



**Submission to the Committee on the Elimination of Discrimination against Women  
Discussion on Girls’/Women’s Right to Education (Article 10)  
July 7, 2014**

The Global Coalition to Protect Education from Attack (GCPEA) welcomes the opportunity to respond to the call for written contributions to the half-day discussion of the Committee on the Elimination of Discrimination against Women ( ‘the Committee’) on girls’ and women’s right to education.

[GCPEA](#) was established in 2010 by organizations working in the fields of education in emergencies and conflict-affected contexts, higher education, protection, 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 an international coalition of organizations that includes: Council for At-Risk Academics, Human Rights Watch (HRW), Institute of International Education/IIE Scholar Rescue Fund, Protect Education in Insecurity and Conflict, Save the Children International, Scholars at Risk Network, UNESCO, UNHCR, and UNICEF.

### **Introduction**

Through this submission GCPEA highlights the prevalence and impact on girls and women of targeted attacks against educational staff, students, and facilities (‘targeted attacks’) and the military use of schools and universities (‘military use’) by state and armed non-state actors in times of insecurity and conflict. In so doing it evidences persistent violations of girls’ and women’s right to education and associated rights<sup>1</sup> at such times. It evidences also the need for all States to demonstrate a proactive commitment to, amongst others: take necessary measures to prevent targeted attacks; ensure the meaningful participation of women in the development of such measures and through endorsement and implementation of the [Draft Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict](#) restrict military use; ensure accountability for attacks and military use; and where appropriate, provide adequate redress, including by way of transformative reparation.

The paper ends with a non-exhaustive list of recommendations to assist the Committee in providing guidance to States in the fulfillment of their obligation to protect, respect, and fulfill the right to education for women in times of insecurity and conflict.

### **Targeted Attacks on Girls’ and Women’s Education, and Military Use of Schools and Universities**

As detailed in the Concept Note for the half-day discussion, in its General Recommendation No. 30 (2013), the Committee records that in conflict-affected areas, ‘girl’s access to education is jeopardized due to among others, insecurity, the occupation of schools by state and non-state actors as well as targeted attacks and threats against girls and their teachers by non-State actors.’

GCPEA has, since that date, published a report titled [Education under Attack 2014](#).<sup>2</sup> The report provides the most comprehensive documentation to date of targeted attacks on education and military use of schools and universities. It examines threats and deliberate use of force by state military and security

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<sup>1</sup> See further Kristin Hauser, Nicole Urban, and Robert McCorquodale, *Protecting Education in Insecurity and Armed Conflict: An International Law Handbook* (London and Doha: British Institute of International and Comparative Law and Education Above All, 2012).

<sup>2</sup> *Education under Attack 2014* (New York: GCPEA, 2014), 142.



forces and armed non-state groups against students, teachers, academics, education trade union members, government officials, aid workers, and other education staff and attacks on schools, universities, and other education buildings carried out during armed conflicts in 2009-2013. It also focuses on the use of schools and universities for military purposes.

**Targeted Attacks on Girls' and Women's Education:** The recent abduction of nearly 300 schoolgirls by Boko Haram in northeastern Nigeria and the 2012 attack on Malala Yousafzai by the Taliban in northwest Pakistan are two highly publicized examples of attacks against girls seeking to exercise their right to education. They are, however, merely the tip of the iceberg. Targeted attacks against educational staff, students, and facilities are a pervasive and global feature of insecurity and conflict: many pass unnoticed. Accountability and redress are absent for the majority of cases.

*Education under Attack 2014* documents targeted attacks in at least 70 states over the five-year period under review—far more than documented in previous reports released by UNESCO in 2007 and 2010. It is unclear whether this increase reflects growing awareness of the problem and more frequent and better quality reporting of attacks, or an actual increase in their number.

Illustrative examples of attacks and threats of attack against women recorded include the banning by the Taliban of girls' schooling in 2009, resulting in some 120,000 girls and 8,000 female teachers ceasing to attend school in Swat district. In May 2011, the head teacher of Porak girls' school in Logar province, Afghanistan, was shot and killed near his home by the Taliban after receiving repeated death threats telling him not to teach girls.<sup>3</sup> Human Rights Watch research in Somalia found evidence of girls being taken from schools and forced to become 'wives' of Al-Shabaab fighters. In one case in 2010, the girls were selected at gunpoint; one 19-year-old student who refused to be taken was shot in front of her classmates. In another, after 12 girls were taken by Al-Shabaab, the teacher reported that some 150 female students dropped out of school.<sup>4</sup>

