Global Coalition to **Protect Education from Attack**

LEGISLATIVE CHECKLIST: PROTECTING EDUCATION IN ARMED CONFLICT

January 2026

Table of Contents

Cover: A view of girls in a classroom in Idlib, Syria, September 2021.

Acknowledgements

The Legislative Checklist: Protecting Education in Armed Conflict was developed by the Global Coalition to Protect Education from Attack (GCPEA) with the support of Michelle Oliel, an expert deployed to GCPEA by Justice Rapid Response. The Checklist was piloted in a workshop in Colombia, in collaboration with the Special Jurisdiction for Peace (JEP). GCPEA wishes to express its gratitude to Giovanni Álvarez Santoyo, Head Prosecutor and Director of the Investigation and Accusation Unit of the JEP, Juan David Velasco Montoya, Senior Advisor to the Head Prosecutor of the JEP, and Siraj Khan, Law and Policy Manager of the Education Above All Foundation. GCPEA also acknowledges those who contributed to the piloting of this tool, with special thanks to members of GCPEA's Accountability Task Team.

We also wish to thank partners who contributed to the development and review of this Checklist, including:

- Office of the UN Special Rapporteur on the right to education
- Office of the UN Special Representative for Children and Armed Conflict
- Professor Ann Skelton, Chair of Education Law in Africa, UNESCO
- Ruby Mae Axelson and Javier Peres Salermón, Global Rights Compliance
- Camille Delbourgo and Stefano Trevisan, Legal Action Worldwide
- Mikiko Otani, President, Child Rights Connect
- Robert Doya Nanima, Special Rapporteur on Children Affected by Armed Conflict, African Committee of Experts on Rights and Welfare of the Child

This publication was made possible with financial support from the Education Above All Foundation and the Government of Norway. The content and views expressed herein are solely those of GCPEA and do not necessarily reflect the views of the Government of Norway.

Introduction

Attacks against and military use of schools, universities, and other educational facilities during armed conflict, as well as their severe impact on the right to education and children's rights have drawn increasing international attention. UN organs, bodies, mechanisms, and entities have repeatedly expressed grave concern over the negative consequences and have called for the endorsement and implementation of the Safe Schools Declaration and its *Guidelines for protecting schools and universities from military use during armed conflict*.[1] In 2021, the UN Security Council (UNSC) unanimously adopted its first-ever resolution on protecting education during armed conflict.[2] UNSC Resolution 2601 (2021) urges Member States to develop effective measures to prevent and address attacks against educational facilities and to establish domestic legal frameworks ensuring respect for their international legal obligations.[3] It also condemns attacks against schools, children and teachers, urges parties to the conflict to respect the civilian character of educational facilities under international humanitarian law (IHL) and encourages Member States to take concrete measures to mitigate and avoid the military use of schools while facilitating the continuity of education during armed conflict.[4]

Preventing violence against students, teachers, other education personnel as well as educational facilities and redressing their impact is the primary duty of States, and adequate rules in domestic legislation and regulations are required. The Legislative Checklist to protect education in armed conflict (Checklist) has been developed by the Global Coalition to Protect Education from Attack (GCPEA) to support States to fulfil their obligations and relevant practitioners to assess and address whether the domestic normative framework is in line with international obligations under IHL, international human rights law (IHRL), and international criminal law (ICL) and provides for the highest level of protection of the right to education and victims and survivors' right to effective remedy.

The Checklist presents a list of questions and statements with the objective of helping lawyers, investigators, prosecutors, lawmakers, national human rights institutions, civil society organisations and other relevant practitioners map their domestic normative framework so that they may quickly spot and address potential gaps or inconsistencies. Accordingly, this tool may help identify education-related crimes that can be pursued under current domestic law and help advance legal and policy changes where gaps exist.

The variety of, and discrepancies between, legal systems around the world necessitate both analysing domestic normative frameworks and proposing ways to address related issues be carried out on a case-by-case basis. What might be appropriate for one country might not be for other countries. It is therefore up to the practitioner to decide how to fine-tune the use of this Checklist and, afterwards, if and how to propose preventive or corrective measures.

1 See, for example, Human Rights Council, Res. 53/7, Right to Education, UN Doc. A/HRC/RES/53/7, 19 July 2023; Human Rights Council, Report of the Special Representative of the Secretary-General for Children and Armed Conflict, UN Doc. A/HRC/58/18, 8 January 2025; United Nations Security Council, Report of the Secretary General on Children and Armed Conflict, UN Doc. S/2025/247, 17 June 2025; Committee on the Rights of the Child, Concluding Observations on the Combined Fifth and Sixth Periodic Reports of Egypt, UN Doc. CRC/C/EGY/CO/5-6, 20 June 2024; Committee on the Elimination of Discrimination against Women, Concluding Observations on the Fifth Periodic Report of the Niger, UN Doc. CEDAW/C/NER/CO/5, 20 February 2024; Committee on Economic, Social and Cultural Rights, Concluding Observations on the Initial Report of Pakistan, UN Doc. E/C.12/PAK/CO/1, 20 July 2017; Committee on the Rights of the Child, Concluding Observations on the Report submitted by India under Article 8, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, UN Doc. CRC/C/OPAC/IND/CO/1. See also the earlier resolution of the UN General Assembly on the right to education in emergency situations (A/RES/64/290, 27 July 2010). Importantly, to highlight the urgent need to protect education from attack, the UN General Assembly adopted Resolution 74/275 on 28 May 2020, establishing 9 September as International Day to Protect Education from Attack.

2 UN Security Council, Resolution 2601 (2021), UN Doc. S/RES/2601, 29 October 2021.

3 Ibid, operative paragraph 4, p. 3.

4 Ibid, operative paragraphs 2, 3, and 6, pp. 3-4.

Addressing education-related violations in times of armed conflict requires creative solutions that derive from tailored, multidisciplinary approaches. Consequently, no matter how practical or comprehensive this Checklist may be, it should be used alongside other relevant material that can help inform the development of an effective multidisciplinary approach to the issue at hand. In some cases, practitioners might also find it relevant to add their own questions to the Checklist whenever the practical challenges that they encounter in their context require assessment of other areas or aspects of the law than those covered in this document.

This Checklist should be seen as a practical and flexible tool and certainly should not be used as an exhaustive, stand-alone document. It also neither replaces nor addresses undertakings that States (and, where relevant, other actors, such as UN agencies and bodies, components of the International Red Cross and Red Crescent Movement, or civil society organisations) have made under frameworks such as National Action Plans, UN Security Council Resolution 1325, the Monitoring and Reporting Mechanism (MRM) on Grave Violations against Children in Situations of Armed Conflict, or the Monitoring, Analysis and Reporting Arrangements (MARA) on conflict-related sexual violence.

Safe Schools Declaration

The Safe Schools Declaration (2015) (SSD) is an inter-governmental political agreement through which endorsing States (122 as of December 2025) commit to protect students, teachers, schools, and universities from the worst effects of armed conflict.

