****

**United Nations Special Rapporteur on right to education**

**Call for Contributions: the right to education, advances and challenges**

13 January 2023

**Introduction**

Access Now welcomes this opportunity to provide relevant information to the United Nations (UN) Special Rapporteur on the right to education to inform the Special Rapporteur’s thematic report on the right to education, advances and challenges to be presented to the UN Human Rights Council at the 53rd session in June 2023.[[1]](#footnote-1) Access Now, a UN Economic and Social Council (ECOSOC) accredited organization, routinely engages with the UN in support of our mission to extend and defend digital rights of individuals and communities at risk around the world.[[2]](#footnote-2) Our mandate includes concerns for economic, social and cultural rights including the right to education, particularly as education becomes increasingly digitized.

The impact of digitalization of education has been considered by previous reports of the Special Rapporteur on the right to education, particularly in context of the impact of COVID-19 on existing challenges to equal access to education.[[3]](#footnote-3) This submission focuses on the opportunities and challenges for the right to education in the digital age. First, we outline the advances in the human right to education in the digital age, including the recognition of a right to access the internet and participate in all dimensions of society as equals. Second, we outline challenges to the exercise of the right to education posed by the State practice of internet shutdowns. Third, we outline threats posed by new and emerging technologies to the right to privacy in the sphere of education.

It is important to note that while this submission draws upon examples from various regions worldwide, these examples are non-exhaustive, and do not represent the lived experiences of all persons at risk. The submission therefore calls for the need to further examine the impact of these emerging issues in greater detail and in consultation with communities at risk, in order to ensure meaningful implementation of the right to education.

**I. Significance of the human right to education in the digital age**

1. As education moves increasingly online, the human right to education increasingly depends on universal connectivity and open and secure access to the internet for all, a precondition for the exercise of human rights in the digital age. The recent report of the Special Rapporteur on ‘the impact of digitalization of education on the right to education’ has outlined dimensions of the existing framework of ‘ the 4 A’s framework of availability, accessibility, acceptability and adaptability’ to ensure the right to education in the digital age.[[4]](#footnote-4) The report clarified that accessibility of education requires access to cell phones and the internet for online education in order to guarantee free and equitable primary and secondary education.[[5]](#footnote-5)
2. The report further affirms that access to the right to education online is more than the mere delivery of coursework.[[6]](#footnote-6) In the digital age, the right to education enables what the Special Rapporteur refers to as “*digital citizenship”* based on participation and autonomy, to ensure that all students can freely participate as equals in all dimensions of human life, including as active citizens and in developing the capacity to adapt to a digital world with digital competencies.[[7]](#footnote-7) The report accordingly called on States to address the digital divide, ensure that the introduction of technology does not lead to hidden costs that jeopardize the right to free elementary and secondary education, and to refrain from imposing internet shutdowns.[[8]](#footnote-8)
3. The role of digital technologies as the basis of equal participation is relevant in considering the justiciability of digital rights related to the right to education. This view has been echoed in judicial decisions that have considered the right to education in context of access to the internet.
	1. In India, the Kerala High Court became the first Indian court to recognize a right to internet access, in a case challenging mobile use restrictions in residential buildings for women college students.[[9]](#footnote-9) The Court relied on resolutions of the UN General Assembly and Human Rights Council to recognize the significance of internet access for protecting the right to education.[[10]](#footnote-10) The Court thus rejected the argument of college authorities that students could turn to other sources of offline education, such as library books, and therefore upheld the right to internet access as protected by both the right to education and personal autonomy guaranteed by the right to privacy.[[11]](#footnote-11)
	2. Similarly, the Delhi High Court gave directions to address the digital divide and ensure provision of smart devices and internet access to educationally deprived communities, in schools that had elected to offer teaching through synchronous online classes during the COVID-19 pandemic.[[12]](#footnote-12) The Court found that in a case where some students had access to online classes, the digital divide amounted to segregation of education and a form of digital apartheid, therefore violating the guarantee of non-discrimination. [[13]](#footnote-13)
	3. The European Court of Human Rights has also upheld the right of a prisoner to access higher educational services through access to the internet, on the basis that while the right to education cannot compel a State to institute specific institutions, it guarantees a right to all existing educational settings. [[14]](#footnote-14)
4. These decisions reiterate established principles of the right to education -- namely, that while access to quality education through digital technologies may be continuously improved and progressively realized, the right to non-discrimination is subject to immediate realization.[[15]](#footnote-15) Irreparable harm results when students suffer discrimination in access to essential educational services. Viewed in this light, the right to education guarantees access to the internet in so far as it is necessary to ensure equitable access to resources and equal participation in all dimensions of human life.

