



QUESTIONS AND ANSWERS ON THE DRAFT LUCENS GUIDELINES

Global Coalition to
Protect Education from Attack



What is military use of schools and universities?

During armed conflicts, schools and universities are often used by armed forces and non-state armed groups as bases, barracks and temporary shelters, defensive and offensive positions or observation posts, weapons stores, and detention and interrogation centres. Classrooms, school grounds, and lecture halls are also used for military training and to forcibly recruit children into armed groups. Sometimes schools and universities are taken over entirely, and students are pushed out completely. At other times education facilities are partially used for military purposes, with troops building a firing position on a school's roof, or using a few classrooms, or occupying a playground while students continue to attend. Schools can be used for military purposes for a few days, months, or even years, and may be used during school hours, or when schools are not in session, over holidays, or in the evening. In all instances, military use of schools and universities puts students, teachers, and academics at risk.

Where is military use of schools and universities happening?

According to the Global Coalition to Protect Education from Attack (GCPEA), between 2005 and 2014, national armed forces and non-state armed groups, multi-national forces, and even peacekeepers have used schools and universities in at least 25 countries during armed conflict, including: Afghanistan, Central African Republic, Chad, Colombia, Côte d'Ivoire, Democratic Republic of Congo, Georgia, India, Iraq, Israel/Palestine, Libya, Mali, Myanmar, Nepal, Pakistan, Philippines, Somalia, South Sudan, Sri Lanka, Sudan, Syria, Thailand, Uganda, Ukraine, and Yemen.

Why is military use of schools and universities a problem?

The presence of troops and weapons inside a school can turn the school into a target for attack by opposing forces. In addition to the risks of death or severe injury from attacks, students may be exposed to recruitment or sexual violence perpetrated by soldiers, they may witness violence, and their safety may be jeopardised by the presence of weapons or unexploded ordnance. All of these risks can have a significant psychological impact on students and teachers. The use of schools for military purposes can also result in infrastructure being damaged or destroyed and education materials lost, impacting the quality of education. According to the IASC Global Education Cluster, as of June 2014, fighters were occupying at least 35 schools in South Sudan, interrupting the education of tens of thousands of children. Previously, the Cluster estimated that the cost of repairing damage to schools from military use in South Sudan was approximately \$67,000 per school. The military use of schools can lead to lower rates of enrolment and transition to higher grades, and increased teacher absenteeism. Students may drop out or experience interruptions to studies or may transfer to other schools, where they often cause overcrowding. Girls can be disproportionately affected as parents are often particularly wary of sending daughters to schools occupied by armed men.



A photograph showing two men in military-style clothing sitting on a bench in a school setting. One man is standing and looking towards the camera, while the other is sitting and looking down. The background is a simple, possibly outdoor or semi-outdoor, structure.

What are the benefits of education in conflict settings?

Safe schools provide **life-saving information**, mitigate the psychosocial impact of war, and can protect children from trafficking, sexual violence, and recruitment by armed groups. Disruptions in education can reduce the likelihood of children returning to school, even when they re-open, and in the long term can impact individual earnings and a country's ability to rebuild its national economy. Perhaps more importantly for a child, access to a safe space to learn offers a **sense of normality, routine, and calm** amid the chaos of war.

Former FARCA (Central African Republic Forces) soldiers linked to Anti-Balaka Christian militiamen sitting in a school set up as a camp in Bangui, Central African Republic, on December 15, 2013.

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What can be done to protect schools and universities from military use?

