



# The Safe Schools Declaration

## A Framework For Action

Global Coalition to  
**Protect Education from Attack**





## About the Global Coalition to Protect Education from Attack

This paper is published by the Global Coalition to Protect Education from Attack (GCPEA), which was 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 is a coalition of organizations that includes: Article 36, The Council for At-Risk Academics (CARA), Geneva Call, Human Rights Watch, The Institute of International Education, Norwegian Refugee Council, 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 Scholars at Risk Network, Studentenes og Akademikernes Internasjonale Hjelpfond (SAIH), The United Nations Children's Fund (UNICEF), The United Nations Educational, Scientific and Cultural Organization (UNESCO), and War Child Holland.

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This paper is independent of the individual member organizations of the Steering Committee of GCPEA and does not necessarily reflect the views of the Steering Committee member organizations.

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## INTRODUCTION

This Framework for Action seeks to provide **governments** with a non-exhaustive list of suggestions, recommendations, and examples that can assist them as they determine the appropriate way to implement the commitments made through endorsement of the Safe Schools Declaration. It can also assist other interested parties, such as **international or national organizations**, which are working in a field that is of relevance to the Safe Schools Declaration (protection, education, international law) and which may be involved in advocating for endorsement or implementation of the Declaration.

This Framework for Action is not meant as an exhaustive list of steps to take to implement the Safe Schools Declaration. It acknowledges that the various commitments contained in the Safe Schools Declaration represent different realities and opportunities for action depending on the particular context, capacity, and role of each endorsing state. For this reason, the Framework for Action gives an overview of a broad range of possible actions – policy, financial, programmatic, political – and compiles examples and key resources that may be of further use as guidance or inspiration. GCPEA encourages states to consider the full range of guiding questions, recommendations, and examples, regardless of whether their armed forces are presently directly involved in hostilities.

GCPEA will continue to document good practices in the protection of students, teachers, and schools from attack and military use, particularly concrete measures and practices that will emerge over the coming months and years, as more and more states start to implement the Safe Schools Declaration and use the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* (“the Guidelines”). New examples of good practices will be featured on GCPEA’s website.<sup>1</sup>

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<sup>1</sup> <http://www.protectingeducation.org>

# THE SAFE SCHOOLS DECLARATION

The Safe Schools Declaration is a political instrument through which states acknowledge the full range of challenges facing education during armed conflict and make commitments to better protect students, staff, and educational facilities in war time. The Declaration was developed through consultations with states led by Norway and Argentina in Geneva, and was opened for endorsement at the Oslo Conference on Safe Schools on May 29, 2015, in Norway.

The Declaration describes the immediate and long-term consequences of attacks on education and military use of schools and universities for students, teachers, and communities living in situations of armed conflict. It contrasts this with the positive and protective role that education can play during armed conflict, highlighting the importance of key mechanisms, instruments, and initiatives that contribute to protecting education from attack, in particular, relevant Security Council resolutions and the UN Monitoring and Reporting Mechanism on grave violations against children. It then sets out a number of concrete commitments to protect education during armed conflict, including: recording casualties and damage caused by attacks on students, educational personnel, and facilities; assisting victims; and supporting humanitarian programming that promotes the continuation of education during war time. Importantly, by joining the Declaration, states endorse and commit to use the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.

Acknowledging that parties to conflict are invariably faced with difficult dilemmas, the *Guidelines* offer practical guidance to help reduce the use of educational facilities for military purposes and to mitigate the impact this practice can have on students' safety and education. The *Guidelines* were developed over several years of consultations with governments, armed forces, and international organizations, in a process spearheaded by the Global Coalition to Protect Education from Attack (GCPEA) in 2012, and finalized under the leadership of Norway and Argentina in December 2014. The *Guidelines* are non-binding and do not create new international legal obligations. Instead they aim to instill a voluntary shift in behavior, drawing on existing practice, in order to better safeguard the civilian character of educational facilities and better protect them from attack.

In May 2017, the United Nations Secretary General, António Guterres, urged all Member States to endorse the Safe Schools Declaration in his report to the United Nations Security Council on protection of civilians in armed conflict (S/2017/414).

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An up-to-date list of endorsements of the Safe Schools Declaration is available on the website of the Norwegian Ministry of Foreign Affairs:

<https://www.regjeringen.no/en/topics/foreign-affairs/development-cooperation/protecting-education-endorsed/id2460245/>

States can endorse the Safe Schools Declaration at any moment either by announcing their endorsement during a formal (recorded) meeting in a multilateral forum, or by sending an endorsement letter to the Norwegian government, currently acting as the depositary of endorsements, via its diplomatic missions or directly to Seksjon.for.humanitaere.sporsmal@mfa.no. There is no set rule as to who should sign the endorsement letter, so long as the person is empowered to make a commitment on behalf of the entire government.

# A FRAMEWORK FOR ACTION

The Safe Schools Declaration outlines a number of commitments that cover five main areas of implementation:

**1. Protecting schools and universities from military use during armed conflict:**

“We endorse the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* and will: use the *Guidelines*, and bring them into domestic policy and operational frameworks as far as possible and appropriate.”

**2. Data collection and response to attacks on educational facilities, students, and staff during armed conflict:**

“Make every effort at a national level to collect reliable relevant data on attacks on educational facilities, on the victims of attacks, and on military use of schools and universities during armed conflict, including through existing monitoring and reporting mechanisms; to facilitate such data collection; and to provide assistance to victims in a non-discriminatory manner.”

**3. Strengthening the protective role of education in armed conflict:**

“Develop, adopt and promote ‘conflict-sensitive’ approaches to education in international humanitarian and development programmes, and at a national level where relevant. Seek to ensure the continuation of education during armed conflict, support the reestablishment of educational facilities and, where in a position to do so, provide and facilitate international cooperation and assistance to programmes working to prevent or respond to attacks on education, including for the implementation of this declaration.”

**4. Fostering exchanges and strengthening political support for the protection of education during armed conflict in international fora:**

“Support the efforts of the UN Security Council on children and armed conflict, and of the Special Representative of the Secretary-General for Children and Armed Conflict and other relevant UN organs, entities and agencies; and meet on a regular basis, inviting relevant international organisations and civil society, so as to review the implementation of this declaration and the use of the guidelines.”

**5. Accountability for attacks on educational facilities, students and staff during armed conflict:**

“Investigate allegations of violations of applicable national and international law and, where appropriate, duly prosecute perpetrators.”

# 1. PROTECTING SCHOOLS AND UNIVERSITIES FROM MILITARY USE DURING ARMED CONFLICT - USING THE *GUIDELINES FOR PROTECTING SCHOOLS AND UNIVERSITIES FROM MILITARY USE DURING ARMED CONFLICT*

**We endorse the *Guidelines for protecting schools and universities from military use during armed conflict*, and will:**

- **Use the *Guidelines*, and bring them into domestic policy and operational frameworks as far as possible and appropriate;**

In the majority of countries affected by conflict over the past decade, fighting forces have used schools and universities for military purposes, such as for bases, barracks, weapon stores, and detention facilities. This practice can convert educational facilities into military objectives, exposing students and staff to the potentially devastating consequences of attack. More generally, the presence of armed groups or armed forces in schools impairs efforts to ensure the continuation of education during war-time.<sup>2</sup>

Security Council Resolutions 2143 (2014) and 2225 (2015) call on all states to take concrete measures to deter the military use of schools in contravention of international law. The *Guidelines* offer practical guidance to help parties to conflict **reduce the use of educational facilities for military purposes and mitigate the impact this practice can have on students and teachers, and on education**. The *Guidelines* do not create new international legal obligations, but rather aim to instill a shift in practice to better safeguard the civilian character of educational facilities and to help safeguard, by extension, their protection from attack.

## Guiding questions and recommendations

The commitment to use the *Guidelines* in domestic and operational frameworks, as set out in the Safe Schools Declaration, is consistent with the objective of *Guideline 6* itself, which recommends the incorporation of the *Guidelines* into, for example, military doctrine, manuals, rules of engagement, operational orders, and other means of dissemination, as far as possible and as appropriate. *Guideline 6* also emphasizes that parties to conflict should determine the most appropriate manner to do this.

The *Guidelines* are a guide to responsible practice and are intended to be incorporated and contextualized by each endorsing party. Rather than a literal transcription of the *Guidelines* into domestic frameworks, “bringing the *Guidelines* into relevant domestic policy and operational frameworks” means ensuring that fighting forces:

- Understand the potential risks and short and long-term impact that their actions can have on students’ and teachers’ safety and on education in general;
- Are given explicit instructions either not to use educational facilities for military purposes in any circumstance, or to only use them as a last resort, for the shortest time possible, and when such facilities are no longer functioning as educational institutions;

<sup>2</sup> Global Coalition to Protect Education from Attack, *Lessons in War – 2015: Military Use of Schools and Universities during Armed Conflict*, 2015.

- Are given guidance so that their actions during armed conflict – whether offensive or defensive – spare educational facilities from attack where feasible; and
- Are given guidance on how they can interact and coordinate with civilian authorities and actors so that education can safely resume or continue despite conflict.

Below is a non-exhaustive list of guiding questions and recommendations that can help states and other stakeholders assess existing domestic frameworks to identify ways to strengthen and clarify the protection of educational facilities from military use and attack, following the recommendations outlined in the *Guidelines*:

- 
- In what conflict situations are your national armed forces **deployed** or **likely to be deployed**, and in **what capacity**?

- ✓ **Recommendation:** include, in the planning of military operations, an assessment of potential risks that operations may have for educational facilities, students, and teachers (the *Guidelines* and the GCPEA toolkit, “Implementing the *Guidelines*”,<sup>3</sup> can provide useful orientation for such risk assessment), and of the risk that the armed forces may need to use educational facilities as bases, barracks, or for other functions.

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- Is there any provision or element** in domestic policy or any operational framework **that explicitly addresses the use of and/or requisition of educational facilities** (abandoned or functioning) by armed forces during armed conflict, and/or ways to safeguard the civilian character of these facilities?

