



Global Coalition to Protect Education from Attack

The Global Coalition to Protect Education from Attack (GCPEA) was established in 2010 by organizations from the fields of education in emergencies and conflict-affected fragile states, higher education, protection, international human rights, and international humanitarian law who were concerned about on-going attacks on education institutions, their students, and staff in countries affected by conflict and insecurity. GCPEA is governed by a steering committee made up of the following international organizations: Council for At-Risk Academics, Human Rights Watch, Institute of International Education/ IIE Scholar Rescue Fund, Protect Education in Insecurity and Conflict, Save the Children, UNICEF, UNESCO, and UNHCR. GCPEA is a project of the Tides Center, a nonprofit 501(c)(3) organization.¹

GCPEA writes in advance of the pre-session review of Nepal by the Committee on the Rights of the Child to highlight areas of concern regarding attacks on education and military use of schools during the reporting period of 2004-2010 and beyond. We hope this submission will inform your consideration of Nepal's compliance with the Convention on the Rights of the Child.

GCPEA defines attacks on education as threats or deliberate use of force against students, teachers, academics, education trade union members and government officials, education aid workers and other education staff, and against schools, universities and other education institutions carried out for political, military, ideological, sectarian, ethnic or religious reasons. Such acts undermine the conditions necessary for the protection of the rights of children, including their right to life, health, and to a quality education.

Military Use of Schools

According to our reports *Study on Field-based Programmatic Measures to Protect Education from Attack*,² and *Lessons in War: Military Use of Schools and Other Education Institutions during Conflict*,³ during the conflict between the Nepalese government forces and the Maoist rebels that lasted from 1996-2006, schools were used by both sides for military purposes, as camps, parade or training grounds,

¹ This submission was prepared by the GCPEA Secretariat, based on information collected by the Secretariat and the Coalition's member organizations. **This submission is, however, 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.**

² Global Coalition to Protect Education from Attack, *Study on Field-based Programmatic Measures to Protect Education from Attack*, (2011) http://protectingeducation.org/sites/default/files/documents/study_on_field-based_programmatic_measures_to_protect_education_from_attack_0.pdf

³ Global Coalition to Protect Education from Attack, *Lessons in War: Military Use of Schools and Other Education Institutions During Conflict*, (2012). http://protectingeducation.org/sites/default/files/documents/lessons_in_war.pdf

weapons caches, and meeting sites.⁴ Armed groups abducted children from schools or en route to school, in one case during exams, for recruitment purposes,⁵ and Maoists ran 'cultural programs' or propaganda campaigns at schools to coerce students into joining their ranks through speeches, theatre, and song.⁶ In 2004, Maoist fighters were reported by the Watchlist on Children and Armed Conflict to have forced students and teachers to dig defensive trenches at numerous schools they used as barracks in Kalikot District, so the soldiers could retaliate against security forces in the case of attack.⁷

According to the UN Secretary General, in January 2006, members of the People's Liberation Army temporarily occupied a school in Syangja district, Nepal, with 130 students and teachers present. The Royal Nepalese Army fired at the school from a helicopter and dropped a bomb nearby.⁸

Armed forces occupied some government schools following requests for protection from community leaders. The requests originated from wealthier members of the community whose children attended private schools. This affected poorer children and exacerbated existing class-based tensions in the community.⁹

During the last year of Nepal's civil war, government forces used school buildings as army barracks and temporary shelters in at least nine districts across the country. Following the 2006 ceasefire, the National Army vacated most schools, although in some instances police established posts in their place.¹⁰

The use of schools by armed forces or armed groups for military purposes can convert a school into a legitimate military target under international law, placing it at risk of attack by opposing forces. In addition to damaging infrastructure, the presence of troops in schools can lead to reduced enrolment, increased drop-out rates, lower rates of transition to higher levels of education, higher teacher absenteeism, and overall poorer educational quality and attainment. Girls can be disproportionately affected as families may fear their daughters will be exposed to physical or sexual abuse by armed men, and may be less likely to send them to school.

⁴ Watchlist on Children and Armed Conflict, *Caught in the Middle: Mounting Violations Against Children in Nepal's Armed Conflict* (Watchlist, 2005); Eva Ahlen, "Nepal Country Summary," (prepared for: GCPEA Knowledge Roundtable: Programmatic Measures in Prevention, Intervention, and Response to Attacks on Education, Phuket, Thailand, November 8-11, 2011).