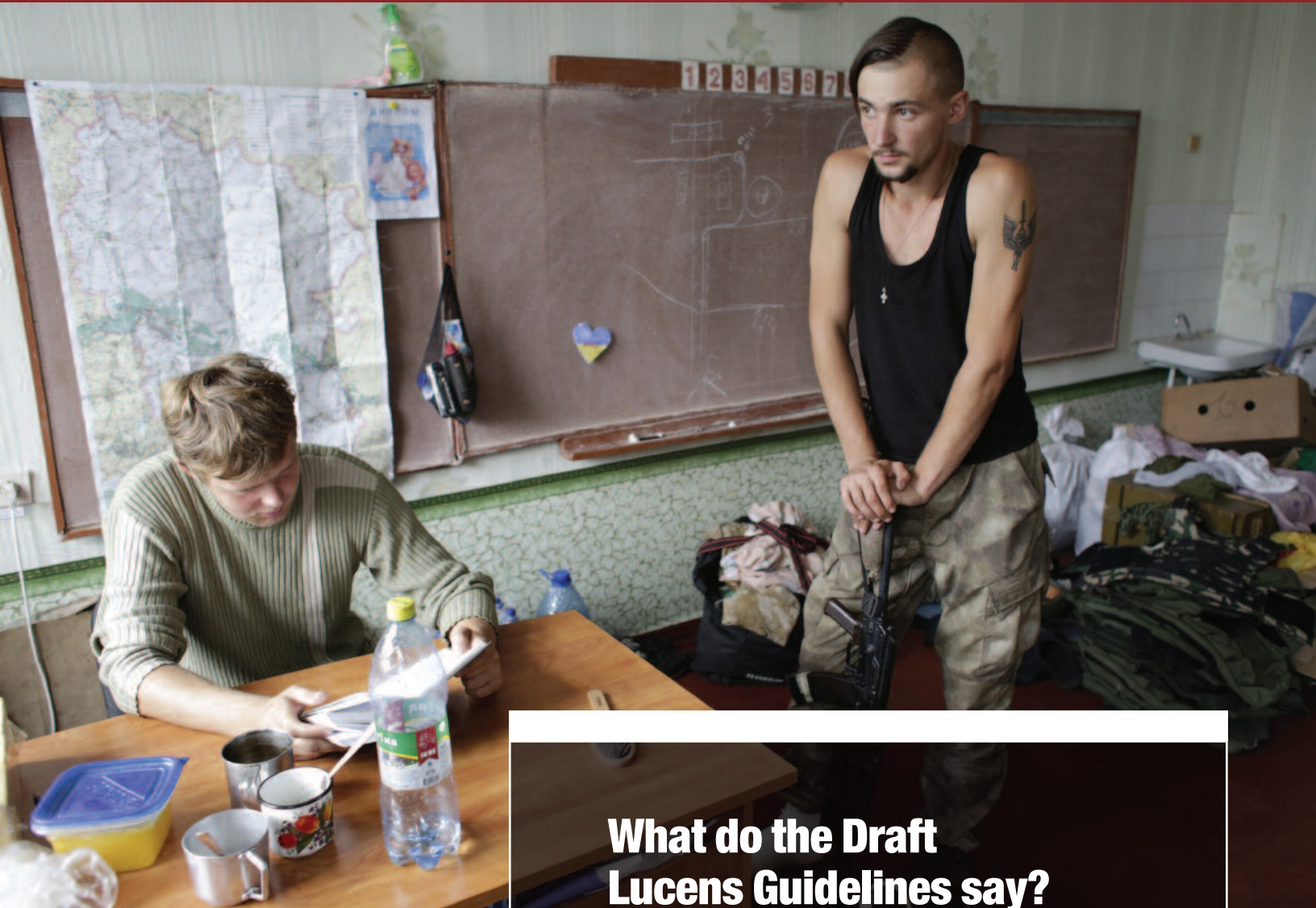
In 2012, GCPEA published *Lessons in War*, ground-breaking research on the nature, scope, and consequences of the military use of schools and universities during armed conflicts around the world. A multi-year international and multi-disciplinary expert consultative process was initiated to review the research and respond to its findings in order to identify strategies to protect schools and universities from military use, including through the development of international guidelines. Participants included representatives from governments, militaries, United Nations (UN) agencies, and international humanitarian and human rights inter-governmental and non-governmental organisations (NGOs), some of which had direct and indirect contact with non-state armed groups. The Draft Lucens Guidelines, which were the outcome of this process, derive their title from the second expert consultation, which was held in Lucens, Switzerland, in November 2012, and attended by representatives from countries in Africa, the Americas, Asia, Europe, and the Middle East.

The initial draft of the Guidelines was prepared by a professor of public international law who was a former commander in the United Kingdom's armed forces, and former chair of the editorial board of the United Kingdom's Joint Service Manual on the Law of Armed Conflict (2004). A drafting committee that included experts from states that attended the November meeting further revised the Guidelines.

The Draft Lucens Guidelines were released in June 2013. To date, 29 countries have publicly expressed their support for the Guidelines⁴. The Guidelines have also generated high levels of support at the UN. In her December 2013 annual report, the Special Representative of the Secretary-General for Children and Armed Conflict, Leila Zerrougui, asked member states “to tackle this issue [of military use of schools] by taking concrete and proactive initiatives to protect schools and promote their civilian status, through the inclusion of protection elements in military training and doctrine and operational planning, as well as the incorporation of the recent *Lucens Guidelines* into national legislation.”