- ✓ **Recommendation:** clarify your government’s policy on military use of schools and universities during armed conflict and **make that policy explicit**, if this is not yet the case.
- ✓ **Recommendation:** in clarifying your government’s policy on military use of educational facilities, **consider banning all use of educational facilities** by armed forces during armed conflict, **or at a minimum, restrict military use** only to educational facilities that are abandoned or not functioning, and in situations of last resort and for the shortest time possible. (Practical recommendations can be found in *Guidelines* 1 and 2.)
- ✓ **Recommendation:** include, in **military training** activities and manuals, practical scenarios **illustrating the governments’ policy on military use of schools** (complete ban or limitation), and measures that armed forces can take to mitigate potential risks for local students and teachers arising from current or past use of educational facilities for military purposes. (Practical recommendations can be found in *Guideline* 2 and in the GCPEA toolkit, “Implementing the *Guidelines*”.<sup>4</sup>)
- ✓ **Recommendation:** ensure that, if your **armed forces are presently using schools or universities in a situation of armed conflict**, action is swiftly taken to **correct the situation**, as appropriate and in accordance with the government’s policy on military use of educational facilities during armed conflict.

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<sup>3</sup> Global Coalition to Protect Education from Attack, “Implementing the *Guidelines*: A toolkit to guide understanding and implementation of the *Guidelines* for Protecting Schools and Universities from Military use during Armed Conflict”, 2017.

<sup>4</sup> *Ibid.*

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- Do national armed forces receive guidance or training on **special precautions they could take prior to attacking a school or university** that is being used by the opposing force for military purposes (and has, as a result, become a **military objective**)?

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- ✓ **Recommendation:** include, in military training activities and manuals, practical scenarios illustrating particular **precautions that armed forces could take prior to attacking a school or university that has become a military objective**. This can be included, for instance, in training components relating to the principles of distinction, precaution, and proportionality in attack. (Practical recommendations can be found in *Guideline 4* and in the GCPEA toolkit, “Implementing the *Guidelines*”.<sup>5</sup>)
- ✓ **Recommendation:** make **information about previous attacks on, or military use of, educational facilities** in conflict-affected areas where your armed forces operate available to individuals involved in the planning and execution of operations. This will enable them to give consideration to the **potential cumulative impact of further attacks on, or military use of, educational facilities in the area** and consider taking particular precautions to avoid exacerbating current vulnerabilities, and potentially worsen the long-term impact of conflict on education in the area.

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- Are there **protocols or measures** in place, in the event that national armed forces have no other feasible alternative than using an educational facility for military purposes, to **ensure that, once vacated, the facility can safely function, and be perceived again as a civilian object**?

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- ✓ **Recommendation:** develop, within your government’s civil-military coordination framework, clear guidance on interaction between armed forces and relevant civilian actors (governmental, non-governmental, or international) to ensure adequate **safety assessment of educational facilities that were used for military purposes or attacked** and, as appropriate, their rehabilitation, prior to them re-opening. (Practical recommendations can be found in *Guideline 2*.)
- ✓ **Recommendation:** ensure that **armed forces’ involvement in activities relating to the rehabilitation of educational facilities** in situations of armed conflict does not **unintentionally cause the facilities to be perceived as military objectives** by other parties to conflict. Dialogue with relevant civilian actors that operate in the framework of civil-military coordination is key in assessing and mitigating this risk.

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- Do national **armed forces provide security to educational facilities** in conflict-affected areas? If so, under what circumstances, and with what capacity/mandate?

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- ✓ **Recommendation:** ensure that decisions to use armed forces to protect educational facilities are based on a thorough **risk/benefit assessment** and taken in coordination with relevant authorities, in particular, the Ministry of Education. (Practical recommendations can be found in *Guideline 5*.)

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<sup>5</sup> *Ibid.*

## Examples

Further examples are available in GCPEA’s “Commentary on the *Guidelines for Protecting Schools and Universities from Military Use*,”<sup>6</sup> and in Human Rights Watch’s 2017 report *Protecting Schools from Military Use: Law, Policy, and Military Doctrine*.<sup>7</sup>

### **Democratic Republic of Congo: Explicit prohibition of requisitioning schools in a ministerial directive**

“[A]ll those found guilty of one of the following shortcomings will face severe criminal and disciplinary sanctions: ... requisition of schools ... for military purposes.”<sup>8</sup>

### **Philippines: Explicit protection of educational facilities from military use in national legislation**

“Public infrastructure such as schools ... shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots...”<sup>9</sup>

### **Colombia: Military use of educational institutions characterized as a violation of the principles of distinction and precaution in a military order**

“Considering International Humanitarian Law norms, it is considered a clear violation of the Principle of Distinction and the Principle of Precaution in attacks and, therefore a serious fault, the fact that a commander occupies or allows the occupation by his troops, of ... public institutions such as education establishments.”<sup>10</sup>

### **New Zealand: Explicit protection of educational institutions in the draft manual of armed force law**

“[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.”<sup>11</sup>

### **Switzerland: Explicit protections of education institutions in the draft manual on the law of armed conflict for the armed forces**

“Educational 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.”<sup>12</sup>

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<sup>6</sup> Global Coalition to Protect Education from Attack, “Commentary on the *Guidelines for Protecting Schools and Universities from Military use during Armed Conflict*”, 2015, pp. 14-17.

<sup>7</sup> Human Rights Watch, *Protecting Schools from Military Use: Law, Policy, and Military Doctrine*, 2017.

<sup>8</sup> Ministerial Directive on the implementation of the Action Plan, Department of National Defence and Veterans, NoVPM/MDNAC/CAB/2089/2012, November 3, 2012.

<sup>9</sup> RA No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation, and Discrimination, Providing Penalties for its Violation and Other Purposes, June 17, 1992, art. X(22)(e).

<sup>10</sup> General Commander of the Military Forces, order of July 6, 2010, official document Number 2010124005981 / CGFM-CGING- 25.11.

<sup>11</sup> Draft Manual of Armed Force Law (2nd Ed), Volume 4.

<sup>12</sup> Swiss Armed Forces manual on the law of armed conflict, draft update.

### **Denmark: Explicit protections of education institutions in the military manual on the law of the armed forces**

“Protection of children entails some respect for children’s right to education etc., including in conflict-affected areas... [R]estraint should be exercised with respect to use of schools and other education institutions in support of Danish military operations. This particular focus on schools is due to the grave consequences of military use, not only in terms of immediate risk to the lives of children and young people, who may be in or in the neighborhood of such schools, but also more long-term consequences for school-aged children.”<sup>13</sup>

### **Nepal, Sri Lanka, and Myanmar: Ending the use of educational facilities by parties to conflict in peace agreements**

“Both sides agree to guarantee that the right to education shall not be violated. They agree to immediately put an end to such activities as capturing educational institutions and using them, [...] and not to set up army barracks in a way that would adversely impact schools [...]”.<sup>14</sup>

“[S]chool buildings occupied by either Party shall be vacated and returned to their intended use.”<sup>15</sup>

“The Taunadaw and the Ethnic Armed Organizations agree to [...] avoid using any religious buildings, schools, hospitals, clinics and their premises as well as culturally important places and public spaces as military outposts”<sup>16</sup>

### **United Nations: Explicit ban on military use of schools in the UN peacekeeping framework**

“Schools shall not be used by the military in their operations.”<sup>17</sup>

### **Central African Republic: Protection of schools from military use by UN peacekeepers and police in a United Nations directive**

“3. MINUSCA Force and Police are requested not to use schools for any purpose. [...] 4. Schools and universities that are operational should never be used in any way. This applies to schools and universities that are closed during weekends and holidays and during vacation periods. 5. Abandoned schools and university buildings that are occupied by MINUSCA Force or Police should be liberated without delay in order to allow educational authorities to reopen them as soon as possible. All signs of militarization or fortification should be completely removed after the withdrawal and any damage caused to the institution should be repaired quickly before handover to the authorities, to allow the return to educational use.”<sup>18</sup>

### **Central African Republic: Precautions in the use of UN peacekeepers and police to secure educational facilities in a United Nations directive**

“Military and police personnel tasked to secure schools or universities should avoid wherever possible entering into school premises or buildings in order not to compromise their civilian status.”<sup>19</sup>

<sup>13</sup> Military Manual on the Law of the Danish Armed Forces in International Military Operations, September 2016, pp. 45, 115, & 154.

<sup>14</sup> Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist), 2006.

<sup>15</sup> Ceasefire Agreement concluded between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam, 2002, art. 2.3.

<sup>16</sup> Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations, 2015

<sup>17</sup> United Nations Department of Peacekeeping Operations, United Nations Department of Field Support, *United Nations Infantry Battalion Manual, Vol. 1*, August 2012, section 2.13 (accessed on July 15, 2016).

<sup>18</sup> United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, MINUSCA/OSRSG/046/2015, December 24, 2015.

<sup>19</sup> *Idem*.

## United Nations: Case study on military use of schools integrated in child protection training materials for UN peacekeepers

“You are informed that an armed faction, who is opposed to the peace process and is hostile to the United Nations, has committed attacks in a remote part of your [Area of Responsibility] near the border. You decide to deploy a mobile operation base (MOB) in the area. When the company arrives in the village, the chief identifies a prime location in a primary school and offers the premises as the MOB/TOB.<sup>20</sup>

- What instructions do you give the company commander and why? (...)
- What if the host nations’ forces fighting with the faction are based in the school and invite the company to join them in a joint operation?

Note that this scenario does not constitute an attack on a school, but rather use of a school. Use of schools by UN peacekeepers is strictly prohibited. There is a caveat that national armed forces are allowed to use schools if there are no other options, but this should be seen as a last resort in a dire situation. UN peacekeepers should thus advocate for all armed forces to vacate schools and find another base.

