



February 28, 2021

Peter Fonesca, Chair, Parliamentary Subcommittee on International Human Rights (SDIR) Peter.Fonseca@parl.gc.ca

Dear Chair Fonesca:

Subject: SDIR Human Rights Hearing regarding Kashmir

We write to ask that the newly established SDIR take steps as soon as possible to consider the concerning human rights situation for Kashmiris. We would ask specifically that SDIR move with urgency to schedule a hearing in this regard. As you are aware, the original request was made exactly a year ago, along with Amnesty Canada, but with Covid-19 and the end of the Session, the request had not been able to move forward.

Kashmiris have been consistently and systematically denied their rights for years and decades and international efforts to address this crisis have been largely ineffective. We draw your attention to the [July 2019 report](#) from the Office of the United Nations High Commissioner for Human Rights (OHCHR), as well as the OHCHR [report from April 2018](#).

On May 18, 2020 the Government of India notified the Jammu and Kashmir Grant of Domicile Certificate (Procedure) Rules. Since Jammu and Kashmir is an internationally disputed territory, this law, which entails forced transfer of populations and settlement is in contravention of international law, prohibited by Article 49 of the Fourth Geneva Convention and condemned by the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities. With the introduction of the new Domicile policies, the indigenous populations of the region are under threat, and one step closer to genocide.

[The Feb 18, 2021 OHCHR report](#) warns of serious impact of demographic change in Jammu and Kashmir stating that

“The number of successful applicants for domicile certificates that appear to be from outside Jammu and Kashmir raises concerns that demographic change on a linguistic, religious and ethnic basis is already underway”.

Amidst a crackdown on dissent and silencing of critics of the Government of India, local human rights bodies are unable to function in Jammu and Kashmir. The latest February 2021 Indian civil society [report on human rights](#) situation in Kashmir paints a grim picture. We hope all these reports give you a strong sense of many of the most urgent areas of focus for a hearing. Attached are also two detailed background information documents that may help answer any questions you have.

Under lock down since August 5, 2019, thousands of Kashmiris have been jailed and tortured, and many hundreds remain in detention. For decades, the brutalities and rights violations perpetrated on the people of Kashmir by state forces and institutions through the protracted conflict have included the enforcement of



impunity laws, sexualized violence, torture, enforced disappearances, criminalization of local resistance, extrajudicial executions and the burial of civilians in unknown and mass graves. The persecution of Kashmiri human rights defenders, civil society activists, and journalists continues. The Observatory for the Protection of Human Rights Defenders (FIDH & OMCT), Amnesty International, and the Rafto Foundation for Human Rights have issued statements requesting urgent intervention. Amnesty India has also had to shut its operations as it was being silenced for speaking out on rights abuses in India and Kashmir.

Since the March 30, 2020 passing of the domicile law, the police are issuing threats to arrest anyone voicing dissent online. This is happening while Kashmiris are quarantined due to the COVID-19 pandemic. Slowing down the internet to 2G had a direct impact on health care professionals' ability to access much needed online information during the pandemic. Forty global rights groups demanded restoration of full 4G internet in Kashmir. In spite of various international bodies, including Amnesty International, scholars and the Indian Supreme Court asking for the restoration of 4G services in Kashmir to mitigate COVID-19 risks, the government only restored it in February 2021.

With the recent introduction of new land laws, ending exclusive land rights of the indigenous people of Kashmir it is paving way for colonization. Large chunks of land are being designated for use by occupying military forces. And, there is a concerted effort to render homeless the nomadic indigenous populations of Kashmir and illegal land grab by the Indian armed forces is escalating.

We urge the Parliamentary Subcommittee on Human Rights to take up the issue of Kashmir. We would welcome the opportunity to work with Committee members towards a hearing to consider this situation, and provide information to allow the Canadian government to take leadership toward human rights protection and a peaceful resolution for the people of Kashmir.

We thank you very much for your kind attention.

Sincerely,

Robert Fantina, Board Member, Canadians for Peace and Justice in Kashmir
Karen Rodman, Executive Director, Just Peace Advocates
Rafiq Ahmed, Board Member, Friends of Kashmir, Canada
Taha Ghayyur, Executive Director, Justice for All Canada

Copy to: Erica Pereira, Clerk of the Subcommittee International Human Rights
(SDIR) sdir@parl.gc.ca

Attachments:

[Resolving Kashmir: A Guide to resolution and Frequently Asked Questions since the siege of Aug.2019](#)
[Kashmir and International Law](#)