

Annex VI: Examples from African Union Countries of Good Practice in Protecting Schools and Universities

Algeria

Statement during Committee on the Rights of the Child review, 2018

“I would like to take this opportunity to state that schools are never used for military purposes. The National People’s Army has its own infrastructure for military purposes. Schools are only used for education.”

– Statement by M. Toufik Ojouama, Chargé d’affaires, Permanent Mission of Algeria to the UN in Geneva, during consideration of Algeria on the Optional Protocol on the Involvement of Children in Armed Conflict before the Committee on the Rights of the Child, May 17, 2018.

Central African Republic

MINUSCA directive on the protection of schools and universities against military use, 2015

Purpose:

1. These guidelines aim at preventing the use of schools and universities by MINUSCA Force and Police and to minimize the impact of armed conflict on the security and education of children.

General principles:

2. Schools have to be havens of peace, where children are protected even in times of armed conflict. They are, however, often attacked or used for military purposes by parties to the conflict in the Central African Republic, to the detriment of children.

3. MINUSCA Force and Police are requested not to use schools for any purpose. All MINUSCA military and police personnel should avoid encroaching on the security and education of children by using the following guidelines as good practice.

4. Schools and universities that are operational should never be used in any way. This applies to schools and universities that are closed after school hours, during weekends and holidays and during vacation periods.
5. Abandoned schools and university buildings which are occupied or used by MINUSCA Force and Police should be liberated without delay in order to allow educational authorities to reopen them as soon as possible. All signs of militarisation or fortification of such buildings or structures should be completely removed after the withdrawal and any damage caused to the institution should be repaired quickly before hand-over to the authorities, to allow the return to educational use.
6. All ammunitions, unexploded ordinance or war debris should be cleared from the site.
7. The use of a school or university by a party to a conflict is not permitted, and cannot provide grounds for continuation of such use.
8. Military and police personnel tasked to secure schools or universities should avoid wherever possible entering into the school premises or buildings in order not to compromise their civilian status.
9. The Force Commander and the Police Commissioner are requested to ensure the implementation and wide dissemination of this directive.

– United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) directive on the protection of schools and universities against military use, from Special Representative to the Secretary General Parfait Onanga-Anyanga, MINUSCA/OSRSG/046/2015, December 24, 2015.

Political Agreement for Peace and Reconciliation in the Central African Republic, 2019

Article 5: For their part, the armed groups undertake... (c) To refrain from engaging in any act of destruction or illegal occupation of public buildings and sites, such as ... schools...

Annex I, 2: The Parties agree that this immediate, complete and irrevocable cessation of hostilities commits them to scrupulously refrain from: (a) Any violation of international

humanitarian law, including crimes perpetrated against civilians and against the staff and property of ... schools...

– Political Agreement for Peace and Reconciliation in the Central African Republic, S/2019/145, February 2019.

Côte d’Ivoire

Child Protection Training Module, 2017

The armed forces of Côte d’Ivoire have integrated modules on the rights and protection of children into trainings provided in military schools, academies, and training centers. The training now includes a specific module on prohibiting occupation of schools and training institutions. The training is established in the four military regions of Côte d’Ivoire, and provided by a child protection cell, which is staffed with trained military personnel.

– Information from Legal Adviser for Military Operations, Ministry of Defense, Côte d’Ivoire.

Democratic Republic of Congo

Child Protection Act, 2009

The State ensures the necessary protection, education, and care for children affected by armed conflict, tensions, or civil unrest...

– Law on Child Protection, 009/01, January 10, 2009, art. 72.

Ministerial Directive, 2013

I urge you to educate all members of the [Congolese army] that all those found guilty of one of the following shortcomings will face severe criminal and disciplinary sanctions: ... Recruitment and use of children... Attacks against schools ... requisition of schools ... for military purposes, destruction of school facilities.

– Minister of Defense Alexandre Luba Ntambo, Ministerial Directive on the Implementation of the Action Plan, Ministry of Defense, No. VPM/MDNAC/CAP/0909/2013, May 2, 2013.