The discussion (...) should generate the following responses:

- What instructions do you give the company commander and why? UN peacekeepers are prohibited to use any schools for military purposes. The UN Infantry Battalion Manual strictly prohibits the use of schools by military forces (Volume 1, 2.13 – child protection).
- What if the host nation’s forces fighting with the faction are based in the school and invite the company to join them in a joint operation? The UN company commander should inform the CPA<sup>21</sup> and provide all relevant facts: – Name/location of school – Name of village – Unit of host nation forces occupying the school – Number of soldiers – Number and types of weapons – Name and rank of local commander, etc. 4. The UN company commander should advocate for the unit to immediately vacate the school premises. The presence of host nation forces at the school increases the risk of the school being a target and the school being destroyed due to fighting.”<sup>22</sup>

## Luxembourg: Commitment to implement the *Guidelines* in legislation and military doctrine

“Luxembourg confirms its commitment to incorporate the *Guidelines* for Protecting Schools and Universities from Military Use during Armed Conflict into military manuals, doctrine, rules of engagement, operational orders, and other means of dissemination.”<sup>23</sup>

## Slovenia: Commitment to implement the *Guidelines* in military training material and EU and NATO Security Sector Reform concepts

“Slovenia will include the *Guidelines* in the pre-deployment training of civilian and military personnel participating in international operations and missions and into the Handbook on International Humanitarian Law for the Slovenian Armed Forces. Slovenia will also endeavor to include the *Guidelines* in the EU and NATO Security Sector Reform concepts and operational activities.”<sup>24</sup>

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<sup>20</sup> Temporary Operating Base

<sup>21</sup> Child Protection Advisor

<sup>22</sup> United Nations Department of Peacekeeping Operations, *Specialized Training Materials on Child Protection for Peacekeepers – Trainers Guide, Module 6*, pp. 144-145.

<sup>23</sup> Policy Commitments 213039, World Humanitarian Summit, 2016.

<sup>24</sup> Letter from the State Secretary of the Ministry of Foreign Affairs of Slovenia to the State Secretary of the Ministry of Foreign Affairs of Norway, dated April 12, 2016.

**Italy: Commitment to implement the *Guidelines* in domestic legislation and military doctrine**

“Italy will continue to implement domestic legislation to prohibit/limit the use of schools and places of worship in support of the military effort.”<sup>25</sup>

“Italy will support the inclusion of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* into military manuals, doctrine and other means of dissemination.”<sup>26</sup>

**Norway: Safeguarding the civilian character of dual-use facilities in the event of armed conflict**

“Many of Norway’s military bases are located in scarcely populated areas. In these places there are some “dual use”-objects, in terms of buildings that are owned by the Armed Forces and put at the disposal of the local population simply because it financially wouldn’t be sustainable, or even affordable, to build twice as many buildings. Sometimes these buildings are used for education. For example, gym centers used by schools for physical education as well as by the army for physical training of the forces. ... As part of the implementation process the Ministry of Defence has interpreted the *Guidelines* to mean the following: ... [I]f the Armed Forces own realty/ buildings that is/are being rented out/leased to civilian educational facilities, the leasing contracts are, for the future, to contain a cancellation clause if an armed conflict should occur on Norwegian territory.”<sup>27</sup>

**Ecuador: Inviolability of universities campuses and sanctions in case of non-compliance**

“The campuses of universities and polytechnics are inviolable and cannot be searched except in the cases as for a person’s home, as provided in the Constitution and the law. They must be used exclusively for the fulfillment of the aims and objectives set out in this law.

The monitoring and maintenance of internal order are the responsibility of campus authorities. When the protection of public forces is needed, the legal representative of the institution will request the relevant assistance, and inform the top collegiate academic body.

Those who violate these campuses will be sanctioned in accordance with law.”<sup>28</sup>

**Useful Resources**

Global Coalition to Protect Education from Attack, “Commentary on the *Guidelines for Protecting Schools and Universities from Military use during Armed Conflict*”, 2015.

Global Coalition to Protect Education from Attack, “Questions and Answers on the Safe Schools Declaration”, 2017.

Global Coalition to Protect Education from Attack, “Implementing the *Guidelines: A toolkit to guide understanding and implementation of the Guidelines for Protecting Schools and Universities from Military use during Armed Conflict*”, 2017.

Human Rights Watch, *Protecting Schools from Military Use: Law, Policy, and Military Doctrine*, 2017.

<sup>25</sup> Policy Commitments 207055, World Humanitarian Summit, 2016

<sup>26</sup> Policy Commitments 207069, World Humanitarian Summit, 2016.

<sup>27</sup> Extract from the speech delivered by Ms Ine Eriksen Søreide, Minister of Defence of Norway, at the Oslo Conference on Safe Schools, May 29, 2015. See Report of the Oslo Conference on Safe Schools, Ministry of Foreign Affairs, Oslo, Norway, 2015, p. 19.

<sup>28</sup> Ley Orgánica de Educación Superior. República del Ecuador. Registro Oficial Suplemento 298 de 12-oct. 2010. Art. 19.

## 2. DATA COLLECTION AND ASSISTANCE TO VICTIMS OF ATTACKS ON EDUCATIONAL FACILITIES, STUDENTS, AND STAFF DURING ARMED CONFLICT

- **Make every effort at a national level to collect reliable relevant data on attacks on educational facilities, on the victims of attacks, and on military use of schools and universities during armed conflict, including through existing monitoring and reporting mechanisms; to facilitate such data collection; and to provide assistance to victims in a non-discriminatory manner.**

Consistent, standardized collection of information helps to identify new areas of need and areas where existing responses need to be adapted. The purpose of analysis is to understand the nature (i.e. type of attack, motivations, and trends and patterns), scope, and scale of attacks on education and military use of schools and other education institutions so as to inform the design and implementation of protection measures.

In 2005, the UN Security Council established the UN-led Monitoring and Reporting Mechanism (MRM) through which the UN collects and verifies information on six grave violations against children perpetrated by armed actors. One of these violations is attacks on schools. Since 2011, under Security Council Resolution 1998 (2011), parties to conflict that engage in recurrent attacks on schools or in recurrent attacks or threats of attacks against protected persons in connection with schools, can be listed by the UN Secretary-General in the annexes of its annual report on children and armed conflict. The military use of schools does not constitute grounds for listing parties to conflict, but it is nevertheless specifically monitored under the MRM.

State military forces should report any attacks on schools or universities, state or non-state armed group military use of schools or universities, and state or non-state military activities that disrupt education in a conflict zone via their national chain of command. Where applicable and authorized, the UN MRM and/or relevant local and national education authorities should also be informed.

An appropriate and effective procedural framework that covers adequately the actions of armed forces, as well as of armed groups and any other security actors active in a situation of armed conflict, is critical to ensuring that victims of attacks on education receive appropriate care, support, and assistance.

## Guiding questions and recommendations

Below is a non-exhaustive list of guiding questions and recommendations that can help states and other stakeholders to operationalize and implement the commitment on data collection and assistance to victims of attacks on education:

- 
- Does your government **collect data** on instances of attacks on and military use of schools and universities, and sex dis-aggregated data on attacks on students and educators, as well as actions taken in response, in conflict-affected areas where your national armed forces are deployed?
    - ✓ **Recommendation:** conduct data gap analyses to determine what information on attacks and military use is available, and what is needed. Based on an analysis and monitoring plan, monitor the incidents of attacks and military use over time, including changes in the conflict context (actors, dynamics, profile, and causes), as well as the implementation of protection programs and policies.
    - ✓ **Recommendation:** integrate, in state reports to **relevant treaty monitoring bodies and mechanisms, information on efforts to monitor and prevent attacks, and protect educational facilities, students, and teachers against attacks and military use in situations of armed conflict where your armed forces are deployed.** Relevant treaty monitoring bodies and mechanisms include the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women, and the Universal Periodic Review.

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  - Are your armed forces **trained to identify and report attacks against and military use of educational facilities** to relevant civilian counterparts in conflict areas where they are deployed?
    - ✓ **Recommendation:** develop a reporting form for attacks on and military use of educational facilities. Reports should include the name and location of the school and information on school management and school type, as well as the gender of students. In the case of an identified attack, reports should include information on the time of attack, weapons used, whether theft/looting, recruitment, abduction and/or sexual abuse occurred, as well as the profile and number of perpetrators. Reports should also include an assessment of the physical damage caused by the attack, and whether the institution was closed as a result of the attack.
    - ✓ **Recommendation:** include, in pre-deployment trainings or Standard Operating Procedures, **guidance for armed forces on how to identify and report on attacks** and threats of attacks on educational facilities in conflict-affected areas. Importantly, ensure that such guidance includes **safeguards and ground rules on confidentiality** and on interactions with school children or other victims or witnesses of such attacks, as well as information about **coordination with relevant civilian actors** involved in the monitoring of, or response to, attacks on educational facilities.

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  - If there is a **UN Monitoring and Reporting Mechanism (MRM) on grave violations against children** in your country, does the UN have **access to all affected areas and relevant parties** in order to collect data in a timely manner and verify cases of attacks on and military use of schools?<sup>29</sup>
    - ✓ **Recommendation:** facilitate **access** for UN actors to monitor and verify instances of attacks on schools and military use of schools.
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<sup>29</sup> See more details on the MRM in section 4 below.

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- Does your government provide **assistance (directly or through financial or technical support) to victims of attacks on schools and universities in conflict-affected areas**, including, for instance, medical care, physical rehabilitation, psychological support, placement in other schools, alternative education? If so, how are beneficiaries of such assistance identified?

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- ✓ **Recommendation:** integrate **support for victims of attacks** on schools and universities into **humanitarian programs** implemented or supported by your government. Ensure that this support recognizes the different experiences and needs of males and females.
- ✓ **Recommendation:** integrate **safeguards and criteria into relevant assistance programs** to ensure that assistance to victims of attacks on education in conflict-affected areas is **equally accessible to all males and females** and provided without discrimination against or among victims of attacks, or between the victims of such attacks and others in need of the same services.

## Examples

### UN guidance on type of information needed to document attacks on schools and related protected persons in the framework of Security Council Resolution 1998 (2011)

“With regard to physical attacks on schools and hospitals, the following information is crucial in order to fully document specific incidents:

- What school or hospital was targeted, including school or hospital name, location (province, town/village, street or local descriptive), administration (public/private), type (fixed, temporary, mobile), and whether it was used for military purposes;
- Which party to conflict is responsible, including, where possible, unit and commanders involved, as well as patterns of attacks from particular units or commanders;
- When the attack occurred, including date, time of day, whether the facility was open, closed, abandoned or used for military purposes, and whether children, education or medical personnel were present during the attack;
- How the facilities were attacked, including means and methods of warfare, length of the attack, any warnings given, as well as a preliminary determination whether the attack was deliberate or indiscriminate;
- Consequences of the attack, including on the physical structure, its resources and ability to function following the attack, numbers of children taught or treated before and after the attack, and displacement caused by the attack.”<sup>30</sup>

“Attacks against protected persons in relation to schools and hospitals include the killing, maiming, injuring, abduction, and use as human shields of education and medical personnel. In recording and verifying information on specific incidents, it is essential to know as much as possible about the identity of the victims, including, whether they were directly participating in hostilities or committing acts harmful to the enemy, respectively, and, as appropriate, their age, gender, ethnicity, religion, minority status, socio-economic background, perceived connections with parties to conflict, possible prior threats or other incidents involving any of the parties to conflict. In addition, when a person has survived an attack, it is important to

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<sup>30</sup> Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Guidance Note on Security Council Resolution 1998 (2011)*, New York, May 2014 (accessed on July 15, 2016).