**II. Internet shutdowns threaten the right to education**

1. The aforementioned report noted the impact of internet shutdowns in the educational context. The former Special Rapporteur specifically found that internet shutdowns “*​​often have a severe impact on the right to education, impeding learners in accessing online education, taking online exams or applying online for scholarships.*”[[16]](#footnote-16) Since 2016, Access Now has been fighting internet shutdowns, as part of the #KeepItOn coalition, which consists of more than 280 organizations from 105 countries around the world, in recognition of their impact on human rights, including access to education.[[17]](#footnote-17) In 2021, Access Now’s Shutdown Optimization Tracker Project, along with the #KeepItOn coalition, recorded at least 182 shutdowns in over 34 countries around the world.[[18]](#footnote-18)
2. The COVID-19 pandemic has only increased the dependence on the internet for education. For instance, in Uganda, testimonies indicate that the internet shutdown prevented the ability of parents to home-school their children, in addition to depriving citizens of economic opportunities.[[19]](#footnote-19) Persons with disabilities become even more vulnerable to the isolating impact of these shutdowns, as the physical infrastructure in many countries does not provide reasonable accommodations.[[20]](#footnote-20)
3. The impact of internet shutdowns on education is immediate as well as long-term. For instance, the Federally Administered Tribal Areas (FATA) region of Pakistan suffered a four-year long internet shutdown, which had particularly adverse impacts during the COVID-19 pandemic when it nearly destroyed the educational progress of an already isolated local community.[[21]](#footnote-21) A report of the UN High Commissioner for Human Rights noted that shutdowns in Kashmir, Bangladesh and Myanmar undermine pedagogical outcomes and impede educational planning. [[22]](#footnote-22)
4. Therefore, the report considered that the impact on human rights, including the right to education, frequently exceeded the area or time period for which the shutdown was imposed and concluded that shutdowns rarely meet the threshold for proportionality, even when a genuine threat may exist.[[23]](#footnote-23)