The SSD outlines a series of commitments to better protect education in armed conflict. The first of these commitments is to use the Guidelines for Protecting Schools and Universities from Military Use during Armlaed Conflict (Guidelines) "and bring them into domestic policy and operational frameworks as far as possible and appropriate." The Guidelines propose a set of actions that parties to the conflict can take to reduce the military use of schools and universities, and to minimise the negative impact such use may have on students' safety and education. By implementing the Guidelines, armed forces and non-State armed groups may limit the effect of armed conflict on students, teachers, educational facilities and education in practice. It contains an express commitment by signatory States to investigate allegations of violations of applicable national and international law and, where appropriate, duly prosecute perpetrators.[5]

The Government of Norway serves as the depositary for endorsements. States may endorse the Safe Schools Declaration at any time by submitting a formal letter to the Norwegian Ministry of Foreign Affairs, either through their embassies or permanent missions, or by email at Seksjon.for.humanitaere.sporsmal@mfa.no. Endorsement may also be announced publicly during a formal multilateral meeting, provided it is subsequently confirmed in writing to Norway following the same procedure.

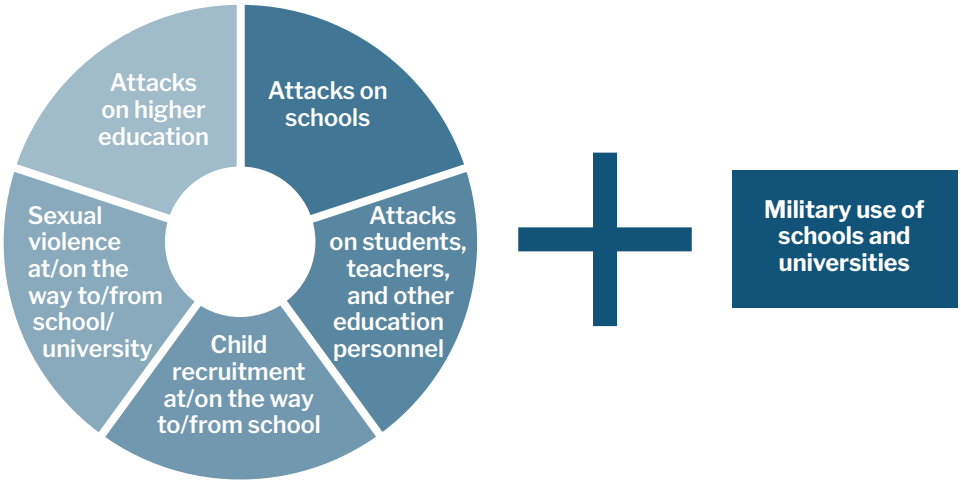
5 Safe Schools Declaration (2015) – An inter-governmental political commitment to protect students, teachers, schools, and universities from the worst effects of armed conflict, available at: https://ssd.protectingeducation.org/safe-schools-declaration-and-guidelines-on-military-use/

.

I. Methodology

The Checklist starts with preliminary questions that should give the user a sense of the place of the right to, and the protection of, education in the domestic legal framework (i.e. the constitution and other laws of that State).

The Checklist covers acts that result from what GCPEA defines as "attacks on education" (broken up into the five categories in the graphic below) as well as military use of educational facilities by armed forces and armed groups. These "attacks" and the military use of schools and universities may amount to core international crimes and undermine different rights which are deeply inter-connected. The approach acknowledges that education-related crimes can take multiple forms, involving harm to students, teachers, other education personnel, and educational facilities – including their military use by armed forces and armed groups – and are often linked to other crimes defined under national and international law. Accordingly, the Checklist provides an opportunity to review related domestic normative frameworks, including those concerning the recruitment and use of children and sexual violence, in terms of their congruence with international law and the intersection with the right to education.



The concept of an 'attack on education' is not defined under international law.[6] GCPEA considers that an attack on education is "any threatened or actual use of force against students, teachers, academics, education support and transport staff (e.g., janitors, bus drivers), education officials, buildings, resources, or facilities (including school buses)."

Questions included in the Checklist are either closed- or open-ended, depending on the nature of the topics that they address. As a starting point, these questions are not intended to be exhaustive but are designed to help practitioners quickly identify both existing protections and potential gaps in domestic law.

☑ There is a tick box next to each question, which should be ticked (as illustrated to the left) if the State in question is in compliance.

6 GCPEA (2024). Education under Attack; GCPEA (2023). Toolkit for Collecting and Analyzing Data on Attacks on Education.

In all cases though, these questions are intended to trigger critical genuine reflection on the relevance of a particular aspect of the domestic legal framework, rather than a simple "yes" or "no" or a one-line response. Consequently, answering the questions will therefore require researching the existence of relevant domestic laws and regulations. It will also require looking into the scope of application of those laws and regulations and assessing whether they provide adequate protection for education. As a matter of principle, after having answered the questions, users of the Checklist should follow up by asking, "Is this a matter of concern? If so, how should it be addressed?"

The Checklist should be used as part of a more general process, which necessarily entails the development of an analysis report, which also considers how best to address the gaps identified in the law. The idea is to have a comprehensive overview of what the protections for education are in a State and how current laws can be used to enhance prevention, accountability and access to justice and effective remedies in the absence of legal reform. The Checklist does not address the specific underlying and contextual legal elements of the various crimes and applicable modes of liability. It also builds upon pre-existing; important and useful recommendations aimed at strengthening the domestic legal and regulatory framework which can be found in Annex A.

International legal standards

Education-related crimes in armed conflict are governed by three main international legal frameworks: IHL; IHRL and ICL.

International humanitarian law (IHL): Education-related crimes that occur in situations of armed conflict may amount to serious violations of IHL as set out in the Geneva Conventions (1949) and their Additional Protocols (1977), and customary international humanitarian law. In the conduct of hostilities, students, teachers and education personnel, as well as educational facilities are presumed to be civilians and civilian objects, thus protected from attack. Parties to conflict must distinguish between civilians (and civilian objects) and combatants (and military objectives) at all times, and only direct attacks against the latter. Indiscriminate and disproportionate attacks against civilians and civilian objects are prohibited. Although no IHL rule explicitly prohibits the use of educational facilities for military purposes, such practices are restricted by key obligations of parties to a conflict, including the duty to take all feasible precautions to protect civilians and civilian objects from the effects of enemy attacks, to facilitate access to education, to afford children special respect and protection, and to comply with rules on cultural property.

International human rights law (IHRL): Education-related crimes may also constitute gross violations of IHRL, including the right to education as well as the right to life, the right to liberty and security and/or the right to be free from torture and the prohibition on discrimination. By becoming parties to international human rights treaties, in particular the International Covenant on Economic, Social and Cultural Rights, the UN Convention on the Rights of the Child and its Optional Protocol on the involvement of children in armed conflict, the UN Convention on the Elimination of All Forms of Discrimination against Women, States assume obligations and duties under international law to respect, to protect and to fulfil the right to education and other human rights, including during armed conflict.

International Criminal Law (ICL): Education-related crimes may, depending on the context, amount to crimes under ICL. In particular, they may constitute war crimes, when committed in the context of, and associated with, an armed conflict. They may also amount to crimes against humanity, when perpetrated as part of a widespread or systematic attack against a civilian population, in times of peace or in war. The Rome Statute of the International Criminal Court (Rome Statute) sets out the definitions and elements of international crimes such as war crimes, crimes against humanity, and genocide which fall under the Court's jurisdiction.

