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Schools as Battlegrounds

Protecting Students, Teachers, and Schools from Attack

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Of the 72 million primary school-age children not currently attending school worldwide, more than half—39 million—live in countries afflicted by armed conflict.¹ In many of these countries, armed groups threaten and kill students and teachers and bomb and burn schools as tactics of the conflict. Government security forces use schools as bases for military operations, putting students at risk and further undermining education.

In southern Thailand, separatist insurgents have set fire to schools at least 327 times since 2004, and government security forces occupied at least 79 schools in 2010. In Colombia, hundreds of teachers active in trade unions have been killed in the last decade, the perpetrators often pro-government paramilitaries and other parties to the ongoing conflict between the government and rebel forces. In northern Democratic Republic of Congo (DRC), the rebel Lord's Resistance Army (LRA) has abducted large numbers of children from schools and taken revenge on villages believed to be aiding LRA defectors by, among other things, looting and burning schools.

"We warn you to leave your job as a teacher as soon as possible otherwise we will cut the heads off your children and shall set fire to your daughter," read a threatening letter from Taliban insurgents in Afghanistan, where between March and October 2010 20 schools were attacked using explosives or arson, and insurgents killed 126 students.

While attacks on schools, teachers, and students in Afghanistan have perhaps been most vivid in the public eye—men on motorbikes spraying pupils with gunfire, girls doused with acid—intentional targeting of education is a far-reaching if underreported phenomenon. It is not limited to a few countries but a broader problem in the world's armed conflicts. Human Rights Watch researchers have documented attacks on students, teachers, and schools—and their consequences for education—in Afghanistan, Colombia, the DRC, India, Nepal, Burma, Pakistan, the Philippines, and Thailand. The United Nation's Education, Science, and Cultural Organization (UNESCO) reports that attacks occurred in at least 31 countries from 2007 to 2009.²

While only a few non-state armed groups openly endorse such attacks, too little is being done to document, publicize, and take steps to end them. Nor is the negative impact of long-term occupation of schools by military forces fully appreciated. Access to education is increasingly recognized as an important part of emergency humanitarian response, particularly during mass displacement and natural disasters. But protecting schools, teachers, and students from deliberate attack in areas of conflict is only now receiving greater attention. Humanitarian aid groups increasingly are alert to the harm and lasting costs of such attacks and human rights groups have begun to address them in the context of protecting civilians in armed conflict and promoting economic and social rights, including the right to education.

An effective response to attacks on education will require more focused policies and action by concerned governments and a much stronger international effort. Making students, teachers, and schools genuinely off limits to non-state armed groups and regular armies will require governments, opposition groups, and other organizations to implement strong measures that are enforced by rigorous monitoring, preventive interventions, rapid response to violations, and accountability for violators of domestic and international law.

Why Schools, Teachers, and Students Are Attacked

Non-state armed groups target schools, teachers, and students for a variety of reasons. Rebel groups often see schools and teachers as symbols of the state. Indeed in rural areas, they may be the only structures and government employees in the vicinity, serving multiple purposes. In India, Pakistan, and Afghanistan, for example, armed opposition groups have attacked schools used as polling places around elections.

Teachers and schools make high-visibility “soft” targets: they are more easily attacked than the government security forces, and attacks are likely to garner media attention to the assailants and their political agenda, and undermine confidence in government control. Opposition groups may also view schools and teachers as symbols of an oppressive educational system. A teacher in southern Thailand told Human Rights Watch how he became a target of both sides of the separatist conflict there. Muslim insurgents warned him that, as a Muslim, he should not be teaching at a government school. Later, local government paramilitary troops also threatened him for allegedly supporting the insurgents. Soon after, unidentified assailants shot him on his way home from daily prayers at his mosque, seriously wounding him.

Sometimes schools are attacked because armed groups are hostile to the content of the education being delivered or because of the students they educate. In some countries,

schools have been targeted because their curriculum is perceived to be secular or “Western,” others simply because the schools educate girls. Not all the violence is ideological: criminal elements may want to drive out competing sources of authority; some attacks are simply local disputes that may or may not have to do with education.

Schools and the routes students take to reach them can also be preyed upon by rebels, paramilitaries, and others seeking children for their armies, for indoctrination, or for coerced sex. During the prolonged civil war in Nepal, for example, Human Rights Watch documented how Maoist rebels used a variety of techniques for recruiting children, including the abduction of large groups of children, often from schools, for indoctrination.