The *Guidance Note* is primarily intended for actors engaged in data collection within the framework of the UN Monitoring and Reporting Mechanism (MRM), but it provides practical guidance on what information should be collected that is also useful for actors not engaged in the MRM.

note the gravity of the injuries, the ability or willingness of the person to continue to pursue their educational or medical profession, and whether the persons were displaced due to the attack.”<sup>31</sup>

### **Collaboration between civilian and military actors in monitoring education-related tensions during the Georgia/ Abkhazia conflict**

“School language policies were a source of tension during the Georgia/Abkhazia conflict in 1997. (...) As part of the UN peacekeeping presence, a team of three human rights monitors struggled to cover the necessary ground due to security risks and lack of capacity. In contrast, more than 100 UN military observers, with access to far greater resources, were monitoring the ceasefire agreement. They generally included only a ‘nothing to report’ reference to human rights violations in their Daily Situation Reports. (...) Military observers did not see the trouble brewing in the education sector as a security issue and had not been briefed to look for it. The monitors tried to change this by arranging a meeting to brief all the [military] observers on local human rights issues, including in education. As a result, the observers began to see the school language issue as a catalyst for unrest and violence in sensitive areas. They started to include information on this issue and related human rights violations in their Situation Reports. [The issue of school language-related tensions] was taken up at a military level and also in political reporting right up to the Special Representative of the UN Secretary-General. In turn, this led to advocacy with the Georgian and Abkhazian authorities.”<sup>32</sup>

### **Role of UN peacekeeping battalions in monitoring grave violations against children including attacks on schools**

“The United Nations have established special protection framework, the Monitoring and Reporting Mechanism (MRM) for children in armed conflict, which involves peacekeeping missions up to the members of the Security Council. In this framework, battalions play a key role as the first point of action. As eyes and ears on the ground, the battalion may witness the recruitment and use of children as child soldiers, sexual violence, killing and maiming of children, attacks on schools and hospitals, or abductions of children. If there are specific incidents that are brought to the attention of the battalion in relation to children, the military should inform the nearest child protection officer in the mission or alert the child protection agency (e.g. UNICEF) to send a trained monitor. However, the military should not directly interrogate the children or investigate the incident.”<sup>33</sup>

## **Useful resources**

Office of the Special Representative of the Secretary-General for Children and Armed Conflict, *Guidance Note on Security Council Resolution 1998 (2011)*, New York, May 2014.

Global Education Cluster, *Protecting Education in Countries Affected by Conflict, Booklet 7 – Monitoring and Reporting*, October 2012.

Interagency Standing Committee Guidelines for Mental Health and Psychosocial Support in Emergency Settings, 2007

INEE Toolkit Key Thematic Issues: Psychosocial Support

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<sup>31</sup> Idem, p. 9.

<sup>32</sup> Global Education Cluster, *Protecting Education in Countries Affected by Conflict, Booklet 7 – Monitoring and Reporting*, October 2012, p. 14 (accessed on July 15, 2016).

<sup>33</sup> United Nations Department of Peacekeeping Operations, United Nations Department of Field Support, *United Nations Infantry Battalion Manual, Vol. I*, August 2012, p. 104 (accessed on July 15, 2016).

### 3. STRENGTHENING THE PROTECTIVE ROLE OF EDUCATION IN ARMED CONFLICT

- **Seek to ensure the continuation of education during armed conflict, support the reestablishment of educational facilities and, where in a position to do so, provide and facilitate international cooperation and assistance to programmes working to prevent or respond to attacks on education, including for the implementation of this declaration; and**
- **Develop, adopt and promote ‘conflict-sensitive’ approaches to education in international humanitarian and development programmes, and at a national level where relevant.**

Ensuring the continuation of education during armed conflict is important because it minimizes the disruption of learning and can provide structure, routine, and peer support that helps students to cope with conflict and recover from psychological distress or trauma. During armed conflict, safe schools can also enable children and youth to more easily access broader humanitarian services and critical information that can protect them from trafficking, sexual violence, and recruitment by armed actors. Disruptions in education can reduce the likelihood that children will return to school, even when they re-open, and can, in the long term, impact individual earnings and the country’s ability to rebuild its national economy.

Establishing education policies and programs that reduce the causes of tension between groups and that increase social cohesion across groups contributes to building peace, reducing the likelihood of attacks on education and military use of schools in the future. Unequal access to education can cause tension between groups, and between citizens and the state. When schools are viewed as extensions of the state, against which there are grievances, they can become vulnerable to attack. Conflict-sensitive programs and policies take note of problems related to languages of instruction, bias in access, staff recruitment and deployment, and curriculum content. They develop curriculum materials and approaches that promote safety, resilience, and social cohesion, thus promoting equal access to relevant quality education for all identity groups.

#### Guiding questions and recommendations

Below is a non-exhaustive list of guiding questions and recommendations that can help states and other stakeholders to operationalize and implement the commitments on the continuation of education during armed conflict, re-establishment of educational facilities, conflict-sensitive education, and international cooperation and assistance:

- 
- Does your government support or implement **contingency plans** to reduce risks for educational facilities located in conflict-affected areas and to **restore access to education** or to **provide quality alternative education** for both male and female students whose schools are no longer functioning due to attack, military use, or general insecurity in conflict-affected areas?
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- ✓ **Recommendation:** where appropriate, develop or support the development of **contingency plans** to ensure the continuation of education in the event of an attack or military use of a school or other education institution. Consider for these plans temporary **alternative mechanisms for delivering education**, such as alternative learning sites, shifts, summer schools or evening classes, and temporary learning spaces. Consider, in contingency plans, measures to **mitigate possible unintended consequences** (e.g. tensions with host communities in the event of displacement), as well as the roles of potential partners, such as NGOs that have experience in providing education through alternative delivery mechanisms. Ensure that the different experiences and needs of males and females are incorporated into these plans.
- ✓ **Recommendation:** within all education-related activities commit to assuring adherence to the Minimum Standards for Education developed by the Inter-agency Network for Education in Emergencies - the globally-recognized standards for education in crisis contexts.<sup>34</sup> Ensuring that humanitarian and development activities are based on these international standards will enhance coordination, and support improved planning and education response. For enhanced safety, implement the GCPEA recommendations in its publication *What Schools Can Do to Protect Education from Attack and Military Use*, and the complementary *Technical Guide: What Teachers and School Administrators Can Do to Protect Education from Attack*.

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□ If your country is **directly affected by armed conflict**, how is the decision made to **close or re-open educational facilities** in areas affected by the conflict?

- ✓ **Recommendation:** ensure that adequate **early-warning mechanisms** are in place at school and community level to ensure that facilities at risk of attack are evacuated in time and safely.
- ✓ **Recommendation:** ensure that **decisions to re-open** educational facilities in at-risk areas are based on adequate safety and security assessments (including ensuring that both facilities and access routes are cleared of unexploded ordnance) and ideally on a dialogue with parties to conflict to ensure a safe environment for schools to re-open (e.g. through the negotiation of codes of conduct).

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□ Are there **education-related policies, plans, strategies or initiatives being devised at national, regional, or global level** where the **protection of education from attack and the continuation of education during conflict** could be included? Do these plans and initiatives incorporate **conflict-sensitive approaches**?

- ✓ **Recommendation:** ensure that any analysis of challenges and gaps in the education sector takes into account the **actual or potential impact of conflict** (e.g. repairs, reconstruction of damaged schools, replacement of lost educational material), and considers the costs of implementing enhanced safety measures and conflict-sensitive education programming.
- ✓ **Recommendation:** develop **conflict-sensitive policies, plans, and programs** that aim to reduce the risk of future conflict, through more equitable access of identity groups to all levels of education, language of instruction, staff recruitment and deployment, and peace-promoting curriculum materials; include educational facilities in conflict risk reduction and security enhancement projects implemented or supported by your government.

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<sup>34</sup> Inter-Agency Network for Education in Emergencies, *Minimum Standards for Education: Preparedness, Response, Recovery*, New York, Sec. Ed. 2010 (accessed on July 15, 2016).

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- Are there **administrative barriers to enrolment** that may leave certain groups out of the formal education system (e.g. non-recognition of previous studies or non-formal programs; requirements for prior school records; requirements for birth certificates; and exclusion because of age, including in circumstances where education access has been disrupted because of conflict)?
    - ✓ **Recommendation: address barriers to education**, for instance: by eliminating any discriminatory registration, admission, or graduation practices, and granting recognition and equivalency certificates for refugee education programs; by implementing a process for validating academic achievements gained by students in another country, for example, refugee or returnee students; or by finding solutions to administrative barriers to enrolment.
    - ✓ **Recommendation: in general, review, in consultation with relevant stakeholders, education-related policies and programs** that may directly and/or indirectly contribute to protecting education, such as those regarding: language of instruction, exam reciprocity and recognition; teacher recruitment, selection, placement, and payment; or curriculum, textbooks, and other education materials so that they **effectively contribute to ensuring access to education**.

## Examples

### **African Union: Protection of schools from attack and conflict-sensitive education in the Continental Education Strategy for Africa 2016-2025**

“These last years, the African continent has witnessed horrendous attacks on schools and universities, in particular by extremist groups. Those attacks and military use of schools and universities represent a huge threat for students and teacher’s security as they damage and destroy the few available school infrastructures. It leads to high drop-out rates, reduce enrollment and lower the teaching quality and the results. Girls are particularly negatively affected as it exacerbates the challenges they already face to access education in conflict zones. Protecting the schools and universities from attacks and preserv(ing) them from military use is vital in order to ensure the continuation of education during war and in post conflict situation. [...]