II. Preliminary Questions

The following preliminary questions are designed to provide context for evaluating the domestic implementation of international law. Not all responses to these questions necessitate corrective action, and users may continue with the Checklist without having addressed every preliminary question. However, they might either assist in advocating for other actions in sections III through VII, below, or provide the legal underpinning for proposing legislative changes as the rest of the Checklist is considered.

Right to Education

The purpose of **Questions 1 through 4** is to provide the user of the Checklist with a clear understanding of the place of the right to education within the State's general constitutional and legal framework. These questions aim to ascertain whether the right to education is justiciable and enforceable, identify which legislative acts regulate the provision of education, and determine whether such laws apply in both peacetime and armed conflict or other emergency situations.

Yes or no	Existing legislative provision(s) / notes
1. Legal guarantee of the right to education and its placement in national legal frameworks	
☐ Is the right to education guaranteed by law? If **yes**: ☐ Is the right to education included in the national constitution or otherwise recognised as a fundamental right? ☐ Is the right to education established through a specific, dedicated law on education? ☐ Is the right to education incorporated into existing legislation with a broader scope (such as consolidated children's acts, regulations on education services, etc.)?	
2. Scope and applicability of the right to education	
If **yes** to question 1 (select all which apply): ☐ Does the right apply to both children and adults, i.e. covering every stage of life, including early childhood, childhood, and adulthood? ☐ Does the right to education cover early childhood education as well as primary, secondary, and tertiary education? ☐ Does the law ensure the right to education during times of armed conflict, or other emergency situations? If **yes**: ☐ Does the law permit any derogations, restrictions, or limitations on this right during such circumstances? ☐ Is the right to education set out as an unconditional right, without any adverse distinction founded on age, sex, race, nationality, religion, political opinions or any other criteria?	

Yes or no	Existing legislative provision(s) / notes
3. Justiciability and enforceability of the right to education	
☐ Is the right to education justiciable, i.e., can violations of the right to education be brought before a court or quasi-judicial body? ☐ Does domestic legislation provide legal remedies to enforce the right to education including during armed conflict?[7]	
4. Regulation of education	
☐ Is there a legislative act or acts that regulate the provision of education? If **yes**, the act(s) apply in: ☐ peacetime ☐ armed conflict ☐ other emergencies	

National Legislation and Education-Related Crimes

The purpose of **question 5** is to determine whether education-related crimes are explicitly defined, prohibited and criminalised under national law. Education-related crimes may refer to crimes already defined under international law as set out in Section IV, education-specific crimes or crimes that have an indirect negative impact on education, or acts that are not yet recognised as standalone crimes under international criminal law but that States may choose to define and criminalise within their domestic legal frameworks. For example, some States have established the absolute prohibition of attacks against schools and the military use of schools as a new standalone crime.

Where such crimes are not specifically addressed, the section also seeks to identify how existing penal provisions could be applied to prosecute education-related offences. In addition, this section is designed to help users of the Checklist identify any overlaps, inconsistencies, or gaps within the national penal framework.

Yes or no	Existing legislative provision(s) / notes
5. Explicit prohibition and criminalisation	
☐ Has the State adopted national legislation that explicitly prohibits and criminalises education-related crimes? If **yes** (select all which apply): ☐ crimes against or affecting educational facilities, including targeting of educational facilities, destruction or damage of buildings dedicated to education in contravention of IHL.	

7 The principle of non-discrimination and equality is a general principle of IHRL which is essential to the exercise of and enjoyment of all human rights, including the right to education.

Yes or no	Existing legislative provision(s) / notes
☐ the use of educational facilities – whether functional or not – in any manner in support of the military effort by fighting forces of parties to armed conflict, whether for temporarily or for a protracted period of time. ☐ crimes against or affecting students, teachers and other education personnel, including making them objects of attacks ☐ sexual and gender-based violence, including at or on the way to and from an educational facility ☐ the conscription or enlistment of children into armed forces or armed groups, including at or on the way to or from an educational facility, and their use to participate actively in hostilities.	

Additional questions to consider in relation to the recruitment and use of children and sexual violence during armed conflict can be found in Annex B.

Military Use of Educational Facilities

Ensuring that educational facilities are not used for military purposes is an effective way to prevent education related crimes and violations. The absolute prohibition of the military use of educational facilities should be enshrined in domestic legal frameworks as a measure to ensure full compliance with both IHL and IHRL and operationalise States' positive obligations to protect civilians and education during armed conflict. While no treaty or customary rule under IHL specifically prohibits the use of educational facilities for military purposes, their military use may violate the principles of distinction and precaution and other IHL obligations and amount to war crimes which are addressed in section IV of the Checklist. Examples include where:

- the presence of civilians or the movement of the civilian population in or around an educational facility, whether voluntary or involuntary, is used in order to shield military objectives from attack, or to shield, favour or impede military operations (i.e. human shields)
- the military use of an educational facility leads to extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly
- a school is used for recruiting or using children
- an educational facility is used to commit other prohibited acts (e.g., wilful killing and murder, taking of hostages, torture or inhuman treatment, sexual violence), those acts constitute independent war crimes, committed *within* the military use of an educational facility

The military use of educational facilities also disrupts education and thus may violate human rights obligations, even when it might be in accordance with IHL. An increasing number of UN Treaty Bodies, in particular the UN Committee on the Rights of the Child and the UN Committee on the Elimination of Discrimination against Women, and the African Committee of Experts on the Rights and Welfare of the Child, have called on States to prevent, prohibit and criminalise the use of schools for military

purposes.[8] The UN Special Rapporteur on the Right to Education has recognised the *Guidelines for protecting schools and universities from military use during armed conflict* (*Guidelines*) as "minimum standards with regards to the restriction of military use of educational facilities" and recommended to States that they "explicitly prohibit and criminalize the military use of educational facilities, including universities, in domestic law while used for educational purposes, and treat such use as an aggravating factor violating children's right to life, health and education".[9] The Human Rights Council also explicitly called upon States to criminalise the military use of schools and universities in their domestic legal frameworks.[10] The ICRC's Commentary on the *Guidelines* further supports that such prohibition is consistent with the object and purpose of IHL.

In 2020, the Central African Republic strengthened the protection of children and education by making the military use of schools a criminal offense, equating it with attacks on schools.[11] The law criminalises the attack or military use of schools, as well as the obstruction of humanitarian aid, when such actions harm the best interests of the child. Those who commit these offenses face imprisonment of 10 to 20 years and/or a fine of 5,000,000 to 20,000,000 francs. Similarly, in the Philippines, attacks against and the military use of schools are explicitly prohibited and attract penalties. The Special Protection of Children in Situations of Armed Conflict Act defines "attacks on schools" as "the occupation, shelling or targeting for propaganda of schools…; causing damage to such places, or harm or injury to their personnel; or causing the total or partial physical destruction of such facilities; or disruption of educational activities. These also refer to attacks of such places which have been temporarily abandoned by the community as a result of armed conflict."[12]

For more information, see the section on evidence gathering and analysis in the GCPEA Accountability Guide, which specifically addresses military use, and the GCPEA Monitoring Toolkit, which describes how to document military use of schools.