Security Council Resolution 2143, passed in March 2014, encourages all member states “to consider concrete measures to deter the use of schools by armed forces and armed non-State groups in contravention of applicable international law.” The UN Secretary-General stated: “I am heartened that the resolution before you today seeks to encourage the development of voluntary guidelines to prevent the military use of schools in conflict areas. I urge Member States to commit to greater protection for these essential facilities in conflict zones by all parties.”

The Guidelines will be finalised in late 2014 and, it is hoped, formally endorsed by states in 2015.



Members of a volunteer pro-Ukrainian militia group stand in a school converted into a base, on August 18, 2014, in the small eastern city of Popasna, Lugansk region, eastern Ukraine.

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What do the Draft Lucens Guidelines say?

The *Draft Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* urge parties to armed conflict (both state armed forces and non-state armed groups) **not to use schools and universities** for any purpose in support of the military effort. While it is acknowledged that certain uses would not be contrary to the law of armed conflict, **all parties should endeavour to avoid impinging on students' safety and education**, using the Guidelines as a guide to responsible practice.

What are the Draft Lucens Guidelines aiming to achieve?

The Guidelines are not intended to be legally binding, but they complement existing international humanitarian and human rights law. The Guidelines do not change the law – they merely facilitate compliance with the existing law by effecting a change in practice and behaviour. They are intended to be used as a tool to raise awareness of the military use of schools among parties to armed conflict, and to facilitate discussions of the broader issues of protection and education in conflict between military forces, governments, and NGOs. It is hoped that the Guidelines will encourage a change in mentality towards the military use of schools and universities, through integration into military policies and doctrine, and application of good practice. The implementation of the Guidelines should be context-specific and tailored to individual states.

Are there examples of existing domestic law, guidance, and practice that protect schools and universities?

There are a number of examples of good domestic law, guidance, and practice already being applied by some parties to armed conflict for the protection of schools and universities during military operations. The Draft Lucens Guidelines draw upon this good practice, and examples can be found in the annex to the Guidelines, including legislation, guidance in military manuals and doctrine, jurisprudence, governmental guidance, and practice of non-state parties to armed conflicts.²

What is the relationship between the Draft Lucens Guidelines and international humanitarian and human rights law?