⁵ Human Rights Watch (HRW), *Children in the Ranks: The Maoists' Use of Child Soldiers in Nepal*, HRW Report 19, no. 2(C) (New York: HRW, 2007); Watchlist, *Caught in the Middle*.

⁶ HRW, *Children in the Ranks*; UNICEF, *Progress Report on Support for UNICEF's 'Education in Emergencies and Post-crisis Transitions' Programme*.

⁷ Watchlist, *Caught in the Middle*, 23.

⁸ United Nations Secretary General, Children and Armed Conflict in Nepal, S/2006/1007, December 20, 2006, para. 39.

⁹ Author interview with Nepal Education Cluster Coordinator, December 2011, as cited in GCPEA's *Lessons in War*.

¹⁰ United Nations Secretary General, Children and Armed Conflict in Nepal, S/2006/1007, December 20, 2006, para. 40

Attacks on Schools, Students, Teachers, and Other Education Personnel

According to our publications, during the conflict, Maoist insurgents waged a war against the Government of Nepal, using attacks on education to weaken the state, deepen divides in society, and strong-arm people into supporting their cause.¹¹

Teachers were targeted by Maoists as a means of controlling the education system and using it to instruct Maoist ideology.¹² In addition to violent actions such as abductions, teachers were coerced into joining sides in the conflict, mobilizing students to support sides, and indoctrinating others with Maoist ideology.¹³ For example, according to a 2006 IRIN report, Dipendra Roka, a teacher from Salle Village in Rukum district, had been abducted by the Maoists and forced to work for them for two years. He was tasked with explaining the Maoist ideology to other teachers and to students.¹⁴

UNESCO, in its report *Education under Attack, 2010*,¹⁵ states:

Following the end of the Maoist insurgency in November 2006, the number of teachers and students abducted dropped dramatically, but the combined number of teachers and students killed continued at similar rates as during the conflict.¹⁶

The number of abducted teachers decreased from 1,360 in 2006 to 36 in 2007, 34 in 2008 and six in the first half of 2009. The number of students abducted fell from 3,154 in 2006 to 78 in 2007, but rose to 90 students in 2008; however, it appears to have decreased again, at 24 in the first half of 2009.

In the last year of the conflict, 2006, two teachers were killed. This number increased to eight in 2007 but fell to seven in 2008 and one in the first half of 2009. The number of students killed rose from 28 in 2006 to 35 in 2007 and 39 in 2008; in the first half of 2009, 18 students were killed.

In other words, despite a fall in abductions, the killings continued at similar rates to those during the 11-year war between the Maoists and the government (1996-2006), when on average 13 teachers and 31 students were killed each year. While the number of teachers reported killed from 2007-2009 decreased, the number of reported student deaths rose, as compared to the civil war average. This may be related to the fact that while Maoists and Royalists reached agreement to end the fighting, other groups emerged, stoking ethnic and caste tension and

¹¹ Eva Ahlen, "Nepal Country Summary."

¹² Margit van Wessel and Ruud van Hirtum, "Schools as tactical targets in conflict: What the case of Nepal can teach us," *Comparative Education Review*, vol. 57, no. 1 (2013), 11.

¹³ *Ibid.*

¹⁴ IRIN, February 2, 2006, *Nepal: Decades of Damage to Education*.

¹⁵ UNESCO, *Education under Attack, 2010*, (2010).

¹⁶ Figures for Nepal supplied by Human Rights Documentation and Dissemination Department, Informal Sector Service Centre (INSEC), Kathmandu. INSEC is a partner in the Children and Armed Conflict Monitoring and Reporting Mechanism Taskforce for Nepal.

calling for more devolved power in Terai region, where armed rebels, often described as criminal elements, were operating.¹⁷

In addition, it is reported that 48 teachers and 182 students were beaten by Maoist, state or other forces in 2007, and 37 teachers and 219 students were beaten in 2008.¹⁸ One school was destroyed in 2007 and five were destroyed in 2008.

