



Lessons in War 2015

Military Use of Schools and Universities during Armed Conflict

Global Coalition to
Protect Education from Attack





Global Coalition to **Protect** **Education from Attack**

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

GCPEA is governed by a steering committee made up of the following international organizations: CARA (Council for at-Risk Academics), Human Rights Watch, the Institute of International Education's Scholar Rescue Fund, Protect Education in Insecurity and Conflict, Save the Children, UNESCO, UNHCR, and UNICEF. GCPEA is a project of the Tides Center, a nonprofit 501(c)(3) organization.

This study is the result of an independent external study 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.

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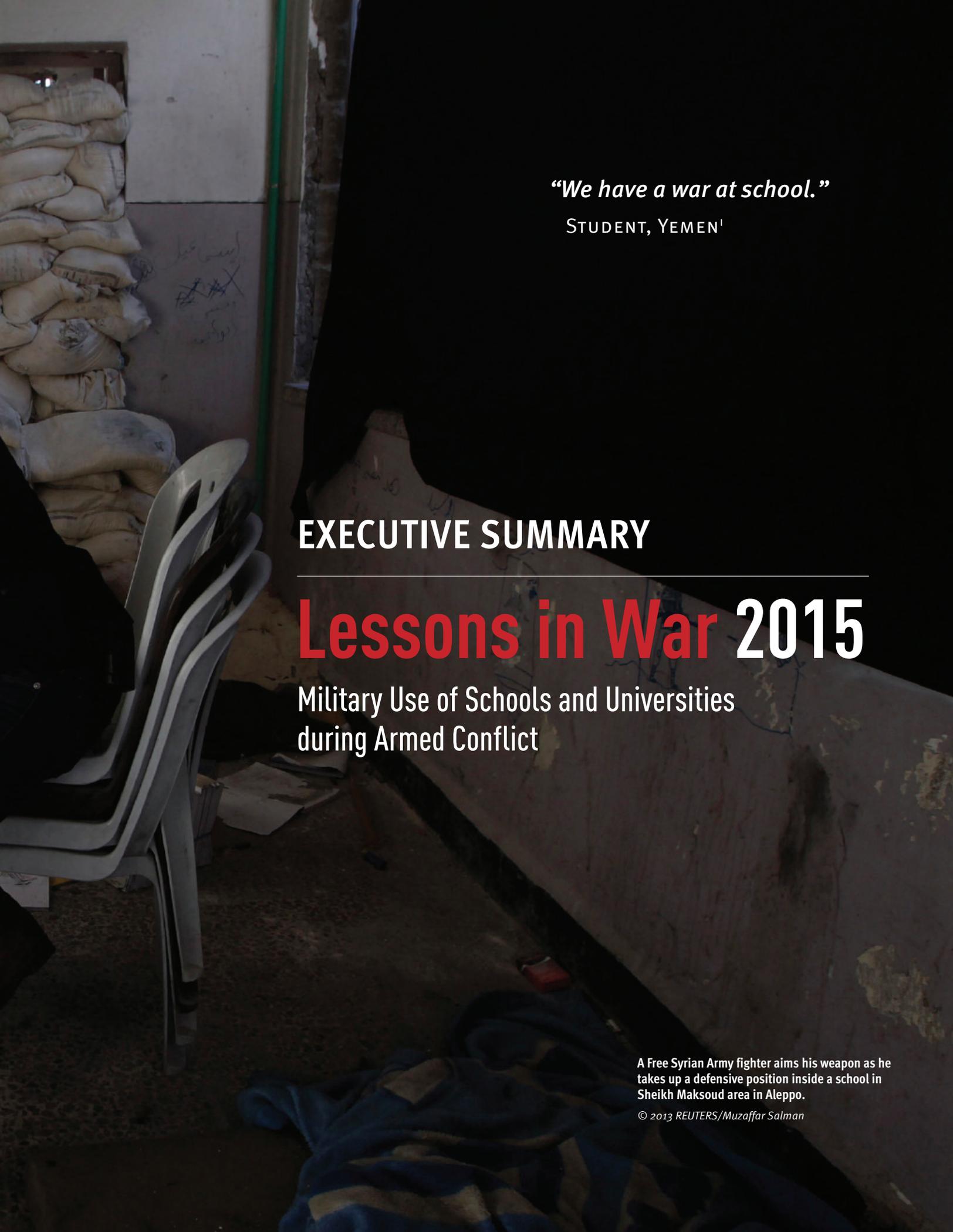
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“We have a war at school.”

STUDENT, YEMEN¹

EXECUTIVE SUMMARY

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during Armed Conflict

A Free Syrian Army fighter aims his weapon as he takes up a defensive position inside a school in Sheikh Maksoud area in Aleppo.

© 2013 REUTERS/Muzaffar Salman



EXECUTIVE SUMMARY

Schools and universities should be sanctuaries of learning where young minds can feel safe to inquire, explore, reflect, yearn, and develop to their fullest potential. All this is threatened when armed forces convert schools into part of the battlefield and use institutions dedicated to education for military purposes instead.

