Lessons in War

Military Use of Schools and Other Education Institutions during Conflict

Global Coalition to
Protect Education from Attack

GCPEA

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November 2012

Global Coalition to **Protect Education from Attack**

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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 ongoing attacks on educational 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: The Council for Assisting Refugee Academics, Education Above All, Human Rights Watch, the Institute of International Education, Save the Children International, UNESCO, UNHCR, and UNICEF. GCPEA is a project of the Tides Center, a nonprofit 501(c)(3) organization.

This report is the result of an independent external study commissioned by GCPEA. It 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.

Vision

We seek to establish a world in which all who wish to learn, teach and research, at all levels and in all forms of education, and all those who support them, can do so in conditions of safety, security, dignity and equality, free from fear, consistent with the principles of mutual understanding, peace, tolerance, and academic freedom.

Mission

To catalyze enhanced prevention of attacks on education, effective response to attacks, improved knowledge and understanding, better monitoring and reporting, stronger international norms and standards, and increased accountability.

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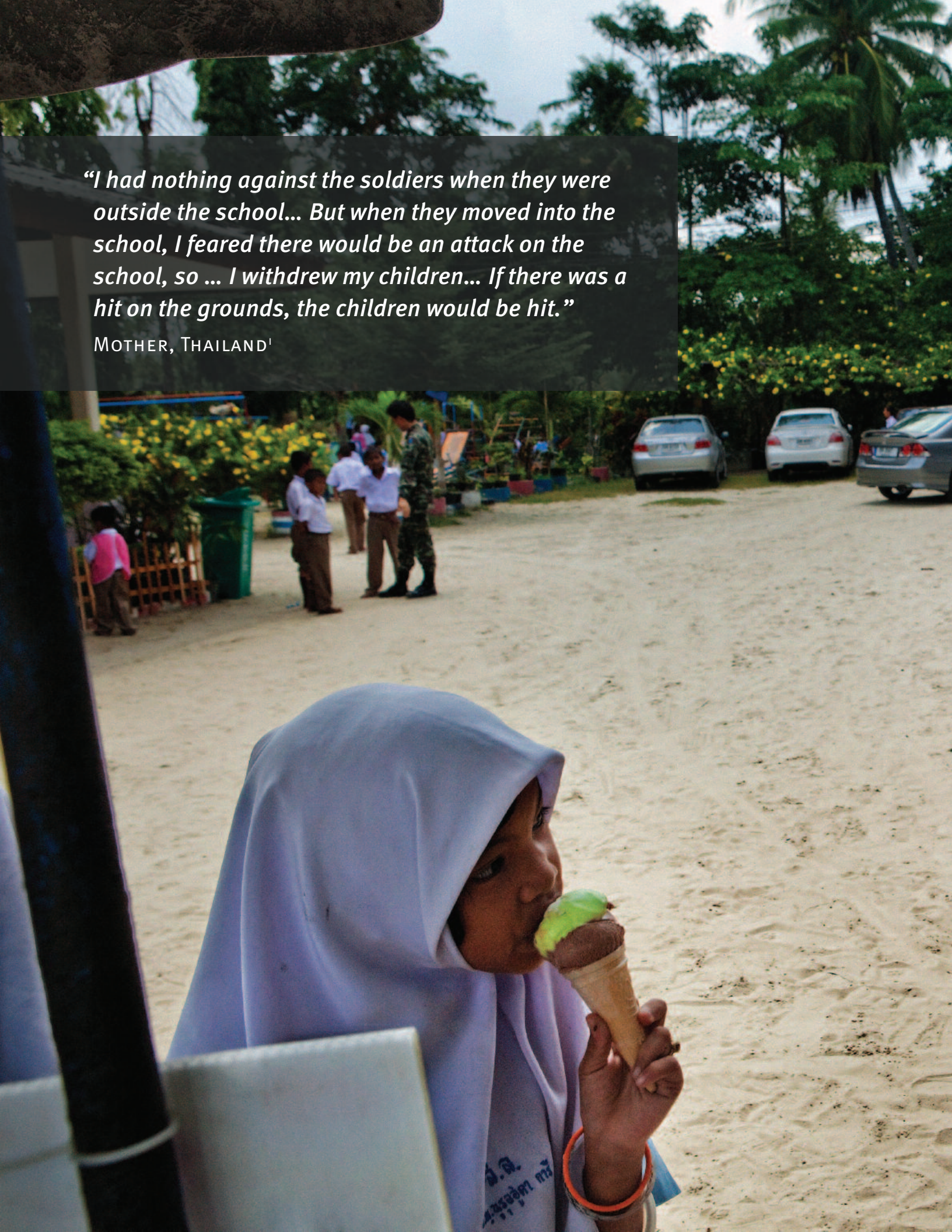
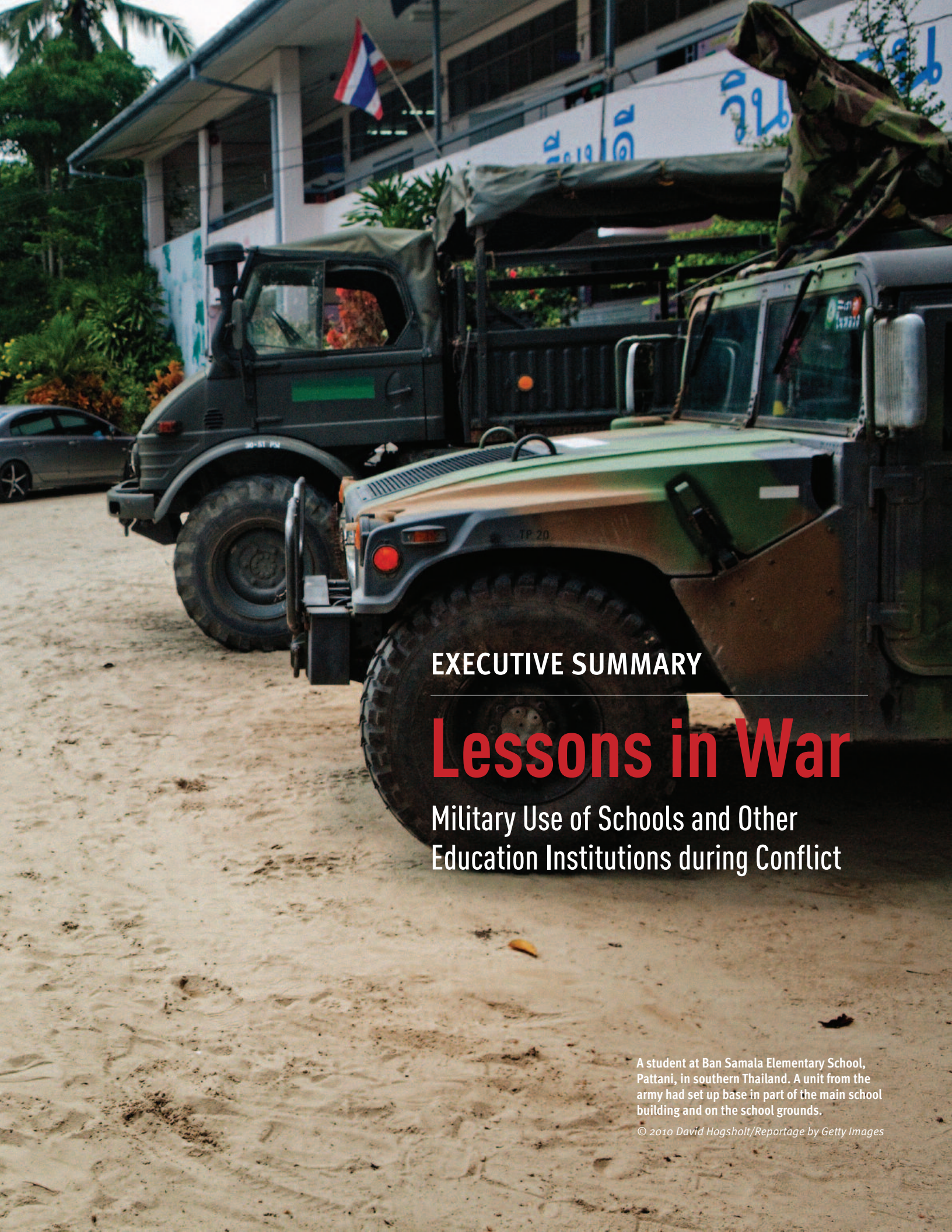


"I had nothing against the soldiers when they were outside the school... But when they moved into the school, I feared there would be an attack on the school, so ... I withdrew my children... If there was a hit on the grounds, the children would be hit."

MOTHER, THAILAND[1]



EXECUTIVE SUMMARY

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A student at Ban Samala Elementary School, Pattani, in southern Thailand. A unit from the army had set up base in part of the main school building and on the school grounds.

In this picture taken during a UN observer-organized tour, Syrian boys, right, look at Syrian army soldiers, left, as they stand outside a school building used as a temporary military base in Hama city, central Syria, on May 3, 2012.

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i) The Study

In places around the world experiencing armed conflict and insecurity, schools and universities are ending up on the battlefield. In the majority of countries with armed conflicts in recent years, armed forces and armed groups have used schools and other education institutions for military purposes. They have converted schools into barracks and military bases by filling classrooms with sleeping cots, and encircling playing fields with barbed wire. They have established fortifications above classrooms, in order to better observe and shoot their enemies. And they have stacked assault rifles in hallways, hidden grenades under desks, and parked armored vehicles in gymnasiums. Not only have armed personnel taken children's schools by force, they have also occupied institutions of higher education, and put kindergartens and day-care centers to military use. In doing so, they have endangered the lives and safety of students and teachers, and imperiled these students' right to education.

> *"Some men came to our village. I tried to escape, but they took me to jail. Except it wasn't a jail—it was my old school. It's ironic—they took me there to torture me, in the same place I used to go to school to learn… They had taken over the school and made it into a torture center."*
>
> Khalid, 15, Syria[11]

A squad of Indian paramilitary police has been stationed inside the Tankuppa High School since the local police station was bombed and destroyed by Maoist guerillas in 2006. Tankuppa, Gaya district, Bihar State, India.

"[The paramilitary police based at the school] take baths in front of the girls and in front of us in their underwear, which is not appropriate in our culture… Sometimes these police are teasing the girls too."

HETAL, 15, INDIA[iii]

During times of armed conflict and insecurity, students' access to school and university can be an important bulwark of protection from many of the ills that typically befall children and young people in situations of war and strife. Safe schools provide life-saving information, mitigate the psychosocial impact of war, and protect children from trafficking and recruitment by armed groups. Access to a quality education is also a fundamental human right, regardless of the context. In the long term, a good education promotes peace and post-conflict reconstruction and helps young people develop the skills and qualifications they need to build lives for themselves and prosperity for their communities. But perhaps most importantly, access to a safe place to study and learn can provide students with a sense of normalcy, routine, and calm amid the chaos of war.

This study examines the common—yet largely under-examined—practice of state armed forces and opposition or pro-government armed groups using schools and other education institutions during times of armed conflict or insecurity for a military purpose: such as for barracks, logistic bases, operational headquarters,

A girl student leaves al-Furadh School, in Sanaa, Yemen, at the end of the day. Soldiers relax and chew qat outside the school walls. They lived in third-floor classrooms for several months, students and teachers said.

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weapons and ammunition caches, detention and interrogation centers, firing and observation positions, and recruitment grounds. Sometimes soldiers take over a school entirely, but far too often they use just a part of the school or university—some classrooms, an entire floor, the playground—and in doing so expose students to attack and other violence.

> ***"When they tortured the old man here, we got very scared. They beat him and electrocuted him right in the courtyard of the school. It was during recess."***
>
> Ahlam, 13, Yemen[iv]

For this study, evidence was gathered on the nature, scope, and consequences of the use of education institutions by armed forces during the period of January 2005 to October 2012. Using examples drawn from conflicts in 24 countries around the world, across four continents, this study demonstrates both the practice of militaries using education institutions and the consequences of such use for students, educators, and communities.

This study begins with two introductory chapters that describe the methodology, define important terms, and set out the research that indicates the vital importance to students of ongoing access to education during times of conflict.

Soldiers from the 'Invisible Commandos,' prepare an obstacle course at a middle school serving as a base, in the PK-18 area of the Abobo neighborhood, in Abidjan, Côte d'Ivoire, Tuesday, April 19, 2011.

© 2011 AP Photo/Rebecca Blackwell

The third chapter then explains the variety of uses that armed groups find for education institutions and presents some of the reasons that motivate militaries to use school and university buildings and grounds.

The fourth chapter discusses the prevalence and scale of military use of learning facilities.

To examine the consequences of military use of education institutions, the fifth chapter considers how such use endangers the lives and safety of students and teachers. The moment soldiers enter the premises, a school or university can become a target for enemy attack, and stops being a safe place for students and teachers. Belligerent forces have attacked armed forces inside schools and higher-education institutions even when students and teachers were present. In the worst cases, children and other civilians have been targets of attack or caught in the crossfire and injured or killed.

Students' safety may also be jeopardized by the misconduct of poorly trained or disciplined soldiers within their school or university, placing students at risk of sexual abuse and harassment, and the accidental or misdirected firing of weapons or explosion of ordnance.

A shelter on the grounds of Sadanga National High School, Mountain Province, in the Philippines, used as quarters by soldiers of the 54th IB, Charlie Company, on November 18, 2011.

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The sixth chapter highlights the ways in which military use of education institutions impinges upon students' access to education and degrades the quality of their education. Armed forces' use of learning facilities can increase student drop-out rates, interrupt studies, destroy important infrastructure, cause overcrowding, reduce rates of new enrollment, and hinder transition to higher levels of education.

The seventh chapter reviews a selection of good practice—examples of communities and governments finding solutions that reduce military use of education institutions, and implementing measures that mitigate against its negative consequences when it does occur. Some countries have complete bans on the practice—including Colombia, India, and the Philippines, countries that have experienced decades of multiple conflicts within their own borders. The fact that countries with an understanding of both the tactical requirements of military operations and the detrimental impact of militaries using education institutions have banned this practice, illustrates the practicality and value of such a prohibition.

The eighth chapter presents an overview of the international laws—including international humanitarian law (the laws of war) and international human rights law—that regulate the practice of militaries using education institutions. While international humanitarian law contains no general ban on the use of school buildings for military purposes, it does prohibit armed forces and armed groups using them at the same time as they are being use by students and teachers for education purposes. Under international law, mili-

tary use of an education institution can convert it into a legitimate military target, placing students and teachers at risk of attack by opposing forces. Even when there is no physical attack, the deterioration in access to schools and universities, quality of teaching, and opportunities to learn, can lead to violations of the right to education under international human rights law.

The ninth and final chapter offers some concluding comments and reiterates the primary recommendation of this study, which is for states to implement a clear and unambiguous prohibition of military use of education institutions.