The Consequences of Attacks

The impact of attacks can be devastating. Large numbers of teachers and pupils may be injured or traumatized, in some cases killed. And attacks often lead to dramatic decreases in school attendance rates. When attendance remains low over the long term there are negative knock-on effects on the economy and on key development indices such as measures of maternal and child health.

In the worst cases, hundreds of schools are closed. For example, Afghanistan’s Ministry of Education reported in March 2009 that roughly 570 schools remained closed following attacks by the Taliban and other insurgent groups, with hundreds of thousands of students denied an education.

Attacks can also damage facilities and teaching materials, requiring extensive repairs and costly new materials before schools can reopen. If not shut down entirely, classes may be suspended for days, weeks, or even longer and, when resumed, held in dangerous, partially destroyed structures or even outside. Other valuable services provided to communities in school buildings, such as adult education and community health and other services, may also be lost.

When governments fail to rebuild after an attack, the impact is even greater. For example, in India, none of the schools attacked by Maoist rebels (known as Naxalites) that Human Rights Watch visited in 2009 had received any government assistance to repair or rebuild. The attacks had occurred between two and six months earlier, and state governments had stated that they had the funding to rebuild.

Attacks on schools and teachers traumatize students and affects teachers' work performance. Even where school buildings remain intact or the physical infrastructure is restored, teachers and students may be too fearful to return. Qualified teachers may refuse to work in the area, leaving those who remain stretched thin.

For example, in rural Bihar state in India, local residents described to Human Rights Watch how a large Maoist force blew up the middle school building in their town. In response, local paramilitary police established a camp inside the remaining structures. School classes were being held in a travelers' shelter partially exposed to the elements, without toilets or the government-mandated midday meal. As one parent told Human Rights Watch, "When people hear about these problems, parents take their children out [of the school]."

Attacks can also have a ripple effect on surrounding schools and affect the overall calculation that parents and students make in assessing the costs and benefits of attending school. In conflict areas, the quality of education is often already weak and families may be highly sensitive to violence. When two teachers were assassinated on their way to a local market in southern Thailand in September 2010, for example, the local teachers' federation suspended classes in all government schools in the province for three days.

Threats alone can be very effective in shutting down schools in environments where violence is widespread and perpetrators go unpunished. A teacher in rural Laghman province, Afghanistan, told Human Rights Watch that a third of her students dropped out after a so-called "night letter" was left at the mosque, which stated: "We warn you to stop sending your girls to these classes or you cannot imagine the consequences. Your classes will be blown up by a bomb, or if any of your daughters is raped or kidnapped, you cannot complain later on."

Use of Schools for Military Purposes

Closely related to targeted attacks on schools is the use of school facilities by national armed forces or other armed groups. Attracted by schools' central locations, solid structures, and electrical and sanitation facilities, some security forces take over schools for weeks or months, and sometimes years. In Bihar and Jharkhand states in India, for example, where government security forces took over dozens of schools as outposts in conflicts with Maoist rebels, all of the 21 school occupations Human Rights Watch investigated in 2009 and 2010 had lasted between six months and three years. Military use of schools not only disrupts students' education, it may itself provoke attacks from opposing forces.

Even when schools are not being used for classes, military use is problematic because attacks by opposing forces can destroy school infrastructure and blur the lines between civilian and military installations, potentially exposing schools to attack when students return. When security forces take over a school, they frequently fortify and militarize the school buildings and grounds—for example, by establishing reinforced sentry boxes, digging trenches, and constructing protective walls of barbed wire and sand bags. When security forces leave, they often leave these fortifications behind. This places the school in ongoing danger by giving the appearance of a military presence long after the forces have left.

In some instances, security forces entirely displace students. In none of the cases investigated by Human Rights Watch had governments taken steps to provide alternative educational facilities of comparable quality to children displaced by military occupations of school facilities.

In other cases, militaries occupy only certain areas within schools, with classes continuing to be held in the unoccupied parts. Such partial occupation of schools is also problematic. In partially occupied schools visited by Human Rights Watch in India and southern Thailand, students, teachers, and parents variously complained about problems as diverse as overcrowding of classrooms, loss of kitchens that had provided mid-day meals, and inability to use school latrines. (Lack of access to toilets is a globally recognized factor contributing to lowered school attendance by girls.) Students try to continue their studies alongside armed men whose often poor behavior—ranging from beating criminal suspects in front of students to gambling, drinking, and using drugs—are all counter to a safe and positive learning environment for children.

