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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 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.

[22 August 2019]

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

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Right to education casualty of Indian unilateral decision of annexation and dismember of Indian Administered Jammu and Kashmir

The immediate consequences of unilateral actions of the government of India to abrogate the special status and bifurcation of state of Indian administered Jammu and Kashmir on the people of Indian administered Kashmir has been that they are under lock and key since then, an unprecedented security lockdown and a total communication blockade has not only shocked the people of Jammu and Kashmir but entire world community. Kashmiris are feared to die of this planned and orchestrated suffocation by right wing Indian government. There is no contact of the external world with the residents of the Indian Administered Kashmir. Authorities have suspended all telephone and internet services as part of the massive security lockdown and newspaper publication is also suspended. No one is allowed to come out of his/her house as Indian forces' personnel are patrolling in each and every nook of the area under the guise of law and order.

Lockdown of Kashmir invariably took a serious toll on education. Article 28 of the Convention on the Rights of the Child (1989) recognizes the right of every child to a free primary education. World over the Right to Education in key international instruments: Universal Declaration of Human Rights, 1948, the International Covenant on Economic, Social and Cultural Rights, 1966, and the Convention on the Rights of the Child, 1989. India is a signatory to all the three. Article 45 of the Constitution of India, states that "the state shall endeavor to provide for free and compulsory education for all children until they complete the age of fourteen years.

Conversely this right is completely snatched in Indian Administered Kashmir from the day Indian authorities have shut down all the educational institutions denying fundamental right to children which contravenes to United Nations Convention on the Rights of the Child (UNCRC) which is a legally-binding international agreement setting out the civil, political, economic, social and cultural rights of every child, regardless of their race, religion or abilities. According to Aljazeera, In Kashmir "most schools, however, were empty as wary parents refused to send their children to school" primarily due to worse crackdown of Indian security operates. It further stated that opening up of school amidst curfew is a "manufacture normalcy" which is risking the lives of younger children. The provision of safe and secure environment is necessary for children are fundamental responsibility of government which amidst curfew, blockade of communication and travel is impossible task.

Safety at school and accessing a safe education are vital to all children but especially those living in areas of conflict should have normalcy, stabilization and safety. At the moment, entire environment is engulfed with fear, uncertainty and political leadership of all shades in the Indian Administered Kashmir including three former chief ministers of the state, over 100 ex legislators, political workers and prof-freedom leadership religious scholars academicians. Thousands of police and paramilitary troopers have been deployed in the region with markets and transport services, including trains remained closed which crippled the lives of common citizens. By opening up school in such condition is an effort to sell choreographed normalcy to the world.

Decades of unrelenting conflict has already made state of education precarious in Kashmir. Kashmiris believe that Indian state apparatus in its deliberate effort to deprive Kashmiris from education is setting schools on fire. More than 25 schools are set alight in IAK which affected more than 4,000 students reported by international media.

People living on or near Line of Control (LoC) are also bearing the brunt of this protracted conflict. Disruption of education due to massive firing at LoC is one of the serious concerns of the local communities. In fact even the working boundary is deeply affected as around 120 schools were shut few years back in Sialkot sector on Pakistani side due to massive shelling by Indian forces.

The unabated continuum of violations of above mentioned laws by Indian forces is not a new phenomenon for people living on LoC. In 2016, Government of Azad Kashmir (Pakistani side of Kashmir) closed down more than 70 both males and females' schools in the Nakyal

sector due to indiscriminate Indian firing. Even a school van was hit by shelling, killing the driver and wounding eight children by Indian forces on LoC.

In Indian Administered Kashmir, the legitimate resistance for the right to self-determination has gone down deeper into the youth. The massive uprising of students against occupation has put their education on risk. They can easily tread to violence to defend themselves as Indian soldiers in past responded with pellets and bullets. In past, alone one college had more than 50 students wounded, with many suffering pellet injuries to their eyes causing them permanent loss of eyesight. This shows the multifaceted impact of this protracted conflict on people of IAK which include youth and their education. The close geographical proximity of Indian military camps with schools or colleges in IAK is another that not only causes physiological issues but also increases chances of harassment and sexual violence against the female child going to school or colleges.

Setting the long-term policy implication of Kashmir conflict on its youth aside, even the issues of dilapidated infrastructure, poor sanitation, and non-conducive structures for disabled students are persisting issues contributing in denying of access to education to Kashmir youth. Continued presence of forces, usage of brutal force with impunity, killings of near and dear ones, fear of getting kidnaped, and uncertainty of future created issues mental health, as well as stunted intellectual development and physical growth in the children. This is worsened by a lack of safe spaces for children as sustained conflict has pushed many students into depression and disabled them to live up to their full potential.

While India is signatory to all the treaties and leas on provision of uninterrupted education and secure environment to the students, I urge international community to put pressure on India to life the curfew and allow free movement. Besides international students bodies should intervene to only ensure their educational rights but their safety and security.

Through physical destruction/damage to education facilities; loss of teaching staff (e.g.) because they are victims of conflict, out of fear, breakdown of service delivery structures); physical and psychological trauma experienced by students; and the general challenges involved in trying to carry on a 'normal' life with ever present threat of violence.
