

# IMPLEMENTING *THE GUIDELINES*

A TOOLKIT TO GUIDE UNDERSTANDING AND IMPLEMENTATION  
OF THE *GUIDELINES FOR PROTECTING SCHOOLS AND  
UNIVERSITIES FROM MILITARY USE DURING ARMED CONFLICT*

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## A Message from the Global Coalition to Protect Education from Attack (GCPEA)

Attacks on education occur in many countries affected by armed conflict, denying schools and universities as safe havens where students and educators can work toward a better future. These centers of education continue to be transformed into a part of the battlefield, despite a broad body of international law requiring parties to armed conflicts to spare civilians and civilian objects as much as possible the hazards of war.

This Toolkit is based upon the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* (hereinafter “*the Guidelines*”, which are included in Annex I of this Toolkit) and comprises a number of practical tools intended as teaching aids, guidance and aides-memoire for national Ministries of Defense, military trainers, officers and soldiers, and their equivalent for non-state armed groups, involved in the planning and conduct of military operations. They in no way supplant national doctrine or guidance on this topic, but are intended to assist in the development of such doctrine and related training within national training systems. Likewise, this Toolkit and the *Guidelines* are intended to apply to situations of armed conflict, and have not been drafted with regards to schools and universities used or damaged as the result of civil/internal disturbances.

The Toolkit aims to assist those involved in the planning and execution of military operations, in relation to decisions about the use and targeting of institutions dedicated to education. It should be used not only to assist with pre-deployment training and operational planning, normally focused on military-centric operations, but also as part of ongoing, in-theatre training that would also encompass military–civil cooperation and engagement. In keeping with this aim, and the aim of supporting implementation of the *Guidelines*, the Toolkit takes into account the basic considerations set out in the Commentary on the *Guidelines*<sup>1</sup>:

- The individual tools, as with the *Guidelines*, respect international law as it stands. The Toolkit is intended to assist states and non-state parties to armed conflict in developing and adopting new and better practices, suited to their particular circumstances. It is intended that this, in turn, will lead to a shift in behavior, resulting in better protection of schools and universities in times of armed conflict and, in particular, in a reduction in their use by the fighting forces of parties to armed conflict.
- The Toolkit is based on what is practically achievable, recognizing that parties to armed conflict are invariably faced with difficult dilemmas requiring pragmatic solutions.
- The Toolkit reflects existing good practices for the protection of schools and universities during military operations, and is intended for use by all parties to armed conflict. Both the *Guidelines* and the Toolkit are intended, therefore, for wide dissemination and implementation by both state and non-state parties to armed conflicts. The *Guidelines* and this Toolkit both aim to contribute to broader guidance on how best to protect these institutions of education.

Acknowledging that peacekeeping operations, primarily involving military and police observers, and peace support operations involving active military-interventions, are markedly different, users of this Toolkit are encouraged to apply the spirit behind the *Guidelines*, and the goal of the protection of schools and universities, and of education in general, regardless of the context of their operations.

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<sup>1</sup> Global Coalition to Protect Education from Attack, Commentary on the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict (Online: [http://www.protectingeducation.org/sites/default/files/documents/commentary\\_on\\_the\\_guidelines.pdf](http://www.protectingeducation.org/sites/default/files/documents/commentary_on_the_guidelines.pdf). Accessed 22 November 2016)

## The Global Coalition to Protect Education from Attack

GCPEA is an inter-agency coalition established in 2010 by organizations working in the field of education in emergencies and conflict-affected contexts. Organizations comprising GCPEA include those focused on higher education, protection, international human rights and humanitarian law, all of whom are concerned about ongoing attacks on educational institutions, their students and staff, in countries affected by armed conflict and insecurity.

GCPEA is a project of the Tides Center, a US-based nonprofit 501(c)(3) organization, and is governed by a Steering Committee made up of the following international organizations:

- Institute of International Education/IIE Scholar Rescue Fund
- CARA (Council for At-Risk Academics)
- Save the Children
- Human Rights Watch
- The United Nations Children’s Fund (UNICEF)
- Education Above All/Protect Education in Insecurity and Conflict
- The United Nations Educational, Scientific and Cultural Organization (UNESCO)
- The Office of the United Nations High Commissioner for Refugees (UNHCR)

GCPEA has conducted focused research on the impact of attacks on education and the military use of schools during armed conflicts, and developed promising practices to prevent and respond to these problems. GCPEA has also been a driving force in advocating for support for the Safe Schools Declaration worldwide and for the implementation of the *Guidelines*.

Additional information regarding GCPEA may be found at [www.protectingeducation.org](http://www.protectingeducation.org).

## The Roméo Dallaire Child Soldiers Initiative

The Roméo Dallaire Child Soldiers Initiative is a global partnership that is committed to the progressive elimination of the recruitment and use of child soldiers worldwide. The Dallaire Initiative combines research centered on practical solutions, national and international advocacy for policy change, and comprehensive, prevention-oriented training for security sector actors.

Their unique approach to collaboratively working with military, law enforcement and other security sector actors – the most common outside point of contact for child soldiers – is groundbreaking and critical to interrupting the cycle of child recruitment and use by armed groups. In every aspect of its programming, the Dallaire Initiative collaborates with concerned governments, international organizations, security sector actors, academics, humanitarians and communities.

The United Nations Institute for Training and Research (UNITAR) in 2012 appointed the Dallaire Initiative as its subject matter expert with regards to child soldiers. The Dallaire Initiative is also a member of the Paris Principles Steering Group on Children and Armed Conflict, an associate member of Watchlist and a supporting entity of the 100 Series Rules on the Use of Force (RUF) and enjoy high level partnership with UNICEF. Key collaborators include the African Union, the North Atlantic Treaty Organization (NATO), and the Office of the Prosecutor of the International Criminal Court.

Additional information regarding the Dallaire Initiative may be found at [www.childsoldiers.org](http://www.childsoldiers.org).

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## Glossary

### “Schools and universities”

This term refers, in a broad sense, to places used principally for education, whatever they are called in the local context. This could include, for example, pre-primary or early childhood education centers, primary or secondary schools, learning centers, and tertiary education centers such as universities, colleges, or technical training schools. The term is understood as including any land or grounds immediately adjacent to or attached to the institutions. The term also includes school and university buildings that have been evacuated because of the security threats posed during armed conflict. However, institutions dedicated to the training and education of personnel who are, or who will become, members of the fighting forces of parties to armed conflict (e.g. military colleges and other training establishments) are not included.

### “Armed Conflict”

This term is understood as covering the legal concepts of “international armed conflict,” (generally the use of armed force between states), and “non-international armed conflict,” (a situation of protracted armed violence between government authorities and a non-governmental armed group, or between non-governmental armed groups). For non-international armed conflict to exist, the violence must reach a certain level of intensity, and at least one of the non-governmental groups involved must possess organized armed forces, meaning they are under a certain command structure, and have the capacity to sustain military operations.

### “Fighting forces of parties to armed conflict”

This term is used to refer to both the armed forces of states and the fighting forces of non-state parties to armed conflicts.

### “Use in support of the military effort”

This refers to the broad range of activities in which the fighting forces of parties to armed conflict might be present within the physical space of a school or university in support of the military effort, whether temporarily or on a long-term basis. The term includes, but is not limited to, the following uses: as barracks or bases; for offensive or defensive positioning; for storage of weapons or ammunition; for interrogation or detention; for military training or drilling of soldiers; for the recruitment of children as ‘child soldiers’ contrary to international law; as observation posts; as a position from which to fire weapons (firing position) or to guide weapons onto their targets (fire control). Instances in which forces are present in the vicinity of schools and universities to provide for the school’s protection, or as a security measure when schools are being used, for example, as election polling stations or for other non-military purposes, are not understood as being included in this term.

### “Child Protection Officer/Advisor/Focal Point”

These terms refer to those positions focused on the issues surrounding child protection. Child Protection Officers are normally UN appointed positions reporting directly to the Chief of the UN Child Protection Unit responsible for that country. Child Protection Advisors and Focal Points are normally non-UN appointed positions, working within NGOs or as members of Troop Contributing Country’s peace operations forces. As the main reporting point at a Country/State level, these positions are focused on implementing, compliance with and ongoing monitoring of child protection policy and guidelines, and are responsible for ensuring any allegations, disclosures and/or observations of child abuse are reported and responded to. They are also responsible for providing training on child protection policy, code of conduct and general awareness of child protection issues for mission members, staff and potentially partner organizations.

### “Weapons Effects Radius”

There are many terms that refer to the radius from point of impact of any particular weapon system’s lethal effects – whether owing from blast damage (from the warhead explosion), fragmentation (injury created by fragments from the shell or casing surrounding the warhead) or ejecta (injury created by fragments of ground or other material(s) that are struck, broken up and thrown by the detonation of the warhead). These terms include “lethal radius”, “blast radius” and “kill radius”, among others. Owing to the variety of terms used, and the wide discrepancy of weapon systems in terms of warhead size, composition and manner of employment, the term “weapons effects radius” will be generically used to indicate that distance beyond which, from a weapon’s point of impact, lethal effects caused by the weapon are unlikely. Military professionals and leadership will need to use their best judgment when determining this radius in any particular situation.

## Acronyms

<b>AO:</b>	Area of Operations
<b>CO:</b>	Commanding Officer
<b>CPA/CPO:</b>	Child Protection Advisor/Child Protection Officer
<b>CP Focal Point:</b>	Child Protection Focal Point
<b>DPKO:</b>	Department of Peacekeeping Operations
<b>IAW:</b>	In accordance with
<b>IMPP:</b>	Integrated Mission Planning Process
<b>IO:</b>	Information Operations
<b>JTFC:</b>	Joint Task Force Commander
<b>KLE:</b>	Key Leader Engagement
<b>MRM:</b>	Monitoring and Reporting Mechanism on Grave Violations against Children in Situations of Armed Conflict
<b>NGO:</b>	Non-Governmental Organization
<b>OPLAN:</b>	Operational Plan
<b>PME:</b>	Professional Military Education
<b>PIR:</b>	Priority Information/Intelligence Requirement
<b>ROE:</b>	Rules of Engagement
<b>SEA:</b>	Sexual Exploitation and Abuse
<b>SOP:</b>	Standard Operating Procedure
<b>SRSO:</b>	Special Representative of the Secretary-General
<b>TTPs:</b>	Tactics, Techniques and Procedures
<b>UN:</b>	United Nations
<b>UNICEF:</b>	United Nations Children's Fund
<b>UNITAR:</b>	United Nations Institute for Training and Research
<b>UNSC:</b>	United Nations Security Council
<b>UXO:</b>	Unexploded Ordinance

## Acknowledgements

The research, production, and publication of this toolkit to guide understanding and implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* were made possible by the generous support of the government of Norway.

The Global Coalition to Protect Education from Attack also gratefully recognizes and thanks the following organizations and individuals who have invested in our work: Steven Haines; Filipa Schmitz-Guinote; CARA (Council for At-Risk Academics); Education Above All/Protect Education in Insecurity and Conflict; Geneva Call; Human Rights Watch; Institute of International Education/IEE Scholar Rescue Fund; International Committee of the Red Cross; Save the Children; UNESCO; UNHCR; and UNICEF.

