

## Right on Kashmir's rights?

The United Nations headquarters in New York City. File | Photo Credit: [Reuters](#)

The first ever report by the Office of the UN High Commissioner for [Human Rights \(OHCHR\) on Jammu and Kashmir](#), including Pakistan-occupied Kashmir, published last week, has been in production since 2016. A new wave of violence had then hit the Kashmir Valley, when protests sparked by the killing of Hizbul Mujahideen militant Burhan Wani were met with force by security personnel; about 51 protesters and civilians were killed in the months that followed, while more than 9,000 were injured by pellets and bullets. Consequently, the OHCHR asked India and Pakistan to allow its teams access to the State, a request that was refused.

Apart from being irked by the report's criticism of India's handling of the protests, alleged extra-judicial killings and hard tactics, the Ministry of External Affairs is also upset by the terms used to describe militants. For example, Hizbul Mujahideen, which is regarded as a terrorist organisation by India, was described in the report as an "armed group". Wani, regarded as a terrorist by Indian security forces, was described as the "leader" of the organisation. India in its official statement said the report "undermines the UN-led consensus on zero tolerance to terrorism". Finally, it makes specific recommendations aimed at India, including removing the Armed Forces (Special Powers) Act from areas and instituting inquiries into alleged human rights violations.

In the absence of direct interviews, the OHCHR used "remote monitoring" from local sources to write the report.

India has said that the report violates its "sovereignty and territorial integrity" as it has used terms such as "Azad Jammu and Kashmir" and "Gilgit Baltistan" to describe the part of the State under Pakistani control. India does not consider Pakistan's control over a part of Kashmir as legitimate and describes the region as Pakistan occupied Kashmir.

After decades of delay, Pakistan, May 27, 2018, integrated Gilgit-Baltistan region into its federal structure despite strong protest from India. The OHCHR's decision to use these terms in the report can be interpreted as a sign of recognition of these regions as being part of Pakistan.

While the report's primary focus is the deteriorating human rights situation in Jammu and Kashmir, it also deals with the excesses of the Pakistani security forces in their interactions with the PoK population.

India's response can perhaps be explained by the fact that the report refers to the final political settlement of the Kashmir issue to avoid continued human rights abuse by both parties — India and Pakistan. India maintains Kashmir is a bilateral issue that does not have space for a third party, including the UN.

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