PROTECTING EDUCATION IN COUNTRIES AFFECTED BY CONFLICT

BOOKLET 1
Overview

Global
Education Cluster

Foreword

This booklet is one of a series of booklets prepared as part of the Protecting Education in Conflict-Affected Countries Programme, undertaken by Save the Children on behalf of the Global Education Cluster, in partnership with Education Above All, a Qatar-based non-governmental organisation. The booklets were prepared by a consultant team from Search For Common Ground.

They were written by Brendan O'Malley (editor) and Melinda Smith, with contributions from Carolyne Ashton, Saji Prelis, and Wendy Wheaton of the Education Cluster, and technical advice from Margaret Sinclair. Accompanying training workshop materials were written by Melinda Smith, with contributions from Carolyne Ashton and Brendan O'Malley. The curriculum resource was written by Carolyne Ashton and Margaret Sinclair.

Booklet topics and themes

Booklet 1	**Overview**
Booklet 2	**Legal Accountability and the Duty to Protect**
Booklet 3	**Community-based Protection and Prevention**
Booklet 4	**Education for Child Protection and Psychosocial Support**
Booklet 5	**Education Policy and Planning for Protection, Recovery and Fair Access**
Booklet 6	**Education for Building Peace**
Booklet 7	**Monitoring and Reporting**
Booklet 8	**Advocacy**

The booklets should be used alongside the Inter-Agency Network for Education in Emergencies (INEE) *Minimum Standards for Education: Preparedness, Response, Recovery.* References to the most relevant standards for the content of each booklet are given in the resources section.

There is also a supplementary booklet, Curriculum Resource: Introducing Humanitarian Education in Primary and Junior Secondary Schooling, which can be used with Booklet 6.

Please feel free to share these booklets with interested professionals working in ministries of education or non-governmental organisations, and others concerned with education for populations affected by armed conflict or insecurity.

If referenced, please use the following text: Global Education Cluster, Booklet 1: Overview, Protecting Education in Countries Affected by Conflict series (2012)

Introduction

This series of eight booklets is designed to provide:

- an overview of the problem of conflict–related threats to education.[i]

- a range of responses that can be made by education clusters, and ministries, non–governmental organisations (NGOs) dealing with education, security, protection, psychosocial support and legal accountability issues.

- a tool to be used with an accompanying set of workshop materials for use in training people in aspects of protecting education in conflict–affected countries.

This booklet provides an introduction to the problem and possible responses.

Key messages

- Threats to education breach fundamental human rights and undermine education's contribution to peace and development.

- The most immediate effects of conflict and attacks on education are death, injury, and destruction of facilities.

- The long-term impact of conflict and attacks on education is to seriously undermine education's contribution to development, peace and stability.

- There are many reasons why education comes under attack. In some cases, it is because education is contributing to the conflict.

- The Education Cluster or similar groups can work with civil society, the military and legal or justice actors, to help prevent future attacks on education.

- Responses should be guided by the duty to protect education and the obligation not to attack education, as enshrined in international humanitarian and human rights law.

Background

There is a hidden crisis in education[ii] in conflict-affected countries. It goes largely unreported but demands local, national and international responses, as the 2011 Education for All (EFA) Global Monitoring Report[iii] highlighted.

Students, teachers, academics and other education staff are being killed, injured, abducted or tortured. In some cases they are victims of targeted attacks, in other cases the harm is an unintended consequence of war. In addition, education buildings are often damaged or destroyed during fighting, either deliberately or otherwise (collateral damage). In many places, such attacks on education or destruction of facilities contribute to the inequalities, desperation and grievances that trap countries in cycles of violence and poverty.