This paper is the result of independent external research commissioned by GCPEA. It is independent of the individual member organizations of the Steering Committee of GCPEA and does not necessarily reflect the views of the Steering Committee member organizations.

Lastly, GCPEA is deeply grateful for the guidance, writings, and support provided by the Roméo Dallaire Child Soldiers Initiative and, in particular Darin Reeves, Director of Training, together with the help of Dr. Shelly Whitman, Executive Director, Col Jake Bell (ret'd) and Maj Musa Gbow, AMISOM Child Protection Advisor.

# TOOLKIT TO IMPLEMENT THE *GUIDELINES*

## OVERVIEW

The practice of using schools and universities for military purposes by armed groups and forces endangers these facilities, their students and teachers. Whether used as barracks and training facilities, storage or detention depots (for military-use equipment, materials or detainees), as fighting positions or otherwise for military purposes, this military use of otherwise protected civilian objects potentially converts them into military objectives under international humanitarian law (IHL).

Moreover, the mere presence of armed groups or armed forces within or in close proximity to schools can seriously impair efforts to ensure the continuation of education during armed conflict. Targeting of these persons by opposing forces, even if otherwise legitimate under IHL, places students, faculty and educational infrastructure at risk of collateral damage, while the mere presence or proximity of armed parties to conflict can impair the atmosphere of learning that is necessary to such institutions. The negative impact of this use by armed forces or groups, or their proximity to educational facilities, has been increasingly recognized globally and, with this in mind, the Toolkit intends to inculcate deeper respect for, and protection of, educational facilities into military training, planning and ethos.

## AIM

The Toolkit is divided into three broad subject areas, each of which refers to the need to ensure strategic complementarity and coordination between military and civilian actors:

- a. Training materials:** These materials are intended to guide the Professional Military Education (PME) of military personnel, whether as part of ongoing professional development or within a pre-deployment training scheme. Composed of a “Village Map” and an “Interaction Chart”, each involving schools in various circumstances within situations of armed conflict, these materials are designed to be used within a guided training atmosphere and to provoke critical thought, analysis and discussion, with a view to broadening the general appreciation by armed forces and groups towards the need to protect schools and universities, and education itself. All other materials contained within this Toolkit can also be adapted to a training environment for either PME or pre-deployment training use;
- b. Materials to guide the planning of military operations:** This section of the Toolkit is intended to provide materials of primary interest to those at the operational level of armed forces or groups, concerned with coordinating and conducting operations over an entire AO or a significant portion of an AO. These materials offer critical considerations that operational level commanders, their staff and planners should incorporate into the Operational Planning Process (“OPP”), thus encouraging the proactive consideration of protecting schools and universities, and of education itself, as a critical factor when planning for operations and overseeing the tactical deployment of forces. These materials may be used as training materials also, and to guide further development of State and non-State doctrine with regards to the protection of education in situations of armed conflict; and

- c. Materials to guide the execution of military operations:** These materials incorporate tables provided previously with regards to guiding the planning of military operations, as well as new information specifically related to tactical level military or police forces. They have been drafted with the intent to reduce them to a pocket sized “Aide Memoire”, laminated and fashioned in order to be carried by individuals at the tactical level so as to be used as quick reference guides for appropriate actions with regards to protecting schools and universities, and education itself, from attack or other negative effect as the result of armed conflict. As with the suggested reporting formats provided in the previous section, these materials provide a recommended outline for necessary considerations and actions, and are not intended to take the place of State, or non-State, chain of command directives.

This Toolkit is primarily intended for State military, and para-military forces, deployed or preparing to deploy into areas where armed conflict has or is likely to negatively effect education in general, and schools and universities in particular. As is outlined above, it is intended for PME and pre-deployment training, and will be of benefit to the tactical and operational, as well as strategic levels. Non-State armed forces would also benefit from this Toolkit, as increasingly these forces are being scrutinized by the international community for their conduct within armed conflict.

This Toolkit is further intended to support peace operations ranging from the deployment of individual and small numbers of unarmed military observers, through individual and formed police units, to battle-group and battalion sized military units. As a teaching tool, it is further expected that the tools will continue to be adapted, improved upon and added to as operational experiences progress and lessons are learned. With this in mind, users of this Toolkit are encouraged to submit feedback and recommendations for further development.

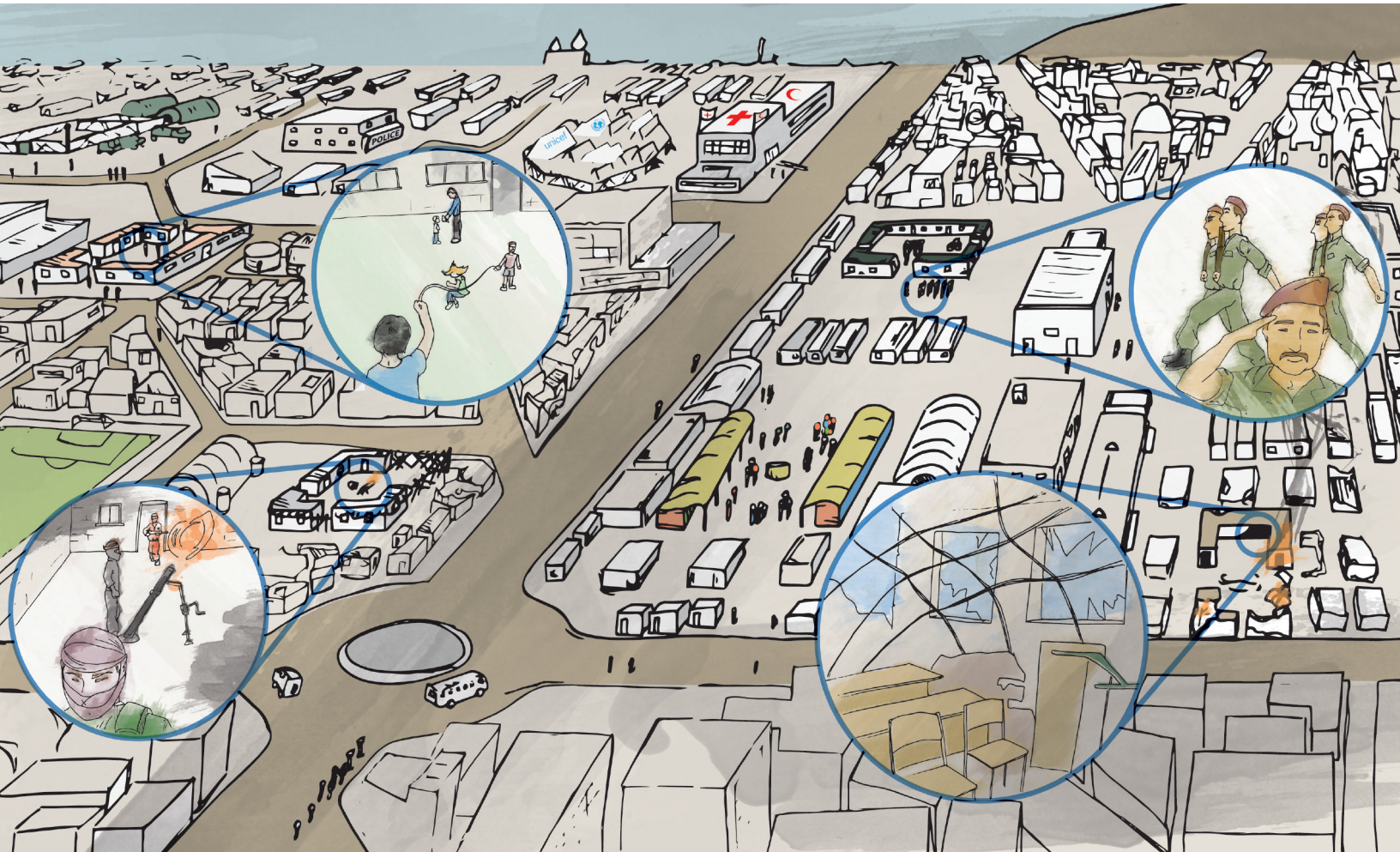
For ease of reference in using and adapting the Toolkit into practice, the *Guidelines* and analysis of the international legal framework relating to military use of schools during armed conflict are included as Annex I and II of this Toolkit.

The Toolkit is guided by the following key principles, which are taken from the *Guidelines*:

- a. Safeguarding the civilian character of educational facilities and, where educational facilities have been used for military purposes, remediating them to make them safe for their intended educational role. (Introduction, *Guidelines* 1 and 2);
- b. Precautions prior to attacking an educational facility (Guideline 4 and, to an extent, Guideline 3); and
- c. Protecting educational facilities at risk of attack without endangering their civilian status (Guideline 5).

## TRAINING MATERIALS

This village map should form the central point of a guided discussion regarding schools in areas of conflict. Participants should be broken into syndicates to discuss one or more of the situations depicted, and what effects are observed. Discussion points should include the various uses depicted in the map, and the resulting effects on children in general; students; teachers; the general civilian population; consequential effects on the wider community; and any other resulting issues and consequences. From this general discussion will follow operational, and tactical, considerations appropriate to protect education, schools and universities from attack that will then be further addressed in subsequent sections of this Toolkit.



### Village Map Teaching Points – Clockwise from top left-hand corner:

#### **FUNCTIONING SCHOOL (Top left quadrant)**

**NOTE:** Students and faculty should be permitted unimpeded access to and from the school, as well as within the school grounds. No military installations or activity in the vicinity of the school. When planning to establish military patrol base/checkpoint/road block/storage facility (any military objective), planners should ensure that all schools are outside the anticipated weapons effects radius. A measure of “over-watch” for the school and approaches should be considered where the security situation requires and forces are capable, to ensure safety of the students and teachers and as part of an early warning system coordinated with civil authorities and law enforcement.

#### **SCHOOL USED BY ARMED FORCES (Top right quadrant)**

**NOTE:** Students and faculty are prevented from using the school, creating an educational vacuum. Even if armed forces are only partially using the school, this places students and teachers at risk as they are within the weapons effects radius should the armed force be attacked by opposing armed forces or group(s). Likewise, even partial use of a school may, depending upon circumstances prevailing at the time, render the school a military objective – thus again placing students and teachers at risk. Presence of armed forces within a functioning school places students and teachers at increased risk for recruitment, harassment and sexual violence. Any attacks directed at schools being used by armed forces should, if feasible, be preceded by a warning to cease this use of the school. Use of a show of force<sup>2</sup> should be considered.

#### **SCHOOL DESTROYED BY ARMED CONFLICT (Bottom right quadrant)**

#### **(Bottom right quadrant)**

**NOTE:** Students and faculty are prevented from using the school, creating an educational vacuum. Extensive repair will be required before education can again be safely delivered. Remediation of unexploded ordinance (UXO) and confirmation of the absence of military weapons and equipment will be required before this school can be once again safely used.