Female students and teachers alike may be assaulted or raped on their way to school or during violent attacks on school facilities. In Afghanistan on 20 October 2010, at least eight girls were killed when a powerful roadside bomb blasted a school bus carrying schoolgirls in the Khash Rod district of Nimod province.<sup>5</sup> In India in July 2013, at least 20 masked men broke into a Christian school and abducted and raped four girls aged 12 to 14 belonging to the Pahariya tribal group.<sup>6</sup> In the Democratic Republic of the Congo, a Congolese army colonel in South Kivu allegedly raped a 15-year-old girl on her way back from school in June 2009; he forced her to follow him on his redeployment after he learned she was pregnant.<sup>7</sup>

**Military Use of Schools and Universities:** As noted by the Committee, the use of education buildings and facilities for military purposes jeopardizes girls' and women's right to education. Government security forces and non-state armed groups are often attracted by the location, solid structure, and ready facilities found in schools, universities, and other education institutions. They have used these sites in a

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<sup>3</sup> "Taliban Kill Afghan Girls' School Headmaster," *Thomson Reuters*, 25 May 2011, as cited in GCPEA, *Education under Attack 2014* (New York: GCPEA, 2014), 117.

<sup>4</sup> HRW, *No Place for Children: Child Recruitment, Forced Marriage, and Attacks on Schools in Somalia* (New York: HRW, February 2012), 55-6, as cited in GCPEA, *Education under Attack 2014* (New York: GCPEA, 2014), 181.

<sup>5</sup> "Bomb hits Afghan school bus, kills at least 9," *Reuters*, 20 October 2010, as cited in GCPEA, *Education under Attack 2014* (New York: GCPEA, 2014), 117.

<sup>6</sup> "India: Four girls abducted from a Christian school and gang raped," *Vatican Insider*, 20 July 2013, as cited in GCPEA, *Education under Attack 2014* (New York: GCPEA, 2014), 142.

<sup>7</sup> UNSC, *Report of the Secretary-General on Children and Armed Conflict in the Democratic Republic of the Congo*, S/2010/369,

<sup>9</sup> July 2010, para 37, as cited in GCPEA, *Education under Attack 2014* (New York: GCPEA, 2014), 133.



variety of ways, including as bases, barracks, firing positions, munitions caches, detention centers, and even torture chambers, for periods lasting weeks, months, and even years. These uses can convert a school into a legitimate military target under international law and makes students, teachers, and their school buildings vulnerable to attack by belligerent forces. GCPEA [research](#) found that armed forces or armed groups use schools and other education institutions in the majority of conflict-affected countries. Between 2005 and 2012, education institutions were used in conflicts in at least 24 countries across four continents.<sup>8</sup>

In addition to the risk of death or severe injury from attacks, students attending classes alongside troops in schools occupied by armed forces may be exposed to physical or sexual abuse by the armed men. The presence of armed men often discourages families from sending their girls to school. Parents fear their daughters will become victims of gender and sexual-based violence or be subject to sexual harassment. At Kasma Middle School in Bihar, India, the presence of 10 paramilitary police officers prevented the school from opening a previously approved residential hostel for 200 disadvantaged girls, including married girls. Because students would remain overnight on the campus with the police, parents refused to register their daughters for fear of sexual misconduct.<sup>9</sup>

In Thailand, paramilitary forces occupied part of Ban Klong Chang village's elementary school in 2009 and 2010. Human Rights Watch interviewed a 10-year-old girl who said, "I am afraid of [the soldiers], because the soldiers are very touchy. They love to hold the children, and that's okay for the boys, but for girls, we can't allow men to touch our body. And I am not happy when the soldiers ask whether I have any older sisters and ask for their phone numbers." One mother who removed her daughter from the same school, said: "It is more dangerous for girls than boys, because girls these days now grow up so quickly. I fear that the girls will get pregnant by the soldiers."<sup>10</sup> In Colombia in 2004, soldiers periodically occupying a local school allegedly had sex with two 14-year-old girls who became pregnant as a result.<sup>11</sup> Armed forces have also kept school toilets and sanitation facilities for their own use, thus discouraging school attendance by girls.

Using a school or other education institution as a base for armed forces or paramilitary police may also mean exposing students to poorly trained or poorly disciplined armed personnel who conduct themselves in a manner inappropriate for an educational setting. Children may witness or experience acts of violence or be subjected to physical or sexual abuse and other crimes. These have included soldiers in Colombia leaving graffiti on school walls with images of violence and sexual messages,<sup>12</sup> members of security forces in India bathing in their underwear within the sight of girl students, in a manner that was culturally inappropriate<sup>13</sup>, and in Libya, armed forces using an elementary school as a detention site where women and girls were raped.<sup>14</sup>

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<sup>8</sup> GCPEA, *Lessons in War* (New York: GCPEA, November 2012).

<sup>9</sup> HRW, *Sabotaged Schooling: Naxalite Attacks and Police Occupations of Schools in India's Bihar and Jharkhand States*, (New York: HRW, December 2009), 74-75, as cited in GCPEA, *Lessons in War* (New York: GCPEA, November 2012), 39.