Question 6 should be completed in situations where **States that have explicitly prohibited and criminalised one or more of the education-related crimes** set out in question 5. States which have not explicitly prohibited one or more education-related crimes should proceed to question 7.

Yes or no	Existing legislative provision(s) / notes
6. Mapping education-related crimes in existing laws	
☐ Are the crimes identified in question 5 included in stand-alone legislation? If **not**, consider where these crimes have been incorporated into existing law? (select all which apply)	

8 African Committee of Experts on the Rights and Welfare of the Child, General Comment on Article 22 of the ACRWC, "Children in Situations of Armed Conflict," September 2020, paras. 72-78; ACERWC Model Law; Committee on the Elimination of Discrimination Against Women, Concluding observations on the combined fourth and fifth periodic reports of India, Committee on the Elimination of Discrimination Against Women, CEDAW/C/IND/CO/4-5, 18 July 2014, paras. 26-27. Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of the Russian Federation, CRC/C/RUS/CO/6-7, 1 March 2024, paras. 45-46; Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Ukraine, CRC/C/UKR/CO/5-6, 27 October 2022, para. 35; Committee on the Rights of the Child, Concluding observations on the second periodic report of the Central African Republic, CRC/C/CAF/CO/2, 8 March 2017, paras. 62-63CRC COBs to Israel, Russia, Ukraine, CAR, DRC.

9 Report of the Special Rapporteur on the right to education, Farida Shaheed: Right to education in armed conflict: a human rights imperative, UN Doc. A/80/479, 15 October 2025, paras. 36(b), 43(b).

10 Human Rights Council, Resolution adopted by the Human Rights Council on 7 July 2025, A/HRC/RES/59/9, para. 8.

11 Central African Republic, Child Protection Code, Law Number 20.016, June 15, 2020, Article 180.

12 Philippines, Special Protection of Children in Situations of Armed Conflict Act, Republic Act No. 11188, 23 July 2018.

Yes or no	Existing legislative provision(s) / notes
☐ specific law domesticating IHL ☐ specific law domesticating the Rome Statute ☐ specific law on children and armed conflict ☐ general penal law ☐ laws establishing or related to transitional justice mechanisms ☐ terrorism laws ☐ military laws ☐ other	

Question 7 helps users of the Checklist identify which existing domestic legal provisions could be applied to prosecute education-related offences in the absence of explicit criminalisation or where gaps exist for crimes against or affecting educational facilities, students, teachers, and other education personnel, as well as the military use of educational facilities. This question also allows users to determine what concurrent or alternative charges may be possible under existing law, even in cases where stand-alone legislation exists, ensuring a comprehensive understanding of how education-related crimes could be addressed within the current legal framework.

Yes or no	Existing legislative provision(s) / notes
7. Possible existing charges	
☐ In the absence of explicit prohibition, which existing provisions of domestic law could be used to prosecute education-related crimes against or affecting educational facilities, students, teachers, and other education staff? ☐ In the absence of explicit prohibition, which existing provisions of domestic law can be used to prosecute individuals responsible for the military use of educational facilities?	

Questions 8 and 9 should be considered by all States, including those that do not have national legislation specifically prohibiting education-related crimes. These questions aim to identify the reach, applicability, and practical enforcement of relevant domestic legal provisions, as well as any precedents in prosecuting education-related crimes. By reviewing these aspects, users of the Checklist can assess whether existing laws adequately cover all potential perpetrators and victims, enable prosecution of crimes committed extraterritorially, and provide avenues for accountability consistent with international law. The outcomes of any relevant cases should also be examined to draw lessons for strengthening legal frameworks and accountability.

Yes or no	Existing legislative provision(s) / notes
8. Persons, acts and jurisdiction	
The relevant laws identified (select all which apply): ☐ covers all persons, regardless of sex, race, nationality or any other criteria	

Yes or no	Existing legislative provision(s) / notes
☐ covers all alleged perpetrators, regardless of whether they are members of armed forces or armed groups ☐ covers acts committed both within and outside the territory of the State ☐ enables the exercise of extra-territorial, including universal, jurisdiction over education-related crimes as well as other core international crimes and other conduct amounting to gross violations of IHRL and serious violations of IHL	
9. Domestic precedents and jurisprudence	
☐ Are there domestic precedents or jurisprudence where education-related crimes were prosecuted? If **yes**, the cases were prosecuted (select all which apply): ☐ as war crimes ☐ as crimes against humanity ☐ as genocide ☐ under laws explicitly criminalising attacks on education ☐ as crimes under a specific law on children and armed conflict ☐ as crimes under general penal law ☐ under laws establishing or related to transitional justice mechanisms ☐ under terrorism laws ☐ under military laws ☐ other	

▣ **The outcomes of any relevant cases** should be carefully analysed, with lessons drawn to inform future practice.

III. Protection of Persons and Objects

Questions 10 through 13 are intended to assess whether domestic law provides comprehensive protection for all individuals involved in education, including students, teachers, education personnel, and volunteers, as well as for educational facilities themselves. These questions examine whether legal definitions are sufficiently broad to cover people of all ages, in both formal and non-formal education settings, and whether education personnel are protected regardless of their role within the education system. In addition, they evaluate whether the law recognises and protects all types of learning sites and educational facilities, including those without permanent physical boundaries, temporary or mobile learning spaces, and spaces supporting the education process indirectly, such as dormitories, transport, and storage facilities for educational materials. The purpose is to ensure that all persons and sites connected to education are explicitly considered in the legal framework, particularly in contexts of armed conflict or other emergencies where protections may be tested.

Yes or no	Existing legislative provision(s) / notes
10. Recognition of civilian status	
☐ Is the civilian status of students, teachers and education personnel explicitly recognised in domestic law?	
11. Definition of students (or learners)	
☐ What is the legal definition of students (or learners) under domestic law? ☐ Is the definition broad? (select all which apply): ☐ includes all people (i.e. children, young people, and adults) who participate in education programmes ☐ covers all students and learners, whether at formal or non-formal education institutions	
12. Definition of education personnel	
☐ What is the legal definition of education personnel under domestic law? ☐ Is the definition of education personnel broad? If **yes**, it includes anyone (select all which apply): ☐ working professionally in the education system ☐ volunteering at any level of the education system ☐ Does the definition explicitly include any of the following? (select all which apply): ☐ teachers ☐ academics ☐ education support and transport staff (e.g. education administrators, janitors, bus drivers, librarians, school security guards ☐ education officials	

Yes or no	Existing legislative provision(s) / notes
13. Definition of educational facilities	
☐ What is the definition of educational facilities? ☐ Is the definition of learning sites and educational facilities broadly defined? If **yes**, select all which apply: ☐ public educational facilities ☐ private educational facilities ☐ facilities with physical boundaries ☐ facilities without physical boundaries ☐ any site where students learn from a designated instructor ☐ any site where the learning process is supported If **yes**, this includes (select all which apply): ☐ preschools and kindergartens ☐ primary and secondary schools ☐ universities ☐ technical and vocational education training institutes ☐ non-formal education sites ☐ student or teacher dormitories ☐ school buses, warehouses, or vehicles dedicated to storing or transporting educational materials	

Definition of the child

While the definition of students in domestic legislation should include all people, children, young people, and adults, who participate in education programs, it is nevertheless important to ensure that all individuals under 18 years are recognised in law as children and entitled to special protection and rights.