"[Al-Shabaab fighters] set up a [surface to air rocket launcher] and started launching from inside the school compound. They set it up in the playing area… There was incoming fire back at our direction. There were five rockets hitting around the school compound. One landed as we were released and it killed eight students."

Xarid, 18, Somalia[v]

At a minimum, this study advocates for armed forces' obligations under international humanitarian and human rights law to be made explicit, including in legislation, and in military manuals, policies, and trainings. This means prohibiting the military use of schools and universities while they continue to be used as education institutions. It also means safeguarding the right to education by considering access, availability, and quality of education when planning and implementing military strategy, thereby restricting military use of learning facilities to the greatest extent possible.

The development of standards, at the state, and even at the international level, operationalizing the requirements of international humanitarian and human rights law and, ideally, drawing on good practice to extend beyond the strict requirements of international law, would fill the urgent need to offer soldiers and their commanders clear guidance on how to abide by their obligations in the heat of battle.

ii) Key Findings

- In **the majority** of countries with armed conflicts, armed forces or armed groups used schools and other education institutions. Between January 2005 and October 2012, they used education institutions in at least **24 countries** in conflicts across Africa, Asia, Europe, the Middle East, and South America.
- In **more than half** of all countries affected by armed conflict around the world, government forces used schools or other education institutions for a military purpose. **Government armed forces** used schools in every country where military use was reported.
- In **over a third** of all countries affected by armed conflict, **non-state armed groups** used schools. **Multinational forces** and even **peacekeepers** have also used education institutions.
- In the worst cases, **children have been injured and killed** and **schools damaged or destroyed** as belligerent forces have attacked schools because military forces were using them.
- Frequently, the consequences of military use of schools and other education institutions include **high student drop-out rates**, reduced enrollment, lower rates of transition to higher education levels, **overcrowding**, and loss of instructional hours. **Girls** are particularly negatively affected.
- Military use of education institutions can cause damage to already-fragile education infrastructures and systems. For example, in newly independent South Sudan, security forces used at least **21 schools** for military purposes during 2011, affecting approximately **10,900 children**. The cost of repairing resultant damage was around **US$67,000 per school**.
- Examples of **good practice** exist. Communities, international organizations, legislatures, courts, and armed forces have found ways to better protect schools from use by armed forces and groups. For example, in India, where security forces used more than 129 schools during 2010, disrupting studies for an estimated 20,800 students, India's **Supreme Court ordered the forces out**. In the Philippines, although some incidents of military use of schools continue to occur, the practice has been **explicitly banned** under both national legislation and military policy. And in 2012, the United Nations issued a new manual for all infantry battalions serving as peacekeepers, that **requires that schools shall not be used by the military in their operations**.

iii) Recommendations

Incidents and Impact of Military Use of Education Institutions

- The international community, states, non-state armed groups, and other actors should acknowledge that military use of schools and other education institutions is a common tactic in conflict that **requires a concerted response** at both the national and international levels. When education institutions are used for military purposes, the damage to societies, as well as to individuals, can be severe.

Monitoring and Reporting

- States, local organizations, and relevant international agencies should rigorously **monitor military use of education institutions** to devise effective, **coordinated, responses**, including preventative interventions, rapid response, and both legal and non-legal accountability measures for those individuals or groups who contravene existing laws, judicial orders, or military orders.

  Basic details that should be collected and reported include the names of the educational institutions being used, the purposes for which they are being used, the duration of the use, the armed force or armed group making the use, the enrollment prior to use, and student attendance during the period of use. **Better documentation** of the educational consequences of military use of schools—including on drop-out rates, lower enrollment, damage to educational infrastructure, and the psychosocial toll on students and teachers—would contribute to understanding the costs of this practice.

- UN **human rights monitoring mechanisms**, including the Committee on Economic, Social, and Cultural Rights; the Human Rights Committee; the Committee on the Rights of the Child; and the Human Rights Council and its mechanisms, including the Special Rapporteur on the Right to Education, should give greater attention to monitoring and reporting on military use of education institutions whenever it occurs.

- Country task forces of the UN-led Monitoring and Reporting Mechanism (MRM) on grave violations against children in situations of armed conflict should enhance the monitoring and reporting of military use of schools, as requested by the Security Council in Resolution 1998 of July 2011. Documentation of attacks on schools and other education institutions should also examine whether the schools were being used by a military force or armed group either at the time of the attack, or recently before the attack.

- Although **military use of higher education campuses** occurs, examinations of the consequence are almost non-existent and therefore greatly needed.

- Further research and documentation is required into the **long-term effects of military use of education institutions** on students and communities, about which almost nothing is currently known.

Programmatic Measures

- Legislators should consider **enacting legislation** in line with the good practice identified in this study, including the prohibition of armed forces and armed groups using education institutions.
- Education ministries in countries where military use of education institutions occurs should establish **preventative measures**, through co-ordination with their ministries of defense and armed forces, to avoid the military use of education institutions, and to return them expeditiously to use as schools where they are being used by armed forces.
- Armed forces should consider **amending military manuals** and **issuing military orders in line with the good practice** identified in this study, including by prohibiting armed forces from using education institutions. **Military Rules of Engagement** and **military trainings** with both national and allied forces should further reiterate the prohibition.
- Armed forces that have banned military use of schools and other education institutions should **share** with other countries their **good practice** in regulating and avoiding the use of schools for military operations.
- UN agencies and NGOs experienced in negotiating with armed forces and armed groups to stop or prevent their use of schools, should internally **evaluate the effectiveness of their efforts**, and then share their good practice both internally and externally.
- Organizations that have successfully brought domestic court cases to have armed forces ordered out of schools, should advise others interested in pursuing similar strategies.
- Education ministries and education actors working in contexts where military use of education institutions occurs should develop **rapid response systems** to establish adequate temporary learning spaces for students displaced by military use of their education institutions, and to advocate immediately for the return of the occupied facility. International organizations should support these efforts.
- Defense ministries and armed forces should establish **preventative planning measures** to minimize or **eradicate the need to use education institutions** during military operations.

Accountability

- States should credibly and impartially **investigate and prosecute,** in accordance with international standards, those individuals who use education institutions in a manner that violates international humanitarian law.
- States that regulate or ban military use of schools or other education institutions under domestic legislation, military orders or policy, or court orders, should **hold accountable** individuals who violate these rules.

Adherence To and Strengthening of International Law and Standards

- All parties to an armed conflict should **abide by their obligations under international humanitarian law** and take all feasible precautions to protect the civilian population and civilian objects, including education institutions, against the effects of attacks.
- Military manuals, policies, and training should make explicit **armed forces' obligations** to respect and ensure students' security and right to education **under international humanitarian law and international human rights law**.

There is an **urgent need for clear and simple guidance on armed forces' obligations** to protect students' and teachers' safety, and the right to education during times of conflict. Soldiers would benefit from clear and simple rules that would guide their decision-making during battlefield situations and other military operations. Commanders and planners would benefit from knowing how to prepare ahead so as to lessen the need to use and endanger schools. And governments and international organizations would benefit from standards they could use to monitor and assess the conduct of armed forces and armed groups. Clear international standards could serve as a tool for negotiating with contravening groups, and could advise militaries on how to mitigate the damage when armed groups do use schools.

A simple, clear ban—as some countries have already adopted—goes further than the requirements of international humanitarian law, but provides **an unambiguous and easily conveyed rule**.

[i] Human Rights Watch, *"Targets of Both Sides": Violence against Students, Teachers, and Schools in Thailand's Southern Border Provinces*, (2010), p. 58.

[ii] Save the Children, *Untold Atrocities: The Stories of Syria's Children*, 2012, p. 8.

[iii] Human Rights Watch, *Sabotaged Schooling: Naxalite Attacks and Police Occupations of Schools in India's Bihar and Jharkhand States*, (2009), p. 29.

[iv] Human Rights Watch, *Classrooms in the Crosshairs: Military Use of Schools in Yemen's Capital*, (2012), p. 15.

[v] Human Rights Watch, *No Place for Children: Child Recruitment, Forced Marriage, and Attacks on Schools in Somalia*, (2012), p. 69.

COUNTRIES WITH EDUCATION INSTITUTIONS USED FOR MILITARY PURPOSES 2005–2012

1. METHODOLOGY AND DEFINITIONS

Methodology

The Global Coalition to Protect Education from Attack (GCPEA) commissioned this study to analyze the existing country-specific research and documentation regarding the military use of schools and other education institutions in countries affected by conflict and insecurity.

Primarily, this is a desk study, surveying reports and other publications from the United Nations (UN), as well as international and domestic human rights and education organizations. This study also draws upon international and domestic media reporting.

In addition, the research team designed a survey for education practitioners and experts, which the Inter-Agency Network for Education in Emergencies (INEE) distributed to their members. The researchers collected additional information from presentations by, and interviews with, attendees at the GCPEA Knowledge Roundtable on Programmatic Measures in Prevention, Intervention, and Response to Attacks on Education, held in Phuket, Thailand, November 7-11, 2011. After this conference, the researchers also solicited follow-up information from participants by email and telephone.

Two of the study's researchers previously conducted on-the-ground investigations into the issue of military use of schools for Human Rights Watch. Some of the incidents this study cites from India, Thailand, the Philippines, and Yemen draw upon site visits and interviews carried out during those research projects.

Constraints

Experts and practitioners consulted during the research for this study agreed that existing public documentation on military use of education institutions does not capture the totality of such use by state, non-state, and international actors. Governments may suppress information regarding use of schools or universities by their own armed forces, and communities may fear retribution if they denounce the armed forces for using their local institutions. Mechanisms for monitoring and publicly reporting on incidents of military use of education institutions are scarce. Several organizations consulted during research for this study were aware of anecdotal reports of military use of education institutions that they were unable to verify due to insecurity, limited resources, or a lack of complete documentation. These reports are not included in this study.

Definitions

This study uses the following terms and definitions:

"Armed conflict" covers the legal concepts of "international armed conflict," generally the use of armed force between states, and "non-international armed conflict," a situation of protracted armed violence between government authorities and a non-governmental armed group, or between non-governmental armed groups. For non-international armed conflict to exist, the violence must reach a certain level of intensity, and the non-governmental groups involved must possess organized armed forces, meaning they are under a certain command structure, and have the capacity to sustain military operations.

"Armed force," "military," and **"security force"** are used interchangeably to encompass any national armed force, paramilitary group, paramilitary police, police acting as combatants in an armed conflict, non-state armed group, multinational force, or peacekeeping force. **"Armed group"** refers specifically to a non-state actor that is armed.

"Combatants," "soldiers," and **"troops"** are used interchangeably to denote members of both government armed forces and non-government armed groups.

"Education institution" is any place of learning, including a pre-primary or early childhood education center, a primary or secondary school, or a tertiary education center such as a university, college, or technical training school. **"Schools," "learning facilities,"** and **"education institutions"** are used interchangeably to refer to all educational levels ranging from pre-school to university.

"Military use of education institutions" refers to the broad range of activities in which a military may engage with the physical space of an education institution, whether temporarily or on a long-term basis. As explained in detail in chapter 3, the term includes, but is not limited to, the following uses: as barracks or bases; for strategic military positions; for storage of weapons or ammunition; for interrogation or detention; for military training or drilling of soldiers; for military recruitment contrary to international law; to establish observation posts; as a position to fire weapons from (firing position); or for assisting a weapon to hit its target (fire control). For the purposes of this study, the term is not used to describe instances where a military force is present near a school in response to a specific threat on an education institution, its students or teachers, or due to election polling within a school (for more on this distinction, see the box *Military Presence to Protect Education Institutions, Students, Teachers, or Election Polling* in chapter 3).

2. BACKGROUND: EDUCATION DURING TIMES OF CONFLICT

Situations of armed conflict create significant challenges to realizing the right to education. Evidence shows that children living in countries affected by armed conflict are substantially less likely to attend school than other children. Many experience prolonged interruptions to their studies and some abandon their efforts to learn. Of the 61 million children of primary school age in the world who are not attending school, as many as 40 percent of them live in countries affected by armed conflict.[1] Children in conflict areas who do enroll are also more likely to drop out later: statistics indicate that children entering primary school in countries affected by armed conflict are 20 percent more likely to leave primary school before completion than their counterparts in comparable countries not affected by armed conflict.[2] Gross enrollment ratios in secondary school are nearly 20 percent lower in conflict-affected countries. Studies reveal that education outcomes for girls in countries affected by conflict are worse than for boys.[3] Furthermore, literacy levels in countries affected by armed conflict are significantly lower than in comparable countries without armed conflicts.[4]

When forces use schools or other education institutions in situations of armed conflict or similar insecurity, it exacerbates an already precarious educational context, worsening the situation of students already at a heightened risk of abandoning their education.

Ongoing Access to Education is Life-Saving and Life-Sustaining

Safe access to education during times of conflict can provide both physical and psychological protection, save lives, sustain communities, strengthen resilience, and mitigate the impact of humanitarian crises.[5] When provided in a safe and protective environment, attending school or other education institutions can impart an important sense of normalcy and provide life-saving information and services, such as mine-awareness, HIV prevention, feeding programs, and psychosocial services. Importantly, ensuring future generations are well educated is vital for overcoming conflict, aiding recovery, and ensuring future development and security.[6]

3. THE NATURE OF THE USE OF EDUCATION INSTITUTIONS BY ARMED FORCES AND ARMED GROUPS

How Education Institutions are Used by Armed Forces and Armed Groups

Militaries frequently use schools and other education institutions for shelter or housing, strategic positioning, or storage. This section provides a few examples of the variety of common uses of schools by armed forces and armed groups during conflict situations. They range from short-term or temporary uses, such as firing positions and overnight shelters; to intermediate uses, such as military training grounds and detention centers; to long-term or indefinite uses, such as weapons caches and operating bases.

Partial Use versus Full Occupation

Sometimes when an armed group moves into an education institution, they expel all the students, teachers, and other civilians from the area. Alternatively, if the civilians were absent at the time of the takeover, the soldiers may prevent them from returning. Yet, often the troops only use part of the campus—they occupy a few classrooms, or take over some floors, or camp out in the playground—while teachers and students attempt to continue their classes. Even when forces only partially use a limited number of classrooms or a portion of the grounds, the physical indications of such use—such as sentries, barricading, and signage—can still give the impression that the entire premises has been converted to a military use and can place the whole school or university at risk of attack from opposing forces. Moreover, even partial use of a school or university may affect the learning environment and safety of the entire facility.

Bases and Barracks

Armed forces and armed groups establish bases and barracks in school or university buildings and grounds to accommodate troops for the medium-to long-term, and provide them with access to amenities such as cooking spaces, washing facilities, and toilets.