***Recent trends: Internet shutdowns during public exams***

1. Far from recognizing the violation of the right to education caused by internet shutdowns, States cite their administration of education as a justification for internet shutdowns during exams, purportedly to prevent cheating. The #KeepItOn coalition records that this trend of exam-related shutdowns has only increased from 2016 to 2021, particularly in the Middle East and North Africa region and South Asia.[[24]](#footnote-24) In particular, this trend has been documented in Algeria, Bangladesh, Ethiopia, India, Iran, Jordan, Mauritiana, Sudan and Syria.[[25]](#footnote-25) These trends persist despite the adverse impact of internet shutdowns on economic, social and cultural rights in the region.
	1. Algeria pioneered internet shutdowns during exams and has continued this practice every year since 2016, despite reassurances by the President that the practice will not continue.[[26]](#footnote-26) These disruptions have ranged from complete blackouts during exam sessions, to heavy throttling (the intentional slowing down of services) in between sessions, during lunch breaks, and overnight. In 2022, despite reassurances that alternate mechanisms had been introduced to prevent cheating, the government blocked websites and apps during the Baccalaureate exam period. [[27]](#footnote-27)
	2. Syria also continues this practice since 2016, enabled by an absolute control over the internet and telecommunications infrastructure.[[28]](#footnote-28) In 2021, Syria cut off the internet for the entire nation during national exams for over four hours each day that high school students took exams.[[29]](#footnote-29) Despite promises to not repeat the shutdown and seek encryption-based solutions, the State continued the practice in 2022.[[30]](#footnote-30)
	3. Iraq has been reported to impose internet shutdowns during exams at the request of the Ministry of Education.[[31]](#footnote-31) In 2018, there were also credible reports of repeated shutdowns between 6 am to 8 am for a period of 10 days to prevent cheating during exams, although these reports were denied by the Ministry of Communication.[[32]](#footnote-32) This practice appears to be ongoing. In 2021, it was reported that the Kurdistan regional government imposed internet blackouts to prevent cheating during exams. [[33]](#footnote-33)
	4. Similarly, there are reports of internet shutdowns in Sudan and targeted blocking of communication apps in Jordan year after year during national exams.[[34]](#footnote-34)
2. In addition to the MENA region, the pattern of shutdowns during exams has also been reported in India since 2018.[[35]](#footnote-35) This has been litigated with mixed outcomes. In 2018, the Rajasthan High Court observed that public examinations do not constitute a “public emergency” and therefore, violated the right to freedom of expression.[[36]](#footnote-36) The case was dismissed based on a statement by the State government, undertaking to not suspend internet service in the future for such public examinations,[[37]](#footnote-37) though the pattern reportedly continues in the State.[[38]](#footnote-38) On the other hand, the High Court of Gauhati declined to stay the operation of an internet shutdown in the State of Assam on the ground that an interim relief may disrupt the examination.[[39]](#footnote-39) A recent petition before the Indian Supreme Court highlighted that both states continue to exhibit a pattern of internet shutdowns during exams.[[40]](#footnote-40) The Supreme Court has issued notice to the Central government and sought a response on whether there is a protocol for such shutdowns.[[41]](#footnote-41) However, these orders do not address the constitutionality of these shutdowns.
