India: Democratic rights must be respected and protected in Jammu and Kashmir

(Kathmandu/Bangkok, 6 August 2019) – The Asian Forum for Human Rights and Development (FORUM-ASIA) and its members are deeply concerned over the developments in India administered Jammu and Kashmir, where, over the last few days, fundamental human rights have been severely curtailed. We also condemn the outright revocation of Article 370 and its allied Bills, which was passed yesterday by executive orders without following a consultative process.

Article 370 provides special status to Jammu and Kashmir, which includes the power of self-governance. This was a foundational constitutional compact and an important provision to provide confidence to the Kashmiris. Similar special status was awarded to other States, such as Nagaland and Manipur under Articles 371A and 371C of the Indian Constitution. Its revocation is a breach of trust and puts an already volatile and tense situation further at risk.

We condemn the further militarisation of the State. In addition to the existing heavy deployment of security forces, 10,000 additional troops were deployed last week in Jammu and Kashmir. Advisory notices were issued for tourists, pilgrims, and students, urging them to leave the State immediately. Thousands were evacuated.

Restrictions on movement and night curfews were imposed in several parts of Jammu and Kashmir on 4 August 2019. Educational institutions were closed temporarily. Prominent political leaders, including former chief ministers, have been placed under house arrest since Sunday. And essential services, such as phone and Internet connections, have been gradually shut down since the early morning of 5 August 2019.¹

We believe that the curtailment of fundamental rights, particularly the restrictions on freedom of expression and access to information, and the arbitrary detention of political leaders, will further lead to alienation, mistrust and further violations of human rights of the Kashmiri people. FORUM-ASIA reiterates it earlier call that there is an urgent need to ensure fundamental human rights, protect all human rights defenders and restore dialogue, trust and peace in the region. Issues of political nature need to be addressed through political dialogue and not through suppression of human rights and military force.

We urge the Government of India to take immediate steps to de-escalate the tension and create an enabling environment for peaceful dialogue and the protection human rights in Jammu and Kashmir. The Government of India should prioritise a long term solution for the Kashmir issue in conformity with the international human rights norms and the Indian Constitution, and respect the people’s right to self-determination.

Signatories:

1. Asian Forum for Human Rights and Development (FORUM-ASIA),
2. Association of Women for Awareness and Motivation (AWAM), Pakistan,
3. Awaz Foundation Pakistan – Centre for Development Services (AWAZ CDS Pakistan), Pakistan,
4. Banglar Manabadhikar Suraksha Mancha (MASUM), India,
5. Bytes For All, Pakistan,
6. Centre for the Sustainable Use of Natural and Social Resources (CSNR), India,

7. Civil Society and Human Rights Network (CSHRN), Afghanistan,
8. Community Self Reliance Centre (CSRC), Nepal,
9. Human Rights Alert (HRA), India,
10. Human Rights Commission of Pakistan (HRCP), Pakistan,
11. INFORM Human Rights Documentation Centre, Sri Lanka,
12. Law and Society Trust (LST), Sri Lanka,
13. Maldivian Democracy Network (MDN), the Maldives,
14. National Commission for Justice and Peace (NCJP), Pakistan,
15. Odhikar, Bangladesh,
16. People’s Vigilance Committee on Human Rights (PVCHR), India,
17. People’s Watch (PW), India,
18. Potohar Organization for Development Advocacy (PODA), Pakistan,
19. Resource Integration Center (RIC), Bangladesh,
20. Programme Against Custodial Torture & Impunity (PACTI), India,
21. Refugee and Migratory Movements Research Unit (RMMEU), Bangladesh,
22. Rights to Life Human Rights Centre (R2L), Sri Lanka,
23. Society for the Protection of the Rights of the Child (SPARC), Pakistan,
24. South India Cell for Human Rights Education and Monitoring (SICHREM), India.