In the majority of countries with armed conflicts—including at least 26 countries in the past decade—government armed forces and non-state armed groups have used schools and other education institutions for military purposes. Snipers position themselves at classroom windows. Concrete fortresses are erected atop school roofs. Soldiers sleep in rooms painted brightly with alphabets. Razor wire encircles playgrounds. Stacks of sandbags block

A girl student leaves al-Furadh School, in Sanaa, Yemen, at the end of the day. Soldiers relax and chew qat outside the school walls. They lived in third-floor classrooms for several months, students and teachers said.

© 2012 Priyanka Motaparthy/Human Rights Watch

school gates. Tanks and armored personnel carriers rumble in courtyards. Assault rifles line hallways, and mortar shells are stored in school basements. Battle slogans graffitied chalkboards, erasing homework assignments. Detainees are held and tortured in buildings where children once learned to count and read. Places that once brought students joy and comfort are transformed into places of fear and dread.

Not only do armed personnel take over schools, they also deploy in institutions of higher education, and put kindergartens and day-care centers to military use. They use them as barracks, logistic bases, op-

“Some men came to our village. I tried to escape, but they took me to jail. Except it wasn’t a jail—it was my old school. It’s ironic—they took me there to torture me, in the same place I used to go to school to learn... They had taken over the school and made it into a torture center.”

STUDENT, 15, SYRIA¹¹

erational headquarters, weapons and ammunition caches, detention and interrogation centers, firing and observation positions, and recruitment grounds. In doing so, armed groups endanger the lives and safety of students and teachers, and imperil these students’ right to education.

Sometimes soldiers take over a school entirely, barring students from entering the front gates. But, far too often, soldiers use just a part of the school or university—occupying some classrooms, an entire floor, the playground—and, in doing so, expose students to attack by opposing forces and abuse from the soldiers themselves.

Students’ access to school and university can be an important bulwark of protection from many of the ills that typically befall children and young people during times of war and strife. Safe schools provide life-saving information, mitigate the psychosocial impact of war, and can protect children from trafficking and recruitment by armed groups. Access to a quality education is also a fundamental human right, regardless of the context. In the long term, a good education promotes peace and post-conflict reconstruction, and helps young people to develop the skills and qualifications they need to build lives for themselves and prosperity for their communities. Perhaps most importantly, access to a safe place to study and learn can provide students with a sense of normalcy, routine, and calm amid the chaos of war.

For this study, evidence was gathered on the nature, scope, and consequences of the use of education institutions by armed forces during the period from January 2005 to March 2015—a decade of documen-

tation collected since the United Nation’s (UN) monitoring and reporting mechanism for children and armed conflict first reported on cases of military use of schools. Using examples drawn from every region of the world, this study demonstrates both the practice of militaries using education institutions and the consequences of such use for students, educators, and communities.

This study is an update to one released by the Global Coalition to Protect Education from Attack (GCPEA) in 2012. Although the evidence suggests that military use of schools remains a constant feature of war, there are some reasons for optimism. In the years since that study, governments, armed forces, and international organizations have increasingly paid more attention to the issue of the military use of schools and universities. In just the past three years, information revealing the extent of the problem and exposing the negative consequences for students and teachers has increased considerably. As a result, there is increased recognition, acknowledgment, and agreement that the military use of schools both endangers students and interferes with their right to education. It is now harder for governments and armed non-state groups to explain or justify their use of schools for military purposes.

There has also been considerable focus by concerned states, international organizations, and civil society groups to devise effective solutions to deter the practice and to mitigate its negative consequences. The United Nations Security Council has been a major driving force behind this increased scrutiny, firstly, by requesting regular reporting on the problem, then twice demanding that schools in Syria be demilitarized, and, then most recently in 2014, encouraging all UN member states to consider concrete measures to deter the use of schools. The efforts of the office of the UN’s Special Representative of the Secretary-General for Children and Armed Conflict have also been key in galvanizing international response and effective action on the ground in conflict-affected countries.



A Congolese rebel fighter walks through an abandoned classroom, which was used as an armory for Congolese army, in Bunagana.

© 2012 James Akena/REUTERS



Innovative approaches developed in recent years include the use of satellite imagery and social media forensic analysis to document the military use of schools. So too is there a growing swell of countries expressing a willingness to support new international guidelines aimed at better protecting schools and universities from military use, and committing to implement concrete measures to deter the practice within their own forces.

UN treaty bodies—committees of independent experts who oversee countries' compliance with treaties—have also provided influential recommendations on the conduct of armed forces with regards to schools.

Despite such progress, the situation for far too many students around the world remains bleak.

The devastation wreaked on the education system in Syria is almost unfathomable, where both pro-government and opposition forces have used schools, and, in turn, targeted and destroyed them because they were being used by the other side. South Sudan—seemingly a situation of much hope at the time of the release of the original study, with schools increasingly being vacated by armed forces and strong new military legal protections for schools being developed—has reversed course, and schools are once again occupied by troops in large numbers. This is a strong reminder that good words on paper, even well-drafted laws, mean little if the state is unwilling or unable to hold those who violate them accountable.

The number of states calling for armed forces to refrain from using schools has been rising steadily in recent years. Nevertheless, it remains to be seen how many governments will rise to their own challenge and commit to implementation of effective protections for schools and universities from military use in their own military doctrine and practice.