#### **SCHOOL USED BY ARMED GROUP (Bottom left quadrant)**

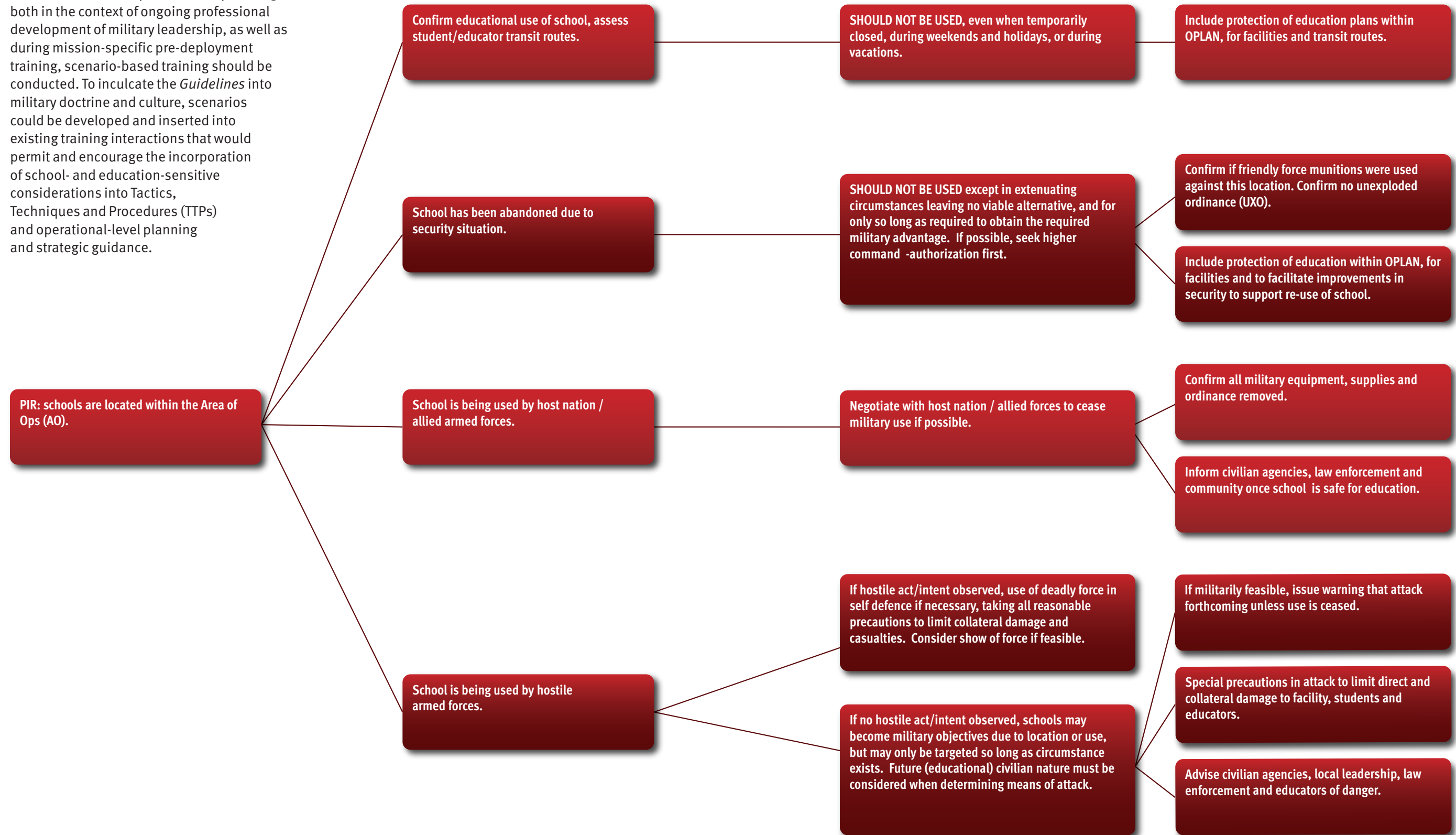
**NOTE:** Students and faculty are prevented from using the school, creating an educational vacuum. Any attacks directed at schools being used by armed group(s) should, if feasible, be preceded by a warning to cease this use of the school. Use of a show of force should be considered.

<sup>2</sup> A show of force is a demonstration of military resolve to address an operational situation in an attempt to resolve the situation without directly attacking an opposing combatant, and can include firepower, airpower or other demonstrations.



## School or University within the Area of Operations

**Interaction Chart:** As part of military training, both in the context of ongoing professional development of military leadership, as well as during mission-specific pre-deployment training, scenario-based training should be conducted. To inculcate the *Guidelines* into military doctrine and culture, scenarios could be developed and inserted into existing training interactions that would permit and encourage the incorporation of school- and education-sensitive considerations into Tactics, Techniques and Procedures (TTPs) and operational-level planning and strategic guidance.



## Interaction Chart – Key Considerations Further Explained

### Key Considerations – Functioning School or University

- As a protected civilian object, the functioning school/university should not be used in any way to support military effort(s). This principle includes schools and universities temporarily closed outside normal class hours, during weekends and holidays, and during vacation periods.
- Parties to armed conflict should neither use force nor offer incentives to education administrators to evacuate schools and universities in order that they can be made available for use in support of the military effort.
- Liaise with civilian agencies including national Ministries of Education, NGOs, local community, and local law enforcement to confirm security arrangements are in place to protect education – both the physical infrastructure and the student/educator transit routes.
- Organize observation position(s) and/or patrol pattern(s) to over-watch schools and student/teacher transit routes without creating a military presence within, or within weapons effect proximity, to schools or universities.
- Coordinate Quick Reaction Force (QRF) plans with civilian agencies and local law enforcement.

### Key Considerations – Non-Functioning or Abandoned School or University

- As a protected civilian object, the school/university should still not be used in any way to support military effort(s). Only in situations such as self-defense, or where extenuating circumstances of military necessity exist leaving no viable alternative, should a school be used for any military effort. If so used, the school should only be used in support of the military effort for so long as needed to obtain the required military advantage.
- Confirm if previously used by armed forces/groups. If previously used, advise civilian agencies including the national Ministry of Education, law enforcement, and local leadership to avoid area until confirmed safe.
- Contact combat engineering support to confirm if safe. If required, remove UXO, abandoned military equipment, and weapons stores.
- Once remediated, inform civilian agencies including the national Ministry of Education, law enforcement, and local leadership in order that the school can be re-opened. Advise agencies of any required repairs, and liaise with local law enforcement or other security provider (as applicable, bearing in mind that law enforcement may themselves be targeted) to confirm if security arrangements are required and/or in place to protect education.

### Key Considerations – Schools or Universities used by Parties to Armed Conflict

- If feasible in the circumstances, issue warnings to enemy forces to cease use of school or university or risk becoming subject to attack. Advise civilian agencies, law enforcement, and local leadership to avoid the area until confirmed safe.
- Use of deadly force in defense against hostile acts or intent directed at opposing forces located within schools or universities is authorized, taking special precautions if possible to limit damage to buildings or collateral injury to students and educators. Consider show of force if feasible in the circumstances.
- All feasible precautions must be taken in attack to limit collateral damage to buildings or casualties among students and teachers, including through timing of attack, choice of weapon systems and use of alternatives to deadly force where appropriate.<sup>3</sup>

<sup>3</sup> Additional Protocol I to the Geneva Conventions, art. 57.

## MATERIALS TO GUIDE MILITARY OPERATIONAL PLANNING

Operational commanders, their staff and planners should take into consideration the presence of all schools, universities, and other sites of education within their AO when coordinating and conducting operations. The following materials are provided as points of reference and recommendations to be incorporated into the operational planning process, as protection of education should be made a critical factor within all operational planning and tactical deployment of forces. These materials may also be used as training materials, and to guide further development of doctrine with regards to the protection of education in situations of armed conflict.

### Military Planning Factors:

The following are general principles applicable to military planners for maintaining a functioning education system in conflict zones:

1. Armed forces and groups should not use schools or universities in whole or in part at any time. In particular, schools in educational use should be accorded special consideration and all efforts be made to avoid placing any military forces within weapons effect proximity.
2. If a military force determines that an abandoned school or university must be used, by reason of extenuating circumstances leaving no viable alternative, and for only so long as required to obtain the required military advantage, then it must be acknowledged that the school or university will likely be seen by opposing forces as a military objective and a legitimate target, and should be returned to its civilian status at the earliest opportunity.
3. Having accepted this change in status, the armed force or group making use of the school or university must concurrently accept all responsibility for any rehabilitation and remediation required upon completion of their occupying or other use of the former school or university facility, including, but not limited to, removal of all ordnance (including UXO), making safe of all physical facilities, and acceptance of liability for any damages or injury suffered due to their temporary conversion of the facility. Likewise, the military force must make all feasible efforts to warn the previous users of the school, teachers and students, as well as all civilians in the vicinity, of the change in status.
4. If a military force occupies or otherwise uses a school or university, it should be safeguarded from damage by the force using the school, and civilians must not be allowed in the vicinity.
5. The military force occupying or otherwise using the school or university should facilitate, through appropriate civilian partners, continued education in a safe environment for the students and teachers displaced from the school or university.
6. Military forces shall not attack a civilian school or university that has not been converted to a military object, as this would constitute a violation of the principle of distinction under the laws of armed conflict, also known as international humanitarian law (IHL), and might even be found to be a war crime<sup>4</sup>. Such an attack could also constitute one or more of the six grave violations under the UN

<sup>4</sup> Articles 8(2)(b)(ix) and 8(2)(e)(iv) of the Rome Statute of the International Criminal Court.

Security Council's Monitoring and Reporting Mechanism ("MRM")<sup>5</sup> – in those states where the UN MRM has been established.

7. State military forces should report any attacks on schools or universities, state or non-state armed group military use of schools or universities, and state or non-state military activities that disrupt education in a conflict zone via their national chain of command. Where applicable and authorized, the UN MRM and/or relevant local and national education authorities shall also be informed.