Armed criminal gangs also kidnapped schoolchildren. Khyati Shrestha was snatched in Kathmandu on 5 June 2009 and her kidnappers demanded a \$13,000 ransom. Weeks earlier, a 10-year-old girl was snatched on her way to school in Kathmandu by armed men riding on motorbikes. Police said this was not a new problem but often went unreported because victims and their families preferred to keep it secret to avoid further complications.¹⁹

On 12 May 2009, a school in Dolakha was closed after the principal and a teacher were assaulted by Maoist activists.²⁰ Around the same time, three teachers in Dhading District were threatened by Maoist activists. One was told not to come to school, another was threatened to leave and a third was reportedly forced out of his position in the School Management Committee.²¹

UN Secretary-General Ban Ki-moon in his 2009 report to the Security Council on children and armed conflict noted that, "Abductions, killings, explosions of improvised explosive devices and attacks on schools and teachers by armed groups in the Tarai (southern plains) region continued, with children making up a disproportionate number of the victims. Three cases of abduction and killings of teachers and principals were attributed to the Tarai armed group Janatantrik Tarai Mukti Morcha led by Jwala Singh."²²

UNESCO also states that:

On 26 September 2007, IRIN reported that 11 schools in Kapilvastu District remained closed following the outbreak of violence between the Pahade and Madhesi ethnic communities in southern Nepal ten days earlier. Some facilities had been burnt down and completely destroyed, according to child rights workers.²³

On 21 May 2007, Maoists reportedly abducted Biswonath Shah, principal of the Janasewa Secondary School of Siraha, from his home in Siraha District over allegations of irregularities in the school's finances.....²⁴

¹⁷ For background information on the Terai tension, see Magnus Hatlebakk, *Economic and Social Structure that May Explain the Recent Conflicts in the Terai of Nepal* (Bergen, Norway: CMI, 2007).

¹⁸ Figures for Nepal supplied by Human Rights Documentation and Dissemination Department, INSEC, Kathmandu.

¹⁹ AFP, "Spate of Kidnappings Shocks Nepal," June 25, 2009

²⁰ Information supplied by UNESCO-Kathmandu, as cited in *Education under Attack, 2010*, 212

²¹ Ibid.

²² Report of the Secretary General on children and armed conflict, 26 March, 2009, A/63/785-S/2009/158, para. 82.

²³ IRIN News, "Nepal: Children Severely Affected by Ethnic Violence in South," September 26, 2007.

²⁴ South Asian Terrorism Portal, "Abductions by the CPN-Maoists Since the April 2006 Cease-fire," <http://www.satp.org/satporgtp/countries/nepal/database/ceasefire.htm>.

Human Rights Watch reported in 2007 that Maoists had recruited children in a number of ways, including: kidnapping of individual children; abduction of large groups of children, often from school or at mass rallies they are forced to attend; and use of propaganda programmes in schools or at mass gatherings to attract children as “volunteers”. Human Rights Watch interviewed children who had been recruited at schools: most were recruited at age 14, but some as young as age 10. Recruitment initially accelerated after the April 2006 ceasefire and then continued at a slower steady pace.

In many cases after the ceasefire, schools were forcibly commandeered for the staging of “educational programmes,” often including singing and dancing, that led to recruitment.²⁵ Once recruited the children stopped going to school. In some cases such sessions were used to identify children for forcible recruitment at a later date.

State Responses to Attacks on Education and Military Use of Schools

According to our report, *Study on Field-based Programmatic Measures to Protect Education from Attack*,²⁶ the government of Nepal has taken many steps to address attacks on education and military use of schools. It supports the Schools as Zones of Peace (SZOP) initiative, which started during the insurgency and continued after the peace accord. It was initiated by UNICEF and has been implemented by many international, national, and local NGOs throughout conflict-affected areas.²⁷ The goals of SZOP are to reduce school closures, limit the presence of armed forces in and around schools, prevent the misuse of school grounds, improve school governance, increase local ownership of schools, and increase inclusiveness in the school system.²⁸ The SZOP initiative encompasses many components including community involvement, negotiations, restricting the military and political use of schools, conflict sensitive curriculum reform, and advocacy.