- 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.[7]

- Across India, government paramilitary police have occupied schools as barracks and bases. In 2010, before forces began complying in earnest with court orders to vacate schools, more than 129 schools were being used, particularly in states most affected by the Maoist insurgency – Bihar, Chhattisgarh, and Jharkhand – but also in the country's north-east, in Tripura, Manipur, Nagaland, and Assam.[8]

- As the Thai military deployed increasing troop levels in its southern provinces as part of counterinsurgency operations, it frequently accommodated soldiers inside school buildings and compounds. As of 2010, the paramilitary Rangers and Royal Thai Army troops occupied at least 79 schools.[9] The local army commander later conceded that according to international practice, soldiers were not supposed to stay in schools with children present, and subsequently they vacated many schools.[10]

- In November 2011 in the Philippines, Human Rights Watch reported that the Philippine army had established a camp that encroached onto part of the school grounds of a high school in Sadanga, in Mountain Province. Soldiers and military vehicles had to cross the school grounds even to enter the parts of the camp set up on adjacent land. At the time, soldiers had been stationed at the school for more than a year.[11]

- In Syria, schools have been used as barracks for government forces, with tanks at the school gates and snipers posted on the rooftops.[12] Anti-government forces have also used schools as bases.[13]

Defensive and Offensive Positions or Staging Areas

Troops may set up in school or university buildings in order to use them as defensive positions that provide protection from direct and indirect fire, offensive positions, observation posts, firing positions, or for the purpose of observation for fire control.

- In Somalia, from April to July 2007, Ethiopian government forces used the Mohamoud Ahmed Ali Secondary School in Mogadishu as a strategic position from which to fire rockets, artillery, and mortars on opposition forces.[14]

- In February 2006, Israeli security forces used the Basic Girls School in Balata Refugee Camp in Nablus for three days as a firing position.[15]

- Yemeni Presidential Guard soldiers established sandbag and concrete block fortifications on the roof and balcony of Al-Faaruq School, in Sanaa, Yemen, during 2011 and 2012. The school is located close to the presidential residence, and the positions were used for observation and firing. When fighting broke out nearby, government soldiers closed the school and took up positions on the roof and balconies of the building.[16]

Weapons and Ammunition Storage

In order to hide, cache, or simply store weapons and ammunition, armed forces and armed groups have stockpiled weapons and ammunition in schools and school grounds.

- According to the UN, the Armed Forces of the Philippines and their irregular auxiliary force (the Citizen Armed Force Geographical Units) used functioning public schools to store weapons and ammunition in 2010.[17]

- The IASC Education Cluster[18] in Côte d'Ivoire found three schools still containing firearms and ammunition during an assessment conducted in 2011 after the arrest of former President Laurent Gbagbo and the end of fighting.[19]

- Al-Shabaab Islamist militants have stored weapons at schools in Mogadishu, Somalia. At one school where classes were ongoing, hand grenades, guns, and pistols were hidden in the bushes and trees, and behind books and lockers.[20]

Detention and Interrogation Centers

Armed forces have also converted schools into sites of detention and interrogation. Sometimes forces might use a school classroom to temporarily hold or interrogate one or more individuals, possibly in connection with other military activities at or around the school.

- In Syria in 2011, government authorities established numerous temporary, unofficial holding centers in schools where the security forces rounded up and held people during massive detention campaigns in the context of anti-government demonstrations, before transporting them to branches of the intelligence agencies.[21] In a recent report by Save the Children, a 15-year-old boy is quoted as saying: "Some men came to our village. I tried to escape, but they took me to jail. Except it wasn't a jail—it was my old school. It's ironic—they took me there to torture me, in the same place I used to go to school to learn… They had taken over the school and made it into a torture center."[22]

- The Israeli Defense Force (IDF) has used schools in the Occupied Palestinian Territory for detention and interrogation. A former IDF first sergeant told the Israeli organization Breaking the Silence of one alleged incident: "We had to take over a school which is already a big problem—taking over a school and turning it into a detention facility when it's actually an educational facility. We took over a school and had to arrest anyone in the village who was between the ages of 17 and 50… It lasted from morning until noon the next day… All sorts of people arrived, shackled and blindfolded… When these detainees asked to go to the bathroom, and the soldiers took them there, they beat them to a pulp and cursed them for no reason."[23]

- During the armed conflict in Libya in 2011, schools were converted into improvised detention centers. One news report noted, for example, that Tajura Primary School became a prison for several hundred combatants who fought in support of the Gaddafi government.[24]

In other instances, forces used schools for large-scale and longer-term detention.

- Sri Lankan Armed Forces (SLAF) used at least nine schools to detain adults they identified as being former combatants with the Liberation Tigers of Tamil Eelam, during 2009 and 2010. Although razor wire separated buildings designated for school use from the SLAF camps, the UN documented that adult detainees were observed freely walking around in the schools reserved for education. According to the UN, this use of schools to detain suspected former combatants severely interrupted schooling and threatened the safety of several thousand students.[25]

Military Training

To provide military trainings on strategy, fitness, and weaponry to new recruits, armed forces and armed groups have used school classrooms, school grounds, and university lecture halls.

- In 2011, anti-Gaddafi forces in Libya conducted training in schools. Journalists documented at least one instance of rebel leaders using a secondary school to instruct soldiers in the use of anti-aircraft guns.[26]

- Islamist armed groups controlling northern Mali trained new recruits, including children, in private and public schools, as well as in Quranic schools, during 2012.[27]

- According to the UN, the Ugandan army trained combatants in schools in at least three northern districts during 2006 and 2007.[28]

Illegal Recruitment of Child Soldiers

Regardless of whether it occurs on school grounds or elsewhere, under the Optional Protocol on the Involvement of Children in Armed Conflict, it is prohibited to forcibly recruit a child for military service, or for non-state armed groups to voluntary recruit anyone under age 18 (state armed forces can accept voluntary recruits older than 15).[29] Under the Geneva Conventions, the Rome Statute of the International Criminal Court, and customary international humanitarian law, it is a violation for armed forces and armed groups to recruit any children under the age of 15.[30]

Many groups have taken advantage of schools as locations where children gather, to recruit illegally into their forces.

- A teacher at a school in Swat, Pakistan, complained to Amnesty International in 2009, that Taliban forces "took over my school and started to teach children about how to fight in Afghanistan."[31]

- The UN has verified that the Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia*; FARC) has engaged in child recruitment campaigns in schools, citing as an example a case in September 2008, when FARC soldiers entered a school in the department of Cauca where 800 students were studying and invited the children to join the group. The same report also highlights National Liberation Army (*Ejército de Liberación Nacional*; ELN) child recruitment campaigns in schools in February 2008 in another school in Cauca. ELN apparently provided the school with money in exchange for permission to deliver military training on the premises.[32]

- In Somalia, al-Shabaab militants have systematically used schools as recruiting grounds. The militants regularly visit schools and forcibly remove children individually, often at gunpoint, from classrooms. On other occasions, they have lined up students and selected children they deem fit to serve as fighters, suicide bombers, "wives," or for domestic duties, and have taken them back to their training camps. In a recent Human Watch Report, a 16-year-old student is quoted as explaining, "They target schools as they see them as recruiting grounds, but also because they see school and education as a waste of time… 'Why go to school when you could be fighting?' is their view."[33]

Temporary Shelter

Armed forces and armed groups sometimes use education buildings as temporary shelter, either from incoming attacks or just against the elements. Because of the short nature of this kind of use, the media and independent monitors rarely document or report on it.

- In Colombia, army helicopters occasionally use school playgrounds as sites for landing, and the unloading of personnel, supplies, and weapons.[34]

- According to reporting by the Karen Human Rights Group, Burmese government armed forces temporarily sheltered from the rain in a school in the village of Tha Dah Der, in the northeastern Karen

State, in July 2010. Local residents had already fled the area, and the soldiers had burned most of the other structures in the village. Prior to leaving the area, the troops attempted to burn the school as well.[35]

- During the conflict in South Ossetia, Georgia, in 2008, a kindergarten teacher told Human Rights Watch that South Ossetian volunteer militias had been "hiding" in her kindergarten building, and that Georgian government forces attacked the building with rockets. Militia fighters also co-mingled with civilians in the basement of School No 6, in the regional capital of Tskhinvali, peeking out but not opening fire at Georgian forces. That school also drew government tank fire.[36]

Military Presence to Protect Education Institutions, Students, Teachers, or Election Polling

This study distinguishes between use of education institutions by armed forces in pursuit of a military advantage, and instances where forces establish a presence in or around a school or institution, often at the request of community leaders or local authorities, in response to an immediate and compelling security threat against the school itself, or the teachers and students.

In places such as Afghanistan, Iraq, and Thailand, where schools regularly come under attack, armed forces have at times set up a presence in or around education institutions in order to protect students, staff, and infrastructure. Activities have included checkpoints, military escorts to and from the place of study, and the deployment of troops or police.[37] In addition, throughout the world, governments often use education premises as election polling stations; but, in some conflict-affected countries, polls may be subject to attack and armed forces deploy to protect the security of the polling station and voters.

There is debate about whether, or in which circumstances, the presence of armed forces in or around education institutions acts as a deterrent to violent attacks on education institutions, or actually invites attacks on those military personnel guarding the facilities.[38]

- In Thailand, soldiers escort some teachers to and from schools to ensure safe passage. However, separatist militants have targeted such soldiers while at schools. At times, such attacks have damaged schools and endangered civilians. For example, on August 9, 2012, a bomb exploded in a school damaging a table and chairs, but causing no injuries. Police believe that the bomb was intended to target the paramilitary soldiers who provided security for the school's teachers and students, and who regularly sat at the table in front of the school canteen for lunch.[39]

- On August 19, 2009, members of an armed opposition group launched an attack with rockets and small arms against an Afghan National Police checkpoint at the Malak Yar Hotak High School, Nangarhar province, which was to serve as a polling station.[40]

This debate is outside the scope of this study. This study does not include military protection of schools, students, teachers, or polling stations in its definition of military use of schools.

Reasons Education Institutions are Used by Armed Forces and Armed Groups

A variety of advantages attract armed forces and armed groups to use education institutions, including tactical benefits, shielding, deception, and simple convenience. Generally, forces use schools or universities because of the physical nature, geographic location, or government ownership that distinguishes these institutions from alternative buildings or sites.

Forces looking to establish a base in conflict situations will often identify places where they can rapidly establish a defense. From a point of convenience, and in order to establish a secure base quickly, troops will generally avoid buildings that require extensive reinforcement, time-consuming fire prevention measures, fields of fire clearance,[41] and other manual labor requirements.[42] Schools and universities often have thick boundary walls, and in many places are taller than standard construction.

- As reported by Human Rights Watch, a governor in southern Thailand explained that security forces had clear tactical reasons for locating in schools: "Schools often have better protection, such as a fence, and a good setup for surveillance from the top of the school. It would be riskier to set up sentry posts with [paramilitary] Rangers or soldiers in the periphery of the village, so they place them inside the schools in the center of the villages. [Establishing bases on the periphery] makes them more vulnerable to insurgent attacks, because they are more exposed."[43]

Military forces using education premises might also benefit from free access to basic services such as water, kitchens, and electricity.

- At Nagaan Elementary School on Mindanao island in the Philippines, troops slept in some of the school's classrooms and in the teachers' housing for seven months after completing some repairs to the school, all the while accruing an electricity bill that the school felt "too shy" to ask the soldiers to pay.[44]

Governments have claimed a simple lack of alternatives to justify use of schools.

- In Jharkhand, India, paramilitary police have established bases in remote parts of the state as part of counterinsurgency operations against Maoist armed groups. When a civil society group went to court to contest the conversion of parts of schools into bases and barracks, the police told the court in 2008: "the newly created State of Jharkhand was lacking buildings and infrastructures in the remote areas of the State. The Jharkhand Police had no other alternative than to deploy the police/paramilitary forces in [...] part of the buildings/campuses."[45]

In addition, troops often view the location of schools—typically central within the local community—as advantageous from both a geographic and political perspective.

Historical Perspective

Concerns about the negative consequences of where soldiers are accommodated—and resulting efforts to regulate their billeting and quartering—date back a long time. In 1131, for example, England's King Henry I's charter for the city of London ordered: "Within the walls of the city no-one need be billeted, not [members] of my household nor anyone else."[46]

Schools too, have a long history of protections. In 1621, Sweden's King Gustavus II Adolfus promulgated "Articles of War" that included the instructions: "No man shall set fire upon any … School … or spoil them any way, except he be commanded… [and] No soldier shall abuse any … Colleges [or] Schools."[47] In the midst of war, in 1631, Gustavus added: "Every soldier … convicted of having committed any disorder in … schools, shall be punished with death."[48]

Although this study focusses on cases drawn from 2005 to 2012, military use of schools has been a feature of many of the major conflicts of the past century:

- During the First World War, more than 1000 schools in England and Wales were appropriated for military purposes, including as barracks for troops and munitions workers. At the peak of disruptions in 1916, more than 155,000 children were displaced.[49] Alternative education was provided to many through "double shifts" at other schools, and at temporary schools in halls and Sunday schools.[50] However, the Army Council conceded: "other premises to which a school is temporarily removed may often be much inferior in comfort, accessibility and convenience, to those which have been occupied for military purposes, and that a considerable sacrifice is therefore made by the parents, scholars, teachers, and officers of local education authorities."[51]

- During the war in Bosnia, schools used by Bosnian Serb forces for detention and interrogation became sites of mass execution, torture, sexual assault, and rape.[52]

- During the recent invasion of Iraq, the US portrayed Iraq's use of schools as contributing to civilian casualties. US Defense Secretary Donald Rumsfeld accused Iraqi President Saddam Hussein of using schools to shield military forces "thereby exposing helpless men, women, and children to danger."[53] During 2003, US forces also deployed in at least three schools in northern Iraq, and one in Fallujah, all characterized as abandoned or closed.[54] Later, Multi-National Forces, the new Iraqi Army and police, and militias were reported using 3 schools in Eskan, 10 in Sadr City, and more than 70 in Diyala.[55]

4. PREVALENCE AND SCALE OF ARMED FORCES AND ARMED GROUPS USING EDUCATION INSTITUTIONS

Examining public reports of military use of schools and other education institutions around the world reveals that, more often than not, when a country experiences conflict, armed forces or armed groups use schools:

- In the period between January 2005[56] and October 2012, armed forces and armed groups were reported using schools and other education institutions in situations of armed conflict in at least 24 countries.[57]

For comparison, according to the Department of Peace and Conflict at Uppsala University, which endeavors to track the number of ongoing conflicts around the world, there were conflicts in 42 countries during 2005 to 2011.[58]

Military use of education institutions is likely under-reported for a number of reasons. The frequent inability of neutral observers to access conflict areas where military use occurs and the fact that military use of education institutions is often only reported when accompanied by more newsworthy events, such as direct attacks on a school, contribute to underreporting. Even though the actual prevalence rates may be higher, reports of military use of education institutions in 24 of the 42 countries experiencing armed conflict indicates that:

- Military use of education institutions is, at the least, widespread and occurring in the majority of countries with armed conflicts.
- Armed forces or armed groups used schools and other education institutions across geographic regions—including South America, Africa, Europe, the Middle East, and Asia—and in both international and non-international armed conflicts.