## Disadvantages of using schools for military purposes:

Schools can appear to be very attractive to military forces for a variety of reasons. They tend to have large rooms to shelter troops or equipment from the elements, ablution facilities for large numbers of people, and, in some cases, kitchen and dining facilities. There are, however, significant disadvantages to military use that far outweigh any potential convenience, and demonstrate that any form of military use of a school or university is a bad choice, whether for placement of personnel, equipment or supplies, as an observation position, or for any other purpose. Among these are:

1. Occupied, partially occupied, or otherwise used by military personnel and/or equipment, a school or university could become a military objective. Attacks on these targets by the opposing force could result in significant collateral damage, including civilian injuries and deaths, and damage or destruction of the facility. Likewise, teachers, students and the schools themselves are placed at greater risk of collateral injury and damage in the event the armed force or group is attacked.
2. The use of schools or universities for military purposes can also result in damage to infrastructure and loss of educational materials.
3. Those denied an education—due to damaged or destroyed infrastructure or exclusion from the used school—will perpetuate the underlying problems of the conflict including economic disparity and loss of opportunity, allowing opposing forces to more easily recruit these vulnerable children into the conflict, and resulting in additional barriers to the transition from conflict to peace.
4. Sharing of the facilities with civilians, including teachers and students, could be seen as using human shields – potentially a war crime and/or breach of the UN six grave children's rights violations under the UN MRM. Where MRM reporting is mandated, this triggers an MRM violation report, the possibility that the group responsible for the violations will be publicly listed in the annual report on children and armed conflict by the UN Secretary General, and the potential for further international response, including sanctions.<sup>6</sup>
5. Sharing a school that is still in operation with students and educators on site, places those protected civilians at increased risk of both physical and psychological injury from violence and the threat of violence. This includes the increased risk of sexual exploitation and abuse (SEA), and the increased likelihood of recruitment of children into the armed force or group. Both such abuses may also be war crimes and/or breaches of the UN six grave children's rights violations under the UN MRM, triggering an MRM violation report, the possibility that the group responsible for the violations will be publicly listed in the annual report on children and armed conflict by the UN Secretary General,

<sup>5</sup> Established by the Secretary General following a request by the UN Security Council in Resolution 1612, the MRM is a system of conflict affected country-based task forces, operating under leadership of UNICEF and the country's senior UN representative. All MRMs are charged with investigating and providing reliable information regarding alleged violations of any of the six grave children's rights violations, which if found can lead to UN sanctioned response. On the basis of this information, the UN Secretary-General can name parties to conflict who recruit, kill or maim children, commit sexual violence, abduct children and attack schools and hospitals in his annual report for engagement with the goal of ending these violations. (Online: [http://www.unicef.org/protection/57929\\_57997.html](http://www.unicef.org/protection/57929_57997.html)). In United Nations Security Council Resolution 1998 on the protection of children in armed conflict, adopted unanimously on July 12, 2011, the Council requested the Secretary-General to include the perpetrators of attacks on schools and hospitals, whether armed groups or military forces, to be placed on a list of those committing "grave violations" against children. (Guidance Note on UNSCR 1998: <https://childrenandarmedconflict.un.org/publications/AttacksonSchoolsHospitals.pdf>).

<sup>6</sup> UNICEF website (online: [http://www.unicef.org/protection/57929\\_57997.html](http://www.unicef.org/protection/57929_57997.html))

and the potential for further international response, including sanctions. Sharing a school may also increase normalization of violence among students.

6. Sharing a school that is still in operation with students and educators on site may violate requirements under the law of armed conflict to take, to the maximum extent feasible, precautions to protect the civilian population, and to avoid locating military objectives within or near densely populated areas.
7. A school or university is easily identifiable on a map and by GPS coordinates and even the least experienced or poorly trained combatant-observer can direct effective direct and indirect weapons fire onto it.
8. Schools are not easily defended as they often have a large number of access points and are frequently built from material that does not provide any significant degree of protection from medium and heavy weapons.
9. Occupying a school or university with an armed force creates a concentration of troops in an easily identifiable target area and puts them at greater risk to air or ground attack.
10. An attack against a school, unless it has become a military objective, may constitute a war crime.<sup>7</sup> This may include military actions directed at forcing the evacuation of an otherwise functioning school in order to assume control over the school.
11. Occupation or other use of a school or university by military personnel is easily portrayed by the local community and the international community as abusive towards local children and education efforts. This, in turn, can be exploited by opposing forces within negative Information Operations (IO).

This list is by no means exhaustive, and additional disadvantages to the military use of schools will exist. What should be appreciated from this list, and any additional disadvantages that will be determined, is that any perceived advantages to using schools for military purposes are easily discounted, and should be dismissed. For this reason, armed forces and groups are best served by avoiding any use of schools during armed conflict.

## Military Planning and Training Systems Considerations:

The following planning guidance is offered to assist in meeting the objective of avoiding interfering in functioning education systems throughout a conflict.

### A. Plan not to occupy schools

As with every aspect of military operations, sufficient planning is key at all levels to achieving the ultimate aim. The OPP, also known as the Integrated Mission Planning Process ("IMPP") or Military Decision Making Process (MDMP), must include sufficient consideration of logistical requirements; logistics factors, such as the bivouacking of troops, storage of military equipment and stores, and other pre-planned requirements for hard shelter, should be factored in so that the use of school and university infrastructure is not required.

When it comes to any school or university, the *Guidelines* are clear: **you should not occupy, or in any other way, make use of it.** Recognizing the realities and the fluid nature of military operations, if it is determined that the tactical advantage of occupying or using a specific abandoned school or university is **imperatively demanded by the exigencies** of war, then the following procedures should be followed *as a minimum*:

<sup>7</sup> UN General Assembly, Rome Statute of the International Criminal Court (last amended 2010), 17 July 1998, (Online: <http://www.refworld.org/docid/3ae6b3a84.html> [accessed 9 March 2017]), art. 8 (2)(b)(ii), 8(2)(b)(iv), 8(2)(b)(v), 8(2)(b)(ix).

The on-scene commander should report this necessity through the military chain of command at the very earliest opportunity. If time permits, authority shall be sought and received from the operational military chain of command prior to occupying or using an educational facility.

This report should indicate, as a minimum, the following:

1. The exigent and imperative circumstances that require the use of the educational facility, as well as the estimated period of use. Educational facilities shall be occupied for the shortest time possible, and returned to their civilian character and educational use as soon as the situation permits;
2. All unsuccessful measures taken to avoid the use of the educational facility;
3. All measures taken to warn previous occupants/users of the facility, including teachers and students, of the military use of the facility and resulting change in status. Military personnel/equipment should not be permitted to occupy or use the facility while students and teachers are present, as this practice will put the children in danger if the facility is attacked as a military object;
4. All measures taken to safeguard the contents of the educational facility, including collection and storage of student desks, textbooks and other educational materials;
5. All efforts taken to ensure that educational services and opportunities are continued in the area served by the facility.

Upon completion of military occupation or other use of the facility, a full remediation report should be submitted, detailing any damage caused to the facility, presence of any UXO or other dangerous items or substances that will require remediation, as well as recommendations for remediation of the facility, at the earliest possible opportunity. This is an obligation for those states party to the 2003 Protocol on Explosive Remnants of War (Protocol V to the 1980 CCW Convention).<sup>8</sup> All efforts should be made to ensure the local community, and opposing forces, are advised that the school has been returned to its educational purpose, and planning to support security for the school should include local educational stakeholders and civilian law enforcement.

Military authorities should, as appropriate, report the use of the facility to the UN MRM, and/or to relevant local or national education authorities.

As permitted by operational exigencies, civil authorities and/or trusted NGOs should be provided access to the facility in order to assess the condition of the facility for post-conflict planning purposes.

The school should be returned to its original condition on departure or as soon as possible after departure, in coordination and cooperation with civil authorities and/or trusted child protection NGOs.

## Military Objectives

**In so far as objects are concerned, military objectives are limited to objects which by their nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture, or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.**

Additional Protocol I to the Geneva Conventions, Art 52.2

\* Objects include but are not limited to buildings, infrastructure such as roads and rail lines, vehicles, etc.

\*This does not constitute legal advice. Commanders should always seek legal advice from qualified legal advisors.

### B. Take precautions in attacking schools identified as military objectives

Bearing in mind the definition of military objectives, it should be pointed out that the mere presence or use of a school or university by opposing armed forces or groups does not, by itself, transform them into a military objective. While the school may meet the test by its location or use with regards to opposing forces, its total or partial destruction, capture or neutralization may nevertheless fail to offer a definite military advantage in the circumstances at the time. Qualified legal advice from the operational legal advisor will often be required to assist commanders in making this decision.

In the event that a school or university is occupied or otherwise used by a belligerent armed force or group and is deemed a military objective, all feasible precautions must be taken to avoid unnecessary direct and collateral damage. The following items shall be considered, as a minimum, prior to any military operations in attack:

1. Detailed Priority Information/Intelligence Requirements (PIR), or their equivalent, shall be required using all available means to confirm the presence/absence of civilians, in particular students and teachers, as well as strength of belligerent forces (numbers, weapons, capabilities, etc.) and their motivation.
2. If feasible in the circumstances, particular attention shall be given to the timing of attack in order to minimize incidental loss of civilian life, injury to civilians and damage to civilian objects.
3. Use of Information Operations (IO) should be considered, to convince the forces occupying or using the school to either let the civilians leave or to abandon the school altogether.
4. Use a show of force through positioning of forces, directing supporting fire near to, but outside weapons effects range of, the facility, or air power demonstration.
5. Avoid unnecessary damage during an attack.
6. Document the effects of the attack and, if possible, allow the civil authority or a trusted NGO to assess the condition of the school or university as soon as possible after the attack is complete.
7. Military authorities should, as appropriate and as operational security and information/intelligence requirements permit, report the attack to the UN MRM and/or to relevant local or national education authorities. Given the negative perceptions associated with damage caused by military operations to schools, early recognition that the educational facility had been converted to a military objective will assist in overcoming public misperceptions and/or negative IO exploitation by opposing forces.

<sup>8</sup> Online: <https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=22EFA0C23F4AAC69C1256E280052A81F&action=openDocument>

## C. Cooperate and coordinate with partners

In order to maintain a functioning education system, students must have a safe environment to travel to school, a safe place to learn, and the school or university must be resourced with staff and educational materials. Responsible and well-disciplined military forces can influence the security environment but, as outlined within the *Guidelines*, they should, wherever possible, avoid placing military personnel into schools to provide onsite security. Likewise, while unofficial and incidental interactions with teachers and students by military forces will of course occur, these interactions should not be permitted to extend beyond casual and cursory encounters as this increases the threat of direct or collateral injury to these vulnerable civilians through perceived support, or simple proximity, to military forces.

This does not mean that military planners should ignore the presence of schools within their area of operations (AO). On the contrary, the presence of schools, and plans to work and collaborate with civilian law enforcement and other child protection and community agencies, should be factored into the deliberate operational planning. Just as hospitals and religious facilities are considered when orienting to the operational and human environment, schools must be made a more prominent consideration. Commanders must know what facilities to avoid fighting in and around, and conversely must monitor those places to ensure they are not being exploited by opposing forces. In the worst case, where schools themselves are threatened or come under attack, contingency plans should be created to ensure that an adequate response in defense of the educational facility is maintained.

This consideration of schools and the educational system within the deliberate planning process will allow the leadership and planning staff to add applicable direction in their orders output, thereby infusing the commander's intent throughout the force. Military forces and plans should always be conducted in a manner that is supportive of, and where possible complementary to, the efforts of civil or international organizations which are providing emergency, humanitarian, and developmental assistance. The functioning of the school system and the security of the environment can only be achieved through working together with educational partners, including the national ministry of education, regional and local educational and community leaders, and other child protection agencies. Such cooperative work will further assist with capacity building within transitional and post-conflict states, as it supports the normalization of education and places the right to education, and rights of children, at the forefront of concern. While it is recognized that security requirements may require that military forces withhold some information from partners for operational security reasons, such withholdings should be held to the minimum possible and cooperation/coordination with civil leadership should continue to be encouraged.

It is for this reason that senior military leadership must take an active role in not only considering the presence and effectiveness of those schools and educational systems operating within their AO, they must actively engage, at appropriate levels, with civilian officials responsible in those areas. While individual soldiers have no place in schools, depending upon the mandate authorizing military action, senior military leadership bears a responsibility in setting the security conditions necessary for the provision of education to continue.