When security forces move in, there is typically an immediate exodus of students. And long-term occupations deter new enrollments. Girls appear more likely to drop out or fail to enroll, motivated in part by fear of harassment by occupying soldiers or police. Students and teachers in Jharkhand and Bihar in India, for example, complained that security force personnel bathed in their underwear in front of girls. Girls in southern Thailand told us that paramilitary Rangers had asked them for their older sisters' phone numbers. This kind of behavior obviously has no place on school grounds.

International Standards Protecting Education

Under international human rights law—namely the widely-ratified Convention on the Rights of the Child and the International Covenant on Economic, Social, and Cultural Rights—states are obligated to make primary education compulsory and available free to all, and secondary

education available and accessible. They must work to progressively improve regular attendance at schools and to reduce drop-out rates for both boys and girls. In order to ensure the right to education, states have an obligation to prevent and respond to attacks by non-state armed groups so that the schools function and children receive an education. Attacks on students, teachers, and schools will violate various provisions of domestic criminal law.

In situations that rise to the level of armed conflict, international humanitarian law—the laws of war—also applies. International humanitarian law is binding on all parties to a conflict, both the government and opposition armed groups. Applicable law includes the Geneva Conventions of 1949 and its two additional protocols and customary international law. Under international humanitarian law, schools and educational institutions are civilian objects that are protected from deliberate attack unless and only for such time as they are being used by belligerent forces for a military purpose. Thus a school that serves as a headquarters or an ammunition depot becomes a military objective subject to attack.

International humanitarian law also forbids acts or threats of violence with the primary purpose of spreading terror among the civilian population.

When government forces or non-state armed groups take over schools during an armed conflict, they have an obligation to take all feasible precautions to protect civilians from attack and to remove them from the vicinity: it is unlawful to use a school simultaneously as an armed stronghold and as an educational center. The longer a school cannot be used for educational purposes, the greater the obligation on the state to ensure the affected students' right to education by other means. When a structure ceases being used as a school, the authorities must relocate the school's teachers and students to a safe locale where education can continue or they are denying children the right to an education under international human rights law.

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Putting an end to attacks on schools, teachers, and students requires action at national and international levels on three fronts:

- Stronger monitoring systems;
- Targeted preventive measures, and more decisive and timely response when incidents do occur; and
- Effective justice mechanisms that hold violators of domestic and international law accountable.

Monitoring

A more effective deterrence to attacks on education needs to begin with acknowledgment of the problem, including clear public statements by officials and, wherever possible, rebel group commanders, that attacks on students and teachers are prohibited and the use of schools for military purposes should be off limits. Too often, government policies and regulations on use of schools for military operations in conflict zones are ambiguous or nonexistent. A notable positive model is the Philippines, which specifically criminalizes attacks against education buildings, and prohibits the use of school buildings by government forces as command posts, detachments, depots, or other types of military facility.³

Information is also critical. Officials need to put in place monitoring systems that ensure that attacks on schools, teachers, and students are tracked: it is impossible to devise an effective response if the scope of the problem is not known. Too often attacks on education have fallen between the cracks of protection and education agencies and thus have not been addressed as a systematic problem requiring monitoring and a coordinated response. And while governments are in the best position to monitor attacks, some lack the capacity or will to do so, or are themselves implicated. Here, the UN and other international actors have an important role to play.

International monitoring is especially important for overlooked conflicts, including low level conflicts that have not produced widespread displacement but which involve attacks on education. Militaries, embassies, political affairs offices, and other peace and security institutions should also be encouraged to view—and thus monitor—access to and attacks on education at all levels as a critical measurement of security.

The UN Security Council's Monitoring and Reporting Mechanism (MRM) on Children and Armed Conflict provides a vehicle that, if more focused on such attacks, could have particularly far-reaching impact. The MRM was established in 2005 and now operates in 13 countries, feeding information on abuses against children in conflict from the field to the Security Council. The Security Council in turn has the power to take strong action against parties who commit abuses against children during armed conflicts, including imposing sanctions and arms embargoes and referring perpetrators of war crimes and crimes against humanity to the International Criminal Court.

At present the MRM is only "triggered" by evidence of the war crimes of recruitment and use of children as soldiers, sexual violence against children in conflict, and killing and maiming of children. Once it is operational in a country, however, the mechanism is required to

monitor other abuses, including attacks on education. The Security Council has rightly urged parties to conflicts to refrain from “attacks or threats of attacks on school children or teachers as such, the use of schools for military operations, and attacks on schools that are prohibited by applicable international law.”⁴ It has, however, made far fewer recommendations on education via the MRM than on higher profile issues such as child soldiers. The MRM is also not present in some places, such as southern Thailand and India, that continue to suffer repeated attacks on school facilities and personnel.

