

Final statement from the 2018 Kashmir-EU Week to the European Parliament on the current situation in Kashmir

Introduction

The 2018 EU-Kashmir Week took place 5th to 16th November in the premises of the European Parliament. The theme of the 2018 Conference was: **'Living with the Legacy of Partition - the search for a lasting peace'**.

The Conference was organised by the nongovernmental organisation, Kashmir Council-EU with the support of the Kashmir Global Council. The event was co-hosted within the Parliament by Mr. Wajid Khan MEP and Dr. Sajjad Karim MEP. The contributions of the MEPs and the Kashmir Global Council are herewith gratefully acknowledged.

The aim of the Kashmir-EU Week is to increase awareness on the part of decision-takers, civil society and the general public of the ongoing conflict in Kashmir and to persuade the international community to engage in promoting a sustainable resolution of the conflict. The Week also seeks to show that such a peaceful resolution can only be achieved if the Kashmiri people are given a voice in the negotiations and are permitted to become full stakeholders in the process that decides their political and economic future.

Section 2

In seeking to explain the reasons for the exceptional duration of the dispute (70 years) and the lack of progress in achieving a peaceful settlement. The Conference had available the resources listed below which covered the period December 2003 to May 2007. Additional documentations covering the period 2007 to 2016 was consulted as required.

- The contributions of visiting experts and other speakers to the various sessions of the Conference Programme (see attached programme);
- The recommendations of an *ad hoc* delegation of the European Parliament which visited Kashmir from 8 to 11 December 2003 and again from 20 to 24 June 2004;
- The resolution by the European Parliament on the Annual Report on Human Rights in the World 2005 and the EU's policy statement on this issue of 18 May 2006;
- European Parliament resolution of 24 May 2007 on [Kashmir: Present situation and future prospects \(2005/2242\(INI\)\)](#)
- European Parliament [resolution of 2008 July 10 on allegations of mass graves in Indian-administered Kashmir 2009/C 294 E/17](#)
- A Report [on the situation of human rights in Jammu and Kashmir](#) published by the Office of the United Nations High Commissioner for Human Rights on 14 June 2018 covering the period June 2016 to April 2018;

Section 3

The Conference analysed the human rights situation on the ground and identified a number of issues that need urgently to be addressed if any substantive progress is to be made:

- A. The United Nations Commission for India and Pakistan was established as a result of the adoption of resolutions [38](#) and [39](#) (1948), by the UN Security Council. In June, by resolution [47](#) (1948), the UN enlarged the UNCIP, imposed a ceasefire that took effect in January 1949, and established the conditions for a plebiscite. With the July 1949 [Karachi Agreement](#), India and Pakistan agreed that military observers would supervise the ceasefire line; accordingly, these constituted the nucleus of the UN Military Observer Group in India and Pakistan ([UNMOGIP](#)), still operational today. The plebiscite did not take place.
- B. The Shimla Agreement of 1972 defines the issue of Kashmir as an internal matter for the governments of India and Pakistan to resolve through joint negotiations. The absence of trust and mutual confidence between the parties has prevented such negotiations as have taken place from evolving into a viable peace process;
- C. The 1972 Agreement assigns no place at the negotiating table for the Kashmiris themselves who are thus excluded from having a say in the shaping of their political future;
- D. Kashmiri civil society and human rights organisations including the Srinagar-based Association of the Parents of Disappeared Persons, the Asian Federation Against Involuntary Disappearances and the Jammu and Kashmir Coalition of Civil Society have obtained details of a large number of unmarked and/or mass graves. The analysis of the remains found in these hitherto unrecorded graves will be essential if families are to mourn their vanished relatives and if the true cost of the Kashmir conflict in human terms is ever to be known;
- E. Due to restricted access, international human rights organisations have been unable to determine whether the newly discovered mass graves contain the remains of victims of unlawful killings or contain evidence of torture and other abuses. A suitable donor needs to be identified who will be cover the costs of the necessary DNA testing;
- F. Depending on the source consulted there are significant discrepancies in the figures of the number of killed or wounded in any specific period of the conflict. For example, estimates of the number of persons missing over the period 1989 to 2017 published by associations of the families of victims put the figure at more than 8 000 while official government statistics put the total at less than half that number;
- G. One session of the 2018 Kashmir-EU Week was assigned to the noted human rights activist Mr. Khurram Parvez. Mr. Parvez briefed the Conference on the present climate of civil unrest in Kashmir;
- H. Women and children continued to be vulnerable to human rights abuses. Examples of this vulnerability are the tragic story of **Insha Mushtaq** who was blinded by a shot from a pellet gun even though she had merely gone to the window to see what was happening in the street, outside her

house. Even more disturbing is the rape and murder of **Asifa Bano** aged 8 years who was searching for lost cattle when she was kidnapped and held the prisoner for ten days before being killed;

- I. The Conference noted that both India and Pakistan have nuclear weapons available for rapid deployment;

Section 4

Conclusions and Recommendations from the 2018 Kashmir-EU Week

The Conference noted the extensive and detailed work done by OHCHR and presented in the report of 14th of June. During the drafting of the Final Statement, the Conclusions and Recommendations of the OHCHR report were scrutinised and a list of immediate priorities drawn up in line with the resources and mandate of the European Parliament. The following points summarise the priorities established during the work of the Conference:

- a. The Conference endorsed the conclusions and recommendations of the OHCHR report, in particular, the recommendation to the Human Rights Council that the UN consider the possible establishment of a commission inquiry to conduct a comprehensive and international investigation into allegations of human rights violations in Kashmir. In this context, the European Parliament may wish to consider what measures might be taken to support such an initiative including sending a fact-finding mission to Jammu & Kashmir;
- b. The Conference urged the Parliament to assist the relevant international agencies and the UN to obtain unrestricted access to all areas of Jammu & Kashmir;
- c. The Conference urged the Government of India to repeal the draconian laws, in particular the Armed Forces (Special Powers) Act, the Public Safety Act, the Disturbed Areas Act, and the Terrorist and the Disruptive Activities Act which deprive Kashmiri civilians of the right to seek redress through the courts for actions carried out by the Indian security forces;
- d. The Conference called on the Indian Military authorities to immediately cease using pellet guns as a means of crowd control;
- e. The Conference noted the heavy deployment of military personnel in Indian-Administered Kashmir and urged the demilitarisation and return to barracks of all security personnel during the period when a lasting peace is negotiated;
- f. The Conference expressed its concern for the personal safety of human rights activists who are gathering information on human rights abuses in Jammu and Kashmir, including the identification of contents of mass graves;
- g. The Conference reiterated its call to the Indian Government to investigate all allegations of enforced disappearance and to assign to a civilian prosecutor's office together with the creation of an accessible single database of all persons who have gone missing and of all bodies that have been recovered.

- h. The Conference urged both the Indian and Pakistan governments to ratify and implement the UN Convention for the Protection of All Persons from Enforced Disappearance without reservation, including the declarations pursuant to Articles 31 and 32, to recognise the competence of the Committee on Enforced Disappearances and to ratify the Rome Statute of the International Criminal Court;
- i. The Conference called on the governments of India and Pakistan to fully respect the right of self-determination of the people of Kashmir as protected under international law;
- j. The Conference calls on the European Parliament as a matter of urgency to schedule a 'public hearing' on the question of Kashmir as soon as a time slot becomes available in the programme of the Parliament's Standing Sub-Committee on Human Rights;

Brussels, 24th November 2018