



**Submission by Human Rights Watch to the
Committee on Economic, Social and Cultural Rights concerning Niger
63rd plenary session**

February 2018

Summary

This submission relates to Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and focuses on the protection of education during armed conflict. It proposes issues and recommendations that Committee members may wish to raise with the government.

Protection of Education during Armed Conflict (Articles 13, 14)

In 2016, the armed group Boko Haram carried out three attacks on schools in the Diffa region, which borders Nigeria, and school materials were destroyed. A school located by the Komadougou Yobe River in Diffa was abandoned and used by Niger security forces as a strategic position.¹ In 2016, 151 schools in Diffa were closed due to insecurity in the region, affecting approximately 12,300 students. These schools were relocated and many reopened. As of February 2017, approximately 30 remained closed and around 1200 students remained out of school.² In 2017, Boko Haram targeted teachers in Diffa, causing schools to close. Boko Haram killed a headteacher and a teacher in October 2017.³

Niger in June 2015 endorsed the Safe Schools Declaration, which outlines various commonsense actions that countries can take to reduce the negative consequences of

¹ Report of the United Nations Secretary-General on Children and Armed Conflict, A/72/361-S/2017/821, August 24, 2017, <http://undocs.org/en/S/2017/821> (accessed November 3, 2017); Global Coalition to protect Education from Attack (GCPEA), "Report of the Addis Ababa workshop on strengthening the role of armed forces in the protection of education from attack and educational institutions from military use during armed conflict in Africa," November 2016, http://www.protectingeducation.org/sites/default/files/documents/addis_ababa_workshop_gcpea_report_final.pdf (accessed October 7, 2017).

² United Nations Office for the Coordination of Humanitarian Affairs, "Bulletin humanitaire: Niger, janvier-février 2017," https://docs.unocha.org/sites/dms/Niger/NER_BIH_JANFEV_2017.pdf (accessed November 10, 2017).

³³ UN Children's Fund (UNICEF), "Niger Humanitarian Situation Report, March 2017," March 31, 2017, <https://reliefweb.int/report/niger/unicef-niger-humanitarian-situation-report-march-2017>; "Niger Humanitarian Situation Report, June 2017," July 31, 2017, <https://reliefweb.int/report/niger/unicef-niger-humanitarian-situation-report-june-2017> (accessed November 7, 2017); "Niger: un directeur d'école égorgé par Boko Haram," *L'Orient Le Jour*, octobre 31, 2017, <https://www.lorientlejour.com/article/1081381/niger-un-directeur-decole-egorge-par-boko-haram.html> (accessed November 11, 2017).

armed conflict on education, including using the *Guidelines on Protecting Schools and Universities from Military Use* with respect to protecting schools from military use.⁴

Also in June 2015, the United Nations Security Council unanimously adopted resolution 2225 (2015) on children and armed conflict, which encourages UN member states to take concrete measures to deter such use of schools by armed forces and armed groups.⁵

As of November 2017, Niger was contributing 959 troops and 20 staff officers to UN peacekeeping operations around the world. Such troops are required to comply with the United Nations Department of Peacekeeping Operations' UN Infantry Battalion Manual (2012), which includes the provision that "schools shall not be used by the military in their operations."⁶ Niger's peacekeeping troops are deployed in the Central African Republic and Mali— two countries where the military use of schools has been documented as a problem. Niger's security forces that participate in the G5 Sahel, a military force comprised of Niger, Mali, Mauritania, Burkina Faso, and Chad to counter Islamist armed groups in the Sahel region of Africa, will be subject to the same obligations.⁷

Moreover, the 2017 Child Protection Policy of the UN Department of Peacekeeping Operations, Department of Field Support, and Department of Political Affairs notes:

United Nations peace operations should refrain from all actions that impede children's access to education, including the use of school premises. This applies particularly to uniformed personnel. Furthermore, ... United Nations peace operations personnel shall at no time and for no amount of time use schools for military purposes.⁸

The Peace and Security Council of the African Union has recognized the importance of the Safe Schools Declaration in protecting education during armed conflict and encouraged states to support it, including urging "Member States to endorse and implement" the Declaration in June 2017.⁹

⁴ Safe Schools Declaration,

https://www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (accessed April 10, 2017); GCPEA, *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*, March 18, 2014, http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf (accessed October 19, 2016).

⁵ UN Security Council, Resolution 2225 (2015), S/RES/2225 (2015), http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2225.pdf (accessed October 9, 2017), para 7.

⁶ United Nations Infantry Battalion Manual, 2012, section 2.13, "Schools shall not be used by the military in their operations."

⁷ "West Africa: G5 Sahel Force Should Prioritize Rights, Rule of Law, Governance Crucial to Counterterrorism Strategy," Human Rights Watch news release, December 13, 2017, <https://www.hrw.org/news/2017/12/13/west-africa-g5-sahel-force-should-prioritize-rights>.

⁸ UN Department of Peacekeeping Operations, Department of Field Support and Department of Political Affairs, "Child Protection in UN Peace Operations (Policy)," June 2017.

⁹ African Union Peace and Security Council, 597th Meeting, "Press Statement," May 10, 2016, <http://www.peaceau.org/uploads/psc-597-press-statement-children-armed-conflicts.pdf> (accessed on July 15, 2016); 615th meeting, "Press statement," August 9, 2016, <http://www.peaceau.org/uploads/auc.psc.pr-615th-open-session-9august2016-1-.pdf> (accessed October 9, 2017); African Union Peace

We note measures taken by the government of Niger in line with the Safe Schools Declaration to ensure the continuation of education, such as the delivery of alternative education via a radio program for children who cannot travel to school due to insecurity, the relocation of students from high-risk areas to temporary classrooms, and the provision of direct contact lines to school directors in insecure areas so that they may make an appeal for action if a threat develops. We also note preventive steps taken in line with the Declaration, such as raising awareness among teachers about the recruitment of children by armed groups, and risks linked to explosive devices.¹⁰

Human Rights Watch recommends to the Committee that it ask the government of Niger:

- What steps has Niger taken in line with UN Security Council Resolutions 2143 (2014) and 2225 (2015) to deter the use of schools for military purposes?
- Are protections for schools from military use included in any policies, rules, or pre-deployment trainings for Niger's armed forces?
- What further steps has Niger taken to implement the commitments in the Safe Schools Declaration?

Human Rights Watch recommends the Committee:

- Congratulate Niger for having endorsed the Safe Schools Declaration, and for the steps taken to date to implement its commitments.
- Call upon the government of Niger to take concrete measures to deter the military use of schools, including by bringing the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* into domestic military policy and operational frameworks.

and Security Council, 692nd meeting, "Press statement," June 13, 2017, <http://www.peaceau.org/uploads/psc.692.press-statement.ending.child.marriage.13.06.2017.pdf> (accessed November 3, 2017).

¹⁰ GCPEA, "Report of the Addis Ababa workshop."