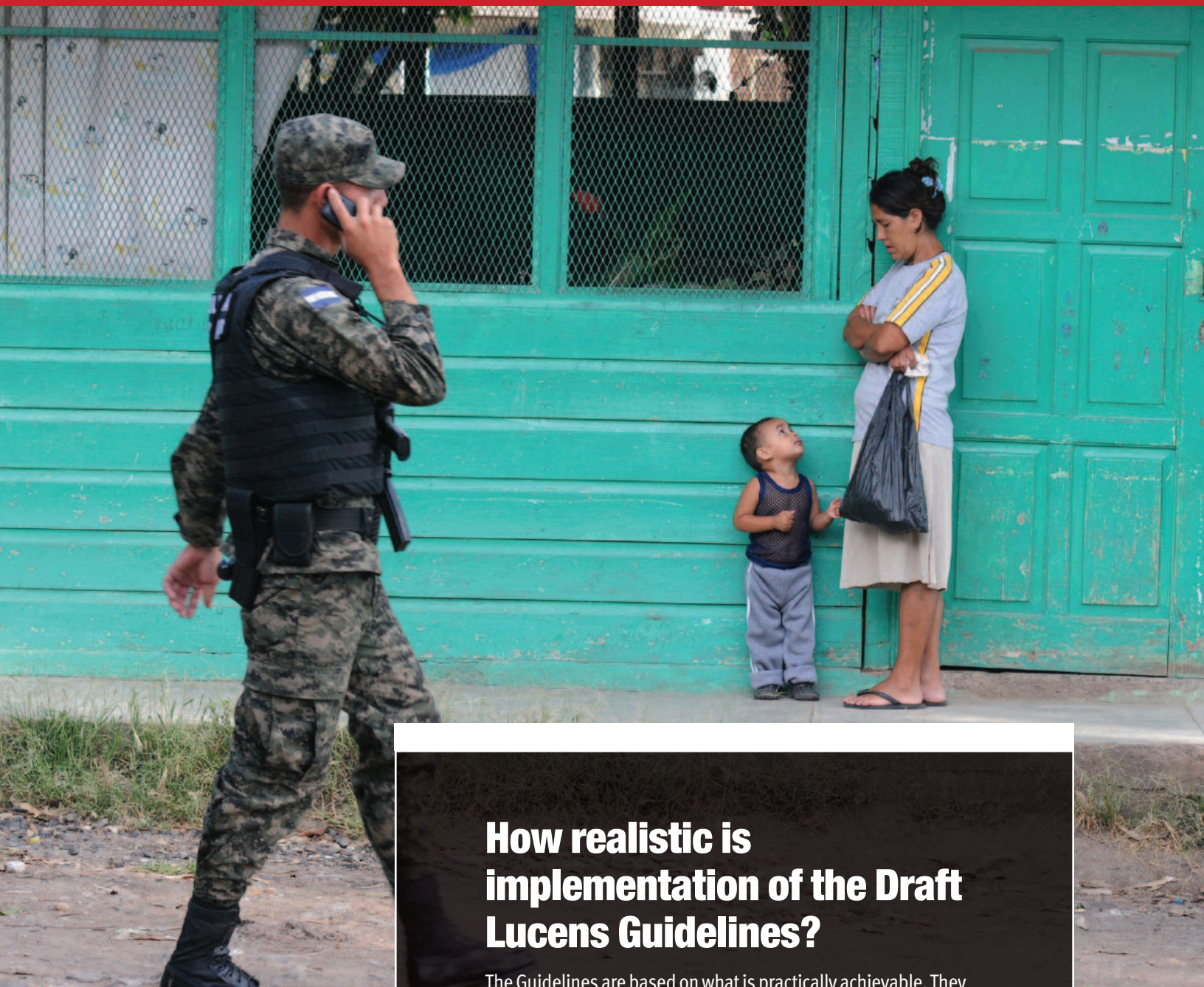
As noted, the Guidelines are not in themselves legally binding but do complement international law as it stands. Under international humanitarian law, schools and universities are normally considered to be civilian objects, and a deliberate attack on a school or university is a war crime. Civilian objects can, however, be converted into military objectives, making them potentially lawful targets for attack by opposing forces. Military use may – but will not necessarily – convert schools and universities into military objectives. At all times, all parties are required to take constant care and all feasible precautions to protect civilians and civilian objects from the effects of attacks, and to consider the proportionality of the military advantage anticipated in relation to the impact on civilians.

A core aim of the Guidelines is to protect against the risk of armed forces and groups converting schools and universities into military objectives by way of military use and exposing them to the potentially devastating consequences of attack.

Moreover, under international humanitarian law, each party to a conflict must remove, to the extent feasible, civilians under its control from the vicinity of military objectives. Thus, it is unlawful to use a school simultaneously as a military base, barrack, or firing position, and also as an educational center.

With regard to international human rights law, the Guidelines guarantee the right to education (under, in particular, the International Covenant on Economic, Social, and Cultural Rights and the Convention on the Rights of the Child) and the obligation on states to “ensure to the maximum extent possible the survival and the development of children” (Convention on the Rights of the Child). They further implicate the rights of students, teachers, academics, and all education staff to life, personal liberty, and security (International Covenant on Civil and Political Rights).

Compliance with the Guidelines would ensure compliance with existing international legal obligations.




How realistic is implementation of the Draft Lucens Guidelines?


The Guidelines are based on what is practically achievable. They acknowledge that parties to armed conflict are invariably faced with difficult dilemmas requiring pragmatic solutions. The Guidelines reflect evidence of good practice already applied by some parties to armed conflict for the protection of schools and universities during military operations.

A mother awaits her child at the Jose Angel Ulloa School near Tegucigalpa, Honduras, November 20, 2013. At the time of this photograph, the school had been used for three weeks as a base for the newly created military police.

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MILITARY USE OF SCHOOLS AND UNIVERSITIES

 Countries with armed conflict where national armed forces or non-state armed groups used schools or universities between 2005 and 2014.

 Examples of good practice protecting schools and universities from military use, in legislation, military doctrine, court rulings, or policy.

UNITED NATIONS
“Schools shall not be used by the military in their operations.” [UN Peacekeeping Infantry Battalion Manual, 2012](#).