3. It is worth reiterating that since 2011, several UN and regional bodies and experts have affirmed that cutting access to the internet for whole populations or segments of the public can never be justified, including on public order or national security grounds, in consideration of the impact on freedom of expression and access to information.[[42]](#footnote-42) However, given this narrative of relying on public examinations to justify internet shutdowns, understanding the impact on the right to education is equally critical. Access Now has called on States and judicial bodies to consider that the shutdowns are not only ineffective and disproportionate means to prevent cheating, but also adversely impact the right to education of entire populations.[[43]](#footnote-43)

***Prolonged internet shutdowns as a form of segregation***

1. Continuous internet shutdowns targeted at specific regions may lead to segregation that contravenes the guarantees of non-discrimination in access to education outlined above. For instance, an Access Now report documents that in Tajikistan, a prolonged internet shutdown in Khorog and across the entire Gorno Badakhshan Autonomous Region (GBAO) region between November 2021 and May 2022 had the impact of not only making education inaccessible but cutting off students from the rest of the world.[[44]](#footnote-44)
2. Similarly, a report by a Kashmiri civil society group noted that in August 2020, students in Kashmir’s schools and higher education institutions had been deprived of access to a school or university for a year.[[45]](#footnote-45) The report characterizes this deprivation as a form of apartheid, noting that “frequent and prolonged internet shutdowns enact[ed] a profound digital apartheid by systematically and structurally depriving the people of Kashmir of the means to participate in a highly networked and digitized world.”[[46]](#footnote-46) UN experts also described the shutdown imposed in Kashmir as a form of “collective punishment.”[[47]](#footnote-47)
3. Internet shutdowns targeting specific locations or populations are becoming increasingly common. The latest #KeepItOn report records that 118 out of 182 shutdowns imposed in 2021 targeted one location or one state/province, suggesting that many of these may have been aimed at silencing particular populations and disconnecting them from the rest of the world.[[48]](#footnote-48) The four longest shutdowns were imposed in FATA region by Pakistan, in Jammu & Kashmir by India, in Tigray by Ethiopia and in the Rakhine region by Myanmar, resulting in complete breakdown of educational progress and isolation of the local population.[[49]](#footnote-49)
4. Yet, courts adjudicating internet shutdowns have failed to consider this impact, even where arguments on the right to education were advanced, choosing instead to focus on narrow grounds of freedom of expression and recognizing undue deference to the State in determining human threats to national security.[[50]](#footnote-50) The Supreme Court of India has issued notice in a case filed by a private schools’ association in Kashmir challenging the internet shutdowns in the region as a violation of the right to education.[[51]](#footnote-51) Access Now has called on courts to adopt a holistic approach in assessing the impact of internet shutdowns and enforce the non-derogable guarantees of non-discrimination and public participation, and to examine the full extent of the impact of internet shutdowns beyond civil and political rights to include economic, social and cultural rights.[[52]](#footnote-52)