☐ Does domestic legislation define the "child" in line with Article 1 of the UN Convention on the Rights of the Child, i.e. a child as anyone under 18 years?

IV. Domestication of International Crimes

International humanitarian law and obligations regarding criminal repression

The four Geneva Conventions of 1949 and Additional Protocol I of 1977 establish States Parties' explicit obligations regarding criminal repression of serious violations of the rules of IHL in armed conflict. Under CIHL, serious violations of IHL constitute war crimes.[13] The principle of individual criminal responsibility for war crimes is a long-standing rule of customary IHL.[14] The obligation to adopt legislation to criminalise war crimes is therefore an obligation incumbent on all States.

States should review their domestic laws, including military justice legal frameworks where relevant, and ensure that they incorporate legal obligations related to continuity of the right to education and the protection of students, teachers and education personnel, and educational facilities in armed conflict, as provided for in the Geneva Conventions and their Additional Protocols, as well as customary international humanitarian law and international human rights law. It is recommended to cross-refer to the ICRC resources on this topic more generally when completing this step[15] (see e.g. ICRC's *Manual: The domestic implementation of IHL*)

The following section aims to assess whether core international crimes – such as war crimes, crimes against humanity, and genocide – are criminalised under domestic law. This section is not intended to be an exhaustive list of acts constituting war crimes, crimes against humanity, and genocide. Rather, it focuses on those most pertinent and specific to the protection of education in situations of armed conflict.

War Crimes and Other Serious Violations of the Laws and Customs of War

Education-related crimes in armed conflict can be captured by legal charges that are generally available in relation to violence against protected objects (including specifically buildings dedicated to education) as well as "protected persons" (in the case of international armed conflicts) or "persons taking no active part in the hostilities" (in the case of non-international armed conflicts).

Question 14 is intended to assess whether war crimes and other serious violations of the laws and customs of war have been included in the domestic legal framework.

Yes or no	Existing legislative provision(s) / notes
14. War crimes	
☐ Does domestic legislation prohibit and criminalise war crimes? If **yes**, select all which apply: ☐ wilful killing and murder ☐ torture or inhuman treatment	

13 Customary IHL, Rule 156. Serious violations of international humanitarian law constitute war crimes.
14 Customary IHL, Rule 151. Individuals are criminally responsible for war crimes they commit.
15 See, ICRC "Bringing IHL Home: Guidelines on the National Implementation of International Humanitarian Law" by the Advisory Service on International Humanitarian Law. Available at: https://www.icrc.org/sites/default/files/document/file_list/bringing_ihl_home_web.pdf

Yes or no	Existing legislative provision(s) / notes
☐ wilfully causing great suffering, or serious injury to body or health	
☐ extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly	
☐ unlawful deportation or transfer or unlawful confinement	
☐ taking of hostages	
☐ intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities	
☐ intentionally directing attacks against civilian objects, that is, objects which are not military objectives	
☐ intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated	
☐ attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives	
☐ intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives	
☐ destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war	
☐ recruitment or use in hostilities of children, either by national armed forces or armed groups	
☐ committing rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilisation, or any other form of sexual violence also constituting a grave breach of the Geneva Conventions	
☐ committing outrages upon personal dignity, in particular humiliating and degrading treatment	

For each of the foregoing war crimes, it is important to assess whether they are applicable under domestic law in the context of international armed conflicts and/or non-international armed conflicts.

Crimes against Humanity

During armed conflict, students, teachers and education personnel may be targeted by acts of violence, including murder, torture, rape, and other forms of sexual violence. Where such acts are committed as part of a widespread or systematic attack directed against a civilian population, they may amount to crimes against humanity. The commission of the war crime of intentionally directing attacks against buildings dedicated to education may be useful in establishing that the attack was directed against civilians, or the existence of a State or organizational policy.

Questions 15 and 16 aim to assess how crimes against humanity are recognised and addressed within the domestic legal framework, including the criminalisation of specific acts and the requirement that they occur as part of a widespread or systematic attack against civilians. The acts listed in question 14 represent key examples of crimes against humanity relevant to the education context, but are not exhaustive. States are strongly encouraged to criminalise all acts enumerated in Article 7 of the Rome Statute to ensure comprehensive protection and accountability, though they may also include additional acts in domestic legislation that constitute crimes against humanity.

Yes or no	Existing legislative provision(s) / notes
15. Domestic criminalisation of crimes against humanity	
☐ Does domestic legislation prohibit and criminalise crimes against humanity? If **yes**, select the following acts which are prohibited, (select all which apply): ☐ murder ☐ rape and other forms of sexual violence (**see Annex B**) ☐ extermination ☐ persecution ☐ other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health	
16. Widespread or systematic attack	
☐ Does the legislation require that the act be committed as part of a widespread or systematic attack directed against any civilian population? ☐ Does domestic legislation require that the perpetrator knew that the act was part of a widespread or systematic attack directed against a civilian population?	

Yes or no	Existing legislative provision(s) / notes
17. Genocide	
☐ Is genocide prohibited in law? If **yes**, does the law include any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such (select all which apply): ☐ killing members of the group ☐ causing serious bodily or mental harm to members of the group ☐ deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part ☐ imposing measures intended to prevent births within the group ☐ forcibly transferring children of the group to another group	

The Crime of Extermination

The crime against humanity of extermination includes the intentional infliction of conditions of life, through deprivation of essential life-sustaining structures, including education, calculated to bring about the destruction of a population. Under certain circumstances, where all of the legal elements have been established, the large-scale and systematic destruction of schools and universities, particularly where civilians are killed while sheltering within them, may constitute the crime against humanity of extermination.[16]

The Crime of Persecution

The crime of persecution is committed by a single or series of acts constituting a "severe" attack on "fundamental" rights. The crime of persecution is defined as the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity on political, racial, national, ethnic, cultural, religious, gender or other grounds that are universally recognised as impermissible under international law. Whilst not every human rights violation will amount to persecution, the right to education is a fundamental right for the purposes of establishing criminal liability.[17] Deprivation of fundamental human rights that are "non-gendered" on the surface (e.g., denial of education) and yet driven by gender discrimination may constitute the crime against humanity of gender persecution. The ICC's *Policy on the Crime of Gender Persecution* Policy provides guidance on how to conceptualise, investigate and prosecute this crime.

16 International Criminal Court (2013). Elements of Crime. Available at https://www.icc-cpi.int/sites/default/files/Publications/Elements-of-Crimes.pdf. See e.g. Human Rights Council, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 6 May 2025, A/HRC/59/26.

17 Al Hassan Confirmation Decision at para. 668 and Al Hassan Trial Judgment at para 1201; see also, Bangladesh/Myanmar Investigation Decision at para. 101 and warrants of arrest for Mr Haibatullah Akhundzada, Supreme Leader of the Taliban, and Mr Abdul Hakim Haqqani, Chief Justice of the Taliban.