Specific objective 10 - Promote peace education and conflict prevention and resolution at all levels of education and for all age groups:

- a. Formulate national policies for peace education involving relevant ministries as well as representatives of civil societies and groups grounded in African values and mechanisms of conflict prevention and resolution
- b. Train teachers, social workers, security forces, representatives of religious organizations and civil societies as peace actors and mediators
- c. Develop and disseminate teaching and learning materials on peace education and organize periodic training sessions at schools, training institutions, universities and adult learning centers
- d. Capitalize on ongoing innovative peace building experiences in various African countries and networks and disseminate lessons learned

- e. Reinforce the initiatives and activities of the Inter-country quality node on peace education which is a community of practice and a platform for policy dialogue and exchange of experiences.”<sup>35</sup>

### **Palestine: Applying crisis and disaster risk reduction strategies to the protection of schools, students, and teachers at risk of attack in Gaza**

“In Gaza in 2011, the Ministry of Education and Higher Education partnered with UNESCO to deliver a Crisis and Disaster Risk Reduction Program that sought to make vulnerable schools safer by adopting an integrated approach. Specifically, it adapted the principles and good practices of disaster risk reduction to a conflict setting and the particular context of Gaza. One activity was to train education communities. Training topics included:

- Applying the INEE Minimum Standards for Education in Emergencies;
- Providing psychosocial support, including: sport, play, expression of feelings, and life skills;
- Addressing emergency conditions;
- Planning for contingencies;
- Delivering first aid (in partnership with the Red Crescent);
- Identifying and handling suspicious objects;
- Extinguishing fires;
- Identifying and responding to electrical hazards;
- Planning for civil defense;
- Procuring and using safety equipment (e.g. fire extinguishers, generators, manual microphones, phosphorescent uniforms for safety committee members, and alarms to alert the school in event of an attack); and
- Using an SMS (text message) alert system.

Another activity in the program was to recognize and support locally developed strategies for protecting schools, such as the following:

- Parents calling teachers in the morning to check if the route to school was safe;
- Children taking only pre-agreed routes to and from school;
- Avoiding use of schools for end-of-year examinations in areas at high risk for attack; and
- Preventing children from participating in high visibility activities (e.g. sports competitions in central locations, etc.) that may draw attention for attack.”<sup>36</sup>

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<sup>35</sup> African Union, *Continental Education Strategy for Africa 2016-2025*, January 2016 (accessed on July 15, 2016), p. 14.

In January 2016, African Union (AU) Heads of State adopted the Continental Education Strategy for Africa 2016-2025 as the framework for transformative education and training systems in Africa, in alignment with Sustainable Development Goal 4. One of the pillars of the Strategy is a peaceful and secure environment for education, and attacks and military use of schools are specifically highlighted as a challenge. The Strategy also includes a specific objective on the promotion of peace education and conflict prevention and resolution at all levels of education. AU member states that had already endorsed the Safe Schools Declaration played a leading role in the inclusion of these elements in the Strategy.

<sup>36</sup> Global Coalition to Protect Education from Attack, *What Ministries of Education Can Do to Protect Education from Attack and Schools from Military Use: a Menu of Actions*, 2015, p. 22.

### **Somalia: Interactive radio instruction**

“Interactive radio instruction may be feasible in low budget environments with limited security. The Education Development Center’s (EDC) Somali Interactive Radio Instruction Program provided consistent broadcast of education programs on literacy, numeracy, life skills, health, and conflict prevention between 2009 and 2011. Broadcasts were transmitted three hours a day for up to five days a week on FM band to the common household radio, potentially reaching over 300,000 children. With the interactive radio instruction broadcasts, local teachers led classes. Simultaneously, teachers were trained in interactive teaching methods such as activities, stories, and songs that could be broadcast via radio. Following the program’s closure in 2011, EDC signed licensing agreements with the Ministries of Education for Somaliland, Puntland, South Central (Federal), and with other NGOs allowing them to continue to use the program and materials. According to the EDC, these Ministries continue to implement the program.”<sup>37</sup>

### **Nigeria: Alternative education delivery for students displaced by conflict**

“A Safe School Initiative (SSI) was launched in 2014 by Gordon Brown, UN Special Envoy for Global Education, and a coalition of Nigerian business leaders in response to attacks on education in Nigeria’s northern states (i.e. Adamawa, Borno, and Yobe) carried out by Boko Haram beginning in 2012. To attempt to maintain continuity of education for the children internally displaced by the conflict in these states, the SSI partners (DFID, UNICEF, and the Ministry of Education) began in 2015 to develop and explore possibilities for implementing several measures, including:

- Transferring secondary school students from conflict zones to safer areas;
- Holding sensitization meetings with host communities to identify capacity to accept displaced students;
- Enrolling displaced students into normal school programs in host community schools;
- Adapting schools to accommodate double shifts and appointing additional teachers;
- Providing temporary schools in the camps for internally displaced; and
- Providing limited tents and learning materials to encourage enrollment and retention of students in internally displaced camps.”<sup>38</sup>

### **Nigeria: Statement by the Director of Education of the Ministry of Defense at the Buenos Aires Conference on Safe Schools**

“Nigeria plans to formulate a national policy on Safe Schools so as to bring all stakeholders on board for the implementation of the *Guidelines*. This is to ensure that all stakeholders like the Ministry of Defence, Federal Ministry of Education, and the Ministry of Foreign Affairs know their roles and responsibilities in protecting education from attack in Nigeria. The Education in Emergencies Working Group in Nigeria has therefore been tasked with the responsibility of writing a memo to the Honourable Minister of Education for onward presentation and adoption later in the year at the National Council on Education (NCE) meeting, which is the highest policy-making body on education in Nigeria. This will ensure effective implementation of the Safe Schools Declaration in Nigeria. [...]

Finally, plans are underway by the Ministry of Defence and State Governments in Nigeria to revise the decision of using or occupying schools as military or operational bases with a view to finding available alternatives. Nonetheless, the affected students and pupils have been distributed to other schools under

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<sup>37</sup> Idem, p. 18.

<sup>38</sup> Idem, p. 19.

the Student Transfer Programme in Adamawa, Borno and Yobe States. So far, 2,400 students were distributed to 43 Federal Unity colleges across the Northern parts of Nigeria. With all these enumerated efforts therefore, so far, Nigeria is committed to implementing the Safe Schools Declaration.”<sup>39</sup>

### **Nepal: Negotiation of codes of conduct to protect schools**

“A campaign to keep schools safe during the Maoist insurgency in Nepal gained momentum between 2000 and 2003, led in particular by UNICEF and World Education. Community facilitators, mostly women, were trained to get all parties to conflict to the table and negotiate codes of conduct to protect schools and enable the safe continuation of education. Stakeholders involved in these negotiations, in addition to the army and the Maoists, included local government and education officials, police, community-based organizations, school management committee representatives, and political parties. Civil society and local media representatives were also mobilized to act as monitors once codes of conduct were negotiated. Agreed codes of conduct were often displayed at the entrances of schools. UNICEF developed a sample code of conduct; many of the schools concerned by the campaign adopted all of the points in this sample code:

Sample school code of conduct

- 1 No weapons in the perimeter.
- 2 No political rallies or other activities which are not included in the teaching programme.
- 3 No arrest or abduction of any individual within the premises.
- 4 No harassment to children in and outside schools.
- 5 No interference with normal development of education activities. (Strikes, teacher harassment, attacks on schools.)
- 6 No use of school uniforms or premises in warfare.
- 7 Never consider school premises as possible target, no use of school as armed base, no use of school uniforms for camouflaging purposes.
- 8 We request all the parties, the security forces and the Maoists respect these rules to help us make this school a Zone of Peace.

The same strategy was adopted during a “Welcome to School” campaign in 2004 aiming to raise primary school enrollment of girls and marginalized groups. Community-based groups and teachers reached out to the Maoists to secure adherence or ensure non-interference with the campaign. The campaign covered 24,000 schools and resulted in the enrollment of over 500,000 additional children.”<sup>40</sup>

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<sup>39</sup> Excerpts from the statement delivered by the Director of Education of the Ministry of Defense of Nigeria at the Buenos Aires Conference on Safe Schools, March 28-29, 2017.

## Useful resources:

Global Coalition to Protect Education from Attack, *What Ministries of Education Can Do to Protect Education from Attack and Schools from Military Use: a Menu of Actions*, 2015.

Global Coalition to Protect Education from Attack, *What Schools Can Do to Protect Education from Attack and Military Use*, 2016.

Global Coalition to Protect Education from Attack, *Technical Guide: What Teachers and School Administrators Can Do to Protect Education from Attack*, 2017.

Global Coalition to Protect Education from Attack, *Guide to Implementing the Principles of State Responsibility to Protect Higher Education from Attack*, 2016.

International Institute for Educational Planning, *Planning resource kit with guidance for education planners on addressing safety, resilience and social cohesion*, 2015.

International Institute for Educational Planning, *Curriculum resource kit with practical tools, strategies and guidance on addressing safety, resilience and social cohesion in curriculum design, review and implementation*, 2015.

Education Above All, PEIC, *Learning to Live Together: Education for Conflict Resolution, responsible Citizenship, Human Rights and Humanitarian Norms*, PEIC, 2013.

Inter-Agency Network for Education in Emergencies (INEE), *Minimum Standards for Education: Preparedness, Response, Recovery*, 2010.

UNESCO, *Protecting Education from Attack – a State of the Art Review*, 2010.

## 4. FOSTERING EXCHANGES AND STRENGTHENING POLITICAL SUPPORT FOR THE PROTECTION OF EDUCATION DURING ARMED CONFLICT IN INTERNATIONAL FORA

- **Support the efforts of the UN Security Council on children and armed conflict, and of the Special Representative of the Secretary-General for Children and Armed Conflict and other relevant UN organs, entities and agencies; and**
- **Meet on a regular basis, inviting relevant international organizations and civil society, so as to review the implementation of this declaration and the use of the guidelines.**

The protection of education during armed conflict, which the Safe Schools Declaration seeks to promote, has particular links with a broader framework on the protection of children in armed conflict put in place by the United Nations.

The mandate of the Special Representative of the Secretary-General (SRSG) for Children and Armed Conflict was created by the UN General Assembly in 1997,<sup>41</sup> following the adoption of the first comprehensive study on the issue of the impact of armed conflict on children, which identified children as the primary victims of conflict.

