**Protecting the rights of the child in humanitarian situations**

**Input by the Global Coalition to Protect Education from Attack (GCPEA) to the report by the**

**Office of the High Commissioner for Human Rights**

**8 September 2017**

1. **The main challenges in protecting the rights of the child in humanitarian situations**

Around the world, in situations of armed conflict and insecurity, students, teachers, and schools have been deliberately targeted as a tactic of war. State armed forces and armed non-state groups have bombed and burned schools and universities and killed, severely injured, raped, abducted, and recruited students and teachers at, and en route to and from, schools. Research conducted by the Global Coalition to Protect Education from Attack (GCPEA)[[1]](#footnote-1) has shown that, since 2013, a series of attacks on students, educators, and educational facilities has occurred in at least 27 countries experiencing armed conflict and insecurity.[[2]](#footnote-2) Research carried out by GCPEA indicates that the problem is getting worse in many countries.

The reasons that students, educators, and educational facilities are targeted vary from country to country, and there may be multiple reasons for attacks on education. Because schools are one of the most visible symbols of state authority, non-state armed groups may target educational institutions with the aim of delegitimizing the government. This is particularly likely if the school curriculum covers subjects, languages, values, or cultures that the armed group opposes—such as educating women and girls. Teachers, as the employees of the state, may also be attacked as a way of threatening the government. Schools can be attacked because they are being used for political purposes, for example, for polling during elections. In addition, government armed forces or armed non-state actors may attack schools as part of a larger strategy of reprisal against a community for their perceived support of the opposing side. Schools may also be attacked because they are being used for military purposes.

In the majority of countries experiencing armed conflict, schools and other educational infrastructure have been used for military purposes by parties to the armed conflict. Using schools as barracks, bases, detention centers, weapons caches, or in other ways that support the military effort, can potentially turn this civilian infrastructure into military objectives that can be legitimately attacked under international humanitarian law.

While not prohibited under international law, the practice of military use of educational infrastructure has endangered students’ and teachers’ safety and hindered access to education. Since 2013, according to GCPEA’s research, armed forces and armed groups have used schools and universities for military purposes in at least 28 countries in armed conflict and insecurity around the world.[[3]](#footnote-3) Schools have sometimes been closed for years, disrupting the education of thousands of children.

In at least six countries, there have been more than 500reported incidents of attacks on schools between 2013 and 2017. In the same period, military use of schools and universities was most prominently reported in Afghanistan, Central African Republic, Pakistan, South Sudan, Syria, and Yemen. In each of those countries, there was a period of time during the reporting period when at least 40 educational buildings were in use for military purposes by state police and military armed forces, non-state armed groups, paramilitary groups, and/or international peacekeeping forces.[[4]](#footnote-4)

In addition to the risks of injury and death, and their physical and psychological impact, attacks on schools and military use of schools can result in extended periods of school closure and may lead children to drop out of school or teachers to flee. This can reduce children’s access to safe and quality education and can deprive them of the protective benefits of attending school, leaving them more vulnerable to sexual violence and other forms of exploitation; recruitment as child laborers or child soldiers; or, for girls, forced marriage and early pregnancy.

Girls are likely to be disproportionately impacted by attacks on, and military use of, schools. Reports indicate that families are more likely to keep girls at home due to fear of sexual violence by armed parties. If a school is occupied by armed forces or groups, or if armed parties are stationed along school routes, there can often be the perception that there is a threat of sexual violence, particularly for girls.

When sexual violence does occur, it has physical and psychosocial consequences for both male and female victims, which may also be gender-based. For girls, rape, pregnancy, and a lack of sexual and reproductive health services often cause girls to drop out of school.[[5]](#footnote-5) Moreover, when a girl loses access to education, she is often less likely to return to school than a boy and may instead be forced to marry or stay at home to assume traditional gender roles, such as child-rearing. This can have a long-term impact on women’s participation in employment, peacebuilding, and decision-making in the private and public sphere, further impacting the recovery and development of the country once conflict has ended.

The UN Committee on the Rights of the Child has urged states “to fulfill their obligation … to ensure schools as zones of peace and places where intellectual curiosity and respect for universal human rights is fostered; and to ensure that schools are protected from military attacks or seizure by militants”.[[6]](#footnote-6)

Moreover, the UN Security Council Resolution 2225 (2015) strongly condemns attacks on schools, and encourages all states take concrete measure to deter their military use.[[7]](#footnote-7)

The 2017 Department of Peacekeeping Operations Child Protection Policy identifies the military use of schools as a key child protection concern and recognizes the “adverse impact of the use of schools for military purposes, in particular, its effects on the safety of children and education personnel, the civilian nature of schools, and the right to education”.[[8]](#footnote-8)

The policy further states that United Nations peace operations personnel “shall at no time and for no amount of time use schools for military purposes, in compliance with the prohibition included in the United Nations Infantry Battalion Manual (2012)”.[[9]](#footnote-9)

1. **Examples of good practices undertaken to protect the rights of the child in humanitarian situations**

The Safe Schools Declaration is a political commitment to better protect students, teachers, schools, and universities during armed conflict. The Declaration was drafted through a consultative process led by Norway and Argentina and was opened for state endorsement at an international conference held in Oslo, Norway, in May 2015.

