.

The Indian government has Prime Minister Narendra Modi in charge, a lifelong member of the RSS (Rashtriya Swayamsevak Sangh) a right wing organisation that rejects India as a secular state, and wants to see India as a Hindu republic, because they believe Hinduism is the superior religion, and regard other religions as inferior. Prime Minister Modi's BJP (Bhartiya Janata Party) also consists of RSS members and sympathisers of their ideology.

The BJP has been guilty of using inflammatory language targeted towards people of other faiths, Muslims in particular, leading to normalising hatred and bigotry. It has also resulted in many unfortunate incidents such as mob lynching and force-feeding Pork, which is forbidden in Islam. This mind-set poses to be a serious threat to India, the world's largest democracy that has often taken pride in its secularism.

The present government in New Delhi has made no secret of its Islamophobic sentiments, and several BJP politicians are on record for saying anti Muslim comments, creating a toxic environment in which friction and tensions have festered among religious groups. Anti-Muslim and Islamophobic sentiments posed by the government are seeping across into Indian Administered Kashmir, and one can say that the new developments reflect just that.

New Delhi has revoked Article 370, which gave the people of Kashmir special status. In a nutshell, Article 370 allowed the disputed region jurisdiction to make its own laws in all matters except finance, defence, foreign affairs and communications. It also established a separate constitution as well as a separate flag and denied property rights to non-Kashmiris. The revocation of Article 370 reeks of Islamophobic designs, as it strips the people of Kashmir of their own identity. Kashmir is rich in culture, and has its own language and history, which Kashmiris have always been very proud of. It is important to remember that it is a Muslim majority state, which could potentially become a minority following the revocation of Article 370.

This Eid-ul-Adha, there was no celebration as Indian Administered Kashmir has been under curfew. There was no call to prayer either from the Mosques, which is deeply disturbing. This is an infringement of a Human Right, the right to freely practice religion. But the people of Indian Administered Kashmir have not been able to carry out their religious duties this Eid, and New Delhi did not show any flexibility towards them during the holy festivities. This goes against secular India and fits well with the RSS style mentality that is reflected in the policies of the Indian government.

The Indian government has argued that recent developments in Indian Administered Kashmir will create opportunities and bring prosperity. However, the government's past statements about the Kashmiri people, and recent actions, are proving to be otherwise. BJP leaders have often spoken about the people of Kashmir in a derogatory manner, seeing them as unruly people that need to be controlled, even if it means using excessive force.

There does not appear to be acceptance of the Kashmiri people as individuals with their own separate identity. The scrapping of Article 370 is a way to mould the people solely into an Indian identity, gradually tearing into their roots and culture. The present Indian government in New Delhi is right wing that seeks to push a Hindutva ideology. It is often forgotten that prior to becoming Prime Minister, Mr Modi was denied a visa to the United States of America due to his links with the massacre of Muslims in the state of Gujrat. It is evident that Prime Minister Modi cannot break free from his RSS roots, as most of his policies reflect their ideology.

The United Nations Security Council held an emergency meeting on Kashmir, after 50 years and although it is a welcoming move, it is also a great shame that it took so long. A gap of 50 years is far too long and proves that the Kashmir dispute has been side-lined and ignored for a criminal amount of time. The Kashmir dispute is entrenched in UN resolutions but has not been discussed on that platform, at the highest level. This is a collective failure of both the international community as well as the UN. The international community has shown a lack of interest in the ongoing issue of Indian Administered Kashmir and turned a blind eye to the plight of the people. Sadly, the UN, the world's greatest mediator, has also turned its back on the people.

Now that Indian Administered Kashmir has become a focal point, with the international community finally showing growing concern over the issue of Kashmir, it is vital that the UN keeps the pressure on the Indian government, and that India is held accountable for its aggressive behaviour in Indian Administered Kashmir. One meeting over the matter is simply not enough, as this is a highly charged and complicated issue that cannot be left as it is. If the UN allows the situation to remain as it is, the consequences could prove to be dire. There is a serious concern within the Kashmiri diaspora and all sane minded and peace-loving people across the globe, that a genocide could be committed within Indian Administered Kashmir.

The demography of Indian Administered Kashmir will most likely be changed following the revocation of Article 370. Prime Minister Modi's policy within Indian Administered Kashmir has been a very aggressive policy, one that has been far from sympathetic and kind towards the Kashmiri people. And scrapping Article 370 supports this. With a change of demography, the Muslim majority state becomes a minority, and if a plebiscite takes place in the future, the Indian government will most certainly succeed in getting its desired result. This is a serious matter and the UN must take note of this. Another 50 years cannot be wasted while the people of Kashmir look on towards the UN and the rest of the world for intervention.

The situation within Indian administered Kashmir has rapidly changed by one decision made by the Indian government, a decision that it is not allowed to take on its own. And this is also understood and acknowledged by the UN. The people of Indian Administered Kashmir are facing discrimination at the hands of the government that has very dangerous designs for the troubled area. The people of Kashmir have a right to feel free, express themselves freely, take pride in their own identity and showcase it. They also have the right to practice their faith without government interference and of course, ultimately decide their fate. The people of Kashmir have a right to self-determination, which is in accordance with the UN resolutions. It is the duty and responsibility of the UN to reinforce this.

The Indian government has taken the issue of Indian Administered Kashmir beyond disputed territory and have made it even more complex by adding an angle of religion. Although scrapping Article 370 was a part of Mr. Modi's election manifesto, there can be no real explanation as to why New Delhi decided to revoke it at this stage. There can be no other reason other than to serve the purpose of carrying out the government's Hindutva ideology that will ultimately change the demographics within Indian Administered Kashmir. Replacing the Muslim majority state and redesigning the culture and nature of Indian Administered Kashmir appears to be very much on the agenda for Modi's right-wing government.

The United Nations is a peaceful, mediating organisation, therefore it has limited options that it can carry out. But it must explore, use and exhaust all possible options when it comes to Indian Administered Kashmir, before the situation gets further out of hand. Sooner or later, the curfew will be lifted and there is a real concern that the Kashmiri youth will clash

with the army, resulting in bloodshed. Too many innocent lives have already been lost. The world cannot sit in silence and allow the people of Kashmir to become a spectacle.