Call to end armed forces using schools in Colombia, Sri Lanka, Syria, and Thailand. [UN Committee on the Rights of the Child, 2010 and 2012](#).

NICARAGUA
University campuses are inviolable. Public forces can only enter them with written authorization from the university authorities. [Law on Institutions of Higher Education, 1990](#).

COLOMBIA
It is a violation for a commander to allow his troops to occupy a school, which causes an imminent risk to a child’s protection. [Order of General Commander of Military Forces, 2010](#).

Prevent security forces from entering schools for trainings, to mount weapons, or to deploy armed personnel. [Constitutional Court, 1999](#).

IRELAND
Military manoeuvres and encampments cannot interfere with school or school ground. [Defence Act, 1954](#).

UNITED KINGDOM
“The better view” is that the law prohibits the use of education institutions for purposes likely to expose it to damage, unless there is no feasible alternative. [Manual of the Law of Armed Conflict, 2004](#).

ARGENTINA
Public forces cannot enter national universities without prior written order from a court or a request from the university. [Higher Education Act, 1995](#).

COTE D’IVOIRE
UN and NGOs shared information on military use of schools with UN peacekeepers who then advocated with state and non-state actors to leave occupied schools.

SOUTH SUDAN

In 2011, troops used at least **21 schools**, affecting approximately 10,900 children. The cost to repair damage caused by such use was around **US\$67,000** per school.

YEMEN

In 2010, Houthi rebels occupied dozens of schools in Northern Yemen, preventing at least **30,000 children** from attending.

In 2011, armed forces and non-state armed groups occupied at least **54 schools** in Sanaa.

AFGHANISTAN

In 2011, there were at least **31 incidents** of opposition groups and pro-government forces using schools. This rivals the number of schools burned down during the same period, which was 35.

THAILAND

In 2010, government forces used at least **79 schools** for camps and barracks in southern Thailand, endangering and imperiling the education of an estimated **20,500 students**.

DEMOCRATIC REPUBLIC OF CONGO

In 2013, **64 schools** occupied by armed groups in Katanga province alone. Schools were also used in North and South Kivu.

INDIA

During 2010, security forces used more than **129 schools**, disrupting studies for an estimated **20,800 students**.

NEPAL

“No armed activities in the school premises and in its periphery.” **Ministry of Education guidelines call for no use of schools for any armed activities, 2011.**

SOUTH SUDAN

Occupation of schools “deplorable” and in “violation of our law”. **Order of Army Deputy Chief of Staff, 2012.**

INDIA

Ensure that schools “are not allowed to be occupied by the armed or security forces in future for whatsoever purpose” **Supreme Court, 2010.**

MYANMAR

Two non-state armed groups publicly committed to avoid using schools for military purposes, 2012.

THE PHILIPPINES

Schools “shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots.” **Special Protection of Children Act, 1992.**

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

© 2011 AP Photo/Rebecca Blackwell



When are the Draft Lucens Guidelines applicable?

While the Draft Lucens Guidelines have been produced specifically for application during armed conflict, they may also be useful and instructive for post-conflict situations and other comparable situations, including those with the potential to turn into armed conflict. They may also serve as a tool for inter-governmental organizations and NGOs engaged in monitoring, programming, and advocacy related to the conduct of armed conflict.

Who will the Draft Lucens Guidelines assist?

The Guidelines have been produced for the use of all parties to armed conflict. They are intended, therefore, for wide dissemination and implementation by both state and non-state parties to armed conflicts, who are invited to adopt the Guidelines in the spirit in which they are promulgated.

Among others, the Guidelines aim to assist:

- Officers and soldiers in decision-making during battlefield situations and other military operations.
- Commanders and military planners in preparing ahead to lessen the need to use and endanger schools.
- Governments and international and domestic organisations in: monitoring and assessing the conduct of national armed forces and armed groups; negotiating with parties to a conflict using schools; and mitigating the harmful consequences when parties to a conflict do use schools.



Rebel fighters are shown how to use an anti-aircraft gun during training held at secondary school in Benghazi, Libya, on March 1, 2011.

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Why is it important to work with non-state armed groups?