The statistics are stark. Over the decade to 2008, 35 countries experienced armed conflict. In 2008, a reported 28 million primary-age schoolchildren were out of school in conflict-affected countries or regions – 42% of the world total of 67 million. Likewise, 21% of young people are illiterate in conflict-affected poor countries or regions compared to 7% in other poor countries.[iv]

Both state and non-state parties involved in armed conflict have targeted civilians and civilian infrastructure – including schools, universities, education offices and students, teachers, academic staff and other education personnel – in grave violation of international humanitarian and human rights law.[v]

Both deliberate and unintentional damage and destruction, along with the threat of attack, has denied millions of children, young people and adults access to

A boy surveys the ruins of his school, destroyed in an attack in Thailand

education for prolonged periods of time. This will make it difficult to achieve the Education for All and Millennium Development Goals in some countries. In many conflict-affected countries it is common for 50% of primary-age children to be out of school in isolated rural areas, where conflict can flourish.[vi]

Scale of damage to education

Education often suffers widespread loss and damage in conflict. Teachers may be killed, may be unwilling to teach for security or economic reasons, or may move away. Buildings and furniture may be destroyed. Assets of every kind may be removed – including desks and chairs, wiring, doors, window frames and roof tiles – whether by soldiers, thieves or desperate civilians.

Even if they are not stripped of their assets, school and college facilities may be in a very poor condition due to the breakdown of normal investment in maintenance and renewal.

In Afghanistan in 2001, after two decades of conflict, an assessment found

Overview

Pakistan: Heavy intensity attacks on schools and universities

Up to 1,200 schools were attacked in north-west Pakistan from 2008 to 2010, according to reports. Most were burnt down, shelled, or looted. Around 1,000 were damaged or destroyed in Khyber Pakhtunkhwa (formerly North West Frontier Province) alone.

At least 359 of these attacks occurred in Swat district, where the male literacy rate was 42% and the female rate less than 13%.[ix] Most of the Swat schools were reported to have been targeted by Tehrik-e-Taliban, which seized control of the Swat Valley in 2008 and imposed a ban on the education of girls and women, and on female teachers.

They also threatened to bomb any school in Pakistan that employed women. But they were pushed out of Swat by the national army in May to July 2009.[x] Children have also been abducted to act as informers, fighters and suicide bombers.[xi]

The Pakistani army claimed that up to 1,500 children, many as young as 11, had been recruited from schools and *madrasas* to be trained as suicide bombers by the Taliban.[xii]

At the same time, universities came under increasing attack in the country, because they are seen as reformist and because they educate women – which Taliban-oriented fundamentalists oppose. In the north-west there were many killings and kidnappings of academics in 2010 and 2011.[xiii]

that one in three of the country's 8,000 schools lay in ruins and 80% of the population was illiterate.[vii] In Sierra Leone in the same year, after a decade of conflict, only 13% of schools remained usable, as a result of damage and destruction.[viii]

Scale of targeted attacks on education

Attacks on education were reported in 31 countries between January 2007 and July 2009, according to Education under Attack 2010.[xiv] According to that report, the worst-affected countries included Afghanistan, Colombia, Democratic Republic of Congo, Georgia, Haiti, India, Iraq, Nepal, occupied Palestinian Territories, Pakistan, Somalia, Thailand and Zimbabwe.

Afghanistan
- 670 attacks on education buildings, students or personnel in 2008; 439 teachers, education employees and students killed (January 2006–July 2009) [xv]

Colombia
- 117 teachers and students assassinated (January 2006–July 2009), and 435 education staff received death threats (January 2007–July 2009) [xvi]

Democratic Republic of Congo
- hundreds of children forced to become child combatants in 2010–11, many being seized from school or on the way to or from school [xvii]

Bullet holes in a classroom at El Jeel
Eljaded School, Libya

Occupied Palestinian Territories
- 300 education facilities damaged or
severely damaged in a three-week Israeli
military operation at the turn of
2008-09 [xviii]

India
- more than 300 school buildings blown
up (January 2006–July 2009) [xix]

Pakistan
- up to 700 schools destroyed in
2010–11, many of them reduced to
rubble, and well over 1,000 damaged
or destroyed since 2007 (see Case
Study 1). [xx]

For every killing there may be many more
threats – in Colombia for example, an
estimated 600 teachers were prevented
from teaching due to threats in the 12
months to May 2011, compared to five
killed in the previous four months.