The UN Security Council started to systematically address issues relating to children in armed conflict in 1999. In 2005, the UN Security Council created its first, and so far only, thematic working group, tasked to examine, prevent, and strengthen accountability for grave violations against children in armed conflict.<sup>42</sup>

In addition to being a framework that supports the UN's efforts to protect children in armed conflict, the Safe Schools Declaration is a point of convergence, exchange, and collaboration among states that share a common commitment to the protection of education during armed conflict. The Oslo Conference on Safe Schools, in May 2015, which launched the Safe Schools Declaration, was organized as a first step in a process that aims to gather more and more states around this issue, and to consolidate political support and cooperation around the protection of education during armed conflict.

### Guiding questions and recommendations

Below is a non-exhaustive list of guiding questions and recommendations that can help states and other stakeholders to operationalize and implement the commitments to foster exchanges and strengthen political support for the protection of education during armed conflict:

- 
- Has your government ever raised the protection of education from attack and/or the protection of educational facilities from military use in statements delivered during discussions in **relevant multi-lateral fora**?
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<sup>41</sup> UN General Assembly resolution A/RES/51/77

<sup>42</sup> UN Security Council Resolution 1612 (2005)

- ✓ **Recommendation: consistently raise** the issue of protection of education from attack and of educational facilities from military use, and the continuation of education during armed conflict in **relevant discussions**, for instance during Security Council Open Debates on Children and Armed Conflict or the Protection of Civilians, mentioning your country’s **endorsement of the Safe Schools Declaration and any steps taken in follow-up**, and calling on other states to join it too. Consider delivering such statements jointly with other endorsing states.
  - ✓ **Recommendation:** seek to **include or strengthen**, jointly with like-minded states, references to the protection of education from attack and of educational facilities from military use, and the continuation of education during armed conflict, in **relevant negotiated documents**.
- 
- Has your government organized or taken part in **discussions or exchanges relating to the Safe Schools Declaration** with other endorsing states, other interested states, or organizations active on this issue?
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- ✓ **Recommendation:** keep track of **actions taken by your government** after endorsement of the Safe Schools Declaration using, for instance, this Framework for Action as a reference, to share your experience with other interested states.
  - ✓ **Recommendation:** actively **participate in or organize exchanges** with other endorsing countries (or interested countries) on measures taken in follow-up to endorsement of the Safe Schools Declaration. Consider organizing a **safe schools conference**, gathering representatives from all endorsing states and other stakeholders.
  - ✓ **Recommendation:** include information about the Safe Schools Declaration and the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* in **bilateral discussions** with other states.
- 
- Has your government provided **political or financial support to UN activities** aimed at enhancing the protection of children in armed conflict?
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- ✓ **Recommendation:** support and actively safeguard the existing mandate of the **Special Representative of the Secretary-General for Children and Armed Conflict**, for instance, by forming or joining informal “Groups of Friends of children and armed conflict” or by actively contributing to discussions on mandate renewal which take place at the UN General Assembly every three years.
  - ✓ **Recommendation:** if your country is a member of the UN Security Council:
    - **actively engage** in the Security Council Working Group on Children and Armed Conflict.
    - support the inclusion of a **dedicated child protection capacity** in UN peacekeeping mission mandates established or renewed during your tenure at the UN Security Council.
  - ✓ **Recommendation:** provide **financial support** for the implementation of the Monitoring and Reporting Mechanism on grave violations against children, jointly led by the Special Representative of the Secretary-General for Children and Armed Conflict, UNICEF and UN Department of Peacekeeping Operations.

## Examples

### Argentina: Hosting of the Second International Conference on Safe Schools

“The Argentine Republic has the honor to host this Second International Conference on Safe Schools, providing a space to reinforce the commitments of the Safe Schools Declaration and the effective implementation of the *Guidelines for Schools and Universities from Military Use during Armed Conflict*, adopted at the First International Conference on Safe Schools in Oslo in May 2015.

The complex international situation forces us to reflect on how to prevent deep political and humanitarian crises from negatively impacting the well-being and future of humanity. It also urges us not to be indifferent to the situation of vulnerability suffered today by the civilian population, especially children, adolescents and young people, the main victims of armed conflicts. When schools are used for military purposes, at best, children and young people stop studying with all the negative consequences that entails. But, in the worst case scenario, when students are exposed to living with the armed forces, there is a risk of violence, forced recruitment, sexual abuse, and human trafficking, among other dangers that persist even after the armed forces or armed non-state actors have left the educational facilities. This is the case of mines and remnant explosive devices.

Preventing schools from being used for military purposes and maintaining continuity of education can mitigate the psychosocial impact of wars and help children and young people to maintain a sense of normalcy in the midst of conflict, to find a place of refuge when their surroundings collapse, and, most importantly, to be prepared for the reconstruction of the future of their society after the conflict is over. [...]

As part of our commitment to the defense of human rights and the strengthening of international humanitarian law, Argentina proposed to host this Second International Conference on Safe Schools with the objective of drawing global attention to the seriousness of attacks against education in contexts of armed conflict, evaluating the progress made since the adoption of the Declaration, and sharing examples of good practice.”<sup>43</sup>

### New Zealand: Statement encouraging support for the *Guidelines* at the UN Security Council

“New Zealand condemns the intentional targeting and military use of schools, teachers and students. It is unacceptable that any child be denied his or her right to education, and no family should ever fear sending its child to school. ... New Zealand’s Defense Force operates under a structured framework around the use of schools, all underpinned by core principles, including the protection of civilians and children, and respect for children’s rights to education. New Zealand endorses the development of the (...) *Guidelines* and encourages other states to do likewise.”<sup>44</sup>

### Malaysia: Statement announcing endorsement of the Safe Schools Declaration at the Security Council

“We are equally alarmed by the increasing instances of attacks on schools and hospitals, as well as the military use of schools by both State and non-State armed groups, thereby depriving thousands of children of access to education and health care. Building on the Security Council’s call, in resolutions 1998 (2011) and 2143 (2014), for the protection of schools from attack and military use, I am pleased to announce

<sup>43</sup> Opening statement by Ambassador Pedro Villagra Delgado, Vice Minister of Foreign Affairs of the Argentine Republic, President and Chair of the Buenos Aires Conference on Safe Schools, 28 March 2017 (translation by GCPEA).

The Buenos Aires Conference on Safe Schools took place on March 28-29, 2017. It was co-hosted by the Ministries of Defense and Foreign Affairs of the Argentine Republic, and was attended by more than 250 participants, representing 85 states and a range of international, intergovernmental, and non-governmental organizations.

<sup>44</sup> United Nations Security Council, 7259<sup>th</sup> Meeting, Meeting Record, September 8, 2014 (S/PV.7259) (accessed on July 15, 2016).

Malaysia's endorsement of the Safe Schools Declaration, adopted on 29 May in Oslo. We encourage all member States to consider endorsing that declaration, which aims, inter alia, to raise awareness on good practices that would deter the military use of educational facilities in armed conflict and preserve schools as mainstays of learning, not bloodshed.”<sup>45</sup>

### **Nigeria: Statement highlighting endorsement of the Safe Schools Declaration at the Security Council**

“As a demonstration of our national commitment to the well-being of children, Nigeria was among the first group of States to endorse the Safe Schools Declaration in Oslo, Norway, on 29 May. The Declaration complements and strengthens our existing national safe schools initiative, established in 2014 as part of the policy response of the federal Government to promote safe zones for learning. The *Guidelines* for protecting schools and universities from military use during armed conflict will serve as a compass to guide and reinforce efforts towards the achievement of this objective. We are committed to the dissemination of these *Guidelines* and to promoting their implementation. We are indeed persuaded that this initiative will promote and protect the right to education and prevent the discontinuities in education inherent in situations of armed conflict.”<sup>46</sup>

### **African Union: Call for support to the *Guidelines* by the African Union Peace and Security Council**

“Council called on all Member States in conflict situations to comply with International Humanitarian law and to ensure that schools are not used for military purposes. In this context, Council welcomed the initiatives taken by some Member States to promote and protect the right of children to education and to facilitate the continuation of education in situations of armed conflicts. In this respect, Council commended the fifteen (15) AU Member States, namely, the Central African Republic, Chad, Cote d'Ivoire, Kenya, Liberia, Madagascar, Mozambique, Niger, Nigeria, Sierra Leone, South Africa, South Sudan, Somalia, Sudan and Zambia, which have already endorsed the *Guidelines* for Protecting Schools and Universities from Military Use During Armed Conflicts, also popularly known as the “Safe Schools *Guidelines*” and urged all the other AU Member States, which have not yet done so, to also endorse these *Guidelines*. In the same context, Council underscored the need to further strengthen the *Guidelines* in order to ensure that they are applicable to all situations and circumstances.”<sup>47</sup>

### **Sierra Leone, Zambia, and Norway: Support for regional workshop on the implementation of the *Guidelines***

In November 2016, Sierra Leone, Zambia, and Norway co-hosted a regional workshop focused on the implementation of the *Guidelines* by African Union states. Representatives from ministries of defense and education and the national armed forces of 14 of the 17 endorsing African states met to exchange practices and experiences.<sup>48</sup>

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<sup>45</sup> United Nations Security Council, 7466<sup>th</sup> Meeting, Meeting Record, June 18, 2015 (S/PV.7466) (accessed on July 15, 2016).

<sup>46</sup> Idem.

<sup>47</sup> African Union Peace and Security Council, 597<sup>th</sup> Meeting, May 10, 2016, Press Statement (PSC/PR/BR.(DXCVII)) (accessed on July 15, 2016). The press statement was issued by the African Union Peace and Security Council following its Open Session of May 10, 2016, on the theme: “Children in Armed Conflicts in Africa with particular focus on protecting schools from attacks during armed conflict”. During the Open Session, African states that had already endorsed the Safe Schools Declaration, as well as other interested states, highlighted the importance of the protection of schools from military use, and of the *Guidelines* and the Declaration.

<sup>48</sup> Global Coalition to Protect Education from Attack, *Report of the Addis Ababa workshop on strengthening the role of armed forces in the protection of education from attack and educational institutions from military use during armed conflict in Africa, 2017*.