## D. Make joint assessments of the education system

As part of structured, planned and supported Civil Military Co-operation (CIMIC) actions between senior military leadership and civil actors, including the civilian population and local authorities, an understanding must be gained of the educational system in place within a commander's AO. This understanding is required in order to support, where required and mandated, the continuing function of the education system and an understanding of any security threats associated with that system, but also following any belligerent actions directed at the education system – schools, students and teachers. This demands a clear picture of the condition/status of educational facilities, as well as the local security situation. For example, if the school infrastructure is satisfactory but the security situation

does not support students travelling safely between school and home, then the goal of ensuring education for children has not been met. Conversely, in contemporary conflicts involving complex situations where state forces have not assumed a protective role over civilians, including children and education, a determination of the security situation and the force best capable of ensuring the safety of schools is required. This would involve an understanding of not only the intent of the forces involved (state and non-state), but also their capability to effect this intent and the degree of support by the civilian population, including formal and informal governance structures. Military forces must therefore work with local and international educational, law enforcement and associated authorities to assess the situation and determine the at-risk zones within the AO in order to facilitate plans. Considerations should include:

1. **Condition** of the educational facility: The checklist suggested below is simple and can be filled out by anyone looking at the facility. It is not a detailed engineering assessment, but will give the necessary information on the condition of the facility to decide if it is useable for providing education, or how much preparation would be required to make it useable.
2. **Physical security**: Based upon the location and the building's integral security features (fencing, etc.), how easy is it to secure the facility and what resources will be required?
3. **Occupied**: Is the building occupied or used, in whole or in part, for a military or other purpose? Is it used for non-education purposes, such as to accommodate displaced civilians, or to house emergency services? If used for educational purposes, do students and/or teachers live there (for example, a boarding school), and is the school periodically or continually in use (school year, vacation periods, etc.)? Depending upon who is occupying the school, the proper lawful authority (including use of force) can be used to vacate the premises and thus return it to its intended educational purpose.
4. **Functioning**: Is the school currently functioning? If it is not occupied by an armed force or group, then why is it not being used as an educational facility? Possible reasons include lack of resources, lack of teaching staff, or security situation.
5. **Alternative**: Are there other locations for education to be delivered, such as community centers, etc.?
6. **Human Terrain**: Where do students and staff come from and how do they get to the school? In some countries, students may walk up to 30 km or more to get to school and stay at the facility for a period of time. This is a critical planning factor with regards to the potential threats and the area that has to be secured. It also adds a 24-hour dimension to the security of the facility. Have the educators fled the area? Is security already provided on school routes? Encouraging community and education leaders to consider decentralizing the education system, dispersing it to the various population centers in order to ensure children and teachers are safe, might be a better option until the security situation improves. Likewise, what is the makeup of the school population – single gender (all boys, or all girls) or mixed? And what are their age groups? Depending upon the operational situation, in particular in areas where the recruitment and use of child soldiers is prevalent, these factors are critical to effectively understanding the risk situation and resulting courses of action. Likewise, local and regional cultural norms, requirements and expectations should be acknowledged and included within planning.
7. **Administration**: Who or which organization(s) support the school? Is it state sponsored or run by an NGO, private charity or religious order? Is there a maintenance commitment on their part? Does the nature of the administration invite threats from opposing interests in the area?
8. **Curriculum**: Is it a secular or religious curriculum? Is the curriculum otherwise affiliated with one social group? Will the nature of the curriculum or the manner in which education is being delivered invite threat? While military leadership must recognize their role in supporting all schools regardless of curriculum (provided this does not itself create a security concern – at which point civilian leadership should be engaged), knowledge of the curriculum, and its potential to affect the security

situation, are valid planning factors for senior leadership and information/intelligence consideration.

9. **School Level and Student Composition:** What grades/ages are being taught at the school? Is it a mixed gender school or an all-boys/all-girls school? Depending on the recruiting pattern(s) of the armed group(s) operating in the area, schools may be more or less vulnerable to attack, and the children may be more or less vulnerable to recruitment, depending upon age and gender.
10. **Threats:** What are the threats to security in the area? Are armed groups targeting children or staff for recruitment of children from the schools? Are they being targeted on their way to and from school? Is there ethnic/religious tension in the communities? Are any of the factions trying to subvert the population through control of the education system or a particular school? Are banditry and crime a concern?
11. **Security resources available:** What resources are available to assist in securing the schools? Is there a reliable and credible police force to provide security for the facility? Has the school, and surrounding/supporting community, established an early warning system to warn of approaching armed groups and other threats to children? Are there sufficient people who could be trained, or are already trained, as security guards to protect the facility or children on their way to school? Is there a large enough military force to keep armed groups in check in the region?

**Regional view:** Once the data is collated (example of collation plan on the following pages), it can be displayed graphically on a map to give an overall picture and identify areas at risk that require resources to be allocated to the problem. Consider using a “stop-light” system (Red: high threat to education due to armed conflict – measures to protect education are required; Yellow: medium threat to education due to armed conflict – plans to protect education should be prepared, increased surveillance and early warning cooperation with civil educational authorities required; Green: low threat to education due to armed conflict – ongoing cooperation and communication with civil educational authorities should be maintained). This will allow scarce security resources to be allocated to the priority tasks.

Serial	District	School name/ type	Location lat long and MGRS	Condition <b>Green</b> (minor repairs, less than 48 hrs) <b>Yellow</b> (moderate repairs, 2-3 weeks) <b>Red</b> (extensive repairs, more than 3 weeks)	Occupied (if so by whom)	Operational

**Best practices:** A reporting system that identifies those practices and procedures found to best work in the circumstances will help to adjust the plan. Likewise, training of those forces which will be expected to complete these reports, and subsequently use them, should be conducted in order to emphasize the intent and importance behind such reports, in particular the need for accurate and impartial data in order for commanders to understand the human educational terrain.

Alternative	Human Terrain	MOT to school	Sponsor	Curriculum	Local threat	Local security forces

**D.1. Joint school assessment checklist –  
Priority Information/Intelligence Requirement (PIR)**

1. Location – Lat. Long. MGRS
2. District/village
3. School name and type
4. Condition of the school-size, orientation, layout  
(photos if available)

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**A. General condition and construction materials**

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**B. Roof**

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**C. Windows and doors**

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**D. Sanitation facilities**

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**E. Living quarters/kitchen facilities**

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**F. Security fencing present**

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**G. Distance from educational outbuildings, area structures or villages  
(attach a site sketch if possible)**

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**H. Condition of furniture/training aids**

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**I. Immediate cosmetic work required to make it operational**

5. Is the school occupied and by whom? Under whose authority? Do they have a projected departure date?
6. Is the school operational? If not, why not?
7. Are there any other buildings in the local area that could serve as a temporary school?
8. Where do the students and staff live and what means do they use to get to school? Do they stay overnight at school?
9. Is there a sponsor of the school? Are they present? Does the local authority have a point of contact for the sponsor?
10. Is it a secular or religious curriculum?
11. What is the perceived threat to the school or the area?
12. Security forces in the local area. Are there police, community protection groups, etc.?
13. Other information

## E. Make a joint plan for continuing education in conflict

Depending upon whether the plan has been made to bring children to the school for education or to deliver education to the children where they are located, there will need to be a cooperative framework for security both in transit and at the point of education. Engagement through Key Leader Engagement (KLE) between military and civilian educational leaders should be used, both to ensure coordination and cooperation but also to encourage civilian leadership to take and maintain ownership over education delivery and concerns. The framework would be based upon the principles of Warning, Security, Response and Reporting.

1. **Warning:** The preferred option for protecting schools and education would involve preemptive action against threats as they develop in order to limit risks to students and teachers, and to keep violence or potential violence at a distance. A comprehensive information/intelligence collection plan that connects to communities and all educational partners is necessary, supported by a simple and reliable means of communication to signal danger to the population, and request security assistance from responders. Support for a civilian-led and -activated alarm system should be provided in the event a dangerous situation arises, in order to permit the wider community to take protective measures and to allow security services to respond. Collaborative measures to support civilian child protection and education systems to educate students and teachers in personal security measures (flee – barricade – hide), and to tell trusted adults of unusual activity, should be encouraged.
2. **Persistent security:** Responsibility for the security of permanent schools, and of temporary educational facilities, will primarily lie with local police if they are available. Consideration of playgrounds, sports fields and other facilities used by children outside of school hours but not directly associated with schools should also be taken. Reliable private security contractors could also be engaged, however extreme caution must be exercised to ensure proper vetting of, and ongoing exercise of discipline over, the security force. Training local people as security guards should be a last resort. Over-watch from a distance by military forces of schools, combined with roving patrols that observe the routes taken by students and teachers, as well as the school and university perimeter itself, may also be employed, however primary responsibility for local security and warning should lie with civilian or law enforcement personnel. Any armed presence at schools, whether by civilian security, law enforcement or military armed forces, must include provisions for weapon safety to ensure children are not permitted access to weapons. A military presence at the school or university should be avoided unless absolutely necessary.
3. **Response:** Depending upon the threat environment, either or both military and police forces should form the primary Quick Response Force (QRF) to respond to violence or threats of violence directed at schools, as well as the students and teachers. A means of communicating a requirement for QRF reaction, including the necessary level of reaction, should be determined during operational planning and outreach activities. Framework surveillance of student and teacher transit routes to and from schools is key, as it will provide early warning of potential threats to responders.
4. **Reporting:** A standard incident report, with a summary of action taken by security forces, will be helpful in identifying best practices and adjusting tactics to meet new threats as they adapt. It will also provide information to the UN MRM for informing the UNSC of grave violations against children, including attacks on education.

## F. Sample reporting – After attack on or military use of schools or universities

School location (Grid ref, GPS co-ord, significant landmarks)		School name – type – details				
School management		Type of school facility			Gender of students	
Government <input type="checkbox"/>	NGO <input type="checkbox"/>	Primary <input type="checkbox"/>	Vocational <input type="checkbox"/>	Playground <input type="checkbox"/>	Male <input type="checkbox"/>	Female <input type="checkbox"/>
Community <input type="checkbox"/>	Other <input type="checkbox"/>	Secondary <input type="checkbox"/>	Other <input type="checkbox"/>	University <input type="checkbox"/>	Mixed <input type="checkbox"/>	Unk <input type="checkbox"/>
Notes:						
Type of attack:		Attack on students/teachers		Armed force-group occupation/use <input type="checkbox"/> Numbers: _____		
Shelling/mortar <input type="checkbox"/>		Aerial bombardment <input type="checkbox"/>		Small arms <input type="checkbox"/>	Theft/looting <input type="checkbox"/>	Arson <input type="checkbox"/>
Recruitment <input type="checkbox"/>		Abduction <input type="checkbox"/>	IED <input type="checkbox"/>	Suicide attack <input type="checkbox"/>	Sexual abuse <input type="checkbox"/>	CBRN <input type="checkbox"/>
Time of day		Morning <input type="checkbox"/>	Afternoon <input type="checkbox"/>	Evening <input type="checkbox"/>	Night <input type="checkbox"/>	Unknown <input type="checkbox"/>
Notes:						
Perpetrator profile – state or non-state (circle one)				Number of perpetrators (if known):		
Physical damage due to attack:						
Total destruction <input type="checkbox"/>		Partial destruction <input type="checkbox"/>		Minor damage <input type="checkbox"/>		None <input type="checkbox"/>
Notes:						
Was institution closed as a result?			No <input type="checkbox"/>	Yes <input type="checkbox"/>	_____ Days	
Notes:						



\* This report is not intended to form part of a targeting decision to attack schools or universities converted to military objectives, rather it is intended to record the discovery of such an attack on a school or university in support of MRM or other reporting mechanisms. Forces should be trained on how to complete this report and why the data is needed to inform the Commander's understanding of the human educational terrain.

