

41st SESSION OF HUMAN RIGHTS COUNCIL

Remarks by Ambassador Tahir Hussain Andrabi, Acting Permanent Representative of Pakistan to the United Nations

Agenda Item-3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

1 July 2019

Mr. President,

The promotion and protection of all human rights rest on foundation of the right to self-determination of the people. The drafters of the UN Charter, Universal Declaration of Human Rights and human rights covenants acknowledged this fact. Accordingly, right to self-determination has featured in all these inviolable documents of human rights.

2. The people of Jammu and Kashmir struggle for their right to self-determination, as promised to them by numerous Security Council resolutions. This indigenous Kashmiri struggle is countered through brutal and indiscriminate oppression by India, which continues to illegally occupy the territory. For the last seven decades, 12.5 million Kashmiris have been hostage to India's spurious claims of sovereignty and secularism. India exercises its "sovereign rights" to torture, rape, blind and kill Kashmiris. The impunity and intensity of the crimes by India reinvigorates Kashmiri struggle for their right to self-determination, binding Indian Occupied Kashmir (IoK) in a vicious cycle of violence and instability. No wonder IoK has no government for over a year now. Direct Presidential rule, being extended for another six months, is an instrument to further implement draconian laws aimed at demographic changes and land grabs in Kashmir.

3. Instead of granting Kashmiris their inalienable rights according to UN Security Council resolutions, India seeks to externalize the problem. If India has nothing to hide, it must allow unfettered access to the OHCHR in IOK. If India believes cross LoC infiltration is the cause of all trouble, it must allow UN Mission, UNMOGIP to operate freely on its side of the LoC fence like Pakistan does on its side.

4. We value and support OHCHR's monitoring and reporting on the human rights situation in Jammu and Kashmir. We look forward to the release of Kashmir report 2019. Kashmir reports are essential in the context of the concept of prevention of genocide and crimes against humanity in the Indian Occupied Kashmir, as highlighted by Mr. Adam Dieng (SG Special Advisor on prevention of genocide). We would seek views of Mr. Dieng on linkages

between the OHCHR reporting process and his own work in the context of atrocity prevention in conflict situations like Indian Occupied Kashmir.

5. Finally, on the Right to Development, we would draw the Council's attention to the importance of implementing Resolution 39/9. We urge affirmative actions by this Council to enable the Chair Rapporteur of the Working Group on R2D to undertake his mandated task and achieve progress in fulfilment of the Right to Development.

I thank you Mr. President.