Moreover, donor governments and institutions that provide resources to education sectors in countries prone to conflict have yet to widely recognize that financial support that is not accompanied by advo-



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

© 2013 AP Photo/Jerome Delay

cacy or conditions for protecting schools from military use is simply less effective.

International organizations and civil society groups have more work to do as well. Better collection of data is still needed, particularly differentiating between the numbers of schools used for military purposes and those that are attacked, looted, or used as shelters by internally displaced persons—at present these are often elided. Increased cooperation between child protection actors and the education sector in countries affected by armed conflict or other insecurity has borne positive results to date, and needs to continue and spread.

Structure of the Study

Two chapters introduce this study. The first describes its methodology and defines important terms. The second provides some contextual background. In doing so, it illustrates the vital importance to students—and ultimately to communities—of ongoing access to education during times of conflict.

Chapter three then explains the variety of uses that armed groups find for education institutions and presents some of the reasons that motivate militaries to use school and university buildings and grounds.

Chapter four discusses the alarming widespread prevalence and scale of military use of learning facilities.

To examine the consequences of the military use of education institutions, chapter five considers how such use endangers the lives and safety of students



and teachers. The moment soldiers enter the premises, a school or university can become a target for enemy attack, and thus stops being a safe place for students and teachers. Belligerent forces have attacked armed forces inside schools and higher-education institutions even when students and teachers were present. In the worst cases, children and other civilians have been caught in the crossfire and injured or killed.

Students' safety may also be jeopardized by the misconduct of poorly trained or disciplined soldiers within their school or university, including sexual abuse and harassment, and the accidental or misdirected firing of weapons or explosion of ordnance.

Chapter six highlights the ways in which the military use of education institutions impinges upon students' access to education and degrades the quality of their education. Armed forces' use of learning facilities can increase student drop-out rates, interrupt studies, destroy important infrastructure, cause

AMISOM soldiers at their base in Mogadishu university, Somalia.

© 2012 John Cantlie/Getty Images

overcrowding, reduce rates of new enrollment, and hinder transition to higher levels of education.

Chapter seven reviews a selection of good practice—examples of communities and governments finding solutions that reduce military use of education institutions, and implementing measures that mitigate against its negative consequences when it does occur. Some countries have complete bans on the practice—including Colombia, India, Nepal, the Philippines, and South Sudan. These countries have experienced decades of multiple conflicts within their own borders. It is most telling that these countries, having achieved an understanding of both the tactical requirements of military operations and the detrimental impact of military use, have chosen to take this step. It also clearly illustrates the practicality and value of such a prohibition.

Chapter eight presents an overview of the international laws—including international humanitarian law (the laws of war) and international human rights law—that regulate the practice of militaries using education institutions. Under international law, military use of an education institution can convert it into a legitimate military target, placing students and educators at risk of attack by opposing forces. Even when schools and universities are not physically attacked, the deterioration in access to learning facilities, quality of teaching, and opportunities to learn, can lead to violations of the right to education.

[Al-Shabaab fighters] set up a [surface-to-air rocket launcher] and started launching from inside the school compound. They set it up in the playing area. ... There was incoming fire back at our direction. There were five rockets hitting around the school compound. One landed as we were released and it killed eight students.”

STUDENT, 18, SOMALIA^v

The last chapter offers some final observations and concludes that states should implement clear and unambiguous protections for schools and universities from military use.

A limitation of this study is that it relies largely on anecdotal case examples. The non-exhaustive illustrations provided in this study and the documents from which they are drawn often capture single moments in time. Relentless in their frequency, however, the examples demonstrate a systemic disregard for schools, students, and education, and the long-lasting consequences of such disregard. The challenge to the reader is to try to place oneself in the shoes of a student living in these situations, and to compare that reality to one’s own experiences of school life and education, so as to understand the dangers and barriers faced by far too many children around the world due to the insidious use of schools for military purposes.





Members of Donbass battalion, a volunteer militia group devoted to ensuring a united Ukraine, stand in a school converted into a base in the small eastern city of Popasna, Lugansk region, recently freed by Ukrainian forces from pro-Russia militants.

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KEY FINDINGS

- In **the majority** of countries with armed conflicts, armed forces or armed groups used schools and other education institutions. Between January 2005 and March 2015, armed forces or armed groups used education institutions in at least **26 countries** in conflicts across Africa, Asia, Europe, the Middle East, and South America. Military use of schools and universities is a global problem.
- **Government armed forces** used schools in every country where military use was reported.
- In **four-fifths** of all countries where military use was reported, **non-state armed groups** also used schools.
- **Multinational forces** and even **peacekeepers** have used schools and universities.
- In the worst cases, **children have been injured and killed** and **schools damaged or destroyed** when belligerent forces have attacked schools because military forces were using them.
- The consequences of military use of schools and other education institutions include **high student drop-out rates**, reduced enrollment, lower rates of transition to higher education levels, **overcrowding**, and loss of instructional hours. **Girls** are particularly negatively affected.
- Military use of education institutions can cause damage to already-fragile education infrastructures and systems. For example, in South Sudan, where the UN has verified **83 schools** used for military purposes between March 2011 and September 2014, the cost of repairing resultant damage had been estimated at around **US\$67,000 per school**.
- Examples of **good practice** exist. Communities, international organizations, legislatures, courts, and armed forces have found ways to better protect schools from use by armed forces and groups. For example, in India, where security forces used more than 129 schools during 2010, disrupting studies for an estimated 20,800 students, India's **Supreme Court ordered the forces out**. As of 2015, almost all, if not all, have been vacated. In the Philippines, although some incidents of military use of schools continue to occur, the practice has been **explicitly banned** under both national legislation and military policy. Moreover, in 2012, the United Nations issued a new manual for all infantry battalions serving as peacekeepers that **requires that schools not be used by the military in their operations**.