## 5. ACCOUNTABILITY FOR ATTACKS ON EDUCATIONAL FACILITIES, STUDENTS AND STAFF DURING ARMED CONFLICT

- **Investigate allegations of violations of applicable national and international law and, where appropriate, duly prosecute perpetrators.**

Effective accountability mechanisms are also a key measure to prevent future unlawful attacks against educational facilities, students, and teachers during armed conflict. As noted by the Special Representative of the UN Secretary-General for Children and Armed Conflict, holding those targeting schools accountable is the best defense for deterring attacks on schools.<sup>49</sup>

The state has an obligation to investigate violations of national and international law and bring suspected perpetrators to trial. Commanders have a duty to prevent such violations, to make sure their troops know their obligations, and to initiate disciplinary action or punishment whenever laws are violated. A country's legislature has a duty to provide effective penal sanctions for breaches of international human rights law and humanitarian law.

In addition to national accountability mechanisms, there exists a number of international mechanisms to ensure compliance with international human rights law, international humanitarian law, and international criminal law. These include treaty bodies, fact-finding commissions, human rights commissions, ad hoc international criminal tribunals, and the International Criminal Court.

To prevent attacks on educational facilities, students, and staff, it is critical that states make active use of, and work to strengthen, these accountability mechanisms.

### Guiding questions and recommendations

Below is a non-exhaustive list of guiding questions and recommendations that can help states and other stakeholders to operationalize the commitment on ensuring accountability for attacks on educational facilities, students, and staff during armed conflict.

- 
- Are there any **provisions** in domestic legislation, national military law, or current military policies or practices, binding on the armed forces of your country, which state that **attacks must not be directed against civilians**, and that **civilian objects shall not be attacked in either an international or a non-international (internal) armed conflict, unless, and only for such time as, they are military objectives**?
  - ✓ **Recommendation:** ensure that domestic **law and policies** enable the **effective and systematic investigation** of allegations of attacks on educational facilities, students, and teachers. Consider *explicitly* prohibiting attacks on educational facilities in contravention with international law.
- 
- Does your government **actually bring to court** violations of laws stating that attacks must not be directed against civilians, and that civilian objects shall not be attacked in either an international or a non-international (internal) armed conflict, unless, and only for such time as, they are military objectives?

<sup>49</sup> <http://www.protectingeducation.org/news/accountability-best-defence-deterring-attacks-schools-leila-zerrougui>

- ✓ **Recommendation:** ensure that your government brings cases to **national and military courts** and **monitors legal compliance**.
  - ✓ **Recommendation:** ensure also that your government co-operates with efforts to bring cases to the **International Criminal Court**.
- 
- Does your government support **efforts to strengthen international accountability** for attacks on educational facilities, students, and staff during armed conflict?
- 
- ✓ **Recommendation:** ensure that your government voices **support for accountability measures** through international channels such as the ICC, the HRC, the UN Security Council Working Group on Children and Armed Conflict, UN treaty monitoring bodies, including the Committee of the Rights of the Child, and the Committee on Economic, Social and Cultural Rights, and the UN’s Special Country Rapporteurs and Thematic Rapporteurs on relevant issues, such as the Special Rapporteur on the Right to Education.

## Examples

### Argentina: Explicit mention of educational facilities in the definition of war crimes

“Other grave violations of the laws and customary practice applicable in non-international armed conflicts, within the framework of international law...: Intentionally directing attacks against buildings dedicated to ... education ... provided they are not military objectives.”<sup>50</sup>

### Democratic Republic of Congo: Trial of alleged perpetrator of attacks on educational facilities

“Ives Kahwa Panga Mandro (“Chief Kahwa”), founder of the Party for Unity and Safeguarding of the Integrity of Congo, was convicted by an Ituri Military Tribunal in August 2006 on six charges, including the war crime of intentionally directing attacks against a building dedicated to education, for attacks against schools committed in October 2002. Citing the Democratic Republic of Congo’s constitution’s provision allowing courts and military tribunals to apply international treaties, the tribunal directly applied the Rome Statute’s war crime of intentionally directing attacks against buildings dedicated to education. Kahwa received a 20-year sentence. The Ituri military tribunal laid out five elements to the crime in its decision: (1) the perpetrator launched the attack; (2) the target of the attack was one or more buildings dedicated to education or other protected activities listed in the statute (in Kahwa’s case at least two schools); (3) the perpetrator intended to target the building, which was not a military objective; (4) that the conduct happened in the context of a non-international armed conflict; and (5) that the perpetrator was aware of the circumstances that established the existence of the armed conflict.”<sup>51</sup>

### International Criminal Tribunal for the Former Yugoslavia: Indictment of alleged perpetrators of attacks on education institutions:

“PASKO LJUBICIC knew or had reason to know that members of the 4th Military Police Battalion who were under his command and control were about to engage in the wanton destruction and plunder of Bosnian Muslim dwellings, businesses, institutions dedicated to religion or education, civilian personal property and livestock in the towns and villages of Busovaca, Ahmici, Nadioci, Pirici, Loncari, and Ocenici, or had done so, and failed to take the necessary and reasonable measures to prevent such acts or to punish the

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<sup>50</sup> Ministério de Defesa, *Manual de derecho Internacional de los Conflictos Armados*, 2010, p. 94 (accessed on July 15, 2016).

<sup>51</sup> Human Rights Watch, *Schools and Armed Conflict, A Global Survey of Domestic Laws and State Practice Protecting Schools from Attack and Military Use*, July 20, 2011, pp.44-45 (accessed on July 15, 2016).

perpetrators thereof. [...] By these acts and omissions PASKO LJUBICIC committed: [...] Count 12: Destruction or wilful damage to institutions dedicated to religion or education, a VIOLATION OF THE LAWS OR CUSTOMS OF WAR, as recognized by Articles 3(d), 7(1) and 7(3) of the Statute of the Tribunal; [...].”<sup>52</sup>

### Eritrea-Ethiopian Claims Commission: Compensation awarded for attacks on schools

“Having found that Ethiopia permitted looting and burning of structures in the town of Guluj during May and June 2000, the Commission found Ethiopia liable for 90% of the total loss and damage to property in Guluj during that time. After applying the 90% factor, Eritrea sought compensation of ERN 9,688,554 plus US\$39,502 in relation to fifteen buildings or groups of buildings in Guluj: the Health Center, Ministry of Health Warehouse, Sub-Zoba Administration, Town Administration Building, Police Station, Courthouse, Water Authority, schools, Sub-Zoba Ministry of Agriculture, Sub-Zoba PFDJ Office, Land Transport Office, Sub-Zoba NUEYS Office, NUEW facilities, gas stations and Catholic Church. Ethiopia offered no specific defense to Eritrea’s claims on any of these buildings... The Commission awards Eritrea compensation in the amount of US\$900,000 for 90% of the total loss and damage to the buildings or groups of buildings listed above [...].”<sup>53</sup>

“[...] Ethiopian witness declarations indicated that extensive shelling occurred in the vicinity of Bure and more limited shelling occurred in Dalul Wereda. That evidence generally portrayed extensive property damage in the region, including damage to numerous water containers, schools and clinics in Bure and surrounding areas. The November 2001 ESRDF internal assessment report also cited the destruction of a clinic and two schools in Bure and Manda, although that report did not address the breadth of damage that occurred in the region... Considering that the amount of damages caused by Eritrea’s violations of the *jus ad bellum* is subject to some uncertainty and that the causes of such damage are not themselves violations of the *jus in bello*, the total compensation for Eritrea’s violation of the *jus ad bellum* with respect to public buildings and infrastructure is US\$3,500,000.”<sup>54</sup>

### International Criminal Court: Recognition of destroyed school as a represented victim in case against Thomas Lubanga

“In the ICC case against Thomas Lubanga, charged with conscripting children under the age of 15 and using them in hostilities, a total of 99 victims are participating and are represented through seven lawyers. The victims’ lawyers are present in the courtroom and are able to question witnesses and convey their clients’ views to the Court. One of these victims is a school principal who is considered a victim both in his own personal right (and as an indirect victim as he was beaten when trying to intervene in the recruitment of children as soldiers from his school), but also as the representative of his school itself which was destroyed, and, as of January 2009 had not been rebuilt.”<sup>55</sup>

<sup>52</sup> International Criminal Tribunal for the Former Yugoslavia (ICTY), *Prosecutor v. Pasko Ljubicic: Corrected Amended Indictment* (The Hague, September 26, 2000). See also International Criminal Tribunal for the Former Yugoslavia (ICTY), *Prosecutor v. Pavle Strugar, Milodrag Jokic, and Vladimir Kovacevic: Amended Indictment* (March 31, 2003).

<sup>53</sup> Eritrea Ethiopia Claims Commission, *Final Award: Eritrea’s Damages Claims, between The State of Eritrea and The Federal Democratic Republic of Ethiopia*.

<sup>54</sup> Eritrea Ethiopia Claims Commission, *Final Award: Eritrea’s Damages Claims, between The State of Eritrea and The Federal Democratic Republic of Ethiopia, August 17, 2009*.

<sup>55</sup> Bede Sheppard, “‘Painful and inconvenient’: Accountability for attacks on education,” in UNESCO, *Protecting Education From Attack – a State-of-the-Art Review*, February 2010. Citing to ICC, *Prosecutor v. Thomas Lubango Dyilo*, ICC-01/04-01/05, Decision on the Applications by Victims to Participate in the Proceedings (December 15, 2008), paras. 105-111. See also ICC, *Prosecutor v. Thomas Lubango Dyilo*, ICC-01/04-01/06-T-107-ENG ET WT, Procedural Matters (Open Session) (January 26, 2009), pp. 44-45. Under the ICC, Rules of Procedure and Evidence, ICC-ASP/1/3 (2002), victims may include both natural persons and ‘organizations or institutions that have sustained direct harm to any of their property which is dedicated to religion, education, art or science or charitable purposes, and to their historic monuments, hospitals and other places and objects for humanitarian purposes.’

## European Court of Human Rights: Judgment in a case concerning the 2004 attack on a school in Beslan, Russian Federation

“To conclude, the Court finds it established that at least several days in advance the authorities had sufficiently specific information about a planned terrorist attack in the areas in the vicinity of the Malgobek District in Ingushetia and targeting an educational facility on 1 September. The intelligence information likened the threat to major attacks undertaken in the past by the Chechen separatists, which had resulted in heavy casualties. A threat of this kind clearly indicated a real and immediate risk to the lives of the potential target population, including a vulnerable group of schoolchildren and their entourage who would be at the Day of Knowledge celebrations in the area. The authorities had a sufficient level of control over the situation and could be expected to undertake any measures within their powers that could reasonably be expected to avoid, or at least mitigate this risk. Although some measures were taken, in general the preventive measures in the present case could be characterised as inadequate. The terrorists were able to successfully gather, prepare, travel to and seize their target, without encountering any preventive security arrangements. No single sufficiently high-level structure was responsible for the handling of the situation, evaluating and allocating resources, creating a defence for the vulnerable target group and ensuring effective containment of the threat and communication with the field teams.

