

## Mission to Pakistan and Azad Kashmir

27 July to 3 August 2019

The mission was organised by the Jammu & Kashmir Self Determination Movement International (JKSDMI) in collaboration with the Pakistani Ministry of Foreign Affairs.

The delegation consisted of:

### Liberal Democrats:

Irina von Wiese MEP, Vice Chair of the Human Rights sub-committee of the European Parliament

Shaffaq Mohammed MEP

Hussain Khan, Advisor to MEP von Wiese

### Labour:

Richard Corbett MEP, Co-Chair Friends of Kashmir in the European Parliament

Lorraine Kirkwood, Spouse of MEP Corbett

Cllr Nazia Rehman (Wigan)

### JKSDMI:

Raja Najabat Hussain Chairman JKSDMI

Sardar Sadique Khan (Brussels)

Samina Khan, TV Anchor & Human Rights activist (Manchester)

## Saturday 27 July

### **1. The President of Azad Kashmir<sup>1</sup>, Sardar Masood Khan, Kashmir House, Islamabad**

The President gave an overview over the history of Azad Kashmir and explained how the region is self-governed but administered by Pakistan. He gave a detailed explanation of the progress his administration has achieved in Azad Kashmir but noted the challenges his administration and the ordinary people continue to face in the region due to the long standing instability and inter-state dispute over its status.

The delegation explained they were primarily interested in human rights in Kashmir and wished to be able to carry out a number of fact finding visits and meetings in this regard.

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<sup>1</sup> Azad ('Free') Kashmir is the official name for one of the two the Pakistani-administered region of Kashmir (the other being Gilgit-Baltistan). The Indian-administered regions are collectively referred to as Jammu and Kashmir (consisting of Jammu, Kashmir Valley and Ladakh). Kashmir also includes the Chinese-administered territories of Askai Chin and the Trans-Karakoram Tract. For the purposes of this report, the neutral terms 'Pakistan-administered' and 'Indian-administered' Kashmir are used.

**2. Executive Director of the Kashmir Media Services, Shaikh Tajammul Islam, Islamabad Hotel, Islamabad**

The journalists briefed the delegation about the alleged censorship of information and internet restrictions in the Indian administered region of Jammu and Kashmir. They informed the delegation of their voluntary project of documenting and collecting the names of the individuals killed or injured by the Indian army. The delegation stressed the importance of collecting evidence of human rights violations no matter where they occur and, in particular, of ensuring that all data collected is factually correct and verifiable.

The journalists also briefed the delegation on the change in demographics thought to be backed by the Indian government that had taken place in Indian administered Kashmir, where non-Kashmiris from other parts of India are increasingly settling in Jammu.

The delegation expressed deep concern over any restrictions imposed on the free press and freedom of expression and stressed that there must be zero tolerance of threats or violations against journalists and efforts to stop fake news.

**Sunday 28th July**

**3. Civil Society of Dadyal attended by journalists, business people, community leaders, and local politicians, at a local marriage hall, Dadyal**

This was an informal meeting with local community members to hear about life in Azad Kashmir, and the lives of their relatives living in Indian-administered Kashmir. The delegation learned of the relative stability and availability of opportunities in Azad Kashmir. The delegation was told that the quality of life is good in some locations and people are satisfied with the services provided by the Pakistani administration. However, the area suffers from brain drain as the younger generation with dual nationalities tend to perceive life abroad to hold most opportunities for them. The delegation understands that an increase in the state funding for education, developing the opportunities for business, and strengthening international professional links would be beneficial in retaining and attracting young talent to Azad Kashmir.

**4. Local Muslim League N leader, Raja Shujahat Khan, and local business people, Chaksawari**

Local business representatives and entrepreneurs briefed the delegation of the rise of Mirpur as an economic hub in the region. As a major challenge, trade with Indian-administered Kashmir is not allowed. Also, the delegation was briefed that some entrepreneurs who were originally trading in Indian administered Jammu had lost their business assets when they had moved to Azad Kashmir. The delegation perceives the difficult business climate a major challenge for the development of the region.

**5. Project Director of Government of Azad Kashmir, Rathoa Haryam Bridge, Mirpur**

The Project Director informed the delegation about the bridge construction and how the 5km long bridge spanning the Mangla Dam would, once completed, enable travel times between the district headquarters of Mirpur and Kotli to be significantly reduced and also enable trade and tourism in the region.

#### **6. Bangrilla Community Hospital established by the UK based charity Umeed Welfare Trust, Mirpur**

The hospital director informed the delegation about the facilities and the services being provided to the local community. The service is under strain due to the fact that there are not enough hospitals in Kashmir. Furthermore, healthcare in the region is under strain from lack of government investment, poor infrastructure and a challenging terrain.