Supported by the MRM, the UN has achieved substantial successes reducing the use of child soldiers by negotiating action plans with both governments and armed groups to demobilize children from their forces and end new recruitment of children. To achieve similar success in ending attacks on education, the UN-led country teams that monitor violations against children in armed conflict should improve their monitoring of attacks on education, providing the Security Council with more information and recommendations for action. Additionally, the Security Council should include attacks on education as a “trigger” to start up the MRM.

Preventive Measures and Timely Response

When attacks occur or even loom as a possibility, officials need to take immediate measures to protect teachers and students from further harm. For example, by enhancing community participation in school construction and management, education providers may draw on local information about how to best deter threats and increase incentives among community members to support their schools. Other steps may include providing private guards or escorts for school buildings and transport; exploring alternative schools sites and schedules; prohibiting the use of schools for any military or police purpose; and negotiating with all parties the status of schools as protected or demilitarized zones as provided for under international humanitarian law. In some contexts, opposition groups may be influenced by statements from influential religious leaders or even those leaders’ active participation in schools, by interaction with community leaders, and other steps that would discourage rebel attacks on education.

For example, in Nepal the Schools as Zones of Peace initiative and the Partnerships for Protecting Children in Armed Conflict (PPCC) are often cited as effective partnerships of non-governmental organizations and international agencies that, among other things, have helped keep armed groups out of schools. In contrast, in Afghanistan in the lead up to the 2009 elections, a group of humanitarian agencies and the Minister of Education used data on attacks to call for schools to be used as polling places only as a last resort. Their call was

unheeded, and according to the ministry, 26 of the 2,742 schools used as polling places were attacked on election day.⁵

The government's immediate response to an attack, including repairing buildings and replacing materials, is important for mitigating its effects and getting students back to school as quickly as possible. As governments and education agencies try out responses, a "tool kit" of proven preventive measures and responses would be useful to assist their efforts.

Justice

Finally, accountability for attacks on education—including prosecuting perpetrators—is critical. Countries that have not done so should explicitly criminalize within domestic law and military codes attacks on schools and place greater restrictions on the military use and occupation of schools. The United Kingdom's Ministry of Defense Manual of the Law of Armed Conflict, for example, includes specific references to the protection of education buildings.⁶ In addition to stating that attacks on schools are unlawful unless being used for military purposes, the manual notes that the "use of a privileged building for an improper purpose" is a "war crime traditionally recognized by the customary law of armed conflict."⁷ In another example, the Indian Supreme Court and various Indian state courts have ordered police and paramilitary forces engaged in military operations to vacate occupied schools; however, security forces have often ignored these orders.

Domestic prosecutions for attacks, including of non-state actors, are indispensable. For example, in the DRC, an Ituri Military Tribunal in August 2006 convicted Ives Kahwa Panga Mandro ("Chief Kahwa"), founder of the Party for Unity and Safeguarding of the Integrity of Congo, on six charges, including the war crime of intentionally directing attacks against a primary school, a church, and a medical center. Citing the DRC constitution's provision allowing courts and military tribunals to apply international treaties, the tribunal directly applied the crime under the International Criminal Court's Rome Statute of intentionally directing attacks against institutions of education. Kahwa received a 20-year sentence.⁸ In a decision light on both legal and factual reasoning, however, an appeals court cancelled the verdict,⁹ and the case remains in legal limbo at this writing.

Where governments are unwilling or unable to prosecute, international courts can play an important role in punishing perpetrators and deterring future violations. The International Criminal Court, for example, has explicit jurisdiction over intentional attacks against buildings dedicated to education in both international and internal armed conflicts, provided they are not military objectives. The court has yet to include attacks on education

in its charges and should give specific consideration to the issue during relevant investigations and pursue cases where the evidence indicates that such attacks are among the most serious crimes of concern to the international community and which are of sufficient gravity to warrant ICC prosecution.