It is important to bear in mind that acts of persecution can take various forms, including physical violence (such as murder or torture); conduct amounting to core international crimes under the Rome Statute; or non-violent acts. In all cases however, the conduct must be "in connection with" a core international crime (e.g., attacking a building dedicated to education as a war crime).

Genocide

Question 17 seeks to assess whether genocide has been explicitly prohibited and criminalised within the domestic legal framework, and whether the key acts constituting genocide are recognised.

Yes or no	Existing legislative provision(s) / notes
17. Genocide	
☐ Is genocide prohibited in law? If **yes**, does the law include any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such (select all which apply): ☐ killing members of the group ☐ causing serious bodily or mental harm to members of the group ☐ deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part ☐ imposing measures intended to prevent births within the group ☐ forcibly transferring children of the group to another group	

Genocide and education-related crimes

The destruction of cultural sites, including educational institutions, may, in certain contexts, indicate an intent to erase a community's history and culture, thereby undermining its identity and survival as a people. While such destruction does not, by itself, constitute a genocidal act, it can serve as evidence from which genocidal intent to destroy a protected group may be inferred.[18]

18 See e.g. Human Rights Council, Report of the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, 6 May 2025, A/HRC/59/26.

V. Penalties and Additional Requirements Related to Criminal Repression

Questions 18 through 24 address the legal consequences, penalties, and additional requirements that may apply in the criminal prosecution of education-related crimes committed in armed conflict. The questions are designed to assess whether domestic law ensures accountability for violations affecting students, teachers, education personnel, and educational facilities, and whether the legal framework aligns with international standards regarding criminal responsibility, penalties, and aggravating factors.

Yes or no	Existing legislative provision(s) / notes
18. Statute of limitations	
☐ Can education-related crimes in armed conflict be investigated and prosecuted at any time, without being subject to a statute of limitation?	
19. Subjects of criminal responsibility	
☐ Can State actors (e.g., members of the armed forces, government officials) be investigated and prosecuted for education-related crimes? ☐ Can non-State actors (e.g., members of armed groups) be investigated and prosecuted for education-related crimes? ☐ Does domestic law allow prosecution regardless of the actor's official position or affiliation?	
20. Amnesties and immunities	

☐ Are general amnesties prohibited in line with international law?
☐ Are there any existing amnesties that could prevent prosecution for education-related crimes?
☐ Do any existing amnesties cover both State and non-State actors?
  ☐ State actors
  ☐ non-State actors
☐ Are immunities for State and non-State actors prohibited in domestic law?
  ☐ State actors
  ☐ non-State actors
If **immunities** apply:
  ☐ do immunities cease to apply or become inapplicable once the actor leaves office, position, or status?	

Yes or no	Existing legislative provision(s) / notes
21. Modes of Liability	
☐ Does the relevant legislation distinguish between different modes of liability? If **yes**, select all which apply: ☐ commission whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible ☐ ordering, soliciting or inducing the commission of a crime which in fact occurs or is attempted ☐ aiding, abetting or otherwise assisting in the commission or the attempted commission of a crime, including providing the means for its commission ☐ common purpose liability, i.e. "in any other way contributes to the commission or attempted commission of such a crime by a group of persons acting with a common purpose" ☐ command or superior responsibility	
22. Prohibited defences	
☐ Is the defence of superior orders (i.e., claiming that an act was committed under orders from a superior) prohibited under domestic law? ☐ Are there any limitations or conditions under which the defence of superior orders might be accepted?	
23. Penalties	
☐ Does the legislation establish penalties? If **yes**, select all which apply: ☐ imprisonment ☐ fines ☐ other forms of punishment ☐ Are there alternative sanctions considered? ☐ Do the penalties reflect the gravity/severity of the offence? ☐ Do the penalties reflect the negative impact on the right to education of victims, survivors and society?	

Yes or no	Existing legislative provision(s) / notes
24. Aggravating factors	
☐ Does domestic criminal law attach aggravating factors to crimes committed in or against educational settings? ☐ Do sentencing guidelines or frameworks explicitly recognise aggravating factors for education-crimes? ☐ Are aggravating factors applied specifically when the victims are students, teachers, or other education personnel? ☐ Are aggravating factors applied when the crime targets educational infrastructure or facilities? ☐ Do aggravating factors consider the impact on the right to education and broader societal consequences?	

Aggravating factors

Aggravating and mitigating factors are sometimes listed in domestic statutes, sentencing guidelines, and/or case law. Crimes committed in education settings are particularly aggravating and should attract increased penalties because they undermine spaces that are meant to be safe, disrupt the continuity of learning, and expose students, in particular children, and educators to heightened risks of harm. They also erode public trust in essential social institutions, interfere with children's developmental and psychosocial well-being, and can create long-term barriers to the realisation of fundamental rights, including the rights to education, safety, and non-discrimination. The UN Special Rapporteur on the Right to Education in her 2025 report on the right to education in armed conflict recommended that States "[e]xplicitly prohibit and criminalize in domestic law the military use of educational facilities, including universities, while used for educational purposes, and treat such use as an aggravating factor violating the right of children to life, health and education."

Explicitly including education as aggravating factor for crimes like torture, sexual violence and recruitment and use of children signals high-risk scenario and special protection in educational settings, and clarifies prosecutorial and judicial interpretation in armed conflict scenarios. Similarly, it reinforces the school as a safe space and prevents loopholes where education-specific crimes are prosecuted but crimes as sexual violence are overlooked.

Recruitment and use of children in schools is not just an attack on the child, it also interferes with their right to education, disrupts the learning environment for the whole school community and has long-term social and development consequences. By aligning penalties with the severe, long-term and collective harm, deterrence and recognition of trauma is strengthened.

VI. Access to Justice and Effective Remedies

Questions 25 through 31 aim to examine the extent to which access to justice and effective remedies for education-related violations are recognised and guaranteed under domestic law. Access to justice and the right to an effective remedy are fundamental human rights under international human rights law and are particularly critical in situations of armed conflict. The questions below assess the availability, accessibility, and effectiveness of reporting mechanisms, judicial and non-judicial remedies, legal assistance, protective measures, reparations, and victim-centred support services.

Yes or no	Existing legislative provision(s) / notes
25. Right to access to justice and effective remedy	
☐ Is the right to access to justice and to an effective remedy enshrined in domestic law? ☐ Is the right of access to justice and to an effective remedy guaranteed without adverse distinction founded on age, sex, race, nationality, religion, political opinions or any other criteria?[19] ☐ Is the right to access to justice and to an effective remedy guaranteed to children?	
26. Reporting mechanisms	
☐ Are there safe, confidential, and accessible mechanisms for students, teachers, and communities to report education-related crimes or threats against education? (select all which apply) ☐ students ☐ teachers and education personnel ☐ parents, caregivers ☐ community members ☐ Are reporting mechanisms accessible without adverse distinction founded on age, sex, disability, nationality, language, legal or other status? ☐ Are reporting mechanisms accessible to children, including child-friendly procedures and formats?	
27. Remedial mechanisms	
☐ Do judicial and/or non-judicial remedial mechanisms exist to address education-related violations committed during armed conflict? If **yes**, select all which apply: ☐ judicial mechanisms ☐ customary and informal justice mechanisms ☐ National Human Rights Institutions	

19 See Human Rights Committee, General Comment No. 31 [80], "The Nature of the General Legal Obligation Imposed on States Parties to the Covenant", CCPR/C/21/Rev.1/Add. 13, 26 May 2004.