RECOMMENDATIONS

Implement the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*

- All states should **implement the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*** by incorporating them into their military doctrine, manuals, rules of engagement, operational orders, trainings, and other means of dissemination, to encourage appropriate practice throughout the chain of command.
- All states should advocate for widespread endorsement of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*, and commitments by states to implement them.
- All **non-state armed groups** that are party to armed conflict should incorporate the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* into their command and control mechanisms.
- **Donor countries and international agencies** that provide funding or other support to the education or security and defense sectors should advocate with beneficiary countries, particularly those currently or recently affected by conflict, to implement concrete measures to deter the military use of schools, including through the implementation of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*.

Acknowledge the Negative Consequences of Military Use of Education Institutions

- The international community, states, non-state armed groups, and other actors should continue to acknowledge that military use of schools and other education institutions is a common tactic in conflict that **requires a con-**

certed response at the national, regional, and international levels.

- States should acknowledge that military use of schools and universities is not just a concern under the laws of armed conflict, but that it also affects students' **human right to education**.

Monitoring and Reporting

- States, local organizations, and relevant international agencies should continue to rigorously **monitor military use of education institutions** to inform as well as to devise effective, **coordinated responses**, including preventive interventions, rapid response, and both legal and non-legal accountability measures for those individuals or groups who contravene existing laws, judicial orders, or military orders.
- **Basic details** that should be collected and reported include the names and locations of the education institutions being used, the purposes for which they are being used, the duration of the use, the armed force or armed group making the use, the enrollment prior to use, student attendance during the period of use, and what students who no longer attend the school are doing instead. In particular, improved documentation is needed of the educational consequences of military use of schools and universities—including drop-out rates, lower enrollment, damage to educational infrastructure, and the psychosocial toll on students and teachers.
- Monitoring and reporting should clearly **disaggregate** numbers of schools used for military purposes versus schools that are targeted for attack or used as shelters by internally displaced persons.
- **Human rights treaty bodies**, including the Committee on Economic, Social, and Cultural Rights; the Committee on the Elimination of Discrimination against Women; and the Com-



A paramilitary Ranger with groceries walks by students at Pakaluesong Elementary School in southern Thailand. About 30 Rangers were living in a camp established in the school grounds.

© 2010 David Hogsholt/ Getty Images



mittee on the Rights of the Child, should continue to respond to the military use of education institutions whenever it occurs. Relevant treaty bodies should update their guidelines for the preparation of country reports to request information on military use of schools during the reporting period, and existing concrete measures to protect schools from such use. States should implement relevant measures recommended by such bodies.

- The UN Working Group on Arbitrary Detentions, the Committee against Torture, and the Sub-Committee on Prevention of Torture, should monitor and report on when schools and universities are used as **places of detention**, and the resulting consequences of such use. States should implement relevant measures recommended by such bodies.
- The **UN Human Rights Council and its mechanisms**, including commissions of inquiry, and the UN Special Rapporteurs on the Right to Education and on the Human Rights of Internally Displaced Persons, should use all available means to draw attention to the issue of military use of education institutions whenever it occurs, including in the Universal Periodic Review, and country situation and thematic reports. States should implement relevant measures recommended by the Human Rights Council sessions and associated mechanisms.
- Country task forces of the UN-led **Monitoring and Reporting Mechanism** (MRM) on grave violations against children in situations of armed conflict should continue to enhance their monitoring and reporting of military use of schools, following the Guidance Note on Security Council Resolution 1998 issued by the office of the Special Representative to the Secretary-General for Children and Armed Conflict.

- Documentation of attacks on schools and other education institutions should also examine whether the schools were being used by a military force or armed group either at the time of the attack, or recently before the attack.
- Further research and documentation is required into the **long-term effects of military use of education institutions**.

Programmatic Measures

- Legislators should consider **enacting legislation** in line with the good practice identified in this study, including the prohibition on armed forces and armed groups using education institutions.
- Education ministries in countries where military use of education institutions occurs should establish **preventive measures**, through co-ordination with their ministries of defense and armed forces, to avoid the military use of education institutions, and to vacate them expeditiously where armed forces are using them.
- Armed forces that have banned or otherwise regulated military use of schools and other education institutions should **share their good practice** with other states.
- UN and regional agencies and nongovernmental (NGOs) experienced in negotiating with armed forces and armed groups to stop or prevent them using schools should internally **evaluate the effectiveness of their efforts**, and then share their good practice both internally and externally.
- Organizations that have successfully brought **domestic court cases** to have armed forces or-

dered out of schools should advise others interested in pursuing similar strategies.