#### **7. Kashmir Orphans Relief Trust, Akhtar Abad, Mirpur**

The delegation visited an orphanage which started in the aftermath of the powerful earthquake that hit the region in 2005. The orphanage caters for children that have been abandoned and those who have lost their parents. It is run by a UK registered charity. The delegation was able to see the facilities and meet the children. The delegation was impressed by the educational and living facilities which were to a high standard throughout.

#### **8. Muslim Hands Charity, Mirpur**

The UK based charity presented the work they were doing in Azad Kashmir by providing medical treatment, educational equipment, food and sanitary supplies, and running social projects such as building a football ground and organising a street child football team, where they took part in the Street Child World Cup reaching the final last year and finishing second.

### **Monday 29 July**

#### **9. Member of the National Assembly, Chairman of the Kashmir Committee of the Pakistani Parliament, Syed Fakhar Imam, Parliament House, Islamabad**

The Chairman informed the delegation of the rising tensions in the region and that there were reports of the Indian army significantly increasing the number of soldiers in Jammu and Kashmir. This was alarming as it was also suggested that India was planning to remove Article 35A from their constitution which would take away the definition of “permanent residents” in Jammu and Kashmir and the rights associated with the definition. The Chairman then discussed the OHCHR report of July 2019. The delegation noted that there were recommendations for both Pakistan and India, and encouraged the Chairman to help implement those related to Azad Kashmir. The delegation reiterated the importance of dialogue and cautioned against any unilateral acts affecting the status of the contested region. Protecting human rights across the region was considered of primary importance. It was decided to closely monitor the situation and any political developments.

**10. All Parties Hurriyat Conference Azad Kashmir Chapter leaders led by Convenor of APHC Mirwahiz Group, Syed Faiz Naqashbandi, Islamabad Hotel, Islamabad**

A number of politicians from both the Pakistani and Indian administered regions of Kashmir discussed the alleged human right abuses that have taken place in Jammu and Kashmir, including the use of pellet guns by the Indian army and the detention of political leaders. All participants raised concerns about the possibility of Article 35A being removed from the Indian constitution. They further reiterated the importance of adhering to the UN Security Council Resolution 47 which stated that a plebiscite should be conducted in Kashmir; but which India had failed to allow. It was said that the people of Kashmir should be entitled to choose their future with the right of self-determination. The delegation shared the expressed concerns over the possibility of Article 35A being immediately revoked and reiterated that the implementation of the UNSC resolution 47 is central to resolving the issue.

**11. Pakistani Youth Parliament President, Ubaid Ur Rehman Qureshi, with young professionals, and parliamentarians including and Federal Minister of State for SAFRAN, Shehryar Afreedi, Islamabad Club, Islamabad**

Several youth parliament members spoke about their experiences with family members in Jammu and Kashmir, including one whose parent had spent several decades in an Indian prison allegedly due to writing about and promoting an independent Kashmir. The Federal Minister of State spoke about the OHCHR report, the plebiscite, and the perceived view that whilst the EU cared and acted to protect human rights within its boundaries, outside the EU it did not take much action beyond a few statements.

**Tuesday 30 July**

**12. Member of the National Assembly, Federal Minister for Human Rights, Dr Sheeran Mazari, Human Rights Ministry, Islamabad.**

Ms Mazari explained that the 18th Amendment of the Constitution of Pakistan devolved powers of some ministries to local provinces; this included the minority affairs, women development, and youth affairs. She then detailed the new measures that had been implemented, such as an early warning system to protect children from abuse, including a media campaign and school training; juvenile justice system and courts; child slavery survey; overnight protection centres with access to psychologists and doctors; transgender rights including special wards in hospitals, behavioral training for police, and protected employment positions; measures to protect women's inheritance; domestic violence; a dedicated helpline for women that can refer cases to pro bono lawyers and source legal aid, with the telephone number printed on electricity bills; disabilities bill; workers' rights; protection of journalists; Hindu marriage law; Christian marriage law; child marriage law.

Concerning the status of Kashmir, the Minister considered that the matter could be resolved based on the Good Friday Agreement principles, by having a parallel track of dialogue, one between the states and the other between non-state actors.

She also was alarmed about the build-up of Indian troops, with an increase of 20,000, and the prospect of Article 35A being revoked followed by Article 370.

Some criticism was also levelled at the EU for being too bureaucratic as compared to the UN in projects they have done together, furthermore, she was concerned about the rise of Islamophobia in Europe, the treatment of Muslims and especially refugees, the shutting down of mosques in Austria, the prohibition of mosques in Switzerland, and enforced dress codes for women in France. She stressed that none of these happens in Pakistan against any religious minority group.