On May 25, 2011, the government issued a cabinet-level decision declaring all education institutions—including universities, colleges and schools - “Zones of Peace,” in order to “assure the learning rights of students and provide easier access to a well-managed and peaceful environment as well as the continuous operation of schools without hindrance to learning.”²⁹ Strikes, protests, or other interference in schools became punishable. In 2011, Nepal’s Ministry of Education also issued the Schools as Zones of Peace National Framework and Implementation Guideline which, “to keep the school free from armed activities and other kinds of violence” includes the following conditions: “(a) No armed activities in the school premises and in its periphery; (b) No presence of armed group of conflicting parties in the school premises; and (c) No use of school for any armed activities.”³⁰

²⁵ HRW, *Children in the Ranks*.

²⁶ GCPEA, *Study on Field-based Programmatic Measures to Protect Education from Attack*, 52.

²⁷ Organizations implementing SZOP are: UNICEF, World Education, Save the Children, INSEC, Child Workers in Nepal Concern Center (CWIN), Partnership Nepal and many other local partner NGOs. See Melinda Smith, “Schools as Zones of Peace: Nepal Case Study in Access to Education during Armed Conflict and Civil Unrest,” (in *Education Under Attack: A State-of-the-Art Review* (UNESCO, 2010)); World Education Inc, *Schools as Zones of Peace in Madesh: Final Report submitted to UNICEF*, 2009.

²⁸ UNICEF Nepal, “Schools as Zones of Peace (SZOP): Education for Stabilization and Peace Building in Post-Conflict Nepal,” 2.

²⁹ Decision of the Government of Nepal, May 25, 2011.

³⁰ Schools as Zones of Peace National Framework and Implementation Guideline, Ministry of Education, promulgated under rule no. 192(3) of Education Regulation (2002), 2011.

In 2011, Nepal was delisted from the annexes of the Secretary-General's annual report to the Security Council on children and armed conflict. The report includes a list of parties who commit grave violations against children. Nepal was delisted after its successful completion of Security Council-mandated action plans to end the recruitment and use of children.³¹

Questions for the Government of Nepal:

- 1) What steps have been taken to monitor and record military use of schools and attacks against schools, students, teachers and other education personnel by state and non-state actors since the last reporting period?
 - How many attacks on schools, students or teachers have been recorded since the last reporting period?
- 2) What steps have been taken to monitor and record the short and long term *impact* of military use and attacks since the last reporting period on:
 - Schools?
 - Students?
 - Teachers and other education personnel?
 - The education system more generally?
- 3) What measures is the government taking to implement the protections offered in the Schools as Zones of Peace declaration in national legislation?
- 4) What steps has the government taken to implement these protections into the doctrine and policies of the Nepali Armed Forces?
- 5) What additional steps have been taken since the last reporting period to eliminate negative impacts of attacks against schools, students, teachers and other educational personnel including through:
 - The reconstruction and reopening of schools and return of teachers and pupils?
 - The reintegration of children into the education system, including through, if appropriate, the provision of informal education programs?
 - The investigation of attacks committed in the second reporting period to date and, where appropriate, the prosecution and punishment of perpetrators. In this regard, what difficulties has the State experienced in investigating and prosecuting attacks and what steps have been taken to address these difficulties?
 - The provision of appropriate remedial and reparation measures (including those targeting girls, women and people with disabilities) in response to attacks on schools, students, teachers and other education personnel by state and non-state actors?
- 6) What steps have been taken to ensure that adequate human and financial resources are provided for the purposes noted above?

³¹ "Conflicts in Syria, Mali pose unprecedented threats to children- UN report," UN News Centre, June 12, 2013.

7) What steps have been taken to disseminate the second periodic report, written replies and related recommendations (including concluding observations) relating in particular to the negative impact of conflict on education and, more specifically, to military use and attacks against schools, students, teachers and other education personnel by state and non-state actors?

Recommendations for the Government of Nepal:

-The government should ensure that the cabinet-level decision declaring schools as “Zones of Peace” is enacted into domestic law.

-The Government should investigate, prosecute and, if guilt is proven, punish individuals responsible for ordering, or bearing command responsibility for, or taking part in, the range of violations of international law that constitute attacks on education.

-The Government should consider endorsing the [Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict](#) and incorporate them into their legislation and military doctrine and policies.