Governments that endorse the Declaration recognize that the military use of education infrastructure exposes students and education personnel to harm, denies large numbers of children and students their right to education, and so deprives communities of the foundations on which to build their future.

Endorsing governments also make a commitment to take concrete steps to protect education in situations of armed conflict, such as to improve reporting of attacks on education; investigate and prosecute alleged war crimes involving schools; and restore access to education faster when schools are attacked.

Endorsing states also commit to use the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*. The *Guidelines* are a non-binding practical tool that offer guidance to help parties to conflict exercise restraint with respect to the use of schools and universities for military purposes, thus helping to better safeguard the civilian character of such facilities.[[10]](#footnote-10)

As of September 2017, 69 countries from around the world have endorsed the Safe Schools Declaration, representing more than one third of all UN member states.[[11]](#footnote-11) In May 2017, the United Nations Secretary-General, Mr. António Guterres, urged all UN member states to endorse the Declaration in his report to the UN Security Council on the protection of civilians in armed conflict.[[12]](#footnote-12) His Special Representative on Children and Armed Conflict, Ms. Virginia Gamba, echoed this call in her annual report to the General Assembly in August, observing that the growing support for the Declaration reflects a growing international consensus that military use of educational buildings should be avoided.[[13]](#footnote-13)

A number of states are taking steps to implement the commitments in the Safe Schools Declaration. Examples include:

* In Afghanistan, the Minister of Education has used their endorsement of the Declaration and *Guidelines* to advocate for the removal of military checkpoints and bases from schools and education centers.
* Nigeria is implementing several measures to enhance school security, such as: constructing ditches around schools; installing security lighting throughout school compounds; deploying armed military personnel to carry out vehicular and foot patrols; and setting up roadblocks on access roads. Acknowledging, as stated in the *Guidelines*, that the presence of military personnel within schools could place children at risk, roadblocks are positioned in the area surrounding schools rather than within school compounds.
* Following the Central African Republic’s endorsement of the Declaration, the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) issued a 2015 directive, drawing upon the text of the *Guidelines*, which stated that “the use of a school or university by a party to a conflict is not permitted.” They have since taken steps to ensure that schools being occupied by armed groups have been vacated.
* In July 2017, the African Union Mission in Somalia (AMISOM) vacated the Somali National University and returned control of the facility to the authorities in a handover ceremony, which was presided over by Special Representative of the Chairperson of the African Union Commission, the Special Representative of the Secretary General on Somalia, and the Minister of Education, Deputy Minister of Finance, and the Deputy Governor. The handover was carried out as part of AMISOM’s compliance with the Safe Schools Declaration. Prior to the handing over, the UN Support Office in Somalia supported the clearance of all unexploded ordnance and cleaned the buildings that had been occupied by the troops. Significant refurbishment is required, but the university director announced that classes would resume in September 2017. This is the third education facility now handed over to the Federal Government of Somalia since the beginning of 2017.
* Several endorsing states have already made explicit their plans to use and implement the *Guidelines*, including Chile, Italy, Luxembourg, New Zealand, Norway, and Slovenia.
  + New Zealand has included an explicit protection of educational institutions in its draft manual of armed force law, stating: “[New Zealand Defence Forces (NZDF)] are only to use the buildings of educational institutions for military purposes if it is absolutely necessary to do so. In such cases all feasible steps are to be taken to ensure that:] (a) Civilians and in particular, children are protected from the effects of attack upon the institutions by opposing forces — including where necessary the removal of such persons from the vicinity; (b) Such use is for the minimum time possible; (c) The adverse effects upon children, in particular in respect to their right to education, are minimized to the maximum extent possible.”
  + Switzerland’s Defense Ministry is amending its manual on armed conflict to state that “[e]ducational institutions are to be treated with particular caution. Their destruction may amount to particularly grave disadvantages for a people and the future of a country. Moreover, children, who require extra protection due to their vulnerability, are present in schools. In addition, universities as well as other institutions of higher education often constitute or host significant cultural objects. Therefore, in applying the principles of precautions and proportionality, particular importance has to be attached to educational institutions. Their military use should be avoided.”
* Related to the commitment to develop, adopt, and promote conflict-sensitive approaches to education, South Sudan’s Ministry of Education is working with UNICEF and UNESCO to integrate conflict-sensitive education into their policies.
* As an example of ensuring the continuation of education during armed conflict, in Niger, alternative education is delivered via a radio program for children who cannot travel to school due to insecurity.