Details of students and educational staff killed, wounded or recruited should be individually/separately recorded

Human casualties of attack on education				Gender of students	
Students killed?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	Total _____	Male _____ Female _____	Mixed <input type="checkbox"/> _____
Students injured?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	Total _____	Male _____ Female _____	Unk <input type="checkbox"/>
Notes:					
Teachers killed?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	No. _____	Male _____ Female _____	Mixed <input type="checkbox"/> _____
Teachers injured?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	No. _____	Male _____ Female _____	Unk <input type="checkbox"/>
Notes:					
Students recruited?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	No. _____	Male _____ Female _____	
Notes:					

## MATERIALS TO GUIDE EXECUTION OF MILITARY OPERATIONS

This section sets out proposed aide-memoire cards, to be used both as part of training materials and doctrinal guidance, and as ongoing references for the execution of military operations. Suggested format for these aides-memoire cards is for them to be printed on plasticized card material in a size suitable for soldiers to carry in the field (15 x 20 cm), where they can refer to the materials when operational tempo permit or use the cards to assist them when taking actions short of actions in immediate self-defence, or in attack.

## PAGE ONE (FACE):

<b>A</b>	Assess the situation – Is the school in use as a school, as a military position (friendly or enemy), or is it abandoned?
<b>D</b>	Determine the Guideline engaged.
<b>A</b>	Adopt a course of action – What am I going to do in accordance with my ROE, the law, my lawful orders and training?
<b>P</b>	Perform the course of action appropriately – Remember your training and apply your skills, knowledge, and attitude to the situation in order to achieve mission success, aided by the <i>Guidelines</i> wherever possible.
<b>T</b>	Transmit a report – Report the situation or interaction to your chain of command, including all available information, and the Guideline engaged, so that they can inform and collaborate with other concerned agencies/organizations involved in monitoring violations of the <i>Guidelines</i> .

## PAGE ONE (REVERSE):

### MODEL CODE OF CONDUCT FOR OPERATIONS

**The *Guidelines*:** Schools and universities (“schools”) should remain sanctuaries of learning where young minds can feel safe to inquire, explore, reflect, yearn, and develop to their fullest potential. Armed forces and groups threaten this when schools are used for military purposes and are converted into part of the battle-field. Even the presence of armed forces in a school or university endangers students and teachers, thus denying these educational institutions as places of learning and safety.

1. Perform your duties diligently and in accordance with the law.
2. Use no more force than is necessary to accomplish your mission and only when such force is authorized to be used.
3. Act at all times in a courteous and respectful manner. Treat everyone equally and without discrimination based upon race, nationality, ethnicity, color, religion, sex, age, sexual orientation, physical or mental disability.
4. Respect property, and most especially educational and humanitarian property.
5. Do everything feasible to protect civilian objects, and most especially educational and humanitarian property, from the effects of hostilities. Seizing or destroying property, in connection with a military operation, is forbidden unless required by military necessity. Any such seizure or destruction of educational and humanitarian property must be pre-authorized by higher headquarters unless required in defense to hostile act or intent.
6. Treat detained persons humanely. Any form of abuse is prohibited.
7. Do not use unauthorized weapons or ammunition.
8. Do not accept or seek special privileges in the performance of your duties and avoid conflicts of interest.

## PAGE TWO (FACE):

### School and University Protection Code of Conduct

1. Ensure the safety of civilians at all times, paying special attention to children, women, and educational staff.
2. Respect the basic needs of children (e.g. clean water, food, shelter, healthcare, and educational needs).
3. Avoid, wherever possible, any military use of schools, whether functioning or not. Military forces should not be directly employed within schools or universities, except for a security role when it cannot be avoided.
4. Only where they have been abandoned and extenuating circumstances exist, leaving no other feasible method to obtain a similar military advantage, may schools or universities be used – and then only when authorized by higher headquarters.
5. Any use of a school or university for military purposes should cease as soon as possible, and any damage caused by this use should be remediated immediately in order to facilitate resumption of educational activities and ensure safety of civilians.
6. Schools are protected civilian objects and shall not be subject to attack. If converted to military objectives, any attack should be strictly limited to the minimum force necessary to achieve the military objective, and prior warning must be provided unless circumstances do not permit.
7. Particular care should be taken to avoid damage to educational property, including schools. They may not be attacked unless they become military objectives. All feasible precautions shall be taken to avoid locating military objectives near educational property. Likewise, educational property should be removed from the vicinity of military objectives or otherwise safeguarded against damage.
8. Commanders who are in control of areas where educational property is located shall take special care to protect it from pillage, not only by their own forces but also by others.
9. Report any Code of Conduct violations to your superiors.

## PAGE TWO (REVERSE):

### MODEL CIVIL ANNOUNCEMENT – WARNING AREA FOR SCHOOLS

1. Due to (SPECIFY OPERATION), (SPECIFY FORCE) are operating at a heightened state of readiness and taking additional defensive precautions to ensure compliance with (SPECIFY LEGAL BASIS) and the safety of schools, universities and education in this area.
2. (SPECIFY FORCE) will take appropriate measures in *defense* to hostile acts or intent, if warranted by the circumstances. All vehicles and individuals approaching (SPECIFY FORCE) will, by approaching at reduced speed and with caution, help to make their intentions clear.
3. Vehicles and individuals, other than students, educational staff and those with legitimate business at educational facilities, should avoid approaching schools.
4. If queried, vehicles and individuals should clearly identify themselves and state their intentions and, if given directions from (SPECIFY FORCES), they should promptly execute such directions so as to make their intentions known. Please be reminded that (SPECIFY FORCES) are prepared to take defensive measures, including, if necessary, the use of *deadly force*, against anyone whose identity or intentions are unknown and who poses a threat.
5. Nothing in this warning is intended to impede or otherwise interfere with the innocent movement of civilians, or to limit or expand the right of *defense* to hostile acts or intent, of (SPECIFY FORCE). This warning is published solely to advise of the heightened state of readiness of (SPECIFY FORCE), and to request that vehicles and individuals act as outlined above, for everyone's safety.

## PAGE THREE (FACE):

### MODEL ROE

**SELF DEFENSE:** Nothing in the authorized ROE limits your right to use force, up to and including deadly force, to protect yourself or other force personnel from an immediate threat of death or serious injury.

**MINIMUM FORCE:** The use of authorized force must never be more than what is necessary, reasonable and proportional, based on the prevailing circumstances. These are the overriding considerations in any use of force. In certain circumstances, DEADLY FORCE may be the appropriate level of minimum force.

**NON-DEADLY FORCE:** The use of non-deadly force is authorized:

PROPERTY: To defend force property and establishments from theft or damage;

DETENTION: To detain anyone who gains unauthorized access to a force establishment;

SEARCH: To search anyone who has gained unauthorized access to a force establishment or who is detained for possessing weapons or other items posing a threat;

#### OTHER SITUATIONS:

To prevent any person from gaining unauthorized access to a force establishment;

To remove any person who has gained unauthorized access to a force establishment;

To prevent any detained person from escaping;\*

To disarm any person; and

To seize or detain any vehicle as part of the mission.

\*Only NON-DEADLY FORCE is authorized to stop a fleeing child detainee. Detainees are to be apprised of the reason for their detention and be apprised of their legal rights by the appropriate law enforcement authorities. Detainees are to be handed over to the appropriate authorities as soon as possible.

**DEADLY FORCE:** The use of force, up to and including deadly force, is authorized:

In self-defense;

To defend the following persons from an immediate threat of serious injury or death:

Any person, including non-military crew members, in or on a force vessel, aircraft or establishment;

Any designated friendly forces participating in this operation; and

Any person being detained by the force.

## PAGE THREE (REVERSE):

### MODEL ROE (Continued)

#### STEPS TO APPLY FORCE:

Unless an attack comes so unexpectedly that even a moment of delay could lead to serious injury or death, any force applied – time and circumstances permitting – shall follow this sequence:

#### NON-DEADLY FORCE:

Presence: Physical presence of disciplined and professional personnel;

Challenge/Warning: Repeated verbal/visual warnings of challenges until it is clear that you were seen or heard;

Empty Hand Control: Unarmed physical means, including pushing, soft arm control, lesser forms of striking or restraining, etc.;

Use of Intermediate Weapons: baton or control spray by trained personnel (only when so authorized); and

Use of Mechanical Restraints: Handcuffs, including flex cuffs, are only permitted in law enforcement operations.

**UNLESS YOU ARE AUTHORIZED TO USE DEADLY FORCE,  
DO NOT PROCEED BEYOND THIS POINT.**

#### DEADLY FORCE:

Show of Armed Force: Loading, making ready, and aiming of weapons, to show resolve to use deadly force;

Warning Shots: Fire at a safe point of aim; and

Deadly Force: If you are authorized and must open fire, you must:

Use only aimed shots and fire no more rounds than necessary;

Take all reasonable efforts to limit collateral damage; and

Stop firing as soon as the situation permits.

**WEAPONS READINESS STATES:** Weapons readiness states shall be ordered by the Commanding Officer (CO) or in the CO's absence, the on-scene commander.

**USE OF FORCE/CODE OF CONDUCT VIOLATIONS:** Report to your commander all suspected or known Use of Force or Code of Conduct violations.

## PAGE FOUR (FACE)

### TARGETING AND ROE

Targeting is the process of selecting and prioritizing targets and matching the appropriate response to them, taking account of operational requirements and capabilities, prevailing circumstances, applicable ROE, and the Laws of Armed Conflict (LOAC).

Forces may target only military objectives, and only in accordance with LOAC and ROE. ROE may impose policy restrictions on targeting that go beyond the requirements of the LOAC.

Targeting directives for the mission have placed schools and universities on the *restricted target list* (in instances requiring use of force to defend against hostile act or intent, or where they have become military objectives by their location or use, and their total or partial destruction, capture or neutralization offers a definite military advantage in the circumstances at the time, AND only with Joint Task Force Commander (JTFC) authority) and *no-strike list* (in all other instances).

**UNDER NO CONDITION CAN A SCHOOL OR UNIVERSITY BE TARGETED FOR ATTACK UNLESS IT HAS BECOME A MILITARY OBJECTIVE**

Under no condition will an *attack* be permitted where the expected incidental injury or death of civilians or collateral damage to civilian objects, in particular students and educational staff, and schools, is excessive in relation to the concrete and direct military advantage anticipated to be gained by the *attack*.

