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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by International Muslim Women's Union, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2024]

* Issued as received, in the language of submission only.



Enforced Disappearances in Indian Administered Jammu and Kashmir

Historical Background

The conflict in Indian Administered Jammu and Kashmir has its roots in territorial disputes, ethnic tensions, and political aspirations. The region has witnessed widespread violence since the late 1980s, leading to a heavy military presence and military operations by Indian security forces. In this context, enforced disappearances have been utilised as a tool of repression against suspected militants, their associates, and more importantly innocent civilians.

The Scale of the Problem

Reports indicate that over 10,000 cases of enforced disappearances have been documented in Indian Administered Jammu and Kashmir since 1989. Additionally, nearly 7,000 unmarked and mass graves have been discovered, raising alarming questions about the fate of those who have disappeared. The phenomenon has led to the emergence of a new social category in the region: “half-widows, and half-wives” referring to women whose husbands have disappeared but are not legally declared dead. Over 3,500 women have assumed this title, living in a state of limbo and uncertainty.

Impact on Families and Society

Psychological and Social Consequences

The families of the disappeared face profound psychological trauma, social stigma, and economic hardship. The uncertainty surrounding the fate of their loved ones leads to chronic anxiety and depression among family members. Women, particularly those who become half-widows, and half-wives often face social ostracism and economic challenges, as many are left to fend for their families without support.

Activism and Advocacy

Families of the victims have organized themselves into groups like the Association of Parents of Disappeared Persons (APDP) to seek justice and accountability. These organizations have been instrumental in raising awareness about enforced disappearances, documenting cases, and advocating for the rights of victims and their families. They have faced intimidation and harassment from state authorities but continue to fight for truth and justice.

Lack of Recourse at Local and National Levels

Legal Framework and Accountability

Despite the existence of laws against enforced disappearances, victims’ families often find no recourse at local or national levels. The Indian legal system has been criticised for its inefficiency in addressing cases of human rights violations in Indian Administered Jammu and Kashmir. Investigations into enforced disappearances are often superficial, and perpetrators are rarely held accountable.

State Human Rights Commissions

The Indian Administered Jammu and Kashmir state Human Rights Commission (SHRC) has conducted investigations into cases of enforced disappearances.

However, its effectiveness has been hampered by a lack of resources, political will, and the overarching security apparatus in the region. Many families report that their complaints go unheard or are inadequately addressed

Responses from Human Rights Bodies

The Working Group on Enforced or Involuntary Disappearances (WGEID) and the European Union's Human Rights Committee have raised concerns about the situation in Indian Administered Jammu and Kashmir. They have called for thorough investigations into enforced disappearances and accountability for state actors involved in these crimes. However, the Indian state has often dismissed these calls as interference in its internal affairs.

Conclusion

Enforced disappearances in Indian Administered Jammu and Kashmir represent a severe violation of human rights and a crime against humanity. The scale of the issue, the psychological impact on families, and the lack of accountability highlight the urgent need for intervention. Local, national, and international bodies must take concerted action to address this crisis, support the victims' families, and ensure justice for the disappeared. The voices of the affected families must be amplified, and mechanisms for accountability must be established to prevent further violations and uphold human dignity in Indian Administered Jammu and Kashmir.

Enforced or involuntary disappearance is a grave violation of human rights and is classified as a crime against humanity under international law. It occurs when individuals are arrested, detained, or abducted by state agents or their proxies, and their fate or whereabouts are concealed. In the context of Indian Administered Jammu and Kashmir, a region that has been the focal point of conflict between India and Pakistan since 1947, enforced disappearances have become a significant human rights concern. This report aims to provide a thematic explanation of enforced disappearances in Indian Administered Jammu and Kashmir, the impact on families, the response from various stakeholders, and the lack of recourse at local and national levels.

Context of Enforced Disappearances in Indian Administered Jammu and Kashmir