Outside of formal justice mechanisms, commissions of inquiry and truth and reconciliation commissions should address attacks on education. The 1998 final report of South Africa's Truth and Reconciliation Commission, for example, recognized that a variety of state and non-state actors had bombed, burned, and occupied schools, and assaulted and killed teachers. Many individual perpetrators came before the commission to admit to their own involvement in attacks against schools, students, and teachers.¹⁰

The Committee on the Rights of the Child, which monitors the implementation of the Convention on the Rights of the Child, is also well-placed to highlight how attacks and occupations violate the right to education. It has already commented on the problem in at least four countries: Burundi, Ethiopia, Israel, and Moldova.¹¹ As a next step, the Committee could issue a "General Comment", a statement that expands upon and clarifies provisions within the Convention. In 2008 it held a day of discussion on education in emergency situations, collecting information and recommendations that could be turned into a General Comment. Such an interpretation of the Convention on this issue could assist states to protect students, teachers, and schools during times of emergencies, as well as give the Committee and other international and domestic bodies a set of standards by which to judge government action.

Conclusion

In too many conflict-afflicted countries, combatants are able to target schools, teachers, and students with few if any consequences for the perpetrators. The consequences instead fall heavily on the affected teachers, students, and families, with long-term negative consequences for the affected society as a whole.

The formation in 2010 of a new international coalition of UN agencies, humanitarian organizations and other civil society groups on protection of education signals renewed attention to the issue.¹² The coalition's experience to date already suggests concrete steps governments can take to minimize attacks on education. Lasting improvements in the protection of schools, teachers, and students from attack, however, will require far more focused and coordinated national and international action.

As a tribal elder from northern Helmand province in Afghanistan noted: "The people want schools, even for girls. We are losing a golden opportunity now to lift our children."

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¹ Save The Children, "The Future is Now: Education for Children in Countries Affected by Conflict", 2010, pg viii.

² Brendan O'Malley, *Education under Attack 2010*, (Paris: UNESCO, 2010).

³ An Act Defining and Penalizing Crimes Against International Humanitarian Law, Genocide and Other Crimes Against Humanity, Organizing Jurisdictions, Designating Special Courts, and for Other Related Purposes, Republic Act No. 9851, 2009- criminalizes attacks on school facilities; An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for Other Purposes, Republic Act No. 7610, 1992- prohibits use of such facilities for military operations.

⁴ United Nations Security Council, "Presidential Statement on Children and Armed Conflict", UN Doc. S/PRST/2009/9, April 29, 2009.

⁵ "Afghanistan: Over 20 Schools Attacked on Election Day," IRIN News, August 24, 2009, <http://www.irinnews.org/Report.aspx?ReportId=85831> (accessed October 8, 2009).

⁶ UK Ministry of Defence, *Manual of the Law of Armed Conflict* (Oxford: Oxford University Press, 2004).

⁷ *Ibid.*, 16.16.1, 16.29(c), pp. 428-29, n. 122.

⁸ Tribunal Militaire de Garnison de l'Ituri, *Jugement Contre Kahwa Panga Mandro*, RPA No. 039/2006, RMP No. 227/ PEN/2006 (August 2, 2006).

⁹ Cour Militaire de la Province Orientale, *Arrêt Contre Kahwa Panga Mandro*, RPA No. 023/2007, RMP 227/PEN/2006 (July 28, 2007).

¹⁰ Truth and Reconciliation Commission of South Africa, *Report of the Truth and Reconciliation Commission of South Africa* (1998), vol. I, p. 34, vol. II, pp. 154, 150, 380, 387, 431, 436, and 661-662, vol. III, pp. 59-60, 236, 311, 370, 408, and 617; vol. IV, p. 266; and vol. V, pp. 255 and 355.

¹¹ United Nations Committee on the Rights of the Child (CRC), *UN Committee on the Rights of the Child: Concluding Observations, Burundi*, CRC/C/15/Add.133 (October 16, 2000), paras. 64-65; CRC, *UN Committee on the Rights of the Child: Concluding Observations, Ethiopia*, CRC/C/ETH/CO/3 (November 1, 2006), paras. 27-28; CRC, *UN Committee on the Rights of the Child: Concluding Observations, Israel*, CRC/C/15/Add.195 (October 9, 2002), para. 52; CRC, *Consideration of Reports Submitted by States Parties Under Article 44 of the Convention: Convention on the Rights of the Child: 2nd and 3rd Periodic Reports of States Parties Due in 2005: Republic of Moldova*, CRC/C/MDA/3 (July 10, 2008), paras. 423 and 435.

¹² The Global Coalition for Protecting Education from Attack (GCPEA) includes the Council for Assisting Refugee Academics, Education Above All, Education International, Human Rights Watch, Save the Children International, UNESCO, and UNICEF, the UN Children's Fund. The coalition is dedicated to raising awareness about the scope of attacks on education and their consequences, and mobilizing a more effective international response.