Motives for attack

Where education is directly targeted, the
motives for attack may include:

Military motives
- degrade enemy infrastructure
- undermine government control and
security
- seize children for use as combatants,
suicide bombers or sex slaves, or to
demand ransom to fund military activity
- seize control of and/or use school
buildings and teacher housing as a base
to conduct operations, a camp for
fighters, a place to store weapons, or a
place to detain or interrogate
- oppose the use of education buildings by
opposing military, security or police
forces.

Political motives
- destroy schools as symbols of unfair
government education provision
- destroy schools and attack teachers for
imposing alien culture, language,
religion, history or values
- control schools or college campuses
through threats of armed violence to
force use of curriculum or buildings to
brainwash students with political or
religious ideas, and recruit them
- restrict content of higher education
research through threats of violence to
prevent questioning of government
policies or activity
- deter academics from meeting,
collaborating with or being influenced
by academics from other countries
through threats of violence
- silence criticism of government policies
or activity by academics through threats
of violence

Iraq: Targeting of students and academics

In Iraq, 12 academics, researchers, scientists and other members of the country's elite were assassinated in the first few months of 2011.

It was a revival of the pattern of killings by insurgents and sectarian death squads that blighted Iraq in the years after the fall of Saddam Hussein in 2003.

Between March 2003 and October 2008, there were more than 31,000 violent attacks on education institutions in Iraq, according to the Ministry of Education: 259 academics were assassinated, 72 abducted and 174 detained. Other sources provide different figures. The Ministry of Human Rights reported that 340 professors and 446 students were killed by insurgents and militia in 2005–07 alone.

The Brussels Tribunal on Iraq said 453 academics had been killed since the fall of Saddam Hussein, as of April 2011. The worst-hit institution was Mustansiriya University, Baghdad, where a reported 325 academics and students were killed.

The perpetrators have been political and religious factions and militias fighting for control of individual campuses or exacting revenge on individuals perceived as being linked to the previous regime and fundamentalists who seek to eliminate the country's elite, it is reported.[xxii]

- prevent political activism by teacher trade unionists or academics.

Criminal motives
- organise attacks to carry out or cover up theft of salaries, furniture or resources
- abduct students, teachers, academics, and other education staff for ransom.

Types of attack
The first global study on the targeting of education, the 2007 UNESCO report *Education under Attack*, defines violent attacks on education as "targeted violent attacks, carried out for political, military, ideological, sectarian, ethnic or religious reasons, against students, teachers, academics, education trade unionists, education officials and all those who work in or for education institutions such as schools, colleges and universities".[xxiii]

Attacks include actions such as
- occupation/partial occupation of schools or other education institutions
- use of education facilities as military bases, prisons, or places to interrogate or torture people or store weapons
- closure or demolition of education institutions, prevention of school or college attendance by armed ethnic, military, political, religious or sectarian groups killing, torture, abduction or kidnapping of students, teachers, academics and other education personnel (see Case Study 2)
- recruitment of child soldiers, harassment of children at, or on their way to or from,

school or their place of learning (see Case Study 3)

- setting of landmines near education buildings
- sexual assault as part of a political, military or sectarian attack;[xxiv]
- or threats of any of the above.

Short-term impact of damage and attacks

The immediate impact of damage and attacks on education may include:

- death of and injury to students, teachers, academics or other educational personnel
- destruction of facilities and teaching materials
- fewer teachers working because they have fled, relocated or left their jobs due to insecurity
- psychological stress among students and staff
- fear, de-motivation and despondency among students and staff
- closure of schools and universities; and disruption of examinations.

The impact extends far beyond the individuals actually harmed or threatened. Public knowledge of repeated attacks and threats of attack can spread fear throughout schools and universities in the region and among families and communities. This may be the perpetrators' intention – to cause students, teachers and other staff to stay home or flee the area.