**III. The right to education and the right to privacy**

1. The report on the impact of digitalization on the right to education also acknowledges the need to protect other human rights within the sphere of education, including the right to privacy.[[53]](#footnote-53) The adoption of online learning in schools in response to the COVID-19 pandemic, for instance, created an unprecedented amount of data, without adequate safeguards to protect the right to privacy of children.[[54]](#footnote-54) The report notes that concerns regarding the right to privacy are heightened in the case of schools, since children cannot waive or opt out of the right to free and compulsory education.[[55]](#footnote-55) This has been considered by the Indian Supreme Court in considering the impact of digital ID systems on the right to education. While upholding Aadhaar as a voluntary scheme for “services,” the Court struck down the mandatory use of Aadhaar in cases where it leads to deprivation of fundamental rights such as the right to education.[[56]](#footnote-56) Thus, the Court refused to adopt a consent framework where it leads to exclusion from core socio-economic rights. Access Now’s report also explains that in such situations, informed consent is illusory as people have no real choice but to enroll in such programs.[[57]](#footnote-57)
2. Similarly, data protection authorities in France and Sweden have considered the power imbalance between students and schools, and rejected consent as a legal basis for introducing facial recognition systems in schools.[[58]](#footnote-58) Schools must ensure they use less intrusive means to facilitate legitimate aims of tracking attendance or giving access to school buildings.[[59]](#footnote-59)
3. It is also worth considering that these technologies disproportionately harm vulnerable groups. For instance, in US schools, facial recognition technology enhances the discriminatory nature of interactions with school authorities for Black and brown children, who are already disproportionately disciplined compared to white children.[[60]](#footnote-60) Another concerning trend is automated gender recognition, which may misgender trans and non-binary students.[[61]](#footnote-61) These systems cannot be saved by improving accuracy, and produce an impact that is inherently discriminatory and impedes meaningful access to education for vulnerable communities.[[62]](#footnote-62) Access Now and other civil society organizations have therefore called for a ban on biometric recognition systems that enable mass surveillance.[[63]](#footnote-63)

**Conclusion and recommendations**

1. As we move towards a world that is increasingly digitized and networked globally, it is imperative that States adopt an approach focussed on the right to education in considering access to digital technologies. Affordable, open, and secure access to digital technologies must be robustly promoted to ensure equitable access to education and equal participation in all dimensions of society, including access to online resources and communities. States must also take measures to prevent the violation of the right to privacy in the sphere of education. We therefore recommend the following:
2. **States:**
	1. Recognize that internet shutdowns are inherently disproportionate measures, given the long-term impact on the right to education, among other human rights;
	2. Refrain from imposing internet shutdowns in the territories under their control;
	3. Recognize that internet shutdowns lead to segregation of education and therefore, contravene the guarantees of the right to education and to non-discrimination;
	4. Introduce measures to protect the right to privacy of individuals, especially children, including the adoption of least intrusive measures to collect data that is necessary to administer educational institutions;
	5. Ban biometric surveillance in educational institutions, recognizing that students cannot opt out of free and compulsory education;
	6. Ensure that digital identity systems do not become the basis of exclusion from the right to education, and provide meaningful alternatives to biometric-based digital ID systems.
3. **Private Sector**
	1. Stop providing technologies enabling shutdowns, surveillance and biometric recognition to schools;
	2. Publicly denounce and resist internet shutdowns.
4. **International organizations**
5. Study and report on the impact of new and emerging technologies on the right to education, with particular attention on the realization of this right by individuals and communities at risk of marginalization and vulnerability;
6. Monitor the impact of internet shutdowns on discriminatory access to education and take measures to ensure equitable access to the right to digital citizenship and digital agency;
7. Investigate the harms of long-term internet shutdowns as a form of illegal segregation of education, which is not justified by administrative constraints or State perceptions of the threat of national security. Recognize the impact of isolation from global human rights mechanisms for vulnerable communities that experience long-term internet shutdowns;
8. Take measures to ensure the protection of the right to privacy of students, including examining the impact of digital identity systems and biometric surveillance on access to education, particularly among vulnerable communities including girls, non-binary students, and students with disabilities.

