



# General Assembly

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## Human Rights Council

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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 World Muslim Congress, a non-governmental organization in general consultative status**

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

[24 January 2023]

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



## **Right to Development: A Case Study of the Right to Education in Indian Administered Jammu and Kashmir**

Education is one of the building blocks of human development. It is not just a basic right, but a foundation for progress in other areas, including health, nutrition and the development of institutions and democracy. Conflict undermines this foundation and also contributes to the conditions that perpetuate violence. Conflict destroys education infrastructure, reduces spending on schools/colleges and teachers and prevents children/youth from attending classes. Conflict affects the educational chances of children/youth in a range of different ways. There are three different levels upon which violent conflict can effect education. Firstly, it affects children/youth directly through the loss of relatives, physical violence, rape, need to leave home etc. Secondly, the damage caused by conflict can have a direct effect on the possibility of attending school/college, in terms of the danger to get there, and also the economic situation might no longer allow for them to pay for education. Thirdly, educational infrastructure and institutions become targets and destroyed – either accidentally or for political reasons. Schools/colleges can also be occupied and used as bases for warring factions.

Education in Indian Administered Jammu and Kashmir was the major causality as a result of India's illegal occupation. With an overall literacy rate of 68.74% compared to India's average literacy rate of 74.04%, the Indian Administered Jammu and Kashmir does not reflect a great education system. It also lags far behind in social sector i.e. education, public health, sanitation, and social welfare. As per unofficial estimates, about 35 percent students studying in primary and secondary stages in the villages had to drop-out for reasons directly or indirectly related to conflict. Children from upper and middle classes went in thousands for education to different parts of the country and the world.

The persistent chaos and uncertainty forced many Kashmiri parents to seek admissions for their children in different schools and colleges outside the valley. With educational institutions being burnt down or closed, thousands of Kashmiri students opted to move out of the state.

During the 2016 mass uprising, the Indian occupation authorities shut down educational institutions, schools, colleges and universities in Kashmir valley remained shut for many months, which had rendered the region's education system completely dysfunctional.

The years' long turmoil has rendered the region's education system completely paralyzed. Thousands of children are being denied the opportunity to materialize their fundamental right that has been reaffirmed in various international covenants including the Universal Declaration of Human Rights (UDHR) and International Covenant on Economic Social and Cultural Rights.

The right to Education is duly recognized in International Law and thereby India is obligated to grant Kashmiri children the same right that has been recognized across a plethora of international treaties and conventions.

Article 26 of the Universal Declaration of Human Rights states that "Everyone has the Right to Education" and further recognizes equal accessibility of education based on merit. The right to education is legally guaranteed for all without any discrimination. States have the obligation to protect, respect, and fulfill the right to education but it is quite unfortunate that the Indian government has been hampering the provision of access to education to Kashmiri children. At home, the school and college-going Kashmiri children suffer due to militarization, crackdowns, curfews and internet restrictions while on the other India has been creating hurdles for those who manage to seek admissions in foreign countries.

The study by Asima Hassan reveals majority of students have missed out classes in their colleges due to frequent strikes and curfews, quality and effectiveness of education also deteriorated severely over the last years. Many left education in a midway because of the interrupted education or lack of income, while many others migrated to other parts of India and abroad. Further the activities like student union and discussion forums were found non available in colleges, many did not have any regular interactions and exchanges with students from other local and non-local colleges. The respondents further complained about the non-

availability of facilities of internet services in their respective educational institutions. The reasons of disruption in their studies mentioned by the respondents were detention and lack of economic resources.

In August 2019, Article 370 of the Indian constitution that applied to Indian Administered Jammu and Kashmir was abrogated. Repealing this article revoked Indian Administered Jammu and Kashmir's semi-autonomous 'special status' as a state. As a way to curb anticipated unrest in the state, the Indian government blocked internet and phone lines. This crisis along with the COVID-19 pandemic in 2020 has put the future of education in Indian Administered Jammu and Kashmir on shaky ground, reflective of its political landscape. Between 2019 and 2020, schools in Indian Administered Jammu and Kashmir officially functioned for as little as 100 days.

The Directorate of School Education in Indian Administered Jammu and Kashmir has set up "Aawo Padhain" (Come Lets Study). It is a portal that is filled with E-content and video-based classes for children to continue studying during the lockdown. However, the internet blackout kept the students from availing the opportunity during the lock down.

For successful educational transformation, Indian Administered Jammu and Kashmir also needs well-qualified teachers, access to electricity, the internet, computers, technology and libraries. Furthermore, country-wide internet bans should not be allowed.

Kashmiri students have lived in a life of lockdown longer than the rest of the world has, with their education impacted long before COVID-19 came about. To bridge the overall gap in education in Indian Administered Jammu and Kashmir, it is essential for the country to receive assistance to implement educational reform for improving education in Indian Administered Jammu and Kashmir.

The persistent chaos and uncertainty forced many Kashmiri parents to seek admissions for their children in different schools and colleges outside the valley.

In February 2018, two Kashmiri students were attacked in Mahendragarh in Haryana. In March, the same year, another Kashmiri student was assaulted near Maharishi Markandeshwar University in the Ambala district of Haryana. Shakib Ashraf, another Kashmiri youth, was arrested after a mob alleged, he had cooked beef in his university hostel. The meat was later revealed to be mutton after a lab test by the police. Umar Rashid was thrashed after he told two people that he was from Indian Administered Jammu and Kashmir.

Kaleemullah was called a "terrorist" after an altercation with another student. Mujahid Zahid was beaten with wooden sticks and logs. Bahar Ahmed Giri was told to go back to Indian Administered Jammu and Kashmir by locals at a market. These incidents took place in the year 2017 in Rajasthan, Haryana and Madhya Pradesh. In a similar incident of hate crime, 67 Kashmiri students studying in India were suspended and faced sedition charges after they cheered for the Pakistan cricket team in a televised match against India in 2014.

The people of Indian Administered Jammu and Kashmir have been deprived of their human rights by Indian repressive tactics, education being among them. The occupation has put the future of Kashmiris at risk for its heinous design of depriving them of any tool that may help them in the pursuit of their right of self-determination. The world must wake up to the misery of Kashmiri people and take steps to help improve their living conditions, in particular facilitate the access to the right to quality education.

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