Long-term impact of damage and attacks

Where damage and attacks are persistent over time, there can be serious longer-term consequences for education, stability and development.[xxvi] On average, conflicts

CASE STUDY 3
Democratic Republic of Congo: Child soldier recruitment from schools

Child protection actors in the Democratic Republic of Congo recorded 447 cases of child recruitment in 2010. Perpetrators included the armed forces, the police, state-backed local militia, national rebel groups, foreign rebel groups, and local rebels. Most were used in military operations and some for labour. Tactics included stopping and abducting children on their way to school, or arriving at schools with trucks, abducting large numbers of children, then looting and setting fire to the school.[xxv]

last for 12 years in poor countries.[xxvii] Effects on education from attacks and insecurity include:

- long-term disruption of attendance or permanent drop-out of students, reduced access to education, enrolment and attainment
- long-term disruption of attendance or permanent dropping out of teachers, teacher relocation, and falling recruitment levels. This leads to poor-quality teaching and teaching shortages (see Case Study 4)
- persistent de-motivation and distraction of staff and students due to on-going fear
- long-term damage to, and prevention of repairs to, buildings
- long-term postponement of new supplies of teaching materials

- reduced capacity to manage and develop the education system
- suspension or reduction of aid for education
- restrictions on which subjects can be researched or taught, limiting academic freedom in higher education.

These effects may last for years after a conflict ends. Countries emerging from conflict may not have the capacity or resources to fully rebuild, rehabilitate and re-supply schools, or track and pay teachers. As a result, entire student age groups may miss out on education.

Disruption of education and traumatic experiences can have life–long consequences for children and young people's well-being.

Delays in, or denial of, education can cause severe developmental and psychosocial problems, as well as a loss of hope for productive participation in economic and community life in the future.

Impact on development and recovery

A school should be a safe place offering protection from recruitment, abduction and other conflict–related violence.

If families lose confidence in the authorities' ability to provide security, they may withdraw their children from education. The disruption of access to education, and lowering of quality of provision where it is still provided, undermines education's role as the foundation for development.

But it also erodes confidence in the authorities' ability to carry out other services such as rebuilding roads or clinics,

CASE STUDY 4
Thailand: Impact of attacks on education

In the southern border provinces of Thailand, more than 130 government teachers and education personnel were killed between 2004 and 2010, mostly by assassinations en route to or at school.

Teachers have also been killed while being escorted to or from school by soldiers. It is part of a wider fight by Muslim militant groups who are seeking autonomy for a region that was once separate from Thailand.

The killings spread fear, particularly among Buddhist teachers in the south, leading to irregular attendance and widespread demands by teachers to be transferred elsewhere.

Schools have been left with shortages of qualified teachers, especially in four key subjects: Thai, English, mathematics and science.

Local officials say this has contributed to a significant drop in student achievement, to the lowest levels in the country.

and discouraging people from taking part in the reconstruction process.[xxviii]

And it undermines communities' ability to organise schooling where local authorities are not already doing so.

As Graça Machel, author of the ground–breaking UN report *Impact of armed conflict on children*, said: "Years of lost schooling and vocational skills will take equivalent years to replace and their absence imposes a greater

A temporary classroom in eastern Democratic Republic of the Congo

vulnerability on the ability of societies to recover after war."

The booklets in this series are designed for Global Education Cluster members and other relevant actors such as: government officials; military, security and police representatives; and child protection, education and human rights actors.

The booklets offer suggestions on how to respond to conflict-related threats to education and to create and implement action plans to protect education in conflict-affected areas and help it become a force for peace.

Duty and requirements in law to protect education

The approach taken in these booklets is rights based: that is, education is a basic human right and all students have a right to enjoy education in conditions of safety, even in times of conflict and during post-conflict reconstruction.

The recommendations for action are also informed by international legal protections for students, education staff, academics and education buildings, guaranteed both in peacetime and during times of conflict.

Protection for education buildings, students, teachers, academics and other education personnel is enshrined in existing international humanitarian law (laws of war), international human rights law, and international criminal law.[xxx]

This includes protection for education buildings and students, teachers and other education personnel and imposes both positive and negative obligations on actors during conflict. (For a list of the laws protecting education, see Fact Box 1)

Positive obligations: What you must do

- States have a duty to protect education from attack. They have an obligation to prevent and respond to attacks so that schools can operate and children receive an education. Attacks on students, teachers, and schools include killing, torture, sexual violence, and bombing. Such attacks may violate domestic criminal law, international human rights law, international humanitarian law, or international criminal law.