Countries with Reported Military Use of Education Institutions 2005 – 2012

Afghanistan
Burma/Myanmar
Central African Republic
Chad
Colombia
Cote d'Ivoire
Democratic Republic of Congo
Georgia
India
Iraq
Israel/Occupied Palestinian Territory
Libya
Mali
Nepal
Pakistan
Philippines
Somalia
South Sudan
Sri Lanka
Sudan
Syria
Thailand
Uganda
Yemen

Parties that Use Education Institutions

The data from the period January 2005 to October 2012 reveals that a variety of military actors are engaged in using education institutions. State armed forces, such as national armies and government paramilitary forces, were notably active in military use of learning facilities.

- State armed forces were reported as using schools in all of the 24 countries where military use was reported.[59]
- In several conflicts, only state armed forces were reported engaged in such military use, though a majority (17 of 24) featured use of education institutions by both state armed forces and non-state armed groups.[60]
- Foreign armed forces were reported using schools in at least four countries (Afghanistan, the Democratic Republic of Congo, Iraq, and Somalia). And foreign mercenaries were reported using schools in Côte d'Ivoire during 2011.[61]

Scale of Use of Education Institutions

In some countries, there is documentation of forces using only a handful of schools while in others the number of education institutions used by militaries approaches, and even exceeds, one hundred. Nevertheless, depending on the intended enrollment numbers in affected learning facilities, even the disruption to a handful of schools can mean endangering and disrupting education for thousands, and even tens of thousands, of students.

- In southern Thailand, government forces used at least 79 schools for camps and barracks during 2010,[62] endangering and imperiling the education of an estimated 20,500 students.[63]
- In South Sudan, security forces used at least 21 schools for military purposes during 2011, affecting at least 10,900 students, according to the UN.[64]
- In Somalia, the UN reported that between May 2008 and March 2010, at least 34 schools were at least temporarily occupied by armed groups.[65]
- In India, during 2010, security forces used more than 129 schools,[66] disrupting studies for an estimated 20,800 students.[67]
- In Afghanistan in 2011, the UN verified 31 incidents of military use of schools—20 of which were attributed to opposition groups, and 11 to pro-government forces. This number of schools affected by military occupation rivals the number of schools burned down in Afghanistan during the same period, which was 35.[68]
- In Yemen, Houthi rebels occupied dozens of primary and secondary schools in the northern Saada governorate for at least two months in early 2010. According to the head of the local education office, this prevented at least 30,000 children from going to school.[69]
- In Mali in September 2012, according to the UN, military and pro-government Ganda Koi militia occupied 14 elementary schools in Mopti. These schools had a combined enrollment of 4,886 students.[70]

5.CONSEQUENCES OF MILITARY USE OF EDUCATION INSTITUTIONS: ENDANGERING STUDENTS' AND TEACHERS' SAFETY

The moment soldiers enter an education institution, it can become a target for enemy attacks, and stops being a safe place for students and teachers. Belligerent forces have attacked armed forces inside schools and higher education institutions even when students and teachers have been present. But students' safety can also be jeopardized by the misconduct of those troops within their school or university. Attending a school occupied by armed forces can expose children to sexual harassment and cause them to witness acts of violence. In addition, there is the persistent danger of accidental or misdirected firing and explosions, especially when weaponry is in the care of poorly trained troops.

Students, Teachers, and Scholars under Fire

Schools and higher education institutions used by armed forces and armed groups have come under attack from opposition forces, sometimes while students and teachers have been present. Children and other civilians have been caught in the crossfire and wounded or killed.

- In 2010, al-Shabaab fighters used a school in Mogadishu, Somalia, as a firing position while the students were still in the classrooms. Pro-government forces returned fire, and five rockets hit the school compound. One rocket struck just as the students were leaving the school, killing eight.[71]

- From June to December 2011, Yemeni government forces occupied the Superior Institute for Health Science, a tertiary institute for pharmacists and physicians' assistants, in Taizz, Yemen. They placed a machine gun mounted on an armored vehicle in the yard and dozens of troops remained inside the medical laboratory and the pharmacology department and on the roof, even when classes began. The troops routinely fired machine gun and mortar rounds from the school while it was in session. On October 17, a 60-year-old father was shot dead at the gate of the school when he came to register his son for classes. Upon hearing shots near the gate, several students and teachers rushed outside and allegedly saw a Central Security officer standing over the dead man with his gun pointed at him. On October 25, a 53-year-old dormitory guard was killed in crossfire between the security forces and opposition fighters.[72]

- 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.[73]

- The Thai army established an operations base at Sano Pitthayakhom School in southern Thailand. On the morning of March 18, 2011—just after teachers had arrived for work—separatist insurgents climbed over the school's fence and opened fire at the base, killing one soldier.[74]

- During an offensive by insurgents on the town of Patia, in Colombia, in early 2006, guerillas entered a school to take shelter from army helicopters and to return fire. A teacher at the school, who was lecturing at the time, told a Colombian NGO that this caused great panic among the students and teachers who had to take shelter to avoid being hit by gunfire.[75]

- In 2011, the UN verified an increase in improvised explosive devices planted by the New People's Army near and on school grounds in the Philippines, targeting detachments of the army.[76]

Students and teachers are also endangered by the conduct of those troops based within the premises, or the munitions they keep.

- At two of the schools visited by Human Rights Watch that were used by armed groups during the 2011-2012 uprising in Sanaa, Yemen, a soldier within the school had started firing his weapon indiscriminately while civilians were present.[77]

- In Iraq, a Shiite militia group stored ammunition in a cache dug underground at the Abaa Dhar Primary School in Sadr City, according to media reports. On December 7, 2009, the ammunition accidentally exploded killing 8 people, including 6 children, and wounding 25 students and 3 teachers.[78]

- During 2011, soldiers occupied Kuerboani Primary School, in Unity State, South Sudan, during the night, while children used the school during the day. Child protection staff reported to the IASC Education Cluster that children were using classrooms that contained weapons and grenades.[79]

- According to reporting by a coalition of Colombian NGOs, armed forces camped for several weeks in the Giovanni Cristini School in Carmen de Bolivar during 2006 and students had to share the school with them. One day, a soldier accidentally fired his weapon and injured a student.[80]

Even after troops have withdrawn from an education institution, students and teachers can still be in danger. In some cases, alleged or apparent retaliation attacks have occurred shortly after troops withdraw from school premises. Opposition forces have also attacked premises not recently occupied; yet the attackers' claimed motive was the presence of armed forces.

- In June 2008, the FARC-EP launched explosives into a school in the municipality of Puerto Asís, Putumayo, Colombia. In the days prior, army personnel had camped in the school premises.[81]

- When Maoists bombed the high school in the village of Belhara, Jharkhand, India, on April 9, 2009, local residents heard the attackers shout, "Down with the police camp!" However, residents said that paramilitary forces had not camped in the school in 2009, and had, at most, used the school only two or three times for two to three days previously.[82]

Exiting armed groups frequently leave fortifications, sandbags, and other indicators that could be mistaken by enemy forces as evidence that troops are still present or that the building is a military target. In the worst instances, armed forces leave behind dangerous items such as unexploded ordnance.

- In 2010 and 2012, Yemen's Republican Guards entered and used al-Faaruq School in Sanaa when there were threats or attacks on the nearby presidential residence. Even when the soldiers were not inside the school, their concrete and sandbag fortifications remained on the school's roof and balcony, giving the school a militarized appearance. Children and teachers would return and use the school when there was no fighting.[83]

- At Saraidih Middle School in Jharkhand, India, although paramilitary police vacated the property, the school retained three sentry boxes on its roofs and a brick fortification in the courtyard. Sand-

bag fortifications also remained. And a sign on the school gate proclaimed that the school was a "JAP 7" (Jharkhand Armed Police, seventh battalion) base.[84]

- As of March 2007, although fighters in the rebel Lord's Resistance Army had been gone from their occupation of five primary schools in Lira, Uganda, for more than three years, unexploded ordnance and landmines prevented children from returning.[85]

The use of one education institution can also endanger others in the surrounding territory: opposition armed forces may suspect that these other education institutions also harbor armed forces, thereby increasing the likelihood of attack. Similarly, one armed group might take over a school merely to prevent it being taken over by enemy forces. Some armed forces have claimed that the use of schools by armed forces justifies their attacks on *any* school in the conflict zone. (Attacking a school, either in reprisal for forces having used it in the past, or because forces may make use of it in the future, violates the laws of war.[86])

- Statements by some Maoists in India indicate that they consider that, given government security forces' proclivity to occupy schools, any well-built structure, including a school, represents a potential threat because of its possible future use as a military base.[87]

Combatants have justified attacks on schools—truthfully or untruthfully—saying they targeted military bases, not schools.

- In Pakistan, a Taliban insurgent in Swat Valley, explained: "The Taliban do not blow up schools… There are several school buildings in the area which we have never touched. The fact is that the military occupied the buildings and established bunkers. We attacked their positions, not the schools, but the buildings were damaged or destroyed. The irony is that nobody ever says that the army has occupied the school buildings and prevented children from going to school for months. But when the Taliban attack their positions, they are accused of being the enemy of education."[88]

Exposure to Physical and Sexual Violence

Using a school or other education institution as a base for armed forces or paramilitary police may mean exposing students to poorly trained or poorly disciplined armed personnel. This may lead to children witnessing or experiencing acts of violence, being harassed, or even being subjected to physical or sexual abuse and other crimes.

- At Asmaa Girls School in Yemen's capital, Sanaa, soldiers from the renegade First Armored Division occasionally detained individuals. Human Rights Watch recorded complaints of a school administrator, who said: "They brought some detainees to the school and beat them here. We heard arguments and screams…. In the courtyard they beat a guy really severely." A 13-year-old girl student, said that, "when they tortured the old man here, we got very scared. They beat him [and] electrocuted him right in the courtyard of the school. It was during recess."[89]

- 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." The girl said that because of her fears, she had wanted to transfer to another school for the past year but had not because her

mother wanted her to attend school near her home. Another mother, who had removed her daughter from the 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."[90]

- The Office of the UN High Commissioner for Human Rights in Colombia registered complaints alleging that soldiers from the High Mountain Battalion, which had periodically occupied a local school in Valle de Cauca, had sex with two 14-year-old girls who became pregnant as a result.[91]

Forced Labor

Troops using schools have sometimes forced students and teachers to provide labor for them.

- In 2004, in the midst of the civil war in Nepal, 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.[92]

6. CONSEQUENCES OF MILITARY USE OF EDUCATION INSTITUTIONS: ENDANGERING STUDENTS' EDUCATION

In addition to risking students' and educators' lives and safety, military use of education institutions also impinges upon access to education, degrades the quality of education, and compromises efforts to create safe learning spaces.

A broad, enabling learning environment consists of secure physical structures, safe sanitation facilities, adequate instructional materials, and competent teachers. This provides optimal support for quality teaching and learning in the classroom. When armed forces and armed groups use education institutions, all of this is imperiled.

Students Drop-Out or Experience Interruptions to Studies

When security forces completely occupy educational facilities, it physically displaces the students and forces them to seek instruction in alternative, frequently less educationally appropriate, locations. However, at times, governments provide no alternative local education options, or families find that for financial, logistical, or safety reasons, their children cannot continue their studies. During the months or years that pass before new premises are constructed or classes are shifted to other locations, education comes to a standstill. In many developing and conflict-affected countries, instructional hours at schools are already inadequate to obtain a quality education.[93]

- When Houthi rebels occupied dozens of schools in north Yemen in 2010, an estimated 30,000 children were unable to attend primary and secondary schools for months.[94]
- Many students dropped out of school in Mogadishu, Somalia, in response to al-Shabaab militants' use of schools as recruiting grounds for child fighters. Human Rights Watch quoted a 15-year-old student explaining the drop-outs from his class: "In my class there were 40 students, and when I left there were only 13 and no girls. There were no girls in the whole school by December 2010."[95]
- In Burma/Myanmar in May 2011, the Karen Human Rights Group reported that the army used village schools as barracks for a period of two weeks, and several students left school as a result. When the army concluded their occupancy, some students failed to return to school.[96]
- In Logar province, Afghanistan, a high school for 1,500 students was occupied from 2005 by the Afghan National Police and subsequently, from 2007 to at least 2011, by the international military forces. According to the UN, students and teachers are body-searched on a daily basis as they enter the school. Community leaders reported to the UN that approximately 450 students chose to leave this school.[97]

Even temporary use of schools or universities by security forces can disrupt education.

- In July 2007, the Armed Forces of the Philippines used a school in Aurora Province to hold a community meeting where soldiers displayed the corpse of an alleged member of the New People's Army, the armed wing of the communist insurgency, and forced residents to identify the individual. As a result, the school cancelled classes for some time as teachers and students refused to enter the school grounds.[98]

The loss of facilities specifically intended to ensure attendance of vulnerable groups can increase truancy and drop-out rates and hinder grade progression.

- In 2009, when paramilitary police partially occupied a high school in Jharkhand, India, and prohibited access to the residential hostel of the school, some students from remote areas dropped out or attended school irregularly.[99]

Sometimes, students who leave one school due to the presence of soldiers will move to another nearby school. This, however, can place additional burdens on the receiving schools.

- After Thai soldiers occupied Pakaluesong School in Pattani in November 2006, school enrollment dropped from 220 students to 2, and the school eventually closed. When it re-opened in May 2008, some 60 students returned and as of 2010, some 60-90 students attended class there. However, the government school most students transferred to was not prepared to accommodate the sudden, nearly 50 percent increase in enrollment. Students from each class had to take turns using the classrooms, and the library had to be converted into a classroom.[100]

Destruction of Infrastructure

Availability of education requires that proper infrastructure and facilities are in place and that students can access adequate books and materials. When education institutions are targeted for attack because of the presence of troops, the damage and resultant loss of infrastructure can be major.

- In Afghanistan, both Afghan and international forces have come under attack while using schools. On August 16, 2009, members of an armed opposition group attacked an Afghan National Police (ANP) checkpoint at a school in the Qulbaz area of Takhar province.[101] On April 21, 2010, the Taliban attacked international military forces temporarily using a school as a mobile clinic and operating base in Logar province.[102]

- In late October 2008, the Taliban took over a school in the Darwaz Gai area of Mohmand, in Pakistan, while students were in class. After the children were released, the Pakistan military fired mortars at the Taliban in the school. Less than a month later, on November 12, 2008, a suicide bomber drove a bus filled with explosives into a school that Pakistan forces were using as a command post in the village of Subhan Khwar, located about 20 miles north of Peshawar. The attack killed several soldiers and damaged the school.[103]

- In May, 2012, the German government committed 7 million euro (US$9.1 million) to Yemen for the reconstruction and renovation of schools that had been destroyed or damaged during the 2011-2012 uprising, including damage caused because of the schools' use by soldiers.[104] Human Rights Watch has reported that one of the leading causes of attacks on schools in Sanaa was their use by one or another armed faction.[105]

Loss of Educational Material

Combatants' use of school facilities and equipment can lead to the looting or destruction of school property.