##### **Access Now (**[**https://www.accessnow.org**](https://www.accessnow.org)**)** defends and extends the digital rights of users at risk around the world. As a grassroots-to-global organization, we partner with local actors to bring a human rights agenda to the use, development, and governance of digital technologies, and to intervene where technologies adversely impact our human rights. By combining direct technical support, strategic advocacy, grassroots grantmaking, and convenings such as RightsCon, we fight for human rights in the digital age.

*For more information, please contact:* ***un@accessnow.org***

1. U.N. Human Rights, Office of the High Commissioner for Human Rights, Call for contributions: right to education, advances and challenges, <https://www.ohchr.org/en/calls-for-input/2023/call-contributions-right-education-advances-and-challenges>. [↑](#footnote-ref-1)
2. Access Now, About Us, 2021, available at <https://www.accessnow.org/>. As a grassroots-to-global organization, we partner with local actors to bring a human rights agenda to the use, development, and governance of digital technologies, and to intervene where technologies adversely impact our human rights. By combining direct technical support, strategic advocacy, grassroots grantmaking, and convenings such as RightsCon, we fight for human rights in the digital age. [↑](#footnote-ref-2)
3. U.N. Human Rights Council, Report of the Special Rapporteur on the RIght to Education Koumbou Boly Barry on Impact of Digitization on the Right to Education (19 April 2022), A/HRC/50/32, <https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F32&Language=E&DeviceType=Desktop&LangRequested=False> ; U.N. Human Rights Council, Report of the Special Rapporteur on the RIght to Education (6 April 2016), A/HRC/32/37, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F32%2F37&Language=E&DeviceType=Desktop&LangRequested=False>. [↑](#footnote-ref-3)
4. U.N. Human Rights Council, Report of the Special Rapporteur on the RIght to Education Koumbou Boly Barry on Impact of Digitalization on the Right to Education (19 April 2022), A/HRC/50/32, para 27, <https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F32&Language=E&DeviceType=Desktop&LangRequested=False> [↑](#footnote-ref-4)
5. *Id.*  [↑](#footnote-ref-5)
6. *Id,* para 36 [↑](#footnote-ref-6)
7. *Id.*  [↑](#footnote-ref-7)
8. *Id,* para 96. [↑](#footnote-ref-8)
9. Shirin R.K. v. State of Kerala, WP(C). NO. 19716 OF 2019 (L), High Court of Kerala (19 September, 2019), <https://globalfreedomofexpression.columbia.edu/cases/shirin-r-k-v-state-of-kerala/> [↑](#footnote-ref-9)
10. *Id,* para 13. [↑](#footnote-ref-10)
11. *Id,* para 12, para 18-19. [↑](#footnote-ref-11)
12. Justice for All v. Government of NCT of Delhi, W.P.(C) 3004/2020, High Court of Delhi (18 September, 2020), para 188-190, <https://indiankanoon.org/doc/68322878/> [↑](#footnote-ref-12)
13. *Id,*  para 185,186 [↑](#footnote-ref-13)
14. Mehmet Resit Arslan and M. Orhan Bingöl v. Turkey, Applications nos. 47121/06, European Court of Human Rights (18 June 2019), para 51, <https://hudoc.echr.coe.int/eng?i=001-194194>. [↑](#footnote-ref-14)
15. *Id,* para 7; Office of the High Commissioner for Human Rights, CESCR: General Comment No. 13: The right to education (Art. 13) (8 December 1999), E/C.12/1999/10, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=4slQ6QSmlBEDzFEovLCuW%2BKyH%2BnXprasyMzd2e8mx4cYlD1VMUKXaG3Jw9bomilLKS84HB8c9nIHQ9mUemvt0Fbz%2F0SS7kENyDv5%2FbYPWAxMw47K5jTga59puHtt3NZr> [↑](#footnote-ref-15)
16. U.N. Human Rights Council, Report of the Special Rapporteur on the RIght to Education Koumbou Boly Barry on Impact of Digitalization on the Right to Education (19 April 2022), A/HRC/50/32, para 28, <https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F32&Language=E&DeviceType=Desktop&LangRequested=False> [↑](#footnote-ref-16)
17. Access Now, KeepItOn, <https://www.accessnow.org/keepiton/>. [↑](#footnote-ref-17)
18. Access Now, The Return of Digital Authoritarianism- Internet Shutdowns in 2021 (April 2022), <https://www.accessnow.org/cms/assets/uploads/2022/05/2021-KIO-Report-May-24-2022.pdf> [↑](#footnote-ref-18)
19. Access Now, Cutting internet access when people need it the most: stories from Uganda (9 Feb 2021), <https://www.accessnow.org/internet-shutdown-stories-from-uganda/>, [↑](#footnote-ref-19)
20. *Id.*  [↑](#footnote-ref-20)
21. Access Now, The Return of Digital Authoritarianism- Internet Shutdowns in 2021 (April 2022), p. 25, <https://www.accessnow.org/cms/assets/uploads/2022/05/2021-KIO-Report-May-24-2022.pdf> [↑](#footnote-ref-21)
22. Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights- Internet shutdowns, rends, causes, legal implications and