- States have a duty to protect the right to education. Under international human rights law states must make primary education compulsory, free and available to all; secondary education available and accessible; and higher education available on the basis of capacity. They must work to progressively improve education access and quality and to reduce dropout rates for both boys and girls. Many states also include the right to education in their national constitutions. States also have a duty to

progressively overcome other obstacles to education, which arguably means they must repair schools after attack, ensure adequate supply of teachers, resupply materials, and ensure universal access to school.

- In addition to states, non-state armed groups may have a duty, in certain circumstances, to ensure provision of education. If so they must ensure that the instruction provided respects parents' wishes.

Negative obligations: What you must not do

- Schools and other education institutions are protected, 'as civilian objects', under international humanitarian and criminal law. They must not be deliberately attacked. The only exception to this rule is when they are making an effective contribution to military action. In case of doubt about whether a school is being used to make an effective contribution to military action, it shall be presumed that it is not being so used.

- An attack must not cause 'excessive' or disproportionate incidental loss (collateral damage) to civilian objects in relation to the military advantage anticipated. Intentionally directing attacks against education buildings, provided they are not a military objective, is prohibited under the Rome Statute (which established the International Criminal Court). Violations of these rules can constitute war crimes.

Shamsia Jafari, 17, an Afghan acid attack victim, returned to school despite constant threats to her safety

- Students, teachers and other education personnel are protected as civilians under international humanitarian and criminal law. Civilians must never be targeted for attack[xxxiv] and an attack must not cause 'excessive' or disproportionate incidental loss (collateral damage) to civilians in relation to the military advantage anticipated.[xxxv] The weapons or methods of warfare must not cause an unreasonable (disproportionate) amount of suffering to human beings.[xxxvi] Other serious violations against civilians that are specifically prohibited, include murder, mutilation, cruel treatment, torture, sexual violence, taking hostages, and outrages upon personal dignity, in particular humiliating and degrading treatment.[xxxvii] Violations of any of these rules by either state or non-state armed groups could constitute war crimes. Such violations, as part of a widespread or systematic attack on civilians, could constitute crimes against humanity.[xxxviii]

The laws that protect education from attack[xxxix]

Human rights law provides a basic framework for obligations of states to guarantee the right to life, right to education, and other related rights.

International humanitarian law provides a framework for actions during armed conflict, including protecting civilians and civilian structures from military targeting.

The failure of one party of a conflict to respect the laws of war does not relieve other parties from their obligation under the law.

The following laws and conventions provide the framework for protecting education from targeted attacks:

Hague Conventions
Prohibits the seizure, destruction, or intentional damaging of institutions dedicated to education.

Geneva Conventions
Specifically the Fourth Geneva Convention, Additional Protocol I and Protocol II, which address the protection of civilians and civilian buildings in times of war.

Rome Statute
Defines as war crimes all intentional attacks on civilians not taking direct part in hostilities, intentional attacks against buildings dedicated to education, and the conscription, enlistment or use of children under the age of 15 in hostilities. These crimes can be prosecuted through the International Criminal Court (ICC).

UN Convention on the Rights of the Child (UNCRC)
Requires states to "take all feasible measures to ensure protection and care of children who are affected by an armed conflict" Optional Protocol to the UNCRC on recruitment and use of children in armed conflict.

Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights
Guarantees the right to life.

International Covenant on Economic, Social and Cultural Rights (ICESCR)
Provides for the right to education. The latter expressly includes primary, secondary and higher education, and for minors at least, vocational education.

UN Security Council Resolutions 1612, 1882, and 1998
Establishing and expanding monitoring and reporting mechanisms for six grave violations against children in armed conflict and enhancing reporting to the Security Council Working Group on Children and Armed Conflict.

The violations are:
- killing or maiming
- recruitment or use as soldiers
- sexual violence
- attacks against schools or hospitals
- denial of humanitarian access
- abduction.

What do the other booklets cover?