Mali

Education Ministry Decision Establishing Safe Schools Declaration Technical Committee, 2019

Article 1: Under the authority of the Minister of National Education, a technical committee is set up to monitor the operationalization of the Safe Schools Declaration...

Article 2: The Ministry of National Education holds the presidency of the technical committee...

Article 3: The technical committee monitoring the operationalization of the Safe Schools Declaration is responsible for:

- Developing and implementing an action plan
- Disseminating the Safe Schools Declaration and the Related Guidelines [on Protecting Schools and Universities from Military Use during Armed Conflict];
- Strengthening stakeholder capacity on the Declaration and its Guidelines;
- Following the application of the Declaration and its Guidelines.

Article 4: The technical committee monitoring the operationalization of the Safe Schools Declaration developing its own internal regulations. It reports to the Secretary General of the Ministry of National Education every three months and produces an annual report of activities.

Article 5: The technical committee consists as follows:

- Three representatives of the Ministry of National Education;
- Two representatives from the Ministry of Defence and Veterans Affairs;
- Two representatives of the Ministry of Security and Civil Protection;
- A representative of the Ministry of Foreign Affairs and International Cooperation;
- A representative of the Ministry of Justice...;
- A representative of the Ministry in charge of territorial administration;
- A representative of the Ministry of Digital Economy and Communication;
- A representative of the Ministry of Women’s, Child and Family Promotion;
- A representative of the Ministry of Religious Affairs...;
- A representative of the Children’s Parliament;
- A UNICEF representative;

- A representative of [The United Nations Multidimensional Integrated Stabilization Mission in Mali];
- A representative of Save the Children International;
- A representative of Plan International Mali;
- A representative of the NGO Norwegian Refugee Council (NRC);
- A representative of the Malian Coalition for Children’s Rights (COMADE).

Note: The Technical Committee may, on an ad hoc basis, be joined by any other person/competence that it deems useful for its work.

Article 6: The technical committee monitoring the operationalization of the Safe Schools Declaration meets once a month at the invitation of its President. It meets in a special session whenever needed.

- Ministry of National Education, *Decision Setting up the Technical Committee Monitoring the Operationalization of the Safe Schools Declaration, 2019.*

Nigeria

Children and Armed Conflict Statement, 2015

As a demonstration of our national commitment to the well-being of children, Nigeria was among the first group of States to endorse the Safe Schools Declaration in Oslo, Norway, on 29 May. The Declaration complements and strengthens our existing national safe schools initiative, established in 2014 as part of the policy response of the federal Government to promote safe zones for learning. The *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* will serve as a compass to guide and reinforce efforts towards the achievement of this objective. We are committed to the dissemination of these guidelines and to promoting their implementation. We are indeed persuaded that this initiative will promote and protect the right to education and prevent the discontinuities in education inherent in situations of armed conflict.

- Statement by Ambassador Joy Ogwu, United Nations Security Council, 7466th Meeting, Meeting Record, S/PV.7466, June 18, 2015.

Proposed Amendment to Armed Forces Act, 2018

Section 216(3): No premises or building or part thereof occupied for educational purposes or accommodation of persons connected with the management of school or vehicles and other facilities of educational institutions shall be requisitioned.

– Proposed Amendment to Armed Forces Act, submitted by Ministry of Education-led Education in Emergencies Working Group Nigeria to Minister of Defense, December 5, 2018.

Draft National Policy on Safety and Security in Schools, 2019

8.1 Having signed and adopted the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict, Nigeria is obliged to domesticate and operationalise the norms of both instruments for a more robust and effective protection of the security and safety of schools in conflict areas in Nigeria. In view of this, the following guidelines shall be observed in relation to schools in conflict areas or during armed conflict.

Functioning educational institutions

8.2 Schools are protected civilian objects under the law of war. As a result, functioning educational institutions are not to in any way to be subjected to military use or used for military purposes. Functioning schools or university include schools on holidays, those temporarily closed outside of normal class hours or those closed during weekends. These categories of schools are not to, under any circumstances, be used in aid of military operations or efforts. Thus, they are not to, either through incentive or force, be evacuated so as to make them available for military use.