- On March 30, 2006, when soldiers from armed forces of the Democratic Republic of Congo occupied the courtyard of the primary school in Mbau, Beni territory, they burned school doors and desks as firewood, used classrooms as toilets, and looted stationery and other learning materials.[106] When soldiers from a different brigade occupied the elementary school in Laudjo, Ituri, for one week in January 2007, they also burned all of the school's furniture as fuel for heating.[107]

- The IASC Education Cluster in South Sudan has estimated that rehabilitating a primary school with eight classrooms after a period of occupation, replacing windows, doors, furniture, learning materials, and re-digging pit latrines, costs approximately 200,000 SSP (US$67,000). The Cluster estimates that in 2011, military use of schools caused 2.4 million SSP (US$800,000) of damage.[108]

Increased Psychosocial Concerns

Military use of schools or universities can cause students to experience and witness violence and abuse,[109] which can have profound psychosocial effects on children and young people. Military use can compound and exacerbate existing psychological hardships that children and youth experience in countries affected by armed conflict. Since education can also provide routine and a sense of normalcy to the lives of students—which strengthens their resiliency—by diminishing the opportunity for students to participate in educational activities, military use of learning facilities has an additional negative psychosocial impact upon students.

- Evidence from a range of places affected by armed conflict, including Afghanistan, Gaza, and Sierra Leone, points to conflict-related, post-traumatic stress disorder as a frequent source of impaired learning and poor achievement in school.[110]

Overcrowding

If students continue to attend a school or university used by armed forces or armed groups, they must make do with whatever space remains. Overcrowding can lead to diminished learning opportunities, heightened distractions, increased truancy, and other problems.

- Because militiamen occupied the entire top floor, and half of the second floor, of Soqotra School, in Sanaa, Yemen, school officials combined students from different classes into the same room. A school official told Human Rights Watch: "It created problems for students and teachers. For example, the teacher cannot follow-up with students, cannot deliver the information to students, and couldn't explain lessons to students, and couldn't comment on their notebooks. In addition, there was the problem of students shouting and fighting because of the overcrowding."[111]

- In al-Ulafi School, also in Sanaa, Yemen, even though the troops vacated the school during the day, teachers would not allow students into rooms where troops had left their belongings, causing overcrowding. "We had between 80 and 90 children per class," one teacher said. "[During this period] the grades of the students dropped a lot, and many people failed."[112]

Lower Rates of Enrollment and Transition to Higher Grades

Not only does the use of schools or other education institutions by armed groups lead to students dropping out, it can also result in lower levels of new enrollment, and transition to higher levels of learning.

- Enrollment fell at Asal al-Wadi Girls School, in Sanaa, Yemen, once students were displaced to a companion boys' school, Asal Haddah, after troops from the First Armored Division took over the girls' school to use it for their barracks and a field hospital. Before the occupation, enrollment was around 1,000 students, but as of March 2012, after classes resumed at the new location, it was down to no more than 380 students.[113]

- At Tankuppa High School, in Bihar, India, 700 students were required to share three classrooms while police occupied the school's remaining eight classrooms. Expansion of the school had been approved to offer classes for the final two years of secondary education (a prerequisite for tertiary studies), but due to space constraints caused by the security forces' occupation, these additional classes were not available. Students unable to afford transport to the nearest school offering these classes reported difficulty continuing their studies.[114]

Inferior Education Quality at Alternative Sites

Alternative sites, including open-air settings, community halls, primary health centers, or other improvised classrooms, are often inferior to regular school sites or inadequate. Students are left to study for weeks or even years in make-shift accommodation as armed forces continue to occupy their education institutions.

- South Sudanese forces first occupied schools in Ezo County in 2009, and remained in Andrai Primary School into 2011. Children from the school moved to a temporary learning space on a nearby plot of land lent by a community member. However, the landowner would not allow latrines to be built on the land, raising sanitation concerns.[115]

- At a school in Jhumra Hill, Jharkhand, India, a teacher reported to media sources that classes were held outdoors for many years because security personnel were occupying the school.[116]

- Because Sudan People's Liberation Army forces had occupied a school in Holi village, Eastern Equatoria, Sudan, classes moved under a tree.[117]

The additional distance to alternative learning locations can also cause problems. Studies have shown that the distance students must travel from home to school has a dramatic impact on child attendance.[118]

- At Ban Klong Chang School, Mayo district, Pattani, in southern Thailand, government paramilitary forces occupied half of the school grounds in 2010. As a result, many parents transferred their children to a private school in another village, which took the children an additional hour to reach each day, and additional transport fees.[119]

Interference with Educational Content

Once troops are in schools, on occasion they try to participate in teaching. Often this is presented as an act of goodwill, but it also represents a loss of control over curriculum and staffing by school officials.

- In Alto Atrato, Colombia, members of the armed forces occupying school facilities developed community engagement campaigns with students to clean the school, and to promote ecological activities and development within the community.[120]

Inappropriate Educational Environments

Poorly trained or poorly disciplined soldiers may conduct themselves in a manner that leads to an inappropriate educational environment.

- Residents of a village in southern Thailand reported that troops brewed and drank an herbal narcotic drink on the grounds of a public elementary school.[121]
- In some schools used by government security forces in the Philippines, soldiers have been observed allowing children to handle weapons.[122] Soldiers have also brought pornography into schools, consumed alcohol, and allowed children to watch violent movies with them.[123]
- Members of security forces at a school in India regularly bathed in their underwear within the sight of girl students, in a manner that was culturally inappropriate.[124]
- An investigation by a Colombian NGO on a school in Carmen de Bolivar, found that the army had left graffiti on the school walls with images of violence and sexual messages.[125]

Specific Impact on Girls

Partial occupation of schools and other education institutions by armed forces and groups affects all students but affects girls in specific ways. The presence of military actors and the shift in gender balance often discourage parents from sending their girls to school. Parents fear their daughters becoming victims of gender and sexual based violence or being subject to sexual harassment (see also *Exposure to Physical and Sexual Violence* in chapter 5).

- In January 2010, families from a village near Bocaranga in the Central African Republic, stopped sending girls to the local school for fear of sexual violence by armed forces occupying the school.[126]
- At Kasma Middle School, in Bihar, India, the presence of just 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.[127]
- When soldiers used Asal Haddah School, in Sanaa, Yemen, they displaced more than 1,000 girls. Three hundred were sent to Asal al-Wadi School, attended by approximately 800 boys. The school administration shortened study sessions by one class and an hour each day for the girls displaced into the new school, so as to avoid mingling between the boys and girls when leaving school. Teachers also did not allow the girls out of the classrooms during breaks for fear of them interacting with the boys.[128]

As girls become older, separate latrine facilities in schools are essential: without access to proper toilets, girls who are menstruating may stop attending school, especially at the secondary level.[129] Armed forces

have often kept school toilets and sanitation facilities for their own use, thus discouraging school attendance by girls.

Heightened Negative Consequences for Poor Students

Much military use of education institutions occurs in poor, rural areas where access to schools is already limited. School feeding programs in these areas, for example, help promote poorer children's participation in schools by alleviating the burden of extra meals on families. When combatants use school kitchen facilities for themselves, schools are limited in their ability to deliver nutritional support to children.

- In Colombia, children are often required to share meals with soldiers; school canteens are regularly raided; and less food is available after military occupation.[130]
- India's Supreme Court has ordered the government to provide a mid-day meal to children in government primary schools.[131] But police occupation of schools has regularly interrupted this service. For instance, after police occupied Bhita Ramda Middle School, the temporary learning location could not provide the displaced students with a meal.[132]

When education institutions are occupied, poorer students may have fewer schooling options. Poor families may be less able to afford transport to more distant alternative public schools. In contrast to wealthier families, poor families may have difficulty paying for private provision of education. Additionally, poor families may assess the military's presence in schools for alleged protection differently than their wealthier counterparts.

- In Nepal, 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.[133]

The inequalities in learning achievement that result from unequal access to education can reinforce wider social and economic disparities. While education systems cannot override these disadvantages, they can either magnify or counteract their effects. Properly resourced schools and universities run effectively by well-motivated, adequately supported teachers and staff are a force for greater equity and social mobility.

Negative Effects for Teachers

Militarized environments can burden teachers with anxiety as well as pragmatic challenges, as noted above, such as over-crowded classes, reduced availability of materials, and compromised facilities. These obstacles compound to compromise the ability to teach well, and may lead teachers to distraction, job dissatisfaction, and burnout. 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.

- Army soldiers stayed in the teacher housing adjacent to Nagaan Elementary School in Mindanao, the Philippines, for at least seven months, and also used school classrooms.[134]

- Asal al-Wadi School dismissed approximately 30 teachers and 10 other school employees due to decreased income from reduced enrollment, once their school in Sanaa, Yemen, was entirely taken over by anti-government forces. The school also cut salaries for the remaining staff by around 25 percent.[135]

Use of Abandoned Schools

Frequently, troops move into a school or education institution when it is empty. Sometimes this means moving in during the weekend or the evening. Often, it means setting up in a school during school holidays or when classes have halted due to general insecurity. During periods of conflict-induced displacement of the local population, troops might also enter into a school when it appears abandoned. Although using a school or university when there are no ongoing classes could reduce the security risk to civilians and disruption to students' studies, it does not necessarily eliminate problems.

First, because many communities consider access to education an important indicator of the general security situation, displaced families may be reluctant to return home if troop presence in their local school would preclude students from returning to their studies. Families whose children are attending school in their site of displacement might be particularly reluctant to return home if this would result in their children losing access to education. Occupying troops are unlikely to have adequate intelligence of displaced communities' intentions, and thus may continue to believe that they are using an abandoned school, without appreciating the negative impact they are having on displaced families' decision-making.

Second, once an armed group has established a presence in an abandoned school, it might be difficult to remove them when the displaced population returns. For example, in March 2011, refugee children returning to Nana-Barya village, in the Central African Republic, could not attend the local school because rebel forces had occupied it during the populations' absence.[136]

7. POSITIVE INITIATIVES TO ADDRESS ARMED FORCES' AND ARMED GROUPS' USE OF EDUCATION INSTITUTIONS

Some successful responses have developed at the international, state, and local level to restrict the use of learning facilities by armed forces and armed groups or to mitigate the negative impact of this practice. A number of countries at the forefront of pushing for a complete ban on the practice—namely Colombia, India, and the Philippines—have also experienced decades of multiple conflicts within their own borders. These countries understand the demands of military operations and have experienced the negative consequences of using education institutions. The fact that they are willing to take the tactic off the table, illustrates the practicability of a complete ban of military use of schools for other nations.

The United Nations-led Monitoring and Reporting Mechanism on Children and Armed Conflict

The most comprehensive global monitoring system that currently exists for attacks on children during periods of armed conflict is the UN-led Monitoring and Reporting Mechanism on children and armed conflict ("MRM"), established by Security Council Resolution 1612 in 2005.[137] The Security Council requested the UN Secretary-General to implement a monitoring and reporting mechanism to provide timely, accurate, objective, and reliable information regarding the recruitment and use of child soldiers and other grave violations against children in armed conflict, including attacks against schools. Resolution 1612 also called for the establishment of a Working Group on Children and Armed Conflict to review reports on violations collected through the MRM, evaluate progress on action plans, and make recommendations for the promotion of child protection.

At first, with Security Council Resolution 1612, the MRM process was triggered, or initiated, where parties were engaged in the widespread recruitment and use of children. In September 2009, the Security Council adopted Resolution 1882, making the grave violations of killing and maiming children, and rape and other grave sexual abuses, additional triggers for the MRM process.[138] Then,

- In 2011, the Security Council under Resolution 1998 made "attacks on schools and hospitals" a violation that would trigger, or initiate, the monitoring mechanism in any situation of armed conflict, regardless of whether any other violations were taking place.[139]
- Moreover, in Resolution 1998, the Security Council also urged parties to armed conflict to "refrain from actions that impede children's access to education" and requested the Secretary- General to "monitor and report … on the military use of schools and hospitals in contravention of international humanitarian law."[140]

Although the MRM system was mandated since 2005 to monitor and report on attacks on schools through Security Council Resolution 1612, Security Council Resolution 1998 was the first formal request from the Security Council for the UN to systematically monitor and report on the practice of military use of schools. Military use of schools will not trigger, or initiate, the MRM, but once it has already been triggered by another grave violation against children, the mechanism will now additionally report on the military use of schools. Such reporting can expose the practice, and thus promote accountability among parties to the conflict, including state forces and non-state armed groups. All of the other practices that the MRM is required to monitor and report on—recruitment and use of children, the killing and maiming of children, sexual violence

against children, attacks on schools or hospitals, abduction, denial of humanitarian access, attacks against, or kidnapping of teachers and medical personnel—can constitute war crimes. But unlike these other grave violations, parties that use schools for military uses will not be listed by the MRM, nor will they be subject to sanctions for doing so.

Even prior to being requested to monitor and report on the military use of schools, the annual reports from the Secretary-General to the Security Council on children and armed conflict had already contained ever increasing reports on the prevalence of the practice of military use of schools.

- In his 2005 report, the Secretary-General made no reference to the military occupation and use of schools,[141] and in 2006, such use of schools was reported in Côte d'Ivoire, the Occupied Palestinian Territory, and Nepal.[142]

- In contrast, in his 2012 report, the Secretary-General reported on military occupation and use of schools in 14 places: Afghanistan, the Central African Republic, Colombia, Côte d'Ivoire, the Democratic Republic of Congo, the Occupied Palestinian Territory, India, Somalia, South Sudan, Sudan, Syria, the Philippines, Sri Lanka, and Yemen.[143]

It should be noted that the MRM process focuses exclusively on children, meaning that reports of military use of post-secondary education institutions do not emerge through the MRM process. As a result, military use of higher education institutions is not reported on.

Committee on the Rights of the Child's Concluding Observations

The Committee on the Rights of the Child provides another form of international monitoring as well as influential recommendations regarding armed forces' use of schools. The Committee is a body of independent child rights experts who examine countries' compliance with the Convention on the Rights of the Child (CRC), as well as related treaties, including the Optional Protocol on the Involvement of Children in Armed Conflict (OP-AC).