The Court reiterates that in the preparation of responses to unlawful and dangerous acts in highly volatile circumstances, competent law-enforcement services such as the police must be afforded a degree of discretion in taking operational decisions. Such decisions are almost always complicated [...] However, such measures should be able, when judged reasonably, to prevent or minimise the known risk. With regard to the above arguments, the Court finds that in the case at issue the Russian authorities failed to take such measures.

In such circumstances, the Court finds that there has been a breach of the positive obligations under Article 2 [on the right to life] of the [European] Convention [on Human Rights] in respect of all applicants in the present case.”<sup>56</sup>

## Useful resources

Bede Sheppard, “‘Painful and inconvenient’: Accountability for attacks on education,” in UNESCO, *Protecting Education From Attack – a State-of-the-Art Review*, February 2010.

Global Education Cluster, *Protecting Education in Countries Affected by Conflict: Legal Accountability and the Duty to Protect (Booklet 2)*, October 2012.

Human Rights Watch, *Schools and Armed Conflict, A Global Survey of Domestic Laws and State Practice Protecting Schools from Attack and Military Use*, July, 2011.

PEIC, *Protecting Education in Insecurity and Armed Conflict: An International Law Handbook*, 2014.

PEIC, *Education and the Law of Reparations in Insecurity and Armed Conflicts*, 2014.

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<sup>56</sup> European Court of Human Rights, *Case of Tagayeva and Others v. Russia*, 2017, paras 491-493.

## ANNEX

# THE SAFE SCHOOLS DECLARATION

The impact of armed conflict on education presents urgent humanitarian, development and wider social challenges. Worldwide, schools and universities have been bombed, shelled and burned, and children, students, teachers and academics have been killed, maimed, abducted or arbitrarily detained. Educational facilities have been used by parties to armed conflict as, inter alia, bases, barracks or detention centres. Such actions expose students and education personnel to harm, deny large numbers of children and students their right to education and so deprive communities of the foundations on which to build their future. In many countries, armed conflict continues to destroy not just school infrastructure, but the hopes and ambitions of a whole generation of children.

Attacks on education include violence against educational facilities, students and education personnel. Attacks, and threats of attack, can cause severe and long lasting harm to individuals and societies. Access to education may be undermined; the functioning of educational facilities may be blocked, or education personnel and students may stay away, fearing for their safety. Attacks on schools and universities have been used to promote intolerance and exclusion – to further gender discrimination, for example by preventing the education of girls, to perpetuate conflict between certain communities, to restrict cultural diversity, and to deny academic freedom or the right of association. Where educational facilities are used for military purposes it can increase the risk of the recruitment and use of children by armed actors or may leave children and youth vulnerable to sexual abuse or exploitation. In particular, it may increase the likelihood that education institutions are attacked.

By contrast, education can help to protect children and youth from death, injury and exploitation; it can alleviate the psychological impact of armed conflict by offering routine and stability and can provide links to other vital services. Education that is ‘conflict sensitive’ avoids contributing to conflict and pursues a contribution to peace. Education is fundamental to development and to the full enjoyment of human rights and freedoms. We will do our utmost to see that places of education are places of safety.

We welcome initiatives by individual States to promote and protect the right to education and to facilitate the continuation of education in situations of armed conflict. Continuation of education can provide life-saving health information as well as advice on specific risks in societies facing armed conflict.

We commend the work of the United Nations Security Council on children and armed conflict and acknowledge the importance of the monitoring and reporting mechanism for grave violations against children in armed conflict. We emphasize the importance of Security Council resolution 1998 (2011), and 2143 (2014) which, inter alia, urges all parties to armed conflict to refrain from actions that impede children’s access to education and encourages Member States to consider concrete measures to deter the use of schools by armed forces and armed non-State groups in contravention of applicable international law.

We welcome the development of the *Guidelines for protecting schools and universities from military use during armed conflict*. The *Guidelines* are non-legally binding, voluntary guidelines that do not affect existing international law. They draw on existing good practice and aim to provide guidance that will further reduce the impact of armed conflict on education. We welcome efforts to disseminate these *Guidelines* and to promote their implementation among armed forces, armed groups and other relevant actors.

Recognizing the right to education and the role of education in promoting understanding, tolerance and friendship among all nations; determined progressively to strengthen in practice the protection of civilians in armed conflict, and of children and youth in particular; committed to working together towards safe schools for

all; we endorse the *Guidelines for protecting schools and universities from military use during armed conflict*, and will:

- Use the *Guidelines*, and bring them into domestic policy and operational frameworks as far as possible and appropriate;
- Make every effort at a national level to collect reliable relevant data on attacks on educational facilities, on the victims of attacks, and on military use of schools and universities during armed conflict, including through existing monitoring and reporting mechanisms; to facilitate such data collection; and to provide assistance to victims, in a non-discriminatory manner;
- Investigate allegations of violations of applicable national and international law and, where appropriate, duly prosecute perpetrators;
- Develop, adopt and promote ‘conflict-sensitive’ approaches to education in international humanitarian and development programmes, and at a national level where relevant;
- Seek to ensure the continuation of education during armed conflict, support the reestablishment of educational facilities and, where in a position to do so, provide and facilitate international cooperation and assistance to programmes working to prevent or respond to attacks on education, including for the implementation of this declaration;
- Support the efforts of the UN Security Council on children and armed conflict, and of the
- Special Representative of the Secretary-General for Children and Armed Conflict and other relevant UN organs, entities and agencies; and
- Meet on a regular basis, inviting relevant international organisation and civil society, so as to review the implementation of this declaration and the use of the guidelines.

## ANNEX

# GUIDELINES FOR PROTECTING SCHOOLS AND UNIVERSITIES FROM MILITARY USE DURING ARMED CONFLICT

Parties to armed conflict are urged not to use schools and universities for any purpose in support of their military effort. While it is acknowledged that certain uses would not be contrary to the law of armed conflict, all parties should endeavor to avoid impinging on students' safety and education, using the following as a guide to responsible practice:

**Guideline 1:** Functioning schools and universities should not be used by the fighting forces of parties to armed conflict in any way in support of the military effort.

(a) This principle extends to schools and universities that are temporarily closed outside normal class hours, during weekends and holidays, and during vacation periods.

(b) Parties to armed conflict should neither use force nor offer incentives to education administrators to evacuate schools and universities in order that they can be made available for use in support of the military effort.

**Guideline 2:** Schools and universities that have been abandoned or evacuated because of the dangers presented by armed conflict should not be used by the fighting forces of parties to armed conflict for any purpose in support of their military effort, except in extenuating circumstances when they are presented with no viable alternative, and only for as long as no choice is possible between such use of the school or university and another feasible method for obtaining a similar military advantage. Other buildings should be regarded as better options and used in preference to school and university buildings, even if they are not so conveniently placed or configured, except when such buildings are specially protected under International Humanitarian Law (e.g. hospitals), and keeping in mind that parties to armed conflict must always take all feasible precautions to protect all civilian objects from attack.

(a) Any such use of abandoned or evacuated schools and universities should be for the minimum time necessary.

(b) Abandoned or evacuated schools and universities that are used by the fighting forces of parties to armed conflict in support of the military effort should remain available to allow educational authorities to re-open them as soon as practicable after fighting forces have withdrawn from them, provided this would not risk endangering the security of students and staff.

(c) Any traces or indication of militarisation or fortification should be completely removed following the withdrawal of fighting forces, with every effort made to put right as soon as possible any damage caused to the infrastructure of the institution. In particular, all weapons, munitions and unexploded ordnance or remnants of war should be cleared from the site.

**Guideline 3:** Schools and universities must never be destroyed as a measure intended to deprive the opposing parties to the armed conflict of the ability to use them in the future. Schools and universities—be they in session, closed for the day or for holidays, evacuated or abandoned—are ordinarily civilian objects.

**Guideline 4:** While the use of a school or university by the fighting forces of parties to armed conflict in support of their military effort may, depending on the circumstances, have the effect of turning it into a military objective subject to attack, parties to armed conflict should consider all feasible alternative measures before attacking them, including, unless circumstances do not permit, warning the enemy in advance that an attack will be forthcoming unless it ceases its use.

(a) Prior to any attack on a school that has become a military objective, the parties to armed conflict should take into consideration the fact that children are entitled to special respect and protection. An additional important consideration is the potential long-term negative effect on a community's access to education posed by damage to or the destruction of a school.

(b) The use of a school or university by the fighting forces of one party to a conflict in support of the military effort should not serve as justification for an opposing party that captures it to continue to use it in support of the military effort. As soon as feasible, any evidence or indication of militarisation or fortification should be removed and the facility returned to civilian authorities for the purpose of its educational function.

**Guideline 5:** The fighting forces of parties to armed conflict should not be employed to provide security for schools and universities, except when alternative means of providing essential security are not available. If possible, appropriately trained civilian personnel should be used to provide security for schools and universities. If necessary, consideration should also be given to evacuating children, students and staff to a safer location.

(a) If fighting forces are engaged in security tasks related to schools and universities, their presence within the grounds or buildings should be avoided if at all possible in order to avoid compromising the establishment's civilian status and disrupting the learning environment.

**Guideline 6:** All parties to armed conflict should, as far as possible and as appropriate, incorporate these *Guidelines* into, for example, their doctrine, military manuals, rules of engagement, operational orders, and other means of dissemination, to encourage appropriate practice throughout the chain of command. Parties to armed conflict should determine the most appropriate method of doing this.



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*St. Christof Primary School, Bambari, 2015. Since the outbreak of inter-communal violence in 2013, schools in the Central African Republic have been heavily damaged, destroyed and looted – depriving teachers, students and community members of their facilities, teaching and learning materials and equipment. Through EU Children of Peace, Save the Children supports schools in the Central African Republic in providing conflict-sensitive education in a healthy and protective learning environment. Education, with a special focus on promoting the culture of peace, will contribute to breaking a cycle of violence and building children's resilience to recover from the effects of the conflict.*

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