For more information about how to better protect education from attack, please see the following resources:

* [*Technical Guide: What Teachers and School Administrators Can Do to Protect Education from Attack*](http://www.protectingeducation.org/sites/default/files/documents/technical_guide_2017.pdf), Global Coalition to Protect Education from Attack, 2017;
* [*What Schools Can Do to Protect Education from Attack and Military Use*](http://www.protectingeducation.org/sites/default/files/documents/what_schools.pdf)*,* Global Coalition to Protect Education from Attack, 2016;
* [*What Ministries Can Do to Protect Education from Attack and Schools from Military Use*](http://www.protectingeducation.org/sites/default/files/documents/what_ministries.pdf)*,* Global Coalition to Protect Education from Attack, 2015;
* [*Implementing the Guidelines:* *A Toolkit to Guide Understanding and Implementation of the Guidelines for Protecting Schools and Universities from Military Use*](http://protectingeducation.org/sites/default/files/documents/toolkit.pdf), Global Coalition to Protect Education from Attack, 2017;
* [*Safe Schools Declaration: A Framework for Action*](file:///C:/Users/Fortenium/Downloads/protectingeducation.org/framework), Global Coalition to Protect Education from Attack, 2017.

These and other resources are available on the [website](http://www.protectingeducation.org/resources) of the Global Coalition to Protect Education from Attack.

1. The Global Coalition to Protect Education from Attack (GCPEA) is an inter-agency coalition formed in 2010 by organizations working in the fields of education in emergencies and conflict-affected contexts, higher education, protection, and international human rights and humanitarian law who were concerned about ongoing attacks on educational institutions, their students, and staff in countries affected by conflict and insecurity. GCPEA’s Steering Committee is comprised of : the Council for At-Risk Academics (CARA), Human Rights Watch, the Institute of International Education, the Office of the United Nations High Commissioner for Refugees (UNHCR), Protect Education in Insecurity and Conflict (PEIC, a program of Education Above All), Save the Children, the United Nations Children’s Fund (UNICEF), and the United Nations Educational, Scientific and Cultural Organization (UNESCO). GCPEA is a project of the Tides Center, a non-profit 501(c)(3) organization. [↑](#footnote-ref-1)
2. Based on initial research carried out by GCPEA for the forthcoming report, *Education Under Attack 2018*, a significant pattern of attacks on education has been identified in: Afghanistan, Bangladesh, Burundi, Cameroon, Central African Republic, Colombia, Democratic Republic of Congo, Egypt, Ethiopia, India, Iraq, Israel/Palestine, Kenya, Libya, Mali, Myanmar, Nigeria, Pakistan, Philippines, Somalia, South Sudan, Sudan, Syria, Thailand, Turkey, Ukraine, and Yemen. [↑](#footnote-ref-2)
3. Based on initial research carried out by GCPEA for the forthcoming report, *Education Under Attack 2018*, military use of schools or other educational infrastructure was reported in: Afghanistan, Burundi, Cameroon, Central African Republic, Colombia, Cote d’Ivoire, Democratic Republic of Congo, Ethiopia, India, Iraq, Israel/Palestine, Kenya, Lebanon, Libya, Mali, Myanmar, Niger, Nigeria, Pakistan, Philippines, Saudi Arabia, Somalia, South Sudan, Sudan, Syria, Turkey, Ukraine, and Yemen. [↑](#footnote-ref-3)
4. Based on initial research carried out by GCPEA for the forthcoming report, *Education Under Attack 2018*, more than 500 attacks or incidents of military use were reported in: Israel/Palestine, Nigeria, South Sudan, Syria, Ukraine, Yemen. [↑](#footnote-ref-4)
5. For example, see: UN Security Council, [Conflict-related sexual violence: Report of the Secretary-General](http://reliefweb.int/sites/reliefweb.int/files/resources/N1508136.pdf), S/2015/203, March 23, 2015, (accessed July 21, 2017); UN Security Council, [Report of the Secretary-General on conflict-related sexual violence](http://reliefweb.int/sites/reliefweb.int/files/resources/N1611178.pdf),” S/2016/361, April 20, 2016, para. 27; UN Security Council, [Report of the Secretary-General on conflict-related sexual violence](http://reliefweb.int/sites/reliefweb.int/files/resources/N1708433.pdf), S/2017/249, April 15, 2017 para. 21. [↑](#footnote-ref-5)
6. United Nations Committee on the Rights of the Child, 49th session, 15 September – 3 October 2008, Day of General Discussion on “The right of the child to education in emergency situations”: Recommendations, 19 September 2008. [↑](#footnote-ref-6)
7. United Nations Security Council Resolution, S/RES/2225 (2015), 18 June 2015. [↑](#footnote-ref-7)
8. United Nations Department of Peacekeeping Operations, Policy on Child Protection, 16 June 2017. [↑](#footnote-ref-8)
9. Ibid. [↑](#footnote-ref-9)
10. Governments of Argentina and Norway, [*Guidelines for Protecting Schools and Universities from Military Use*](http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf)*,* 14 December 2014. [↑](#footnote-ref-10)
11. [List of endorsing states](https://www.regjeringen.no/en/topics/foreign-affairs/development-cooperation/protecting-education-endorsed/id2460245/) of the Safe Schools Declaration. [↑](#footnote-ref-11)
12. United Nations, [Report of the Secretary-General on the protection of civilians during armed conflict](http://undocs.org/S/2017/414), S/2017/414, 10 May 2017. [↑](#footnote-ref-12)
13. United Nations, [Report of the Special Representative of the Secretary-General for Children and Armed Conflict](http://undocs.org/A/72/276), A/72/276, 2 August 2017. [↑](#footnote-ref-13)