- Education ministries and education actors working in contexts where military use of schools occurs should develop **rapid response systems** to establish adequate temporary learning spaces for students displaced by military use of their education institutions, and to advocate immediately for the return of the occupied facility. International organizations should support these efforts.
- Defense ministries and armed forces should establish **preventive planning measures** to minimize or **eradicate the need to use education institutions** during military operations.

Accountability

- All parties to an armed conflict should **abide by their obligations under international humanitarian law** and take all feasible precautions to protect the civilian population and civilian objects, including education institutions, against the effects of attacks. States should **investigate and prosecute**, in accordance with international standards, those individuals who use education institutions in a manner that violates international law, or who order such use.
- States that regulate or ban military use of schools or other education institutions under domestic legislation, military orders or policy, or court orders, should **hold accountable** individuals who violate these rules.

ⁱ “Guns ‘n grammar: Yemen school occupied by rebels,” AFP, September 29, 2014.

ⁱⁱ Save the Children, *Untold Atrocities: The Stories of Syria’s Children*, 2012, p. 8.

ⁱⁱⁱ Human Rights Watch, *Sabotaged Schooling: Naxalite Attacks and Police Occupations of Schools in India’s Bihar and Jharkhand States*, 2009, p. 29.

^{iv} Human Rights Watch interview, Kalungu, Democratic Republic of Congo, June 17, 2015.

1.METHODOLOGY AND DEFINITIONS

Methodology

In 2011, the GCPEA commissioned a study to analyze the existing country-specific research and documentation regarding the military use of schools and other education institutions in countries affected by conflict and insecurity. The result, published in November 2012, was the report *Lessons in War: Military Use of Schools and Other Education Institutions during Conflict*.

As a result of increased monitoring, reporting, and advocacy on the issue of military use of schools and universities since 2012, the GCPEA decided to update the 2012 report to reflect these recent developments.

Primarily, this is a desk study, surveying reports and other publications from the UN, as well as international and domestic human rights, humanitarian, and education organizations. This study also draws upon international and domestic media reporting, and a limited number of interviews with experts conducted by the research team in person, as well as over email and telephone. In a few instances, the study also cites from site visits and interviews carried out during on-the-ground investigations into the issue of military use of schools conducted by researchers on behalf of Human Rights Watch.

Constraints

Although the extent of public documentation on the military use of schools and universities has increased since the 2012 study, experts and practitioners consulted during the research of this update agreed that public documentation still does not capture the totality of such use by state, non-state, and international actors. Governments may suppress information regarding use of schools or universities by their own armed forces, and communities may fear retribution if they denounce the armed forces for using their local institutions. Several organizations consulted during research for this study were aware of anecdotal reports of military use of education institutions that they were unable to verify due to insecurity, limited resources, or a lack of complete documentation. These reports are not included in this study.

Definitions

This study uses the following terms and definitions:

“Armed conflict” covers 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.

“Armed force,” “military,” and **“security force”** are used interchangeably to encompass any national armed force, paramilitary group, paramilitary police, police acting as combatants in an armed conflict, non-state armed group, multinational force, or peacekeeping force.

“Education institution” should be understood in a broad sense to mean places used principally for education, whatever they are called in the local context. It includes, 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 may also include any land or grounds immediately adjacent to or attached to the institutions such as playgrounds or ball fields. The term also includes schools and university buildings that have been evacuated because of the security threats posed during armed conflict. Not included, however, are 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, such as military colleges and other training establishments. In this study, **“schools,” “learning facilities,”** and **“education institutions”** are used interchangeably to refer to all educational levels ranging from pre-school to university.

“Military use” refers to the broad range of activities in which a military may engage with the physical space of an education institution, whether temporarily or on a long-term basis. As explained in detail in chapter 3, 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 to fire weapons from (firing position) or to guide weapons onto their targets (fire control). For the purposes of this study, the term does not include 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. (For more on this distinction, see the box *Military Presence to Protect Education Institutions, Students, Teachers, or Election Polling* in chapter 3.)

2. BACKGROUND: EDUCATION DURING TIMES OF CONFLICT

Armed conflict challenges the realization of the right to education. Children living in countries affected by armed conflict are substantially less likely to attend school than other children. Many experience prolonged interruptions to their studies and some abandon their efforts to learn. An estimated 28.5 million primary school-age children are out of school in conflict-affected countries, accounting for around half of the world's out-of-school primary population.¹ Children in conflict areas who do enroll are also more likely to drop out later: statistics indicate that children entering primary school in countries affected by armed conflict are 20 percent more likely to leave primary school before completion than their counterparts in comparable countries not affected by armed conflict.² Similarly, literacy levels in countries affected by armed conflict are significantly lower than in comparable countries.³ Gross enrollment ratios in secondary school are nearly 20 percent lower in conflict-affected countries. Studies reveal that education outcomes for girls in countries affected by conflict are worse than for boys.⁴

The military use of schools or other education institutions in situations of armed conflict or insecurity exacerbates an already precarious educational context.