*Higher authority* has directed that more restrictive standards be applied where incidental injury or death of specified classes of persons (children, civilian students, and educational staff) is expected.

Where possible, schools that have been converted to military objectives shall be disabled rather than destroyed.

## PAGE FOUR (REVERSE):

### MODEL TARGETING CHECK LIST

Target description:

Grid ref:

1	Do you have authority under ROE/Orders to conduct attack on the School or University objective? <i>If yes proceed to 2. If no DO NOT ATTACK</i>
2	In the circumstances, is the School or University objective on a No Strike/Restricted Target List? <i>If no proceed to 3. If yes DO NOT ATTACK</i>
3	Is the School or University as a target making an effective contribution to enemy military action? <i>If yes proceed to 4. If no DO NOT ATTACK</i>
4	Will destruction or neutralization, in the prevailing circumstances, provide definite military advantage? <i>If yes proceed to 5. If no DO NOT ATTACK</i>
5	Is the attack expected to cause incidental loss of civilian life or injury to civilians, in particular to students and educational staff, or damage to civilian objects, in particular Schools or Universities, or a combination thereof (i.e. collateral damage)? <i>If yes proceed to 6. If no proceed to 11.</i>
6	Do your targeting directive and ROE permit this anticipated collateral damage? <i>If yes proceed to 7. If no DO NOT ATTACK</i>
7	Is there an alternative military target available with similar military advantage and less risk of collateral damage? <i>If no proceed to 8. If yes return to 1 for new target</i>
8	Have all feasible precautions in the choice of means and methods of attack been taken with a view to avoiding, and in any event to minimizing, incidental loss of civilian life, injury to civilians and damage to civilian objects, in particular students and educational staff, Schools? <i>If yes proceed to 9. If no, do so, and then reassess 8.</i>
9	In the prevailing circumstance, has an effective advance warning been given of attacks that may affect the civilian population, in particular attacks that will affect the civilian educational system? <i>If yes proceed to 10. If no and prevailing circumstances permit, issue warning before proceeding to 10.</i>
10	Is the attack expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, in particular to students and educational staff, Schools, which would be excessive in relation to the concrete and direct military advantage anticipated? <i>If no proceed to step 11. If yes DO NOT ATTACK.</i>
11	<b>ATTACK PERMITTED - CONTINUE TO MONITOR. IF CIRCUMSTANCES CHANGE – YOU ARE UNDER A LAWFUL DUTY TO REASSESS ATTACK.</b>

## PAGE FIVE (FACE):

### MODEL REPORTING – ATTACK OR MILITARY USE OF SCHOOLS OR UNIVERSITIES

School location (Grid ref, GPS co-ord, significant landmarks)		School name – type – details				
School management		Type of school facility			Gender of students	
Government <input type="checkbox"/>	NGO <input type="checkbox"/>	Primary <input type="checkbox"/>	Vocational <input type="checkbox"/>	Playground <input type="checkbox"/>	Male <input type="checkbox"/>	Female <input type="checkbox"/>
Community <input type="checkbox"/>	Other <input type="checkbox"/>	Secondary <input type="checkbox"/>	Other <input type="checkbox"/>	University <input type="checkbox"/>	Mixed <input type="checkbox"/>	Unk <input type="checkbox"/>
Notes:						
Type of attack:		Attack on students/teachers		Military occupation/use <input type="checkbox"/>		
Shelling/mortar <input type="checkbox"/>		Aerial bombardment <input type="checkbox"/>		Small arms <input type="checkbox"/>	Theft/looting <input type="checkbox"/>	Arson <input type="checkbox"/>
Recruitment <input type="checkbox"/>		Abduction <input type="checkbox"/>	IED <input type="checkbox"/>	Suicide attack <input type="checkbox"/>	Sexual abuse <input type="checkbox"/>	CBRN <input type="checkbox"/>
Time of day		Morning <input type="checkbox"/>	Afternoon <input type="checkbox"/>	Evening <input type="checkbox"/>	Night <input type="checkbox"/>	Unknown <input type="checkbox"/>
Notes:						
Perpetrator profile – state or non-state (circle one)				Number of perpetrators (if known):		
Physical damage due to attack:						
Total destruction <input type="checkbox"/>		Partial destruction <input type="checkbox"/>		Minor damage <input type="checkbox"/>		None <input type="checkbox"/>
Notes:						
Was institution closed as a result?		No <input type="checkbox"/>	Yes <input type="checkbox"/>	_____ Days		
Notes:						

## PAGE FIVE (REVERSE):

### MODEL REPORTING – DIRECT OR COLLATERAL INJURIES TO STUDENTS AND EDUCATIONAL STAFF

Details of students and educational staff killed, wounded or recruited should be individually/separately recorded

Human casualties of attack on education				Gender of students	
Students killed?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	Total _____	Male _____ Female _____	Mixed <input type="checkbox"/> _____
Students injured?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	Total _____	Male _____ Female _____	Unk <input type="checkbox"/>
Notes:					
Teachers killed?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	No. _____	Male _____ Female _____	Mixed <input type="checkbox"/> _____
Teachers injured?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	No. _____	Male _____ Female _____	Unk <input type="checkbox"/>
Notes:					
Students recruited?	NO <input type="checkbox"/>	YES <input type="checkbox"/>	No. _____	Male _____ Female _____	
Notes:					

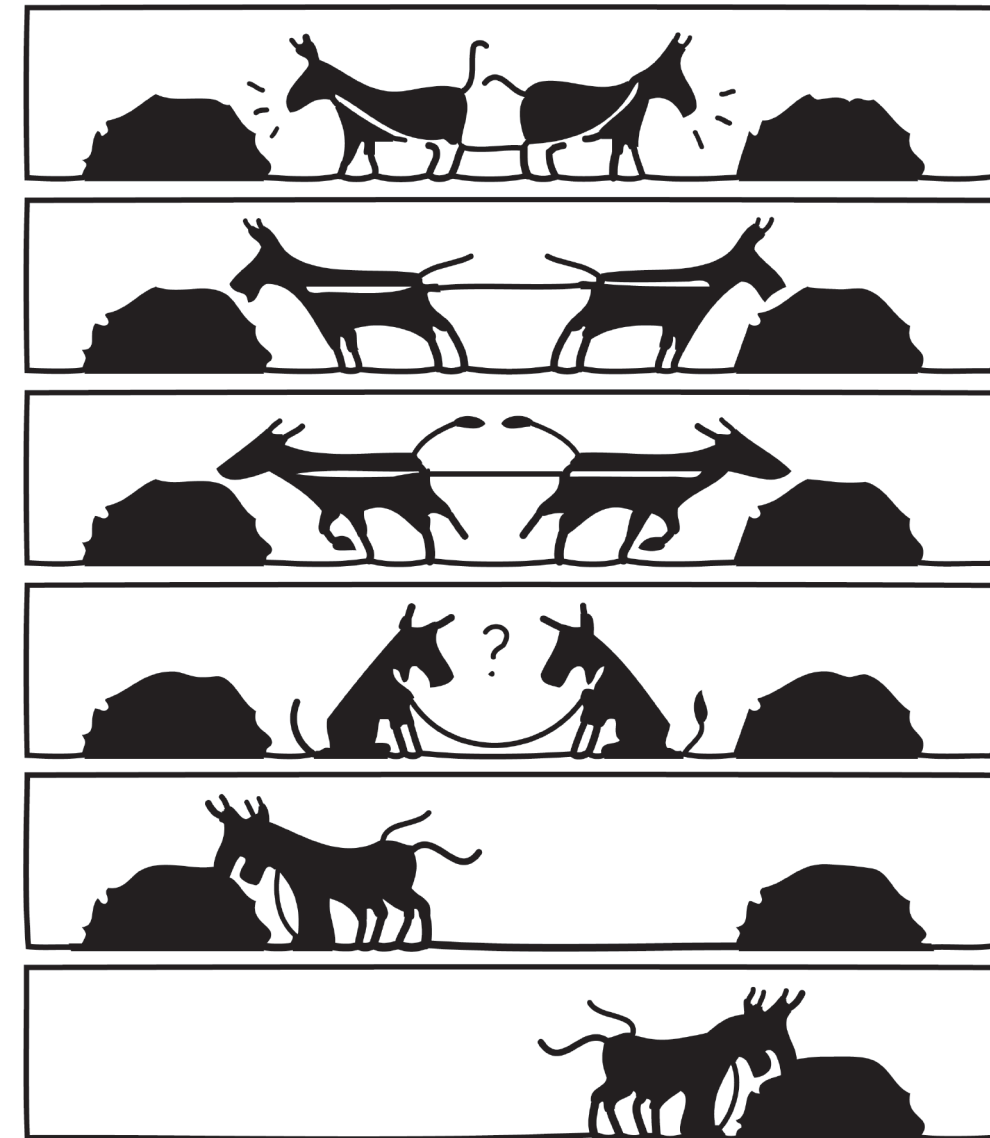
## PAGE SIX (FACE):

### DOS AND DON'TS FOR MILITARY OPERATIONS

DO	DON'T
Encourage allied military and police, and opposing armed forces and groups, not to use schools or universities in any way.	Use schools for any military function or activity.
Know your mission's mandate and role in protecting children and education. There are actors who can help, and who are better suited to take on tasks (education, health, food, etc.), while you focus on creating a secure environment.	Be discouraged if you cannot immediately help or remediate damage to schools, universities, or education. Report your observations and concerns; this will permit responsible agencies to ensure education is restored.
Look to other community outreach activities aside from building schools and playing sports with students.	Engage in military activities, or place military equipment or personnel, within weapons effects radius from schools, universities, and educational transit routes.
Work with civilian agencies, NGOs, and local communities to determine the best and most needed community outreach activities involving schools, children and students.	Spend off-duty time with children or educational staff.
Report through the chain of command, and through CPA/CP focal points, if you observe incidents involving threats to children or education.	Have any sexual contact with children.

## PAGE SIX (REVERSE):

### WORKING WITH OTHERS



[www.childsoldiers.org](http://www.childsoldiers.org)



# ANNEX I

## GUIDELINES FOR PROTECTING SCHOOLS AND UNIVERSITIES FROM MILITARY USE DURING ARMED CONFLICT

**Parties to armed conflict are urged not to use schools and universities for any purpose in support of their military effort. While it is acknowledged that certain uses would not be contrary to the law of armed conflict, all parties should endeavor to avoid impinging on students' safety and education, using the following as a guide to responsible practice:**

**Guideline 1:** Functioning schools and universities should not be used by the fighting forces of parties to armed conflict in any way in support of the military effort.

- (a) This principle extends to schools and universities that are temporarily closed outside normal class hours, during weekends and holidays, and during vacation periods.
- (b) Parties to armed conflict should neither use force nor offer incentives to education administrators to evacuate schools and universities in order that they can be made available for use in support of the military effort.