When presented with evidence of armed forces using schools, the Committee has called for the cessation of this practice, drawing upon both international humanitarian law[144] and the right to education under international human rights law.[145]

Moreover, the Committee has gone further than simply calling for the end of such use. It has suggested the need for a variety of follow-up responses to redress past use of schools, and to prevent future instances:

- It urged Colombia "to conduct prompt and impartial investigations of reports indicating the occupation of schools by the armed forces and ensure that those responsible within the armed forces are duly suspended, prosecuted and sanctioned with appropriate penalties."[146]

- It called upon Sri Lanka to "ensure that school infrastructures damaged as a result of military occupation are promptly and fully restored."[147]

- It advised Afghanistan to "include communities, in particular parents and children, in the development of measures to better protect schools against attacks and violence."[148]

Voluntary Commitments by Non-State Armed Groups

International humanitarian law, also known as the laws of war (see *International Humanitarian Law* in chapter 8, below), binds non-state armed groups that are engaged in an armed conflict.[149] However, non-state armed groups do not have the legal capacity to sign or ratify international treaties, thus limiting the opportunities for them to express their intention to abide by existing norms. One approach to give non-state armed groups an incentive to respect international norms protecting children in armed conflict is the 2010 Deed of Commitment for the Protection of Children from the Effects of Armed Conflict. This document gives armed groups an opportunity to demonstrate their commitment to international standards protecting children during armed conflict.

- The Deed of Commitment contains among other commitments, a provision "To further endeavor to provide children in areas where we exercise authority with the aid and care they require… Towards these ends, and among other things, we will: … avoid using for military purposes schools or premises primarily used by children."[150]

As of August 2012, the Karenni National Progressive Party/Karenni Army (KNPP/KA) and the New Mon State Party/Mon National Liberation Army (NMSP/MNLA) in Burma/Myanmar have signed the deed.[151]

Data Collection, Negotiation, and Advocacy

Well-designed and timely monitoring in countries experiencing conflict can be crucial for spurring and implementing a rapid-response to minimize the impact of military use of education institutions and to preserve students' access to education. International actors such as the IASC Education Cluster—the UN and NGOs working on education preparedness and response in emergency situations—and UN peacekeepers, have begun establishing better systems for collecting and responding to consistent data on military use of schools.

When conflict broke out in Côte d'Ivoire following the disputed outcome of the 2010 presidential elections, various military groups used at least 30 schools and teachers' homes as shelter, observations posts, to store ammunition, and to train fighters.[152] (Incidents of military use were largely under-reported as international actors balanced the need for collecting information with the need to provide protection.[153]) In response, the IASC Education Cluster led valuable data collection efforts in partnership with the Ministry of Education and advocated for evidence-based solutions for the military use of schools.

- The IASC Education Cluster developed a standard table to collect data on a variety of attacks on education from a wide network of informants in the field, including UN agencies, international and local NGOs, and school principals. The Cluster shared information on activities directly endangering children's safety, including military use of schools, with the UN Department of Peacekeeping Operations, who then advocated with state actors and non-state actors to leave occupied schools or protect schools from military use. Direct discussions with armed forces about the right to education, as well as the illegality of occupying schools and potential repercussions led some actors to stop occupying schools.[154]

Similarly, in the newly independent South Sudan, a key advocacy issue in 2011 for the IASC Education Cluster—and its lead agencies UNICEF and Save the Children—was to end the occupation of 21 schools by armed forces in five states, which affected over 10,000 learners.

- The Education Cluster undertook advocacy in partnership with the UN's Office for the Coordination of Humanitarian Assistance (OCHA) and child protection partners with government representatives at the highest levels. This advocacy resulted in the majority of schools being vacated by the end of the year.[155]

National NGOs have also engaged in similar acts of data collection, negotiation, and advocacy.

- In 2011, schools in the city of Lorica requested a Colombian human rights organization to engage in dialogue with paramilitary forces in the area.[156] These paramilitary forces were conducting educational campaigns lasting from one day to several weeks in nearly half of the schools in the city. These paramilitary campaigns intended to influence teachers and students and to recruit new soldiers into the paramilitary forces. The human rights organization successfully negotiated an end to these campaigns and the forces left the school premises.[157]

National Legislation Banning or Restricting Armed Forces' Use of Education Institutions

A clear ban on all military use of education institutions sends a simple and unambiguous message to troops. Correspondingly, it also sends a clear message about the importance of education facilities being safe spaces for children where armed forces should not intrude. A couple of countries have introduced such unequivocal bans through national legislation:

- Under Ireland's Defence Act of 1954, although the military may be given wide powers to conduct maneuvers, pass over, and encamp on land, they are explicitly banned from being allowed to do so in a manner that includes "entry on or interference with (except to the extent of using any road) any … school…[or] ground attached to any … school."[158]

- In 1992, the Philippines' Special Protection of Children against Abuse, Exploitation, and Discrimination Act declared children to be "zones of peace." And in accordance, the law states that school "units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots."[159] A bill passed by the Philippines' lower house in 2011 (but, as of writing, not yet passed by their Senate), seeks to criminalize the occupation of schools—including the occupation of schools which have been temporarily abandoned by the community as a result of armed conflict.[160] Unfortunately, incidents of the Armed Forces of the Philippines using schools continue to be reported.[161]

National Court Decisions Banning or Restricting Armed Forces' Use of Education Institutions

Because local communities recognize the devastating impact that use of schools by armed forces can have, individuals and civil society groups have on occasion approached their courts to resolve the problem. Courts in Colombia and India have been sympathetic to such complaints.

In Colombia in 1998, a student at a school in Zambrano municipality, Bolivar, brought a case to the country's Constitutional Court, arguing that the police headquarters established directly behind her school building, and army officials occasionally overnighting in her school, threatened her right to life and right to education.

- Citing both protections under Additional Protocol II to the Geneva Conventions of 1949, and the right to education under Colombia's constitution, the Constitutional Court ordered that police and army officers could no longer stay at the school. It also ordered that either the police station or the school should be relocated, due to the high likelihood that any attack on the town by guerillas would involve an attack on the school, and because fear of such an attack was already leading students to drop-out, and the quality of education to suffer.[162]

In another Colombian case, a father from La Calera brought a similar complaint because his son's kindergarten was one block from the police station and the National Army military base. A second kindergarten was located just 20 meters from the police station. FARC guerillas had previously attacked the town and razed the police station with rockets, grenades, mortar rounds, and other long-range weapons. The applicant requested that the police station move.

- The Court balanced the benefit of services provided to the community by the proximity of the police station with the imminent nature of the threat of attack on the police station, the rights of children under Colombia's constitution to protection from violence, and the inability of kindergarten children or their teachers to defend themselves from such an attack. The Court agreed on the need to move the police station away from the kindergarten.[163]

India's Supreme Court has in two recent cases also sided with complainants against security forces using schools. In the first case, filed in May 2007, the petitioners asked the court to order the state of Chhattisgarh to stop supporting a militia known as the Salwa Judum, and requested an independent inquiry into the abuses committed by government security forces and the Salwa Judum, and into killings by the Maoist guerillas.[164] The Supreme Court ordered India's National Human Rights Commission (NHRC) to investigate allegations of human rights abuses by both sides. The NHRC report, among many other findings, noted that the state government had, in many instances, allowed security forces to occupy schools.[165] In response to these findings:

- The Supreme Court ordered in January 2011: "There shall be a direction to the Union of India and the State of Chhattisgarh to ensure that the security forces vacate all the educational institutions, school buildings and hostels within a period of four months from today."[166]

Although security forces subsequently vacated many schools in compliance with the court order, as of September 2012, a number of schools remained in use by forces.[167]

The second Indian Supreme Court case, which also began in 2007, alleged that a large number of children had been illegally transported from India's north-eastern states to the southern state of Tamil Nadu. The Supreme Court ordered another inquiry, this time by the National Commission for Protection of Child Rights (NCPCR).

- The NCPCR recommended that the Supreme Court call on the Home Ministry to vacate all schools occupied by government security forces, a recommendation that the court embraced, adding that "the school buildings are not allowed to be occupied by the armed or security forces in future for whatsoever purpose."[168]

State-level courts in India have also had some success in clearing schools of security forces.

- Local activists credit a 1999 ruling in the high court of Patna, the capital of Bihar state, for removing troops established in schools as part of anti-Maoist operations. The court noted both that the use of schools by security forces negatively impacted students' studies, and that banning troops from using schools need not be to the detriment of the security situation.[169]

- A case brought in 2009 in West Bengal alleging the use of 22 schools by government security forces, also resulted in an order from the Calcutta High Court for the security forces to withdraw from the schools, who later complied with this directive.[170]

Military Policies Banning or Restricting Armed Forces' Use of Education Institutions

Some other countries have used military orders or policy to institute bans on military use of education institutions, or restrictions that go beyond the baseline minimums stipulated by international humanitarian law.

The UN Department of Peacekeeping Operations, which is in charge of planning, preparing, and managing UN peacekeeping operations, has also provided guidance to troop-contributing countries banning military use of schools.

- The 2012 United Nations Infantry Battalion Manual, which provides peacekeeping battalion commanders, their staff, company commanders, and sub-unit leaders with direction for planning and conducting operations, states: "special attention must be paid to the protection needs of girls and boys who are extremely vulnerable in conflict. Important issues that require compliance by infantry battalions are: Children should not be put in the direct line of danger or used in information-gathering in military operations … [and] Schools shall not be used by the military in their operations."[171]

- In Colombia, the Commander General of Military Forces issued an order in 2010 stating that it was a "clear violation of the Principle of Distinction and the Principle of Precautions in attacks," to occupy a school. The order noted that use of similar property had "historically triggered other accusations against troops, such as forced displacement, theft, indiscriminate attacks, and both physical and verbal abuse against [children], who are subject to special protections." The order noted that "commanders at all levels" are responsible for ensuring adherence to the ban on occupying schools, and that where there were accusations of transgressions, "it is required to undertake disciplinary investigations where possible and to carry out … monitoring in order to avoid a repetition of the behavior in operation areas."[172]

- The Armed Forces of the Philippines has issued a letter directive stating that personnel shall strictly abide by the rule that "basic infrastructure such as schools … shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots."[173]

- The United Kingdom's Manual of the Law of Armed Conflict notes that it is prohibited to commit any act of hostilities against cultural property, which it defines as including institutions dedicated to education. It then goes on to say "the better view is that the law also prohibits," the use of institutions dedicated to education "for purposes which are likely to expose it to destruction or damage in armed conflict, unless there is no feasible alternative to such use."[174]

- New Zealand, at the time of writing, is revising its Manual of Armed Force Law. The new manual will be issued as a Defence Order to aid enforceability and accountability. The draft of the manual notes that New Zealand Defence Forces 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: "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; such use is for the minimum time possible; [and] the adverse effects upon children, in particular in respect to their right to education, are minimised to the maximum extent possible."[175]

- The commentary to the draft New Zealand Manual of Armed Force Law also notes that the endangerment of education facilities "is unequivocally an attack upon the learning and development of future generations who bear no responsibility for the armed conflict from which the damage arises." Importantly, the manual explicitly acknowledges that New Zealand recognizes that children have a right to education under international law, and that "use and occupation of schools and other educational institutions obviously inhibits the exercise of this right." Where for military reasons it is necessary for a force to use a school, the commentary says that "all feasible steps must be taken, in consultation with local authorities, to ensure that the disruption to the education of children is reduced to as low as reasonably practicable." The commentary acknowledges that this may include the need to identify and facilitate the use of other suitable facilities for such purposes.[176]

International Red Cross and Red Crescent Movement

The world's largest humanitarian conference, the 31st International Conference of the Red Cross and Red Crescent, took place in Geneva, Switzerland in 2011, and brought together the States party to the Geneva Conventions, the world's National Red Cross and Red Crescent societies, the International Federation of the Red Cross and Red Crescent, and the International Committee of the Red Cross. The conference adopted a four-year action plan for the implementation of international humanitarian law that included the following step in pursuance of the objective of enhancing the protection of children in armed conflict, and the protection of education in armed conflict:

- "States take all feasible measures to prevent civilian buildings dedicated to education from being used for purposes that could cause them to lose their protection under international humanitarian law."[177]

Information Campaigns

Where laws or policies exist prohibiting the military use of schools, it is essential that both soldiers and school officials are aware of them.

- In the Philippines, UNICEF has produced a series of posters in English and various local languages, which can be displayed in schools, and that announce that the military use of schools violates Philippines law.[178]

Provision of Alternative Temporary Learning Spaces

When education cannot continue in a school or other education institution due to its use by armed forces, it is the government's obligation to provide alternative learning spaces of an equal quality. However, when the government is unwilling or unable to do so, international actors might be able to provide a role. (As noted earlier in this study, however, alternative temporary learning spaces are often inferior to the original school.)

- In South Sudan, the IASC Education Cluster has responded to the education needs caused by the occupation of schools by providing temporary learning spaces, emergency school supplies, and emergency teacher training on protection and psychosocial support, and other lifesaving skills.[179]

Community Initiatives

Influential community members, from religious leaders to parent-teacher organizations, can also protect education institutions by negotiating with government forces and non-state actors to end military occupations of schools or other education institutions.

- In 2010, NGOs working in the Central African Republic negotiated an agreement with the People's Army for the Restoration of Democracy to end local military use and occupation of schools by the rebel group.[180]

- Nepal's Schools as Zones of Peace (SZOP) program involved a negotiation model for engaging armed forces on both sides of the civil conflict as well as local stakeholders to cease, among many threats to children's safety, the presence of armed forces in and around schools. The most influential item of the program was the development of codes of conduct to safeguard schools, negotiated among local governments and civil society stakeholders, police, education officials, and representatives from the Maoist forces and the army. Even after the end of Nepal's conflict, the SZOP program continues.[181]

- Teachers and students in a number of schools in Colombia that have been previously occupied by the army, have tried to protect their schools with the few resources they have: by hoisting a white flag, in a symbol of neutrality.[182]

Unfortunately, however, citizens often have little authority over armed groups. Moreover, parents and school officials may feel constrained to challenge government security forces or non-state armed groups. Often, therefore, community initiatives alone—absent clear supporting national or international standards—are insufficient to clear schools or universities of an unwanted armed presence.

- At Ban La Ar Elementary School in Pattani, Thailand, 110 local residents signed a petition opposing the presence of paramilitary troops on school grounds. Subsequently, the troops worked harder to prove their good discipline and either placated or earned the trust of local residents, but they did not leave the school.[183]

- Residents of Malakand district in Pakistan told Amnesty International that Taliban insurgents used schools to hide in and launch attacks from despite entreaties from residents to avoid such crucial civilian buildings and take the fighting elsewhere.[184]

Lack of Civilian Control over Forces

When armed forces take over education institutions, the soldiers are prioritizing tactical advantage or convenience over the potential threat their armed encampments pose to both children's and young people's safety and their right to education. The community loses its ability to exert ownership and control over its own schools. Security forces rarely consult with communities and education authorities before establishing a camp in the local school. As a result, school authorities are not able to prepare appropriate alternative sites to offer education, and local communities do not have a chance to propose alternative sites for combatants to use. While some communities have publicly demonstrated against the presence of troops in local schools, parents and school officials have reported feeling constrained in their ability to challenge government security forces or non-state armed groups. Government education officials, education ministries, and even the courts, have occasionally had difficulty vacating schools occupied by security forces that are in fact another branch of the same government. In this manner, the military use of schools frequently represents a disturbing lack of civilian control over the armed forces.