There is some necessary overlap in the information provided in the booklets and cross-referencing between the booklets. Readers can study this overview and then select the booklets most relevant to them. The booklets cover the following types of responses and related issues.

Booklet 2
Legal accountability and the duty to protect

In times of conflict and during post-conflict reconstruction, judicial systems and legal processes are often so compromised (or non-existent) that those who commit crimes, including attacks on education buildings, students and personnel, often are not investigated, charged or punished.

More needs to be done to end impunity for these violations.

Encourage military and non-state armed group commanders to improve training on the protection of education during periods of conflict.

This includes providing protection against threats and ensuring soldiers understand how to avoid harming education during their own military operations.

Some security measures, including the use of education buildings as a military base, and even the provision of military assistance in rebuilding schools, can put those buildings at risk of being targeted and have made parents afraid to send their children to school.

Booklet 3
Community-based protection and prevention

A range of community-led XL protection measures have proved effective in a number of countries.

These include posting night watchmen, providing escorts for students on their journey to school/college, involving parents and religious leaders in decisions about how schools are run, establishing school defence committees, and negotiating 'Schools as Zones of Peace' agreements.

In Nepal, such agreements have led to parties to the conflicts signing up to a code of conduct that ends attacks on, or political use of, schools.

As different problems arise in different situations, all responses must be designed to fit the local context.

Booklet 4
Education for child protection and psychosocial support

Rapid restoration of disrupted education, including by setting up temporary learning spaces, is vital to children's physical protection, psychosocial well-being and development.

Education should include crisis-related curricula to provide children and young people with the skills they need to cope with the situation around them. For instance, they may need education about risks from landmines and unexploded ordnance, HIV and AIDS, sexual health, or gender violence.

Restoring some form of education provision is crucial for provision of other child protection services and for identification of separated children, children with a disability and those in need of psychosocial support.

Teachers need to be trained to recognise and respond to students' psychosocial needs and to recognise threats to their well-being. They also require support for their own psychosocial needs.

Booklet 5
Education policy and planning for protection, recovery and fair access

Education ministries should work with other ministries such as the ministries of defence and interior to keep all students and education personnel safe through measures to protect against and/or prevent attacks.

Investment is needed to build the capacity of education ministries to respond to the short- and long-term impacts of conflict on schools and universities.

Responses must ensure timely rebuilding of damaged facilities, re-supply of resources, and tracking and payment of teachers.

However, much of the recovery work cannot be carried out unless further attacks on education are prevented.

Long-term responses must address grievances over unequal access or provision, and biases in the curriculum. Resources must be allocated fairly and transparently, using objective criteria to ensure progress towards good-quality education for all.

This will involve extra investment in education for groups neglected in the past. Funding must be put in place to adapt education content and methods of teaching and learning in order to promote peace, tolerance, human rights and responsible citizenship.

Booklet 6
Education for building peace

If we are to make education a force for peace, we must first understand how education might have contributed to tension.

We must then consult widely and build a national consensus on changes needed in formal and non-formal education.

These should respond to grievances, including lack of mother-tongue education and biases in history and other curriculum content.

Policies, curricula, textbooks and methods of learning should be adjusted to promote mutual respect, understanding and conflict-resolution skills, as well as understanding of human rights and citizenship. This will require changes in initial and in-service teacher training. The role of education in building peace may additionally be addressed by including education in peace agreements.

Booklet 7
Monitoring and reporting

Monitoring and reporting is vital to enable government and other actors to respond to threats to education; as well as to assist legal accountability and advocacy. The participation of education-oriented

Useful resources

organisations in UN and other monitoring has been limited, and there are many challenges to overcome in data collection, reporting and capacity building.

Building partnerships to establish regular monitoring and reporting of threats and the use of common data and standards of collection could dramatically improve the scale and quality of reporting.

Education and Child Protection clusters can take a lead by coordinating the development of such partnerships and ensuring use is made of existing human rights monitoring capacity.

Booklet 8
Advocacy

It is important that all the actors who can help to protect education in conflict are aware of the issues. In particular, they should be aware that:

- damage and targeted attacks affect the well-being of students, teachers and academics
- international law is being violated
- education systems are being incapacitated
- stability and development are being undermined.