8.3 Security arrangement must be put in place by the security forces to ensure the protection of these educational institutions' physical infrastructure, learners/students, teachers and their transit routes. Security forces must also watch over and patrol these institutions, the learners/students and teachers and their transit routes without creating military presence within the schools or within weapons effect distance to the schools or institutions.

Non-functioning or abandoned educational institutions

8.4 Abandoned educational institutions are still not be used for military purposes. Where however necessity in terms of self-defence demands or when there is no viable alternative

to the use of the educational institutions for military purposes, such institutions may be used for military purposes but only for as long as it is necessary to obtain the required military advantage after which security forces and their weapons, munitions and stores, etc. must be evacuated. Upon evacuation, all damages to the schools must be remediated and promptly returned to its civilian character and reopened. Upon reopening, arrangements should be made to protect the school(s), the learners/students, teachers and their transit routes.

Educational institutions occupied by security forces or armed belligerents

8.5 All efforts must be taken to cease the use of educational institutions already under occupation by security forces or armed belligerents immediately. Parties to armed conflicts must refrain from attacking occupied educational institutions without giving adequate notice and sufficient time to the other party to cease the military use or occupation of the educational institution(s) in question. And when it has been decided to use force, special care and precautions must be taking to limit collateral damage(s) to the school structures and facilities, to learners/students and to teachers that may be in the schools or environs.

– Federal Ministry of Education, *The National Policy on Safety and Security in Schools*, draft November 2019.

Somalia

Vacation of educational buildings by African Union Forces, 2017

In 2017, in the context of implementing the Declaration, the African Union Mission to Somalia (AMISOM) handed a number of educational buildings back to the authorities, rehabilitating them first, and working with partners to ensure the grounds were clear of explosive remnants.

South Sudan

Order from the Office of the Deputy Chief of General Staff for Political Military Operations, 2012

1. I am hereby once again repeating my message to all of you about occupation of schools by our army. This act of occupation is deplorable and it is [in] violation of our law of land. Besides, you are depriving our children from the much needed education.

2. I hereby order you to urgently evacuate the following schools occupied by the forces under your direct commands.

[List of eight schools, by name, state, county, date occupied, and division occupying school.]

3. Failure to evacuate the above mentioned schools will lead to severe disciplinary actions and the act is a serious violation of the law of our land which shall bear regrettable implications on each of you [divisional commanders].

4. Each division [commander] must report the date of their evacuation of the above mentioned schools within seven days...

5. Remember all eyes are on your immediate action.

– Order from Lt. Gen. Obuto Mamur Mete, Deputy Chief of General Staff for Moral Orientation, April 16, 2012.

Directive Order on Child Protection and the Release and Reintegration of Children Associated with the SPLA, 2013

NOTE: THIS IS A PUNITIVE ORDER. Under this General Order, SPLA [“Sudan People's Liberation Army”] members are prohibited from: ... (3) occupying schools. SPLA members violating this Directive ARE SUBJECT TO the full range of disciplinary and administrative measures available under South Sudanese and International Law...

1. **PURPOSE:** This “Directive-style” General Order ... makes clear that ... (2) SPLA units and/or soldiers will NOT, under any circumstances, attack, occupy, or use for any purpose schools or school buildings or property.

This General Order announces a ZERO TOLERANCE POLICY: SPLA Members are prohibited from: ... (2) occupying schools or using school property for ANY purpose under ANY circumstances. These prohibitions are without exception and unconditional. Any officer, non-commissioned officer (NCO), or soldier suspected of violating this General Order may be tried by court-martial for violating Section 67 of the SPLA Act of 2009 (reference (b)), Disobedience of Lawful Orders...