Although the Guidelines are obviously intended to be used by the armed forces of states, many armed conflicts today are non-international (internal) and involve non-state armed groups. Consequently, it will be vital for non-state armed groups to be familiar with the Guidelines and to integrate them into their military rules. Geneva Call, an organisation that works with non-state armed groups to ensure their compliance with international humanitarian law, is already training such parties, including members of opposition groups in Syria, on how to implement the Guidelines. The Guidelines apply to all parties fighting in armed conflicts and not just the armed forces of states.

Who is promoting the Draft Lucens Guidelines?

The Government of Norway is taking a leading role in promoting the Guidelines and foresees a series of meetings of interested states and organisations in 2014, with an aim to finalise the Draft Lucens Guidelines by the end of the year. A conference to encourage and facilitate the endorsement of the Guidelines will take place in 2015.

The group of states that support and are actively promoting the Guidelines is growing. The International Committee of the Red Cross (ICRC) is also supportive of the process, and many of the NGOs and UN agencies that are members of GCPEA are encouraging endorsement of the Guidelines.



Does the UN monitor military use of schools and universities?

Many UN agencies are involved in monitoring and reporting on military use of schools. The UN Monitoring and Reporting Mechanism (MRM) on Grave Violations against Children in Situations of Armed Conflict was established in 2005 through Security Council Resolution 1612 to end six grave violations, including attacks against schools and hospitals. In Resolution 1998, issued in 2011, the UN Security Council made attacks against schools and hospitals a trigger for parties to a conflict to be listed in the annexes of the UN Secretary-General's Annual Report on Children and Armed Conflict. The Security Council can take action against a listed party to urge it to change its conduct to stop the violation, including by referring it to sanctions committees or the International Criminal Court.

Military use of schools is not a trigger for listing a party to the conflict as it is not necessarily a violation of humanitarian law. However, in Resolution 1998, the Security Council requested the Secretary-General to continue to monitor and report on military use of schools.

The Office of the Special Representative of the Secretary-General for Children and Armed Conflict released a Guidance Note on Security Council Resolution 1998 in May 2014,³ which provides important practical guidance to UN partners in the field on monitoring and reporting attacks on education, including military use of schools.

1 www.support.lucensguidelines.org.

2 http://protectingeducation.org/sites/default/files/documents/draft_lucens_guidelines.pdf page 13-16

3 <http://childrenandarmedconflict.un.org/publications/AttacksonSchoolsHospitals.pdf>

A Free Syrian Army fighter aims his weapon as he takes up a defensive position inside a school in the Sheikh Maksoud area of Aleppo, Syria, on July 9, 2013.

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What is GCPEA?

The Global Coalition to Protect Education from Attack (GCPEA) was established in 2010 by organisations from the fields of education in emergencies and conflict-affected fragile states, higher education, protection, international human rights, and international humanitarian law who were concerned about on-going attacks on educational institutions, their students, and staff in countries affected by conflict and insecurity.

GCPEA is comprised of international organisations that include: CARA (Council for At-Risk Academics), Human Rights Watch, Institute of International Education/IIE Scholar Rescue Fund, Norwegian Refugee Council, Protect Education in Insecurity and Conflict, SAIH (the Norwegian Students' and Academics' International Assistance Fund), Save the Children, Scholars at Risk Network, UNESCO, UNHCR, UNICEF, and War Child Holland. GCPEA is a project of the Tides Center, a non-profit 501(c)(3) organisation.

Where can I get more information?

A short video on military use of schools is available in a number of languages at <http://video.lucensguidelines.org/>

The following pages on the GCPEA website provide further information:

- **GCPEA website**
<http://www.protectingeducation.org/>
- **Protecting Schools and Universities from Military Use**
<http://www.protectingeducation.org/restricting-military-use-and-occupation>
- **Draft Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict (in English, Arabic, Spanish, French, and Japanese)**
<http://www.lucensguidelines.org>
- **Lessons in War: Military Use of Schools and Other Education Institutions during Conflict**
http://www.protectingeducation.org/sites/default/files/documents/lessons_in_war.pdf
- **Education under Attack 2014**
<http://protectingeducation.org/education-under-attack-2014>





An armed Ranger walks through the schoolyard during a break between classes at Ban Klong Chang Elementary School, Pattani, Thailand in 2010. A camp for 32 paramilitary Rangers had been established in the school compound.

© 2010 David Hogsholt/Reportage by Getty Images

Cover photo: A school in Jalula, Iraq, is used as a base for Kurdish Peshmerga fighters battling Islamic State (ISIS) militants, on June 21, 2014.

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