Campaigns should highlight the need to strengthen law, policy and practice to eliminate targeted attacks and guarantee continuity of access to good-quality relevant education. It is important to encourage education, human rights and education journalists' organisations in the monitoring and reporting of attacks, their impact and negotiated agreements to end them.

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For this and all booklets in the series, the Inter-agency Network Education in Emergencies (INEE) Minimum Standards for Education: Preparedness, Recovery, Response provides a framework for quality education in emergencies that should be referred to wherever appropriate. At the beginning of each booklet the most relevant INEE Minimum Standards are indicated. The introduction to the INEE Minimum Standards provides valuable background information on the right to education.

Education for All Global Monitoring Report 2011, *The hidden crisis: Armed conflict and education*, UNESCO

Brendan O'Malley, *Education under Attack 2010*, UNESCO

Brendan O'Malley, 'The longer-term impact of attacks on education on education systems, development and fragility and the implications for policy responses', background paper for the *Education for All Global Monitoring Report 2011*, UNESCO

Office of HH Sheikha Mozah Bint Nasser Al-Missned, Planning and Programming Directorate, *Protecting Education from Attack:* A State-of-the-Art Review, UNESCO, 2010

Notes

[i] By education we are referring to all levels of education, from pre-primary to university level, encompassing formal and non-formal education

[ii] For the purposes of these booklets, by education we mean any type of education – early years, primary, secondary, higher education, vocational education and adult learning – whether formal or non-formal and whether it takes place in a school, college or university building or in any other type of learning space.

[iii] *The hidden crisis: Armed conflict and education*, EFA Global Monitoring Report 2011, UNESCO

[iv] ibid

[v] ibid

[vi] Alec Wargo, 'The Child Protection Viewpoint', Chapter 3, *Even in Chaos: Education in Times of Emergency*, 2010. Ed. Kevin Cahill, Fordham University Press, p37

[vii] Jeaniene Spink, 'Education, reconstruction and state-building in Afghanistan', *Forced Migration Review Supplement: Education and Conflict: Research, Policy and Practice*, July 2006, p15

[viii] National School Survey Report (NSSR), 2001, cited in World Bank, Project Appraisal Document for a Rehabilitation of Basic Education; Sierra Leone, 2003, p7

[ix] *Channel 4 News*. Pakistan: Battling Floods and the Taliban, 7.10.10

[x] SANA. 'Three more schools blown up in Mohmand', 11.10.10; *Daily Times*, 'Militants bomb two schools in Tribal Areas', 4.10.10; Khan, Ameen Amjad. 'Pakistan: Taliban steps up university attacks', 21.11.10, *University World News*

[xi] *BBC News*. Pakistan's youth taken back from the Taliban, 8.10.10

[xii] PBS, 'Flooding, Taliban Create uphill battle to educate Pakistani girls', 7.10.10; Hussein, Zahid. 'Teenage bombers are rescued from Taleban suicide training camps, *The* 27.7.09, *Times*

[xiii] Ameen Amjad Khan, 'Pakistan: Taliban steps up university attacks', 21.11.10, *University World News*

[xiv] Brendan O'Malley, *Education under Attack 2010*, UNESCO

[xv] ibid

[xvi] ibid

[xvii] Annual Report of the Secretary General on Children and Armed Conflict, 23 April, 2011

[xviii] ibid

[xix] ibid

[xx] Annual Report of the Secretary General on Children and Armed Conflict, 23 April, 2011; Brendan O'Malley, *Education under Attack 2010*, UNESCO; and Brendan O'Malley, 'The longer-term impact of attacks on education on education systems, development and fragility and the implications for policy responses', background paper for the Education for All Global Monitoring Report 2011, UNESCO

[xxi] Adriaan Alsema, '600 Colombian teachers threatened in past 12 months', 18.5.11, *Colombia Reports*