This is a Punitive Order:

a. When ... SPLA forces found to be occupying or using school property, the circumstances of the situation shall be thoroughly investigated...

b. Officers, NCOs, and soldiers suspected of being in violation of this General Order themselves shall be investigated. The officer conducting the investigation shall make a written report of his or her inquiry that sets forth comprehensive Findings of Fact, lists the evidence supporting each Finding of Fact, renders Opinions and a Conclusion concerning the facts underlying the event or events being investigated, and makes Recommendations with respect to the disposition of the case, including whether the situation investigated warrants the taking of administrative or disciplinary action by the Command against any Officer, NCO, or soldier suspected of conduct violating this General Order.

c. A written investigative report that has been reviewed by a judge advocate and endorsed by the commanding officer of the unit involved and by the pertinent Division or Brigade Commander or Directorate senior officer shall be forwarded to the Chief of General Staff via the Head of the SPLA's Child Protection Unit and the Judge Advocate General of the SPLA...

3. **GENERAL ORDER.** All SPLA members, personnel, and units are unconditionally prohibited from: ... Occupying schools, interfering with or disrupting school classes or activities, or using school facilities for any purpose, to include but not limited to storing equipment, billeting, or taking cover from ongoing or prospective enemy attack...

f. Report Required. Within 15 days of the termination of the Grace Period – or Not Later Than 15 October 2013 – Commanders at each echelon of Command are to deliver ... a properly completed *Certification*... Commanders failing to submit this report in timely fashion will be subjected to adverse judicial and administrative disciplinary action...

Certification...

... I, (Major General/Brigadier General/Colonel/(Rank of Commander) _____,
Commanding Officer of _____ (Division/Brigade/Battalion/Company/Platoon), do hereby
certify that: ...

5. Units under my command are not occupying schools or utilizing school facilities in any way.

CONCLUSION. I hereby certify that the foregoing information and statements relating to the state of personnel under my command have been certified and are true...

– General Order, from General James Hoth Mai, Chief of General Staff, August 14, 2013.

Order from the Acting Sudan People’s Liberation Army Chief of Staff, 2014

...This message serves to reaffirm the SPLA Commitment as this General order demand that; All SPLA members are prohibited from: ...Occupying of using schools in any manner. The SPLA members violating the directives ARE SUBJECT TO the full range of disciplinary and administrative measures available under South Sudanese and International Law...

– Lt. Gen. Thomas Cirillo Swaka, Acting Sudan People’s Liberation Army Chief of Staff, 557/9/2014, September 10, 2014.

Draft Amendment to Sudan People’s Liberation Army Act, 2014

Section 22(3): Occupation of Schools and Hospitals

Occupation of Schools and Hospitals: every SPLA member commits an offence who occupies Schools or Hospitals ... which are prohibited commits an indictable offence and liable to: a) Court martial; b) Dismissal from the service; c) Non-judicial punishment; d) Administrative separation from service; e) Administration reduction in grade; f) Relief from command; g) Adverse performance evaluation

– Draft amendment to Sudan People’s Liberation Army Act, as per letter of Kuot Jook Alith, Legal Advisor, Ministry of Defense and Veteran Affairs, September 11, 2014.

Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, 2018

Art. 2.2.3.1: “Civilian areas shall be immediately demilitarized. This includes schools...”

– Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, September 12, 2018.

Sudan

Agreement between the Government of Sudan and the Sudan People's Liberation Movement to protect non-combatant civilians and civilian facilities from military attack, 2002

1. The Government of the Republic of Sudan (GOS) and the Sudan People's Liberation Movement (SPLM) (hereafter referred to as the "Parties") reconfirm their obligations under international law, including common Article 3 of the 1949 Geneva Conventions, to take constant care to protect the civilian population, civilians and civilian objects against the dangers arising from military operations. In this context, the Parties specifically commit themselves:

... c) to refrain from endangering the safety of civilians by intentionally using them as "human shields" or by using civilian facilities such as hospitals or schools to shield otherwise lawful military targets; ...

– *Agreement between the Government of the Republic of Sudan and the Sudan People's Liberation Movement to protect non-combatant civilians / civilian facilities from military attack, 2002, art. 1.*

Sudan Armed Forces Command Order, 2017

In July 2017, the Sudan Armed Forces circulated a command order to all divisions to prohibit the military use of schools and guidance on schools in areas of active conflict.

– *Information provided by the Office of the Special Representative to the UN Secretary-General for Children and Armed Conflict, April 2019.*