impacts on a range of human rights (May 15 2022), A/HRC/50/55, para 36, <https://undocs.org/Home/Mobile?FinalSymbol=a%2Fhrc%2F50%2F55&Language=E&DeviceType=Desktop&LangRequested=False> [↑](#footnote-ref-22)
23. *Id,* para 59. [↑](#footnote-ref-23)
24. Access Now, The Return of Digital Authoritarianism- Internet Shutdowns in 2021 (April 2022), p.12, <https://www.accessnow.org/cms/assets/uploads/2022/05/2021-KIO-Report-May-24-2022.pdf> [↑](#footnote-ref-24)
25. *Id,* p. 24. [↑](#footnote-ref-25)
26. Access Now, Internet shutdowns during exams: When MENA governments fail the test (7 July 2021), <https://www.accessnow.org/mena-internet-shutdowns-during-exams/> [↑](#footnote-ref-26)
27. Access Now, Empty promises: more internet shutdowns during exams in MENA (24 August 2022), <https://www.accessnow.org/internet-shutdown-during-exams-right-to-education/>. [↑](#footnote-ref-27)
28. *Id.*  [↑](#footnote-ref-28)
29. Access Now, Internet shutdowns during exams: When MENA governments fail the test (7 July 2021), <https://www.accessnow.org/mena-internet-shutdowns-during-exams/> [↑](#footnote-ref-29)
30. Access Now, Empty promises: more internet shutdowns during exams in MENA (24 August 2022), <https://www.accessnow.org/internet-shutdown-during-exams-right-to-education/>. [↑](#footnote-ref-30)
31. Access Now, Iraq imposes “internet curfews” for school exams but says it has no intention to cut internet (5 September 2018), <https://www.accessnow.org/iraq-imposes-internet-curfew-for-school-exams-but-says-it-has-no-intention-to-cut-internet/> [↑](#footnote-ref-31)
32. *Id.*  [↑](#footnote-ref-32)
33. Access Now, Empty promises: more internet shutdowns during exams in MENA (24 August 2022), <https://www.accessnow.org/internet-shutdown-during-exams-right-to-education/>. [↑](#footnote-ref-33)
34. *Id.*  [↑](#footnote-ref-34)
35. Access Now, India cuts down the internet access, doubles down on rights-harming shutdowns (23 July, 2018), <https://www.accessnow.org/india-cuts-internet-access-for-school-exams-doubles-down-on-rights-harming-shutdowns/> ; The Quint, Bordering on the Absurd: Rajasthan’s Obsession with Internet Shutdowns (14 July, 2018), <https://www.thequint.com/tech-and-auto/tech-news/internet-shutdown-in-rajasthan-for-constable-recruitment-exams#read-more> ; The Wire, On SC Challenge to Internet Shutdowns During Exams: SC Asks Centre: ‘What is the Protocol?’, <https://thewire.in/law/internet-shutdowns-exams-petition-supreme-court-protocol> [↑](#footnote-ref-35)
36. Dhirendra Singh Rajpurohit v. State of Rajasthan, D.B. Civil Writ Petition No. 10304/2018, Rajasthan High Court (28 November 2018), *available at* <https://globalfreedomofexpression.columbia.edu/cases/dhirendra-singh-rajpurohit-v-state-of-rajasthan/> [↑](#footnote-ref-36)
37. *Id.*  [↑](#footnote-ref-37)
38. CNN, India goes dark for millions in state’s bid to stop exam cheats (28 September, 2021), <https://globalfreedomofexpression.columbia.edu/updates/2023/01/third-time-lucky-section-66a-and-the-afterlife-of-strategic-litigation/> [↑](#footnote-ref-38)
39. Raju Prosad Sarma v. State of Assam, WPC/5527/2022, High Court of Gauhati (26 August 2022), *available at* <https://globalfreedomofexpression.columbia.edu/cases/raju-prosad-sarma-v-state-of-assam/> [↑](#footnote-ref-39)
40. The Wire, On SC Challenge to Internet Shutdowns During Exams: SC Asks Centre: ‘What is the Protocol?’, <https://thewire.in/law/internet-shutdowns-exams-petition-supreme-court-protocol> [↑](#footnote-ref-40)
41. *Id.*  [↑](#footnote-ref-41)
42. UN General Assembly, Human Rights Council, Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression (16 May 2011), UN Doc. A/HRC/17/27, <https://undocs.org/en/A/HRC/17/27>; the UN Special Rapporteur on Freedom of Opinion and Expression, the Organization for Security and Co-operation in Europe (OSCE) Representative on Freedom of the Media, the Organization of American States (OAS) Special Rapporteur on Freedom of Expression, and the African Commission on Human and Peoples’ Rights (ACHPR) Special Rapporteur on Freedom of Expression and Access to Information (1 June 2011), <https://www.osce.org/files/f/documents/e/9/78309.pdf>; The UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information (4 May 2015), <https://www.osce.org/files/f/documents/a/0/154846.pdf>; UN General Assembly, Human Rights Council, The promotion, protection and enjoyment of human rights on the Internet (27 June 2016), UN Doc. A/HRC/32/L.20, para. 10, <https://undocs.org/A/HRC/32/L.20> (“Internet Resolution”). [↑](#footnote-ref-42)