[xxii] NEAR alert. 'New crackdown on Iraqi academic elite'; UNESCO, 'Stop jeopardising the future of Iraq', briefing document, International Conference, Right to education in Crisis Countries, October 30-November 1, 2008); United Nations Assistance Mission for Iraq (UNAMI), Human Rights Reports from May 2005 to December 2007, http://www.uniraq.org/docsmaps/undocuments.asp#HRReports; O'Malley, Brendan. 'Iraq: Killing Academics is a War Crime', 9.11.08, *University World News*; Working Group on the Protection of Iraqi Intellectuals, academics, teachers, students and education institutions, www.UNESCO.org/fileadmin/UNESCO/,,,of,,,protection%academics.pdf.

[xxiii] Brendan O'Malley. *Education under Attack: A global study on targeted political and military violence against education staff, students, teachers, union and government officials, and institutions*, 2007, UNESCO

xxiv ibid

xxv Annual Report of the Secretary General on Children and Armed Conflict, 2011; and O'Malley, Brendan. *Education under Attack 2010*, UNESCO, p184

xxvi Brendan O'Malley, 'The longer term impact of attacks on education…', op cit

xxvii *The hidden crisis: Armed conflict and education*, EFA Global Monitoring Report 2011, UNESCO

xxviii ibid

xxix Graça Machel, *Impact of armed conflict on children*, 1996, United Nations, p44

xxx International Criminal Law includes the Rome Statute, which established the International Criminal Court, but also the jurisprudence of other ad-hoc tribunals, such as the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda.

xxxi This is covered by the widely ratified United Nations Convention on the Rights of the Child (article 28) and the International Covenant on Economic, Social, and Cultural Rights (article 13).

xxxii Additional *Protocol II*, art 4.3 (a) and Pilloud et al., Commentary on the Additional Protocols (to the Geneva Conventions), 1377

xxxiii Article 8 of the Rome Statute dealing with war crimes prohibits the intentional direction of attacks against the civilian population (Art. 8(2)(b)(i) & Art. 8(2)(e)(i)) and against civilian objects (Art.8(2)(b)(ii)).

There is also a specific reference to the prohibition of intentionally directing attacks against buildings dedicated to education (Art.8(2)(b)(ix) & Art 8(2)(e)(iv)).

xxxiv ICRC, *Protocol I*, arts. 48, 51(2) and 52; and ICRC, *Protocol II*, art.13 (civilians), which covers non-international conflicts. Also, Article 8 of the Rome Statute dealing with war crimes prohibits the intentional direction of attacks against the civilian population (Art. 8(2)(b)(i) & Art. 8(2)(e)(i)) and against civilian objects (Art.8(2)(b)(ii)).

xxxv ICRC, *Protocol I*, art. 51(5)(b); for non-international armed conflicts, the rule on collateral damage can be inferred from ICRC, *Protocol II*, art. 13(1)

xxxvi ICRC, *Protocol I*, art. 35(2)

xxxvii Common Article 3 to the Geneva Conventions, which applies to each party to the conflict.

In addition, Article 7 of the Rome Statute, which concerns crimes against humanity, applies in situations of both peace-time and armed conflict.

It protects civilians against such acts as murder, imprisonment, torture, rape, enforced disappearance, or other inhumane acts causing great suffering or serious injury to body or mental or physical health.

For any of these acts to qualify as a crime against humanity they have to be committed as part of a widespread or systematic attack against a civilian population.

xxxviii Office of HH Sheikha Mozah Bint Nasser Al-Missned, Planning and Programming Directorate, *Protecting Education from Attack: A State-of-the-Art Review*, UNESCO, 2010, Chapter 9, International Law and the Protection of Education Systems.

xxxix See Melinda Smith, Education under Attack in Asia/Pacific Region, Background paper for the UNICEF-APSSC Education Under Attack Forum held in Bangkok, September 2010, citing UNESCO, *Protecting Education from Attack: A State-of-the-Art Review*, 2010 and correspondence with Bede Sheppard of Human Rights Watch

xl 'Community' is defined geographically, emphasising a group of people living in a particular location such as a village or town, or city neighbourhood.

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**Global
Education Cluster**

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