Yes or no	Existing legislative provision(s) / notes
☐ internal complaints mechanisms within public administration ☐ transitional justice mechanisms ☐ others ☐ Are remedial mechanisms supported by witness protection programmes established in law or policy? Other key questions to consider: ☐ Are remedial mechanisms child-centred, including child-friendly procedures and safeguards? ☐ Are procedures adapted to the needs of survivors of sexual and gender-based violence? ☐ Are mechanisms staffed by professionals trained in trauma-informed care and protection? ☐ Do staff receive specialised training on working with children and other vulnerable groups? ☐ Is multidisciplinary cooperation available among entities that provide information and services to victims and survivors?	
28. Special measures of protection	
☐ Does domestic legislation provide special measures of protection for victims and survivors? If **yes**: ☐ Are special measures of protection provided for (select all which apply): ☐ children ☐ women ☐ internally displaced persons ☐ migrants ☐ asylum seekers and refugees ☐ other groups ☐ Does the State provide access to services regardless of the participation of individuals as victims and witnesses in judicial processes/ proceedings? ☐ Do these measures apply during and after investigation, prosecution, and judicial proceedings?	

Yes or no	Existing legislative provision(s) / notes
If **yes**, do the measures include (select all which apply): ☐ physical protection ☐ mental health and psychosocial support ☐ procedural safeguards	
29. Right to legal assistance and legal aid	
☐ Is the right of victims and survivors to legal assistance and legal aid enshrined in domestic law? ☐ Is the right to legal assistance and legal aid enshrined in law guaranteed without adverse distinction founded on age, sex, race, nationality, religion, political opinions or any other criteria? ☐ Is the right of victims and survivors to legal assistance and legal aid explicitly guaranteed to children?	
30. Reparations	
☐ Are reparations enshrined by law and available without adverse distinction founded on age, sex, race, nationality, religion, political opinions or any other criteria? If **yes**, reparations can come in: ☐ individual forms of redress ☐ collective reparations which can be channeled into sectors like education ☐ measures, including urgent measures to enable access to quality education[20] The form of reparations available in domestic law include (select all which apply): ☐ restitution ☐ compensation ☐ recovery and reintegration ☐ satisfaction ☐ guarantees of non-repetition ☐ What forms of reparation (if any) have been applied in practice? ☐ Do mechanisms or entities which are mandated to register, analyse, and verify reparations exist? ☐ Does the State allocate a budget for the implementation or individual and collective forms of reparations?	

20 The UN Special Rapporteur on the Right to Education recommends "[g]uarantee access to remedies and reparation through judicial and administrative schemes that include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition, with education itself recognised as a form of reparation through flexible learning programmes that address children's physical and emotional health, social and financial concerns" (UN Special Rapporteur on the right to education, Right to education in armed conflict: a human rights imperative - Report of the Special Rapporteur on the right to education. A/80/479, para. 49(e)).

Yes or no	Existing legislative provision(s) / notes
31. Restorative justice	
☐ Do restorative justice mechanisms exist in domestic legislation? If **yes**, consider: ☐ Under what legal and procedural rules do they operate? ☐ In which cases may penalties be reduced or extinguished?	

Enhancing cross-border investigations and international cooperation

Cross-border investigations and prosecutions can present significant operational challenges, particularly when crucial evidence lies beyond national borders. The complexity arises when investigators must gather evidence, locate witnesses, and assess crime scenes in another jurisdiction without the effective cooperation from that jurisdiction's authorities. The Ljubljana-The Hague MLA Convention on International Cooperation in the Investigation and Prosecution of Genocide, Crimes Against Humanity, War Crimes and Other International Crimes was adopted in 2023, to close the impunity gap by improving cooperation between States in in investigating and prosecuting genocide, crimes against humanity, war crimes, and other international crimes.

- ☐ Is there cooperation with international institutions (ICC, UN bodies) to help strengthen investigations, share evidence, ensure compliance with international standards?
- ☐ Does legislation provide the legal basis and procedures for the extradition of alleged perpetrators?
- ☐ Does legislation govern and provide for mutual legal assistance in prosecuting education-related crimes?

VII. Next Steps

Following completion of the Checklist, the questions and answers are intended to guide a deeper assessment to support the preparation of an analysis report to determine whether the State has fully incorporated its international obligations into domestic legislation. This stage moves beyond simple yes or no answers and focuses on interpreting the results of the Checklist. Accordingly, each of the questions in sections II to VI of the Checklist should result in an assessment of:

- ☑ applicable national law(s) and relevant provisions, i.e. which national laws, regulations, or policies apply, and what specific provisions are relevant to the particular question?
- ☑ definitions and scope provided by law
- ☑ court decisions, legal precedents, or interpretive guidance which help clarify how these laws are applied

From this, the assessment should clearly identify:

- ☑ provisions under the domestic legal framework that can be used to prosecute acts that constitute education-related crimes, or otherwise adversely affect education
- ☑ legal gaps, i.e. inconsistencies with international definitions/standards, or missing provisions identified
  - Does addressing the identified gaps require amending existing legislation, or would a new law be more appropriate?
  - If an amendment is needed, which specific provisions or articles should be revised?
- ☑ implementation gaps or practical obstacles, even where domestic laws exist
- ☑ possible reform or legislative changes needed to strengthen protection of education under domestic law
  - What is the legislative procedure for introducing amendments or proposing new laws in this context?
  - Are there political, institutional, or procedural obstacles that may affect the feasibility of legal reform?

Colombia: from Checklist to practice

Colombia became the first State to pilot the Checklist through a workshop held in partnership with the Special Jurisdiction for Peace (JEP) on 5-7 November 2025 in Bogota. The workshop brought together participants from the JEP, relevant line ministries, civil society organisations, and United Nations agencies, who worked collectively to examine the national legal and policy framework relating to the protection of education.

As part of the preparatory work, the JEP conducted a macroanalysis of its case load in line with GCPEA's *Toolkit for Collecting and Analysing Data on Attacks on Education* and published its first ever report on attacks against education. This included reclassifying crimes affecting education and examining broader patterns of violations. The analysis provided a clearer understanding of how attacks on education are documented and investigated in Colombia and showed that the country has the highest number of such cases in the Western Hemisphere.

During the workshop, participants used the Checklist to identify specific legal and policy gaps and to discuss practical challenges in implementation. The process also promoted dialogue between justice actors, education authorities, and protection specialists, contributing to a shared understanding of

the reforms needed to strengthen the protection of education. Importantly, the pilot moved beyond analysis. Following the workshop, a high-level multisectoral commitment was made to address the identified gaps and to improve national mechanisms for preventing and responding to attacks on education. This commitment contributed to the development of legislative proposals, and a bill has since been tabled in Parliament to help advance these reforms.