- In Bajaur Agency, Pakistan, a university student told Amnesty International that the army and paramilitary Frontier Corps had deployed at his university and the local people could not get them to leave even after complaining to the Education Department.[185]
- India's Supreme Court ordered security forces to clear out of all schools in Chhattisgargh state within four months of January 2011.[186] But, almost half a year later, the court chastised: "[T]he State of Chattisgarh had categorically denied that any schools … were continuing to be occupied by security forces, and in fact all such facilities had been vacated. However, during the course of the hearings before this bench it has turned out that the facts asserted in the earlier affidavit were erroneous, and that in fact a large number of schools had continued to be occupied by security forces."[187] And, 616 days after the court order, armed personnel were still in some classrooms.[188]
- After a Colombian NGO presented to the Ministry of Education findings from an extensive mission documenting military use of multiple schools, the ministry expressed surprise: they were aware of only one complaint of a school being used.[189]

8. LAWS RESTRICTING USE OF EDUCATION INSTITUTIONS BY ARMED FORCES AND ARMED GROUPS

International law regulates armed forces' and armed groups' use of education institutions through both international humanitarian law, also known as the law of war or the laws of armed conflict, and international human rights law.[190]

International Humanitarian Law

International humanitarian law regulates the conduct of armed forces and non-state armed groups during times of armed conflict. International humanitarian law requires all parties to a conflict to distinguish between military objectives and civilians and civilian objects, and to target only the former. Schools, as with other civilian objects, are protected from attack unless they are being used for military purposes.

Additionally, parties to a conflict are obliged to take all feasible precautions to protect the civilian population and civilian objects, such as schools, under their control against the effects of attacks:

- Additional Protocol I to the Geneva Conventions of 1949, which applies to situations of international armed conflict, states that parties to a conflict shall, "to the maximum extent feasible … endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives…[and] take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations."[191]

- Additional Protocol II to the Geneva Conventions of 1949, which applies to situations of non-international armed conflict, including civil wars, states: "The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations."[192]

- It is also widely considered rules of customary international law[193] that parties to a conflict are required to take all feasible precautions to protect the civilian population and civilian objects such as schools under their control against the effects of attacks. Moreover, each party to the conflict must, to the extent feasible, remove civilians and civilian objects under its control from the vicinity of military objectives.[194]

Therefore, while international humanitarian law contains no general ban on the use of schools for military purposes, it does prohibit armed forces and armed groups using an education institution at the same time as students and teachers are using it as an educational center.

In addition, the intentional deployment of forces among students or other civilians in a school building or university to prevent those forces from being attacked is a serious violation of international humanitarian law, and can constitute the war crime of "human shielding."[195]

International humanitarian law provides specific obligations to protect access to education:

- Under the Fourth Geneva Convention, applicable during international armed conflicts, an occupying power—that is, the force that has that has established control and authority over hostile territory—shall, with the cooperation of the national and local authorities, "facilitate the proper working of all

institutions devoted to the care and education of children." Moreover, should the local institutions be inadequate, the occupying power is to "make arrangements for the maintenance and education … of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend."[196]

- Under Additional Protocol II, applicable during non-international armed conflicts, it is a fundamental guarantee that children shall receive an education, in keeping with the wishes of their parents.[197]

Attacks on Education Institutions Used by Armed Forces or Armed Groups

The use of a school or another education institution by armed forces or armed groups may make it a legal target for attack. Under international humanitarian law, schools and other education institutions are considered "civilian objects" that are protected from attack.[198] However, they may be attacked if, and only for such time as, they count as "military objectives"—objects that contribute to the military action and whose destruction under the existing circumstances would offer a definite military gain. (In case of doubt whether an object which is normally dedicated to civilian purposes, such as a school, is being used to make an effective contribution to military action, it is to be presumed not to be so used.)[199] Attacking a school, either in reprisal for forces having used it in the past, or because forces may make use of it in the future, violates the laws of war.[200]

Even temporary use can turn a civilian building like a school into a legitimate military target.

- Explaining that buildings normally used for civilian purposes, such as schools, are to be presumed as not being used for military purposes, Australia's Defence Force Manual uses the example: "If enemy soldiers use a school building as shelter from attack by direct fire, then they are clearly gaining a military advantage from the school. This means the school becomes a military objective and can be attacked."[201]

Even if the presence of military personnel is insufficient to convert the institution itself into a military objective, combatants in or near a school will nonetheless be subject to attack, which could also in certain circumstances result in damage to infrastructure or civilian casualties.

Attacks on valid military targets–including education institutions being used for military purposes–must be neither indiscriminate nor disproportionate. An indiscriminate attack is one in which the attack is not directed at a specific military objective, or the methods or means used cannot differentiate between combatants and civilians.[202] A disproportionate attack is one in which the expected loss of civilian life and property exceeds the anticipated military gain.[203]

International and Regional Human Rights Law

International human rights law protects students and teachers during peace, war, and times of unrest and strife.[204] Indeed, international human rights law explicitly requires that children be protected by the rules of international humanitarian law applicable in armed conflict.[205]

In addition to students' and teachers' rights to life and security, the most relevant human right jeopardized by the military use of schools and universities is the right to education. When the extended use of an education institution by government security forces affects children's ability to receive education, they may be violating children's right to education guaranteed under international human rights law.

Two major international treaties guarantee the right to education:

- The International Covenant on Economic Social and Cultural Rights (ICESCR) provides that states recognize the right of everyone to education. With a view to achieving the full realization of this right: primary education shall be compulsory and available free to all; secondary education shall be made generally available and accessible to all; higher education shall be made equally accessible to all; and the development of a system of schooling at all levels shall be actively pursued and the material conditions of teaching staff continuously improved.[206]

- The Convention on the Rights of the Child guarantees individuals under the age of 18 the right to education. With a view to achieving this right progressively, states shall make primary education compulsory and available free to all; make secondary education available and accessible to every child; make higher education accessible to all on the basis of capacity; and take measures to encourage regular attendance at schools and the reduction of drop-out rates.[207]

The right to education is also guaranteed in various regional human rights treaties,[208] and in the national constitutions of many countries.[209]

The UN's Committee on Economic, Social, and Cultural Rights, has explained countries' legal obligations under the ICESCR's right to education, noting:

- "There is a strong presumption of impermissibility of any retrogressive measures taken in relation to the right to education… If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the State party's maximum available resources."[210]

- "The right to education, like all human rights, imposes three types or levels of obligations on States parties: the obligations to respect, protect and fulfill… The obligation to respect requires States parties to avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to protect requires States parties to take measures that prevent third parties from interfering with the enjoyment of the right to education. The obligation to fulfill (facilitate) requires States to take positive measures that enable and assist individuals and communities to enjoy the right to education. Finally, States parties have an obligation to fulfill (provide) the right to education…"[211]

- "States have obligations to respect, protect and fulfill each of the 'essential features' (availability, accessibility, acceptability, adaptability) of the right to education. By way of illustration, a State must respect the availability of education by not closing private schools; protect the accessibility of

> education by ensuring that third parties … do not stop girls from going to school; [and] fulfill (facilitate) the acceptability of education by taking positive measures to ensure that education is … of good quality for all…"[212]

States are therefore under an obligation to achieve increasing realization of the right to education. These include measures to encourage regular attendance at schools, reduce dropout rates, encourage the development of higher forms of education, and continually improve the material conditions of teaching staff – all elements that this study has shown are threatened by military use of schools and other education institutions.

(For more on how the Committee on the Rights of the Child has viewed the practice of military use of schools from a human rights perspective, see the discussion in chapter 7).

Domestic Law

As outlined in the previous chapter, some countries have additional legislation, jurisprudence, or military law protections for schools and other education institutions against their use by armed forces or armed groups, which may go further than obligations under international humanitarian law. In some cases, these additional protections explicitly incorporate obligations under either the international human rights law right to education, or constitutional rights to education in that country. In particular, see examples from, Colombia, India, Ireland, New Zealand, the Philippines, and the United Kingdom, in chapter 7.

9. CONCLUSION

This study has shown that in the majority of contemporary conflicts around the world, military forces and non-state armed groups have used schools and other education institutions for purposes such as bases, barracks, detention facilities, torture centers, firing positions, and munitions caches. These uses can convert a school or university into a legitimate military target under international law and makes students, teachers, and learning facilities vulnerable to attack from opposing forces. In addition to the risk of death or severe injury from attacks, students attending classes in schools or universities occupied by military forces may witness violence or be exposed to physical or sexual abuse by the combatants.

The presence of troops in schools also impacts young people's right to education, and leads to students dropping out, reduced enrollment, lower rates of transition to higher levels of education, loss of motivation or absenteeism by teachers and faculty, overall poorer educational attainment, and recruitment for violent activities. Girls and young women are disproportionately affected. Given education's key role in achieving other social and economic indicators, military use of schools can ultimately result in communities' diminished capacities to reach global development goals.

Guaranteeing the right to education is rarely a priority, or even a consideration, for armed forces and armed groups engaged in fighting. Even those armed forces that pride themselves on their knowledge and compliance with the laws of war may be unaccustomed and unfamiliar with the idea of having to take into consideration children's rights or economic and social rights when planning maneuvers and tactics for the battlefield. This study shows that failing to do so, however, can have detrimental consequences for individuals, communities, and states.

A number of recommendations emerge from the research and findings of this study. The full list of recommendations is included at the end of the executive summary.

There is an urgent need for clear and simple rules to guide soldiers' decision-making amidst the fog of war. Commanders and planners would benefit from knowing how to prepare in advance so they can avoid needing to use education premises. And clear standards would also aid the monitoring and assessing of the conduct of armed forces and armed groups, and assist negotiations and interventions with groups who contravene such guidance.

At a bare minimum, armed forces' obligations to respect and ensure students' security and right to education needs to be made more explicit. Examples of good practice in countries affected by armed conflict include an explicit prohibition on military use of schools and universities. Such a simple, clear ban goes further than the requirements of international law, but provides an unambiguous and easily conveyed rule. This is the primary recommendation that emerges from the study.

APPENDIX 1: ANALYSIS OF USE OF EDUCATION INSTITUTIONS 2005 –2012

For country-specific citations for both of the following tables, *see* Appendix 2.

Table 1: Types of Military Use of Education Institutions Reported, by Country: January 2005 – October 2012

Country	Reported Types of Military Use
Afghanistan	A
Burma/ Myanmar	A
Central African Republic	A
Chad	A
Colombia	A
Côte d'Ivoire	A, E
Democratic Republic of Congo	A
Georgia	B
India	A, D
Iraq	A, C
Libya	D, E
Mali	A, E

Country (continued)	Reported Types of Military Use (continued)
Nepal	A
Occupied Palestinian Territory/ Israel	A, B, D
Pakistan	A, B, E
Philippines	A, C
Somalia	A, B, D
Sri Lanka	A, D
South Sudan	A
Sudan	A
Syria	A, B, C, D
Thailand	A
Uganda	A, C, E
Yemen	A, B, C, D

Key:

A: Physical occupation (e.g. operations base, barracks, police station);

B: Strategic position (e.g. firing locations and defensive bases during military operations);

C: Weapons and ammunition storage; **D:** Detention and interrogation centers; **E:** Military training

Table 2: Actors Reported Engaged in Military Use of Education Institutions January 2005 – October 2012

Country	State Actors	Non-State Actors	International Actors
Afghanistan	• Army • National police • Local police	• Taliban	• Multinational forces
Burma/ Myanmar	• Army (Tatmadaw)		
Central African Republic	• Army	• Convention des Patriotes pour la Justice et la Paix • Armée Populaire pour la Restauration de la République et de la Démocratie	
Chad	• Army		
Colombia	• Army	• Ejército de Liberación Nacional • Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo	
Côte d'Ivoire	• Army	• Groupement patriotique pour la paix • Jeunes patriotes	• Liberian mercenaires
Democratic Republic of Congo	• Army	• Congrès national pour la défense du peuple	• Mission de l'Organisation des Nations Unies en République démocratique du Congo
Georgia	• Army • Police	• South Ossetia militia	
India	• Border Security Force • Central Reserve Police Force • State police		
Iraq	• Army • Paramilitary police	• Militias	• Multinational forces

Country	State Actors	Non-State Actors	International Actors
Libya	• Army (pro-government)	• National Transitional Council	
Mali	• Army	• Islamist armed groups • Pro-government Ganda Koi militia	
Nepal	• Army	• Communist Party Nepal – Maoists	
OPT/ Israel	• Israel Defense Forces	• Palestinian armed groups	
Pakistan	• Army • Frontier Corps	• Taliban	
Philippines	• Army • Citizen Armed Force Geographical Units	• Moro Islamic Liberation Front	
Somalia	• Transitional Federal Government Forces	• Al-Shabaab	• Ethiopian army
Sri Lanka	• Army • Police		
Sudan	• Army • Central Reserve Police • Sudan People's Liberation Army		
South Sudan	• Sudan People's Liberation Army		
Syria	• Army	• Free Syrian Army • Shabiha militia	
Thailand	• Army • Rangers		
Uganda	• Army		
Yemen	• Army (pro-government) • Republican Guard • Central Security	• Al-Houthi militia • First Armored Division (breakaway pro-opposition army element) • Pro-government tribal militia • Pro-opposition tribal militia • Islamic militants	

All countries in conflict during 2005-2011

The Department of Peace and Conflict at Uppsala University, which endeavors to track the number of ongoing conflicts around the world, reported conflicts in the following 42 countries[213] during 2005 to 2011: Afghanistan, Algeria, Angola, Azerbaijan, Burma/Myanmar, Burundi, Cambodia, Central African Republic, Chad, Colombia, Côte d'Ivoire, Djibouti/Eritrea border, Democratic Republic of Congo, Ethiopia, Georgia, India, Indonesia, Iran, Iraq, Israel/OPT, Libya, Mali, Mauritania, Nepal, Niger, Nigeria, Pakistan, Peru, Philippines, Russia, Rwanda, Senegal, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Tajikistan, Thailand, Turkey, Uganda, and Yemen.[214]

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[146] Committee on the Rights of the Child, Concluding observations: Colombia, U.N. Doc. CRC/C/OPAC/COL/CO/1 (2010), paras. 39-40.

[147] Committee on the Rights of the Child, Concluding observations: Sri Lanka, CRC/C/OPAC/LKA/CO/1 (2010), para. 25.

[148] Consideration of reports submitted by States parties under article 44 of the Convention, Concluding observations: Afghanistan, CRC/C/AFG/CO/1 (2011), paras. 61-62.

[149] *See* e.g., Decision on Preliminary Motion Based on Lack of Jurisdiction (Child Recruitment), *Prosecutor v. Sam Hinga Norman*, Case No. SCSL-2004-14-AR72(E), Special Court for Sierra Leone, May 31, 2004, para. 22 ("it is well settled that all parties to an armed conflict, whether states or non-state actors, are bound by international humanitarian law, even though only states may become parties to international treaties"); J.M. Henckaerts, "Binding Armed Opposition Groups through Humanitarian Treaty Law and Customary Law in Relevance of International Humanitarian Law to Non-state Actors," Proceedings of the Bruges Colloquium, October 25-26, 2002.