**Guideline 2:** Schools and universities that have been abandoned or evacuated because of the dangers presented by armed conflict should not be used by the fighting forces of parties to armed conflict for any purpose in support of their military effort, except in extenuating circumstances when they are presented with no viable alternative, and only for as long as no choice is possible between such use of the school or university and another feasible method for obtaining a similar military advantage. Other buildings should be regarded as better options and used in preference to school and university buildings, even if they are not so conveniently placed or configured, except when such buildings are specially protected under International Humanitarian Law (e.g. hospitals), and keeping in mind that parties to armed conflict must always take all feasible precautions to protect all civilian objects from attack.

- (a) Any such use of abandoned or evacuated schools and universities should be for the minimum time necessary.
- (b) Abandoned or evacuated schools and universities that are used by the fighting forces of parties to armed conflict in support of the military effort should remain available to allow educational authorities to re-open them as soon as practicable after fighting forces have withdrawn from them, provided this would not risk endangering the security of students and staff.
- (c) Any traces or indication of militarization or fortification should be completely removed following the withdrawal of fighting forces, with every effort made to put right as soon as possible any damage caused to the infrastructure of the institution. In particular, all weapons, munitions and unexploded ordnance or remnants of war should be cleared from the site.

**Guideline 3:** Schools and universities must never be destroyed as a measure intended to deprive the opposing parties to the armed conflict of the ability to use them in the future. Schools and universities—be they in session, closed for the day or for holidays, evacuated or abandoned—are ordinarily civilian objects.

**Guideline 4:** While the use of a school or university by the fighting forces of parties to armed conflict in support of their military effort may, depending on the circumstances, have the effect of turning it into a military objective subject to attack, parties to armed conflict should consider all feasible alternative measures before attacking them, including, unless circumstances do not permit, warning the enemy in advance that an attack will be forthcoming unless it ceases its use.

- (a) Prior to any attack on a school that has become a military objective, the parties to armed conflict should take into consideration the fact that children are entitled to special respect and protection. An additional important consideration is the potential long-term negative effect on a community's access to education posed by damage to or the destruction of a school.
- (b) The use of a school or university by the fighting forces of one party to a conflict in support of the military effort should not serve as justification for an opposing party that captures it to continue to use it in support of the military effort. As soon as feasible, any evidence or indication of militarization or fortification should be removed and the facility returned to civilian authorities for the purpose of its educational function.

**Guideline 5:** The fighting forces of parties to armed conflict should not be employed to provide security for schools and universities, except when alternative means of providing essential security are not available. If possible, appropriately trained civilian personnel should be used to provide security for schools and universities. If necessary, consideration should also be given to evacuating children, students and staff to a safer location.

- (a) If fighting forces are engaged in security tasks related to schools and universities, their presence within the grounds or buildings should be avoided if at all possible in order to avoid compromising the establishment's civilian status and disrupting the learning environment.

**Guideline 6:** All parties to armed conflict should, as far as possible and as appropriate, incorporate these Guidelines into, for example, their doctrine, military manuals, rules of engagement, operational orders, and other means of dissemination, to encourage appropriate practice throughout the chain of command. Parties to armed conflict should determine the most appropriate method of doing this.



## ANNEX II

# ANALYSIS OF THE INTERNATIONAL LEGAL FRAMEWORK RELATING TO MILITARY USE OF SCHOOLS DURING ARMED CONFLICT<sup>9</sup>

The legal framework applicable to the targeting of schools and universities, and the use of schools and universities in support of the military effort, during armed conflicts is found primarily in the law of armed conflict (also known as international humanitarian law), which is the body of law that regulates conduct in international and non-international armed conflicts. While the law of armed conflict contains all the rules governing targeting, it is less focused on the use of schools in support of the military effort, which is also affected by international human rights law. It is, therefore, important to acknowledge at the outset that the law of armed conflict is complemented by international human rights law, and both are discussed below.

### Law of Armed Conflict (International Humanitarian Law)

The law of armed conflict restricts the targeting of schools and universities, and the use of schools and universities in support of the military effort, but it does not prohibit such use in all circumstances and allows for the targeting of schools and universities when they become military objectives.

Schools and universities are normally civilian objects and, as such, shall not be the object of attack unless they become military objectives.<sup>10</sup> Indeed, to intentionally direct attacks against them when they are not military objectives would constitute a war crime. Military objectives, in so far as objects are concerned, are defined as objects which by their nature, location, purpose, or use make an effective contribution to military action and whose total or partial destruction, capture, or neutralisation, in the circumstances at the time, offers a definite military objective.<sup>11</sup> In case of doubt whether a school or university is being used to make an effective contribution to military action, it shall be presumed not to be so used and thus to be a civilian object.<sup>12</sup>

The law of armed conflict requires the parties to a conflict to take precautions against the effects of attack. To the extent that schools and universities are civilian objects, parties to an armed conflict shall, to the maximum extent feasible, a) avoid locating military objectives within or near densely populated areas where schools and universities are likely to be located; b) endeavor to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives; and c) take the other necessary precautions to protect those schools and universities under their

<sup>9</sup> Ibid.

<sup>10</sup> See Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts (“Additional Protocol I”), art. 52(1). This rule is also part of customary law for international and non-international armed conflicts. See Jean-Marie Henckaerts and Louise Doswald-Beck, *Customary International Humanitarian Law: Rules*, vol. 1, International Committee of the Red Cross (“ICRC Customary IHL Study”), rule 9 and 10.

<sup>11</sup> See Additional Protocol I, art. 52(2). This rule is also part of customary law for international and non-international armed conflicts. See ICRC Customary IHL Study, rule 8. See also ICTY, Final Report to the Prosecutor by the Committee Established to Review the NATO Bombing Campaign Against the Federal Republic of Yugoslavia, The Hague, 14 June 2000, §41.

<sup>12</sup> See Additional Protocol I, art. 52(3). The principle of presumption of civilian character in case of doubt is also contained in Amended Protocol II to the Convention on Certain Conventional Weapons. The customary character of this rule is not fully established, but it is clear that in case of doubt, a careful assessment has to be made. See ICRC Customary IHL Study, commentary to Rule 10.

control against the dangers resulting from military operations.<sup>13</sup> These rules have important implications for schools and universities.

Turning a school or university into a military objective (for example, by using it as a military barracks) subjects it to possible attacks from the enemy that might be lawful under the law of armed conflict. Locating military objectives (a weapons store, for example) near a school or university also increases the risk that it will suffer incidental damage from an attack against those nearby military objectives that might be lawful under the law of armed conflict.

Those schools and universities that can be characterized as being of great importance to the cultural heritage of every people are afforded additional protection by the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its 1999 Second Protocol, and also by corresponding rules of customary law. In particular, the use of such education institutions for purposes which are likely to expose them to destruction or damage is prohibited, unless imperatively required by military necessity.<sup>14</sup>

In rare cases, those educational institutions that can be characterized as being of great importance to the cultural or spiritual heritage of peoples, enjoy additional special protection in the Additional Protocols to the Geneva Conventions.<sup>15</sup> This would be the case, for example, if schools and universities are located within buildings of particular cultural or heritage importance, in which case, and in particular, the use of such institutions in support of the military effort is prohibited. So also are acts of hostility against them, including their targeting as measures of reprisal.

According to the International Committee of the Red Cross (ICRC) Law Study, schools and universities invariably benefit from special protection as cultural property under customary law. Rule 38 of the ICRC Study reflects the assessment that each party to the conflict must respect and protect buildings dedicated to education which are included in the scope of cultural property.<sup>16</sup> This implies a duty of special care to avoid damage to buildings dedicated to education (unless they are military objectives) as well as the prohibition of all seizure of, or destruction or willful damage done to, institutions dedicated to education.<sup>17</sup>

The abovementioned rules must not be read in a void. Account must be taken of other relevant rules and principles of the law of armed conflict.<sup>18</sup> Among these rules are those affording a special protection to children in armed conflict situations.<sup>19</sup> If education institutions are fully or partially used for military purposes, the life and physical integrity of children might be at risk<sup>20</sup> and access to education is restricted or even impeded either because children may not go to school for fear of being killed or

<sup>13</sup> See Additional Protocol I, art. 58(a), (b), and (c). These rules are also part of customary law for international and non-international armed conflicts. See ICRC Customary IHL Study, rules 22-24. See also: ICTY, Kupreskic case, Judgment, Trial Chamber, 14 January 2000, §§524-525.

<sup>14</sup> See the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, art. 4(1), and ICRC Customary IHL Study, rule 39.

<sup>15</sup> See Additional Protocol I, art. 53(1), and Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (“Additional Protocol II”), art. 16.

<sup>16</sup> ICRC Customary IHL Study, rules 38-40. There are a number of national laws and military manuals that include education institutions as objects enjoying a special protection alongside other cultural objects. In the consultation process, which led to the drafting of the present guidelines, however, not all States agreed that all schools and universities are to be considered as cultural property.

<sup>17</sup> Ibid. See also the Regulations Respecting the Laws and Customs of War on Land annexed to the Fourth Hague Convention of 18 October 1907 (“the Hague Regulations of 1907”), art. 56.

<sup>18</sup> This is a traditional rule of interpretation. See Vienna Convention on the Law of Treaties, art. 31(1): “A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.”

<sup>19</sup> On the special protection afforded to children in armed conflicts, see Geneva Convention relative to the Protection of Civilian Persons in Time of War (“Fourth Geneva Convention”), art. 14, 17, 23, 24, 38, 50, 82, 89, 94, 132; Additional Protocol I, art. 70, 77, 78; Additional Protocol II, art. 4 and 6.

<sup>20</sup> It should be noted in particular that the law of armed conflict foresees the creation of safety zones and localities so organized as to protect from the effects of war children under fifteen (See Fourth Geneva Convention, art. 14.) This indicates that the law of armed conflict puts a particular emphasis on the protection of children from the effects of attacks.

injured in an attack by the opposing forces, or because they have been deprived of their usual educational building.

Under the Fourth Geneva Convention, applicable during international armed conflicts, an occupying power—that is, the force that has established control and authority over hostile territory—shall, with the cooperation of the national and local authorities, “facilitate the proper working of all institutions devoted to the care and education of children.”<sup>21</sup>

Under Additional Protocol II, applicable during non-international armed conflicts, it is a “fundamental guarantee” that children shall receive an education, in keeping with the wishes of their parents.<sup>22</sup>

The presence of civilians—children, students, teachers, academics and school staff—around schools and universities shall not be used to shield military objectives from attacks or to shield military operations.<sup>23</sup>

As a consequence, before using a school or university in support of the military effort, consideration should be given to all relevant rules and principles of the law of armed conflict, in particular the obligation to take precautions against the effects of attack, the special protection afforded to educational institutions that also constitute cultural property, the importance of ensuring access to education in armed conflicts, the prohibition of human shields, and the special protection afforded to children in armed conflicts.

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<sup>21</sup> Fourth Geneva Convention, art. 50.

<sup>22</sup> Additional Protocol II, art. 4(3)(a).

<sup>23</sup> See Fourth Geneva Convention, art. 28; and Additional Protocol I, art. 51(7). The prohibition of human shields belongs to customary law as well for both international and non-international armed conflicts. See ICRC Customary Law Study, rule 97.