VIII. Concluding Considerations

Once the legal assessment is complete and the analysis has been finalised, it is equally important to consider practical, operational, and institutional issues, as well as mechanisms for coordination, data collection, prevention, and measures to protect and support survivors. The questions provided below are illustrative rather than exhaustive. They should be adapted to the specific context, and additional questions should be added as necessary to reflect local realities, risks, and priorities.

- ☐ What legal, practical, or political obstacles exist that may hinder investigation or prosecution of education-related crimes?
  - What steps need to be taken to support accountability and legal reform ?
- ☐ Data collection on attacks on education
  - Does the State collect data on attacks on education? If **yes**, which agency or institution is responsible for collecting this data? If multiple agencies collect data, do they coordinate their efforts?
- ☐ Multisectoral coordination and support for victims
  - Are there multisectoral coordination mechanisms in place between education authorities, social welfare or development agencies, law enforcement, and the judiciary to prevent and respond to education-related crimes?
  - Are psychosocial, medical, and legal services available to students, teachers and other education personnel affected by attacks?
- ☐ Institutional capacity and resources
  - Are there specialised units or focal points within law enforcement and the judiciary dedicated to crimes affecting children or education?
  - Do relevant institutions (education ministries, prosecutors, police, child protection services) have adequate resources and trained personnel to address education-related crimes?
  - Are frontline actors such as teachers, school administrators, and community leaders trained to identify, report, and respond to attacks on education?
- ☐ Identification of champions, community and stakeholder involvement
  - Are parents, students, and community members included in prevention and response strategies?
  - Are civil society organisations or local NGOs engaged in monitoring and support efforts?

Taken together, these considerations underscore that accountability for education-related crimes requires more than a sound domestic legal framework: it depends on coordinated implementation, reliable data collection, institutional capacity, survivor-centred support, and sustained political will. As emphasised in GCPEA's Accountability Guide and reflected in the objectives of this Legislative Checklist, effective accountability is both preventive and remedial, deterring future violations while ensuring justice, protection, and redress for affected learners, education personnel, and communities. GCPEA can serve as a strategic partner for States and other actors working on accountability and criminal justice, providing technical expertise, advocacy support, and opportunities for peer exchange. In this context, GCPEA coordinates the State-led Implementation Network on the Safe Schools Declaration, which strengthens State ownership through confidential dialogue, cooperation, and shared practice among endorsing States. Through this network and its broader advocacy and convening role, GCPEA connects governments, practitioners, and civil society to advance concrete, context-specific measures to protect education from attack and to close persistent accountability gaps.

The Global Coalition to Protect Education from Attack (GCPEA), was formed in 2010 by organisations working in the fields of education in emergencies and conflict-affected contexts, higher education, protection, and international human rights and humanitarian law that were concerned about ongoing attacks on educational institutions, their students, and staff in countries affected by conflict and insecurity. GCPEA's vision is that all students and educators, and schools and universities, are protected from attacks during armed conflict, including through prevention and response measures. Its mission is to protect education from attack through advocacy that leverages the strengths of our diverse membership. For more information, visit https://protectingeducation.org.

Abbreviations

GCPEA	Global Coalition to Protect Education from Attack
IAC	International armed conflict
ICL	International criminal law
ICRC	International Committee of the Red Cross
IHL	International humanitarian law
IHRL	International human rights law
NIAC	Non-international armed conflict
Rome Statute	Rome Statute of the International Criminal Court

Annex A: Complementary and Useful Resources

- ICRC Advisory Service Manual: *The domestic implementation of IHL*, *Guidelines for assessing the compatibility between national law and obligations under treaties of international humanitarian law*
- ICRC Advisory Service *Criminal repression of serious IHL violations: Information Kit*
- ICRC Advisory Service *Model Legislative provisions on the recruitment and use of children and armed conflict (2013)*
- ICRC Advisory Service, *Checklist Domestic Implementation of International Humanitarian Law Prohibiting Sexual Violence* (2020)
- *Safe Schools Declaration* (2015)
- GCPEA's *Guidelines for protecting schools and universities from military use during armed conflict* and ICRC's *Commentary on the Guidelines* (2025)
- African Committee of Experts on the Rights and Welfare of the Child's, *General Comment No. 9 on the Right to Education* (2025) and *Model Law on Children Affected by Armed Conflict* (2023)
- GCPEA, *Enhancing Accountability for Attacks on Education: Guidance on Investigating and Prosecuting Education-Related Crimes* (2025)
- GCPEA, *Toolkit for Collecting and Analyzing Data on Attacks on Education* (2023)

Annex B: Other Questions to Consider in Relation to the Recruitment and Use of Children and Sexual Violence

This section is meant to be used to better understand laws which prohibit and criminalise the recruitment and use of children as well as sexual violence in and on the way to school:

For States that have prohibited and criminalised the recruitment and use of children in armed conflict:

- ☐ Does domestic legislation prohibit children from being recruited or used in any capacity by armed forces or non-state armed groups? If **yes**, this prohibition applies to children:
  - ☐ under the age of 15
  - ☐ under the age of 18
- ☐ Has the State adopted a clear policy prohibiting both the compulsory and voluntary recruitment and use of children under 18 in its national armed forces?
- ☐ Is lowering the age of recruitment allowed in exceptional circumstances (e.g. such as in the time of state of emergency)?
- ☐ Are children who have been recruited or used in hostilities by armed forces or armed groups, and who are alleged of, or accused as, having infringed penal law in relation to such recruitment and use treated with special consideration to their status of victims?
- ☐ Are children who have been recruited or used in hostilities by armed forces or armed groups, and who are alleged of, or accused as, having infringed penal law in relation to such recruitment and use treated in accordance with international child justice standards?

See also:

- ICRC Advisory Service *Model Legislative provisions on the recruitment and use of children and armed conflict* (2013)
- African Committee of Experts on the Rights and Welfare of the Child's, *Model Law on Children Affected by Armed Conflict* (2023)

For States that have prohibited and criminalised sexual violence in armed conflict:

Does domestic legislation contain a contemporary and non-exhaustive definition of sexual violence which includes (select all which apply):

- ☐ rape
- ☐ sexual assault
- ☐ sexual harassment
- ☐ enforced prostitution
- ☐ forced marriage
- ☐ sexual slavery
- ☐ forced pregnancy
- ☐ forced sterilisation
- ☐ forced abortion
- ☐ forced circumcision, castration, genital harm
- ☐ any other nonconsensual sexual act
- ☐ acts that may not require physical violence or contact but include humiliation or shaming of a sexual nature, such as forced nudity

- ☐ threats of any of the above
- ☐ other forms of sexual violence

See also:

- ICRC Advisory Service, *Checklist Domestic Implementation of International Humanitarian Law Prohibiting Sexual Violence* (2020)

Global Coalition to **Protect Education from Attack**

For media inquiries: email media@protectingeducation.org

For other inquiries: email gcpea@protectingeducation.org

Global Coalition to Protect Education from Attack
Secretariat Office
350 Fifth Avenue, 34th Floor
New York, NY 10118-3299

@gcpea.bsky.social

@Global Coalition to Protect Education from Attack