43. Access Now, Courts must #KeepItOn to protect the right to education (21 September, 2022, <https://www.accessnow.org/internet-shutdown-during-exams-right-to-education/> ); Access Now, Internet shutdowns during exams: When MENA governments fail the test (7 July 2021), <https://www.accessnow.org/mena-internet-shutdowns-during-exams/> ; Access Now, We need to stop shutting down the internet for school exams (16 May 2017), <https://www.accessnow.org/need-stop-shutting-internet-school-exams/> [↑](#footnote-ref-43)
44. Access Now, In Central Asia, internet shutdowns are harming all kinds of rights (14 December 2022), <https://www.accessnow.org/central-asia-internet-shutdowns-harm-rights/> [↑](#footnote-ref-44)
45. Jammu Kashmir Coalition for Civil Society, Kashmir’s Internet Siege 05.08.2019 (August 2020), p.1, <https://globalfreedomofexpression.columbia.edu/wp-content/uploads/2020/09/Kashmirs_Internet_Siege.pdf> [↑](#footnote-ref-45)
46. *Id,* p. 72. [↑](#footnote-ref-46)
47. Office of the High Commissioner for Human Rights, UN rights experts urge India to end communications shutdown in Kashmir (22 August 2019), <https://www.ohchr.org/en/press-releases/2019/08/un-rights-experts-urge-india-end-communications-shutdown-kashmir> [↑](#footnote-ref-47)
48. Access Now, The Return of Digital Authoritarianism- Internet Shutdowns in 2021 (April 2022), p.12, <https://www.accessnow.org/cms/assets/uploads/2022/05/2021-KIO-Report-May-24-2022.pdf> [↑](#footnote-ref-48)
49. *Id.*  [↑](#footnote-ref-49)
50. Access Now, Courts must #KeepItOn to protect the right to education (21 September, 2022, <https://www.accessnow.org/internet-shutdown-during-exams-right-to-education/> ); *See* Bhasin v Union of India, W.P. (C) No. 1031/2019, Supreme Court of India (10 Jan 2022), *available at* [*https://globalfreedomofexpression.columbia.edu/cases/bhasin-v-union-of-india/*](https://globalfreedomofexpression.columbia.edu/cases/bhasin-v-union-of-india/) *;* Access Now, ECOWAS Togo Decision: Internet is a right that requires protection of the law (14 July 2020), <https://www.accessnow.org/ecowas-togo-court-decision/>. [↑](#footnote-ref-50)
51. Medianama, Post Anuradha Bhasin, How Does Restricted Internet Impact The Right To Education In Jammu And Kashmir? (Nov. 3, 2022), <https://www.medianama.com/2022/11/223-jammu-kashmir-internet-shutdown-petition-supreme-court/> [↑](#footnote-ref-51)
52. Access Now, Courts must #KeepItOn to protect the right to education (21 September, 2022, <https://www.accessnow.org/internet-shutdown-during-exams-right-to-education/> ) [↑](#footnote-ref-52)
53. U.N. Human Rights Council, Report of the Special Rapporteur on the RIght to Education Koumbou Boly Barry on Impact of Digitization on the Right to Education (19 April 2022), A/HRC/50/32, para 7, <https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F50%2F32&Language=E&DeviceType=Desktop&LangRequested=False> [↑](#footnote-ref-53)
54. *Id,* para 67. [↑](#footnote-ref-54)
55. *Id,* para 72. [↑](#footnote-ref-55)
56. K.S. Puttaswamy v. Union of India (II), 1 SCC 1 (2019), Writ Petition (Civil) No 494 of 2012, para. 447(4)(h), https://globalfreedomofexpression.columbia.edu/cases/puttaswamy-v-union-of-india-ii/ [↑](#footnote-ref-56)
57. Access Now, “Busting the Dangerous Myths of Big ID programs: Cautionary lessons from India” (5 October, 2021), <https://www.accessnow.org/cms/assets/uploads/2021/10/BigID-Mythbuster.pdf>. [↑](#footnote-ref-57)
58. Access Now, In the EU, facial recognition gets an F in data protection (10 December 2019), <https://www.accessnow.org/in-the-eu-facial-recognition-in-schools-gets-an-f-in-data-protection/> [↑](#footnote-ref-58)
59. *Id.*  [↑](#footnote-ref-59)
60. *Id.*  [↑](#footnote-ref-60)
61. *See* Access Now, Ban Biometric Surveillance, <https://www.accessnow.org/ban-biometric-surveillance/> [↑](#footnote-ref-61)
62. *Id.*  [↑](#footnote-ref-62)
63. *Id.*  [↑](#footnote-ref-63)