Ongoing Access to Education is Life-Saving and Life-Sustaining

Safe access to education during times of conflict can provide both physical and psychological protection, save lives, sustain communities, strengthen resilience, and mitigate the impact of humanitarian crises.⁵ When provided in a safe and protective environment, attending school or other education institutions can impart an important sense of normality and provide life-saving information and services, such as mine-awareness, HIV prevention, feeding programs, and psychosocial services. Increasing access to school for all can reduce feelings of injustice that have fuelled conflicts. Importantly, ensuring future generations are well educated is vital for overcoming conflict, aiding recovery, and ensuring future development and security.⁶

3. THE NATURE OF THE USE OF EDUCATION INSTITUTIONS BY ARMED FORCES AND ARMED GROUPS

How Armed Forces and Armed Groups Use Education Institutions

This section provides a few examples of the variety of common uses of schools by armed forces and armed groups during conflict situations. They range from short-term or temporary uses, such as firing positions and overnight shelters; to intermediate uses, such as military training grounds and detention centers; to long-term or indefinite uses, such as weapons caches and operating bases.

Partial Use versus Full Occupation

Sometimes when an armed group moves into an education institution, they expel all the students, teachers, and other civilians from the area. Alternatively, if the civilians were absent at the time of the takeover, the soldiers may prevent them from returning. Yet, often the troops only use part of the campus—they occupy a few classrooms, or take over some floors, or camp out in the playground—while teachers and students attempt to continue their classes. Even when forces only partially use a limited number of classrooms or a portion of the grounds, the physical indications of such use—such as sentries, barricading, and signage—can still give the impression that the entire premises has been converted to a military use and can place the entire school or university at risk of attack from opposing forces. Moreover, even partial use of a school or university may affect the learning environment and safety of the entire facility.

Bases and Barracks

Armed forces and armed groups establish bases and barracks in school or university buildings and grounds to accommodate troops for the short-, medium-, or long-term, and provide them with access to amenities such as cooking spaces, washing facilities, and toilets.

- The country that appears most heavily affected by schools used as bases or barracks in recent years is Syria. Government forces have used schools as barracks, with tanks at the school gates and snipers posted on the rooftops.⁷ Anti-government forces have also used schools as bases.⁸ The UN Commission of Inquiry for Syria has noted that the use of schools for military purposes by armed groups “endangered children and led to their injury and death.”⁹ Islamic State (also known as ISIS) is new to the conflict since the first version of this study: it too uses schools as military bases, as places of detention and for the indoctrination of those people, including boys, it has abducted.¹⁰
- University campuses in Somalia have frequently been used as military bases. Gahey University in Mogadishu served as base for the peacekeepers from the African Union mission in Somalia (AMISOM) in Somalia during 2011.¹¹ In January 2012, AMISOM forced Al-Shabaab out of its positions in and around the buildings of Mogadishu University.¹² Ethiopian troops used Hiraan University as a military base in early 2012, forcing the university to set up a makeshift campus inside the town of Beletweyne.¹³ In

September 2012, Somali National Army troops and Kenyan troops under AMISOM used Kismayo University as a temporary military base for nearly a month.¹⁴

- In the Central African Republic, the ex-Seleka used at least 20 schools as bases during 2013 according to the UN, and a group of anti-Balaka and former elements of the national armed forces used a school in Bangui.¹⁵ Reports of occupation of schools continued into 2014.¹⁶
- In Mali, Ansar Dine and the Movement for Oneness and Jihad in West Africa used at least 20 schools in the north of the country as bases in 2012, while the UN noted military troops and pro-government militia used at least 14 schools in the region of Mopti, affecting 4,886 students.¹⁷ While incidents of military use of schools were reported up until January 2013, the majority of schools were vacated following the French military intervention. As of November 2013, however, 30 fighters from the National Movement for the Liberation of Azawad were still using two buildings at a school.¹⁸ In 2013, a contingent of peacekeeper troops from Niger who were part of the UN Multidimensional Integrated Stabilization Mission in Mali established a base in a vocational training center, where they remained until December 2014.¹⁹ By late 2014, various armed groups were occupying at least 14 schools in the north.²⁰
- In Nigeria's Borno State, a local resident told Human Rights Watch, "Soldiers were using the primary school in Chinene, Wuje primary school at Pulka junction for about three months [in 2014], and the government secondary school in Ngoshe, all in Gwoza, as military bases. They were stationed in Chinene for close to two months, from April to June 2014... The soldiers were later forced to evacuate the schools and the entire area when Nigeria Air Force jets were dropping bombs over the area... Boko Haram fighters burned down the schools in Chinene and Ngoshe when they took over the towns in June."²¹
- In South Sudan, the UN verified 83 incidents involving the military use of schools as barracks or bases between March 2011 and September 2014. Groups documented as having used schools include the Sudan People's Liberation Army (SPLA), the SPLA in Opposition, the South Sudan Democratic Movement/Army Cobra Faction, the National Police Service, and other unknown actors.²²
- In the Israeli Occupied West Bank, Human Rights Watch visited three schools used by Israeli military forces for operations in mid-June 2014 following the abduction (and subsequent murder) of three Israeli teenagers by Palestinian gunmen. The principal of a school outside of Hebron told how an Israeli military officer demanded he open the school's classrooms for use as a temporary military base, allegedly stating, "We're in a period of war now." The soldiers parked vehicles in the courtyard, slept on the school's second and third floors, and placed lookouts on the roof. After three days, the soldiers departed, leaving filthy toilets and some live bullets behind, according to the principal. At a nearby school, which was used for a shorter period, teachers complained they found trash bins filled with urine and feces, and broken windows and locks. At a school near Nablus, which was used as a temporary detention and interrogation center, the principal said schools "should be a sacred place" and they "shouldn't be used for military purposes."²³
- As the Thai military deployed increasing troop levels in its southern provinces as part of counterinsurgency operations, it frequently accommodated soldiers inside school buildings and compounds. As of 2010, the paramilitary Rangers and Royal Thai Army troops occupied at least 79 schools.²⁴ The local army commander later conceded that, according to international practice, soldiers were not supposed to stay in schools with children present, and subsequently they vacated many, if not all, schools.²⁵

