



# General Assembly

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## Human Rights Council

### Forty-fifth session

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Agenda item 3

**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.

[20 August 2020]

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\* Issued as received, in the language(s) of submission only.



## **The right to freedom of opinion and expression is enshrined in a number of international human rights instruments**

The very basis of this fundamental human right is laid down in Article 19 of the Universal Declaration of Human Rights (the Declaration) in the following terms:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

Over the years, a host of international Conventions were developed on the basis of the Declaration, principal among them are: International Covenant on Civil and Political Rights (Article 19) and International Covenant on Economic, Social and Cultural Rights (Article 1).

These building of international law are meant to limit states discretion as to what they may and may not do, domestically and as to what they must and must not do as occupying powers, so as to ensure a certain measure of human rights protection. Unfortunately, there are governments, around the world, particularly those wielding power, who find ways to curb this fundamental human right – freedom of expression.

The freedom of opinion and expression is subject of utter harassment in the conflict escalation territories particularly in relation to media (may it be print or electronic). In such situations, media may become tool of propaganda and follow nationalistic and ethnocentric approaches, leaving behind the truth and impartiality. The classic example of this is the Indian Administrated Jammu and Kashmir (IAJ&K). It is lamentable that the Indian media’s news/story on IAJ&K is framed not to depict the actual reality, but to construct a reality that suits nationalistic agenda of the Indian government and mislead not only the Indian population but also downplay the role of international media in highlighting the miseries of Kashmiris.

The local media in IAJ&K faces enormous challenges to work in an atmosphere it keeps struggling to strike a balance in reporting the reality under threats and pressures from the occupation authorities; there is no freedom of opinion or expression. Reporters without Borders in its latest World Press Freedom India Report has reported that it has become “virtually impossible” for journalists to report from Kashmir and pushed India two spots down from last year to 142.

Following the 5 August 2019 complete clampdown on civil liberties and total communication blackout (including shutdown of internet and social media), journalists in IAJ&K are working in extremely difficult conditions, they are being harassed, summoned to police stations, arbitrarily arrested and unlawfully detained. This is meant to intimate Kashmiri journalists, stifle press freedom and put obstacles to perform their professional duties.

Some of the journalists in recent times intimidated and detained include a photograph journalist Musarat Zahra, over her Facebook posts, Peerzada Ashiq, working for an Indian paper booked for what they call “fake news”, a freelance journalists and political commentator Gowhar Geelani, accused of “glorifying terrorism” in social media posts and very recently Qazi Shibli, Editor of the Kashmiriyat News website for interviewing an overseas jurist.

International Muslim Women’s Union (IMWU) wishes to raise awareness on these tragic happenings in IAJ&K. Kashmiris and Kashmiri journalists have right to freedom of opinion and expression. The United Nations High Commissioner for Human Rights and the President of the Human Rights Council must take notice of this grave situation in IAJ&K.