[150] Geneva Call, Deed of Commitment under Geneva Call for the Protection of Children from the Effects of the Armed Conflict (2010).

[151] Geneva Call, "Burma/Myanmar: Two armed groups undertake not to use child soldiers: the first to sign Geneva Call's Deed of Commitment on children," press release, August 6, 2012.

[152] UN Special Report, "On attack and occupation of schools by FRCI Troops in the Western Regions (Region Des Montagnes and Moyen Cavally)," May 24, 2011; Human Rights Watch, "Côte d'Ivoire: AU Should Press Gbagbo to Halt Abuses," February 23, 2011; Education Cluster Côte d'Ivoire, "Attaques contre l'Education: Rapport sur l'impact de la crise sur le système éducatif ivoirien: Rapport Numero 2," June 15, 2011, p. 6.

[153] Personal Communication, Information Management Officer for Education Cluster, Côte d'Ivoire, January 11, 2012.

[154] IASC Education Cluster Côte d'Ivoire, "Attaques contre l'Education: Rapport sur l'impact de la crise sur le système éducatif ivoirien: Rapport Numero 2," June 15, 2011, p. 6; Author interview with two UN officials, Phuket, Thailand, November 11, 2011.

[155] IASC Education Cluster, "South Sudan Education Cluster: Annual Review 2011," December 2011, p. 11.

[156] In Colombia, negotiations with illegal armed groups can only be done with the explicit authorization of the government. Nonetheless, many community organizations, parents, and teachers themselves negotiate with illegal armed forces or non-state actors on behalf of schools and students.

[157] Personal Communication with human rights official in Cordoba, Colombia (speaking on condition of anonymity), December 2011.

[158] Defence Act (Ireland), May 13, 1954, arts. 269-270.

[159] 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).

[160] House Bill 4480, An Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof, 15th Congress of the Philippines, approved by House May 23, 2011.

[161] Jake Scobey-Thal, "We Told the Children Not to Enter," *INEE*, January 31, 2012; Bede Sheppard, "Some Things Don't Mix," *Philippines Inquirer*, April 24, 2012; UNSG, *Children and Armed Conflict in the Philippines*, S/2008/272, April 24, 2008, para. 35; UNSG, *Children and Armed Conflict in the Philippines*, S/2010/36, January 21, 2010, paras. 32-33; UNSG, *Children and Armed Conflict*, A/65/820–S/2011/250, April 23, 2011, para. 179; UNSG, *Children and Armed Conflict*, A/66/782–S/2012/261, April 26, 2012, para. 150-151.

[162] *Yenys Osuna Montes v. the Mayor of Zambrano Municipality*, SU-256/99, Constitutional Court of Colombia, April 21, 1999.

[163] *Wilson Finch and others v. the Mayor of La Calera,* T-1206/01, Constitutional Court of Colombia, November 16, 2001.

[164] In May 2007, Delhi University sociology professor, Nandini Sundar, and two others petitioned the Supreme Court on a variety of human rights violations identified in four fact-finding reports conducted in Chhattisgarh, one of which Sundar had co-authored. *Nandini Sundar, Ramachandra Guha and E.A.S. Sarma v. State of Chhattisgarh*, Writ Petition (Civil) No. 250 of 2007. A second petition was filed in August 2007 by three residents of one of the most violence-affected districts in the state who had been victims of arson, beatings, and looting by the Salwa Judum. *Kartam Joga and others v. State of Chhattisgarh and Union of India*, Writ Petition (Criminal) No. 119 of 2007. The Supreme Court reviewed the two cases together. *See also*: N. Sundar, Pleading for Justice, 2010; and Independent Citizens' Initiative, War in the Heart of India: An Enquiry into the Ground Situation in Dantewara District, Chhattisgarh, 2006.

[165] NHRC (Investigation Division), Chhattisgarh Enquiry Report, no date, p. 38.

[166] *Nandini Sundar and others v. State of Chhattisgarh*, Writ Petition (Civil) No. 250 of 2007, Supreme Court

Order of January 18, 2011. *See also Nandini Sundar and others v. The State of Chattisgargh*, W.P. (Civil) No. 250 of 2007, Supreme Court of India, judgment of July 5, 2011.

[167] "Troopers to vacate Chhattisgarh schools," *IANS,* September 24, 2012.

[168] *Exploitation of Children in Orphanages in the State of Tamil Nadu versus Union of India and ORS*, Writ Petition

(Criminal) No. 102 of 2007, Supreme Court Order of 1 September 2010.

[169] *Inqualabi Nauzwan Sabha and others v. The State of Bihar*, C.W.J.C. No. 4787 of 1999, High Court of Patna, order of January 2, 2001 ("[L]et the police force even be increased to double strength. No one has any objection to this. But what is being complained of is that the police has occupied the building of the school with the result that the children are not being sent to school where the police has occupied the classrooms. This is depriving the children of education… [S]chools should not be closed for the reason that the classrooms have been converted into barracks. Why should this happen? This is depriving a generation and a class of children from education to which they have a right.")

[170] *Paschim Medinipur Bhumij Kalyan Samiti v. State of West Bengal*, W.P. No. 16442(W) of 2009, High Court of Calcutta.

[171] Department of Peacekeeping Operations, *United Nations Infantry Battalion Manual* (2012), sec. 2.13.

[172] General Commander of the Military Forces, order of July 6, 2010, official document Number 2010124005981/CGFM-CGING-25.11

[173] Armed Forces of the Philippines Letter Directive No. 34, GHQ AFP, November 24, 2009, para. 7.

[174] United Kingdom Ministry of Defence, Joint Service Manual of the Law of Armed Conflict, Joint Service Publication 383 (2004), paras. 15.18-15.18.1.

[175] Draft New Zealand Manual of Armed Force Law (2nd Ed), volume 4, 14.35.8.

[176] Commentary to New Zealand Draft Manual of Armed Force Law (2nd Ed), volume 4, 14.35.8.

[177] Resolutions of the 31st International Conference of the Red Cross and Red Crescent, Resolution 2, "4-year action plan for the implementation of international humanitarian law," Annex 1, 2011.

[178] Author interview with UNICEF official, Manila, November 24, 2011.

[179] IASC Education Cluster: South Sudan, "Briefing Note: Occupation of Schools by Armed Forces," 2011.

[180] IDMC & Watchlist on Children and Armed Conflict, *An Uncertain Future: Children and Armed Conflict in the Central African Republic*, (2011), p. 27.

[181] Bede Sheppard & Kyle Knight, "Disarming schools: strategies for ending the military use of schools during armed conflict," *Disarmament Forum* 3 (2011), pp. 26-27; Melinda Smith, "Schools as Zones of Peace: Nepal Case Study in Access to Education During Armed Conflict and Civil Unrest," in UNESCO (ed.) *Protecting Education from Attack: A State-of-the-Art Review*, (2010), pp. 261-78.

[182] COALICO, *Un camino por la escuela colombiana desde los derechos de la infancia y la adolescencia: 2006-2007* (Bogotá: COALICO, 2007), p. 54.

[183] Human Rights Watch, *"Targets of Both Sides": Violence against Students, Teachers, and Schools in Thailand's Southern Border Provinces,* (2010), pp. 66-67.

[184] Amnesty International, *"As if hell fell on Me": The Human Rights Crisis in Northwest Pakistan,* (2010), p. 63.

[185] Ibid, p. 70.

[186] *Nandini Sundar and others v. State of Chhattisgarh*, Writ Petition (Civil) No. 250 (2007), Indian Supreme Court, order of January 18, 2011 ("There shall be a direction to the Union of India and the State of Chhattisgarh to ensure that the security forces vacate all the educational institutions, school buildings and hostels within a period of four months from today").

[187] Ibid, order of July 5, 2011, at 26.

[188] "Troopers to vacate Chhattisgarh schools," *IANS,* September 24, 2012.

[189] COALICO, *Un camino por la escuela colombiana desde los derechos de la infancia y la adolescencia: 2006-2007* (Bogotá: COALICO, 2007), p. 54.

[190] For further analysis of the legal regime regulating the military use of education institutions, *see* Human Rights Watch, *Schools and Armed Conflict: A Global Survey of Domestic Laws and State Practice Protecting Schools from Attack and Military Use,* (2011), pp. 46-65; Bede Sheppard and Kennji Kizuka, "Taking Armed Conflict Out of the Classroom: International and Domestic Legal Protections for Students When Combatants Use Schools," *International Humanitarian Legal Studies* 2 (2011) 281–324; and British Institute of International and Comparative Law, *Protecting Education in Insecurity and Armed Conflict: An International Law Handbook* (2012), pp. 200-205.

[191] Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), June 8, 1977, art. 58.

[192] Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Additional Protocol II), June 8, 1977, art. 13.

[193] Customary international law is the general practices of states that are followed because of a sense of legal obligation to do so. Customary international law exists independent of international treaties, and is not compiled in any one central document or source. Unlike treaty law, which is binding only on the states that choose to become a party to it, customary international law is binding on all states.

[194] ICRC, Customary International Humanitarian Law, rules 22 & 24. *See also* Judgment, *Prosecutor v. Kupreškić*, No. IT-95-16-T, ICTY, January 14, 2000, para. 524 (finding AP I, Article 58 part of "customary international law, not only because [it] specif[ies] and flesh[es] out general pre-existing norms, but also because [it] do[es] not appear to be contested by any State, including those which have not ratified the Protocol").

[195] ICRC, Customary International Humanitarian Law, rule 97; *see also* Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, August 12, 1949, art. 28; Additional Protocol I, art. 51(7); and Rome Statute of the International Criminal Court, July 17, 1998, art. 8(2)(b)(xxiii) ("[u]tilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations" constitutes a war crime in international armed conflicts.)

[196] Fourth Geneva Convention, art. 50.

[197] Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), June 8, 1977, art. 4.

[198] *See* Additional Protocol I, arts. 48 and 51(2), and Additional Protocol II, art. 13(2); *see also* ICRC, Customary International Humanitarian Law, rule 1, and *Prosecutor v. Kordic*, IT-95-14/2-A (Judgment), December 17, 2004, para 92: "there is no doubt that the crime envisaged of destruction of educational buildings [is] part of international customary law."

[199] *See* Additional Protocol I, art. 52.

[200] *See* Henckaerts & Doswald-Beck (eds.), *Customary International Humanitarian Law* (2005), rule 8, citing Additional Protocol I, art. 52(2): "[M]ilitary objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction…*in the circumstances ruling at the time*, offers a definite military advantage" [emphasis added].

[201] Australian Defence Headquarters, *Manual of the Law of Armed Conflict*, Australian Defence Doctrine Publication 06.4, (2006), sec. 5.34.

[202] Protocol I, art. 51(4); *see also* ICRC, Customary International Humanitarian Law, rules 11-12.

[203] Protocol I, art. 51(5); *see also* ICRC, Customary International Humanitarian Law, rule 14.

[204] *See* Advisory Opinion, *Legality of the Threat or Use of Nuclear Weapons*, ICJ, 8 July 1996, para. 25; Advisory Opinion, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, ICJ, 9 July 2004, para. 106; Judgment, *Case Concerning Armed Activities on the Territory of the Congo* (Dem. Rep. Congo v. Uganda), ICJ, 19 December 2005, para. 216; Judgment, *Isayeva, Yusupova and Bazayeva v. Russia,* Apps. 57947/00, 57948/00 and 57949/00, ECtHR, 6 July 2005; Merits and Judgment, *Bámaca Velásquez vs. Guatemala*, IACtHR, 25 November 2000, para. 207; *see also* Louise Doswald-Beck & Sylvain Vité, "International Humanitarian Law and Human Rights Law," 293 IRRC 94 (1993); Cordula Droege, "The Interplay between International Humanitarian Law and International Human Rights Law in Situations of Armed Conflict," 40(2) ILR 310 (2007).

[205] Convention on the Rights of the Child, adopted November 20, 1989, entered into force September 2, 1990, art. 38 ("(1) States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child… (4) In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict."); *see also* African Charter on the Rights and Welfare of the Child, entered into force November 29, 1999, art. 22("(1) States Parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child… (3) States Parties to the present Charter shall, in accordance with their obligations under international humanitarian law, protect the civilian population in armed conflicts and shall take all feasible measures to ensure the protection and care of children who are affected by armed conflicts. Such rules shall also apply to children in situations of internal armed conflicts, tension and strife.")

[206] International Covenant on Economic, Social, and Cultural Rights, art. 13.

[207] Convention on the Rights of the Child, art. 28.

[208] African (Banjul) Charter on Human and Peoples' Rights, adopted June 27, 1981, entered into force October 21, 1986, art. 17; African Charter on the Rights and Welfare of the Child, art. 11; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, adopted November 17, 1988, entered into force November 16, 1999, arts. 13 & 16; Additional Protocol I to the European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted March 20, 1952, entered into force May 18, 1954, art. 2.

[209] *See e.g.* Brazil's Constitution guarantees a variety of educational rights, including: that education is a right (art. 6 and 205); that teaching shall be provided on the basis of equality of conditions for access to and staying in school (art. 206); that access to compulsory and free education is a public right (art. 208(VII)(1)); and notes that "The Government's failure to offer compulsory education or offering it irregularly implies liability of the proper authority" (art. 208(VII)(2)); Colombia's Constitution contains a number of protections for children; article 44 states that "The following are basic rights of children: … instruction," and that "The rights of children have priority over the rights of others;" article 67 states: "Education is an individual right and a public service that has a social function … The State, society, and the family are responsible for education, which will be mandatory between the ages of five and 15 years and which will minimally include one year of preschool instruction and nine years of basic instruction; Education will be free of charge in the state institutions." For a comprehensive list of constitutional protections of the right to education, *see* the Right to Education Project at http://www.right-to-education.org/.

[210] Committee on Economic, Social, and Cultural Rights, "General Comment No. 13: The right to education," E/C.12/1999/10, December 8, 1999, para. 45.

[211] Ibid, paras. 46 and 47.

[212] Ibid, para. 50.

[213] Some countries experienced more than one armed conflict, such as the Philippines, which had conflicts between the government and the New People's Army, the Moro Islamic Liberation Front, and the Abu Sayaf Group.

[214] Harbom, Lotta, Erik Melander & Peter Wallensteen, "Dyadic Dimensions of Armed Conflict, 1946-2007," Journal of Peace Research (2008), 45(5): 697-710, revised by Themnér, Lotta & Peter Wallensteen, "Armed Conflict, 1946-2011," Journal of Peace Research (2012) 49(4).

Front cover: Fighters from the Syrian opposition rest at a former primary school in the center of Syria's restive northern city of Aleppo on July 25, 2012.

Back cover: Security forces line their weapons against the school wall at Dwarika Middle School on June 7, 2009.

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