Defensive and Offensive Positions or Staging Areas

Troops may set up in school or university buildings in order to use them as defensive positions that provide protection from direct and indirect fire, offensive positions, observation posts, firing positions, or for the purpose of observation for fire control.

- In October 2013, in Badakhshan Province, Afghanistan, national security forces, including the army and paramilitary police, temporarily closed down three schools for use as forward bases and installed artillery on the roofs.²⁶
- In 2013, the UN received reports that Pakistan security forces were using government school buildings in Khyber Pakhtunkhwa Province and Federally Administered Tribal Areas to launch operations against armed groups.²⁷
- Yemeni Presidential Guard soldiers established sandbag and concrete block fortifications on the roof and balcony of Al-Faarūq School, in Sanaa, Yemen, during 2011 and 2012. The school is located close to the presidential residence, and the positions were used for observation and firing. When fighting broke out nearby, soldiers took up positions on the roof and balconies of the building.²⁸
- In Somalia, from April to July 2007, Ethiopian government forces used the Mohamoud Ahmed Ali Secondary School in Mogadishu as a strategic position from which to fire rockets, artillery, and mortars on opposition forces.²⁹
- In February 2006, Israeli security forces used the Basic Girls School in Balata refugee camp in Nablus for three days as a firing position.³⁰

Weapons and Ammunition Storage

In order to hide, cache, or simply store weapons and ammunition, armed forces and armed groups have stockpiled weapons and ammunition in schools and school grounds:

- On July 16, 2014, in the course of the regular inspection of its premises, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) found approximately 20 rockets hidden by Palestinian armed groups in a vacant school in the Gaza Strip. On July 22, UNRWA discovered more rockets in another vacant school in Gaza, situated between two other UNRWA schools serving as a shelter for displaced persons. On July 29, another cache of rockets was found at an UNRWA school in central Gaza, which was closed for summer.³¹
- In the town of Ja'ar in Yemen's Abyan province, Ansar Al-Sharia militants used Al-Zahra Elementary School to store ammunition, for several weeks in or around May and June 2011 until a rumor of a possible army offensive led to an uproar by local residents, prompting an Ansar al-Sharia commander to order the removal of the ammunition. The group also used Al-Hikma school to store ammunition, make bombs or for both purposes in 2012, local residents told Amnesty International. An Amnesty International researcher who visited a third school, Al-Thawra School, found a notebook that apparently belonged to an Ansar Al-Shari'a military commander, entitled, "The main elements in preparing bombs," and a detailed seven-page handwritten explanation.³² The UN Panel of Experts on Yemen also received reports of Houthi forces using at least five schools as weapons depots during their takeover of Amran governorate in 2014.³³

- The Inter-Agency Standing Committee (IASC) Education Cluster³⁴ in Côte d'Ivoire found three schools still containing firearms and ammunition during an assessment conducted in 2011 after the arrest of former President Laurent Gbagbo and the end of fighting.³⁵
- Al-Shabaab Islamist militants have stored weapons at schools in Mogadishu, Somalia. At one school where classes were ongoing in 2010, hand grenades, guns, and pistols were hidden in the bushes and trees, and behind books and lockers.³⁶

Detention and Interrogation Centers

Armed forces have also converted schools into sites of detention, interrogation, torture and other ill-treatment. Sometimes forces might use a school classroom to temporarily hold or interrogate one or more individuals, possibly in connection with other military activities at or around the school. However, in many instances, entire schools have been used for mass detention for prolonged periods.