<sup>10</sup> HRW, "Targets of Both Sides": *Violence against Students, Teachers, and Schools in Thailand's Southern Border Provinces*, (New York: HRW, 2010), 58, as cited in GCPEA, *Lessons in War* (New York: GCPEA, November 2012), 33-4.

<sup>11</sup> United Nations Economic and Social Council (ECOSOC), Report of the High Commissioner for Human Rights on the situation of human rights in Colombia, February 28, 2005 (E/CN.4/2005/10): 58, para. 51, as cited in GCPEA, *Lessons in War* (New York: GCPEA, November 2012), 34.

<sup>12</sup> COALICO, *Un camino por la escuela colombiana desde los derechos de la infancia y la adolescencia: 2006-2007* (Bogotá: COALICO, 2007), 55, as cited in GCPEA, *Lessons in War* (New York: GCPEA, November 2012), 39.

<sup>13</sup> HRW, *Sabotaged Schooling: Naxalite Attacks and Police Occupations of Schools in India's Bihar and Jharkhand States*, (New York: HRW, December 2009), 29, as cited in GCPEA, *Lessons in War* (New York: GCPEA, November 2012), 39.

<sup>14</sup> Women under Siege Project, "Libya," 2011, as cited in GCPEA, *Education under Attack 2014* (New York: GCPEA, 2014), 157.



The presence of troops in schools often leads to children dropping out, reduced school enrollment, lower rates of transition to higher levels of education, loss of motivation or absenteeism by teachers, and overall poorer educational attainment. Militarized environments can also burden teachers with anxiety as well as pragmatic challenges, such as over-crowded classes, reduced availability of materials, and compromised facilities. Moreover, in some instances teacher housing has also been used by armed forces and armed groups, displacing teachers and resulting in economic losses and serious personal hardships for teachers and the families they support. These issues can compound shortages in areas already suffering from a lack of qualified teachers and/or female teachers.

**Attacks on Higher Education:** Higher education communities and women seeking higher education are not immune from attack. Members of higher education communities may be targeted to intimidate or silence them, or to impose by force or coercion external control over who is allowed to learn, who is teaching, and what is learned. There is extensive evidence of murder, abduction, threats with violence, or illegal detention or imprisonment, and in some cases torture, often *because of* the victims' status as students, academics, and higher education leaders. Higher education facilities have been targeted, burned, and shelled by state forces and armed non-state actors and have also been used for military purposes as bases, barracks, weapons caches, and detention centers.

Whilst clearly threatening the safety and well-being of scholars, administrators, staff, and students, such attacks can also have a serious impact on wider issues of access to and quality of education at all levels, given the interdependence of the different levels of an education system: higher education institutions and personnel develop instructional methods and content, and train teachers, administrators, and other education professionals.

Female students and scholars of higher education have been specifically targeted. In June 2013, for example, a coordinated attack was launched against the Sardar Bahaddur Khan Women's University in Quetta, Pakistan, and the hospital ward where the casualties were taken. A bomb exploded on a bus at the campus, killing 14 female students and wounding 19. An earlier example occurred in June 2009, where 15 female Darfuri students at the University of Khartoum were assaulted by men dressed in black *abayas* who had reportedly entered their dormitory. In response, the National Intelligence and Security Services (NISS) detained many of the women who had been assaulted, along with others living in the same dormitory. Five of those injured sought medical treatment at a hospital, but police forced them to leave.<sup>15</sup>

### **The Impact of Attacks and Military Use on Girls' and Women's Right to Education**

In concurring with the Committee that the impact of attacks and military use jeopardizes women's access to education, GCPEA emphasizes also their impingement on the quality of education, women's meaningful participation in society, and on other human rights, most notably the right to freedom from discrimination, including discrimination against women with disabilities. In this latter regard, the impact of attacks and military use on the right to education for women with disabilities has received insufficient attention by relevant actors, including the Committee on CEDAW.<sup>16</sup>

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<sup>15</sup> US Department of State, *2009 Country Reports on Human Rights Practices - Sudan* (Bureau of Democracy, Human Rights, and Labor, 11 March 2010), as cited in GCPEA, *Education under Attack 2014* (New York: GCPEA, 2014), 189.

<sup>16</sup> Takhmina Karimova, Gilles Giacca, and Stuart Casey-Maslen, *United Nations Human Rights Mechanisms and the Right to Education in Insecurity and Armed Conflict* (Geneva/Doha: Geneva Academy of International Humanitarian Law and Human Rights/Protect Education in Insecurity and Conflict, 2013), xxi and 70-71.