**13. Institute of Strategic Studies Islamabad, Chairman of the Board of Governors, Ambassador Khalid Mahmood, Islamabad**

The Chairman stated his opinion that the Kashmir dispute had three dimensions: political, legal and human rights. He went on to give a brief history of the dispute and said that the resolutions of the UN do not lapse with the passage of time. Accordingly, the Indian government's argument that the resolutions are no longer valid was misleading. He said that while the right of self-determination of Kashmiris is the fundamental issue, the human rights abuses by the Indian security forces and discriminatory Indian laws must not be ignored by the international community.

**14. Chairman Foreign Affairs Committee Senate of Pakistan, Senator Mushahid Hussain Syed, Senate House, Islamabad**

The Senator outlined the history of the Kashmir dispute and then spoke about the OHCHR report and UN resolution. He went on to state that South Asia could not afford to have an unresolved situation in Kashmir. There had been advances in the region such as talks with the Taliban, and now this nuclear flashpoint needed resolution with human rights and civil political rights being upheld. He further stated that peace is needed in Afghanistan to have peace in the region and that Pakistan is doing its utmost in trying to achieve that. He then finished by stating that the West needed to do more in fighting the resurgence of the right-wing, increased Islamophobia and anti-Semitism.

**15. Foreign Minister of Pakistan, Makhdoom Shah Mehmood Qureshi, Foreign Office, Islamabad**

The Foreign Minister discussed the history of the dispute, the UN resolutions, the plebiscite, the OHCHR report, the build-up of Indian troops in Jammu and Kashmir, and the potential revocation of Article 35A and 370. The Foreign Minister stated that he would be willing to have a dialogue with his Indian counterpart to resolve the issue, alternatively arbitration proceedings; however, India had rejected any third party involvement in what they consider an internal dispute.

The delegation expressed its full support to the call by the Minister to have dialogue and agreed that the people of Kashmir must be part of any negotiation for their future. The delegation reiterated the importance of ensuring full respect for human rights in the region

and the need to avoid the escalation of the tensions. They committed to monitoring the situation closely.

#### **Thursday 1 August**

#### **16. Kashmir Institute of International Relations Islamabad, Executive Director, Sardar Amjad Yousaf Khan, and Chairman, Altaf Hussain Wani**

The hosts discussed the implementation of the OHCHR report from 2018, updated 2019, concerning Kashmir and regarding, in particular, discriminatory laws applied by India, the restrictions on journalists, and human right abuses in Jammu and Kashmir. They explained that they had organized some meetings between Pakistani and Indian officials where they had tried to identify common points of agreement, but could not elaborate further due to the confidential nature of the meeting.

#### **Conclusions**

This was a fact finding mission aimed at gaining a better understanding of the humanitarian situation in Kashmir. The views of government agents (both representatives of the Federal Government of Pakistan and the self-governed region of Azad Kashmir), NGOs, charities and ordinary residents of Azad Kashmir were heard. Of course, the limitation of the mission to one side of the Line of Control, and the lack of access notably to the Indian-administered regions, means that the overall impression is necessarily biased and may not reflect the views of all Kashmiris. In this regard, it is of importance to follow up with Indian authorities and ideally seek similar access to Jammu and Kashmir.

Clearly, the immediate priority is to avoid an escalation of tensions in the region. Dialogue between India and Pakistan through diplomatic channels is crucial and assistance from the European Union could be contemplated in this regard. Any political approach must take into consideration the human rights of Kashmiris, in line with the UN resolutions and the OHCHR report.

At the root of each of the following challenges is the unresolved and unstable situation of the region. Pending a resolution of the Kashmir conflict, these challenges can only be addressed to a limited extent.

- Freedom of expression is a cornerstone of a democratic society. It would be most effective in this very complex and high tension situation to focus on protecting the free press and the safety of the journalists. Both forums, Liberal Democrats in the UK and the European Parliament, are appropriate for taking this matter up.
- The poor business climate and weak investor safety are major obstacles in the development of the region. Small and medium size businesses are too weak to shield themselves from the political volatility in the region. The justice system is too weak to remedy losses caused by political volatility.

- To attract and retain talent and grow the potential of the region, it might be useful to consider ways to support local actors in the areas of art, culture and innovation.
- Health and community care are clearly insufficient. While orphanages and other support facilities do exist and can individually perform even rather well, it is clear that not all who are in need of care or support can receive it. More resources and better governance are needed. A low threshold way to provide assistance could be, for example, to pair officials and professionals with their counterparts in the region to provide mentoring as has been done in other areas of EU policy with external partners.