More specifically, where attacks are persistent in an area or the threat of force is used to block recovery from attacks, the impact may include:

- chronic disruption of attendance by students, teachers, and other education staff;
- permanent drop-out of students, and permanent resignation of teachers, and other education staff;
- falling recruitment of staff, leading to teacher shortages, and declining enrolment of students;
- persistent demotivation and distraction of students, teachers, and other education staff by fear or trauma and other factors that lower the quality of teaching and impinge on students' ability to learn;
- damage to or failure to repair or resupply infrastructure, textbooks, and other learning materials, thereby reducing access, the quality of teaching and learning, and potentially putting students, teachers, and other education staff at risk;
- reduced government capacity to deliver education or develop the education system;
- suspension or reduction in international aid for education; and
- falling recruitment of teacher trade unionists, reducing their capacity to provide a teachers' viewpoint on the development of education.

While attacks on educational staff, students, and facilities and the military use of schools and universities impact both women and men, the disproportionate impact is felt by women.

## **Recommendations**

### **Guidance to States on Measures to Prevent and Protect Attacks on Education**

Drawing from the above, the following non-exhaustive recommendations are offered to assist the Committee in providing guidance to states (and other relevant actors) on measures to prevent and protect against attacks on educational staff, students, and facilities, and the military use of schools and universities. These include:

- a) The necessity for States, all parties to armed conflict and other relevant actors to recognize that the right to education for women and girls endures at all times, including those of insecurity and conflict.
- b) The necessity for States, all parties to armed conflict, and other relevant actors to recognize that attacks on education and military use of schools and universities can have a disproportionate or discriminatory impact upon girls and women.
- c) The necessity of a gender analysis to inform preventive and protective measures and which facilitates the participation of women and girls, including those with disabilities, in their development. These measures include the requirement for States, and where appropriate, other relevant actors to:
  - a. Take all necessary steps to prevent attacks on education, including making clear public statements that attacks on education are prohibited and issuing clear military orders to this effect.
  - b. Rigorously monitor attacks against education and use that information to devise effective, coordinated responses, including preventive interventions, rapid response, and both legal and non-legal accountability measures for perpetrators.
  - c. Systematically investigate and prosecute in accordance with international standards those individuals responsible for ordering, taking part in, or bearing command responsibility for the range of violations of international human rights, humanitarian, and criminal law that constitute attacks on education.



- d. Ensure and facilitate effective measures of redress for violations of international and domestic law including, where appropriate through awards of reparation of a transformative nature.<sup>17</sup>
- e. Refrain from using schools and universities for military purposes, endorse the [\*Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict\*](#), and implement them in domestic legislation and military doctrine.
- f. Adopt conflict-sensitive curricula and resourcing policies to ensure that education does not help trigger conflict and become a target for attack.
- g. Establish preventive measures, such as early warning systems and a rapid response system for attacks.
- h. Ensure that educators and families forced to flee from attacks are offered protection, that the impact of their departure on education systems is addressed, and that, when possible, they are able to return safely
- i. Protect higher education institutions at all times and prevent violence and intimidation against academics by introducing and implementing policies, regulations, and laws that promote both institutional autonomy and the security of higher education communities

### **Calling on States to Report on Attacks on Education during the Committee's Examination**

GCPEA greatly welcomes the Committee's consideration of the general protection of women's right to education in times of insecurity and conflict, despite the absence of conflict-specific guidelines on implementation of the provisions of CEDAW. It applauds also the Committee's consideration of targeted attacks against educational staff, students, and facilities and the military use of schools and universities. GCPEA further endorses the Committee's structural/preventive approach, most particularly the need to eliminate root causes of discrimination against women combined with its continued call for accountability measured, in part, by prosecutions and conviction of perpetrators.<sup>18</sup>

Nonetheless, the ability of the Committee to deepen still further its engagement on, specifically, attacks and military use is dependent, in part, on the substance and quality of material brought before it.

Accordingly, GCPEA encourages the Committee to continue to:

- a) Call on all States in which targeted attacks and/or military use of schools occur, to document such activity in their periodic reports, evidence the impact it has on women and girls, and the measures that are being taken to protect against and respond to these acts.
- b) Raise the issue of targeted attacks on education and military use of schools in its examination of States in which such activity occurs, asking specifically about the impact it is having upon women and girls and the measures being taken to protect against such acts.

**GCPEA assures the Committee of its continued availability to provide further information and additional comment as well as any questions that the Committee may have as the Committee prepares the General Recommendation on Article 10.**

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<sup>17</sup> See further *Education and the Law of Reparations in Insecurity and Conflict*, 38-40.

<sup>18</sup> Takhmina Karimova, Gilles Giacca, and Stuart Casey-Maslen, *United Nations Human Rights Mechanisms and the Right to Education in Insecurity and Armed Conflict* (Geneva/Doha: Geneva Academy of International Humanitarian Law and Human Rights/Protect Education in Insecurity and Conflict, 2013), 47-48.