- Boko Haram fighters in northern Nigeria detained around 300 abducted women in a school in Baga in early January 2015, one woman who was freed after four days told Amnesty International.³⁷ Government forces have also used schools for detention purposes. Chinene Primary School, in Gwoza, Borno state, was occupied by security forces from January to May 2014. Residents told Human Rights Watch that Boko Haram suspects were detained in the school before being transferred. The Government Day Secondary School in Ngoshe, also in Gwoza, was also used as a detention facility between April and June 2014.³⁸
- Physicians for Human Rights reported that Gaddafi forces in Libya used an elementary school in Tomina as a detention site where women and girls as young as 14 were raped. An eyewitness reported seeing tanks and other military vehicles at this school in April 2011. One night he heard women cry out in pain and a man yell, "Shut up you dogs!" The witness also told the organization that one father had confided that his three daughters aged 15, 17, and 18 had gone missing after Gaddafi troops arrived in the village. After they returned to their family, they told their father they had been raped in the school for three consecutive days. This father then allegedly slit each of his daughters' throats with a knife as an "honor killing."³⁹
- In Syria in 2011, government authorities established numerous temporary, unofficial holding centers in schools where the security forces rounded up and held people during mass detention campaigns in the context of anti-government demonstrations, before transporting them to branches of the intelligence agencies.⁴⁰ A report by Save the Children quotes a 15-year-old boy saying: "Some men came to our village. I tried to escape, but they took me to jail. Except it wasn't a jail—it was my old school. It's ironic—they took me there to torture me, in the same place I used to go to school to learn... They had taken over the school and made it into a torture center."⁴¹ The sustained use of schools as detention facilities in Syria has consistently been recorded since.

In other instances, forces used schools for large-scale and longer-term detention.

- Sri Lankan Armed Forces used at least nine schools to detain adults they identified as former combatants with the Liberation Tigers of Tamil Eelam during 2009 and 2010. Although razor wire separated buildings designated for school use from the armed forces' camps, the UN documented that adult detainees were observed freely walking around in the schools reserved for education. According to the UN, this use of schools to detain suspected former combatants severely interrupted schooling and threatened the safety of several thousand students.⁴²

Military Training

To provide military trainings on strategy, fitness, and weaponry to new recruits, armed forces and armed groups have used school classrooms, school grounds, and university lecture halls.

- For an unknown period from September 2013, Islamic State (also known as ISIS) used Al-Bouhtri School in Aleppo, Syria, for recruitment and as a military training facility for boys under the age of 18.⁴³
- At two schools that form a sprawling campus in South Kivu, in the Democratic Republic of Congo, soldiers frequently used the schools' land from November 2012 until at least July 2013 to conduct parades and military training exercises. An official explained: "For the parade, it's an exorbitant number of soldiers.... Each Monday, during the parade, they will punish soldiers in front of students... They punish them by beating them below."⁴⁴
- Islamist armed groups controlling northern Mali trained new recruits, including children, in private and public schools, as well as in Quranic schools, during 2012.⁴⁵
- In 2011, anti-Gaddafi forces in Libya conducted training in schools. Journalists documented at least one instance of rebel leaders using a secondary school to instruct soldiers in the use of anti-aircraft guns.⁴⁶
- According to the UN, the Ugandan army trained combatants in schools in at least three northern districts during 2006 and 2007.⁴⁷

Illegal Recruitment of Children

Regardless of whether it occurs on school grounds or elsewhere, the Optional Protocol on the Involvement of Children in Armed Conflict prohibits the forcible recruitment of a child for military service, or for non-state armed groups to voluntarily recruit anyone under age 18.⁴⁸

Sometimes groups use schools to indoctrinate children to join them, and sometimes groups take advantage of schools as locations where children gather, to recruit children into their forces, including through abduction.

- The UN has verified that the Revolutionary Armed Forces of Colombia-People's Army (FARC-EP) has engaged in child recruitment campaigns in schools, citing as an example a case in September 2008, when FARC-EP soldiers entered a school where 800 students were studying and invited the children to join the group. The same UN report also highlights National Liberation Army (ELN) child recruitment campaigns in schools in February 2008. ELN apparently provided the school with money in exchange for permission to deliver military training on the premises.⁴⁹ In early 2014, Human Rights Watch documented a case where six FARC-EP members entered a school and told two teenage boys to place a bomb in a location where the military was camped. The boys refused.⁵⁰ Paramilitary successor groups also use schools to indoctrinate students as a first step to recruitment.⁵¹ Rural boarding schools were particularly targeted for recruitment purposes by armed groups because of their isolation.
- During the first days of the fighting in Bentiu and Rubkona in South Sudan in December 2013, the opposition forcibly recruited hundreds of children from two schools.⁵²
- On April 19, 2012, fighters loyal to rebel leader Bosco Ntaganda rounded up at least 32 male students at Mapendano secondary school, in North Kivu province, in the Democratic Republic of Congo. A 17-year-old student told Human Rights Watch: "There were so many of them. They came at 1:30 p.m. We

were almost done with the school day. [The fighters] asked us to exit the room and then they took us behind the school building. They tied my hands with a rope. All of us were tied up. Then they marched us to the hill.... They told us we would fight.”⁵³

- In Somalia, Al-Shabaab militants have systematically used schools as recruiting grounds. The militants regularly visit schools and forcibly remove children individually, often at gunpoint, from classrooms. On other occasions, they have lined up students and selected children they deem fit to serve as fighters, suicide bombers, “wives,” or for domestic duties, and have taken them back to their training camps. Human Rights Watch quotes a 16-year-old student as explaining in 2011, “They target schools as they see them as recruiting grounds, but also because they see school and education as a waste of time... ‘Why go to school when you could be fighting?’ is their view.”⁵⁴
- A teacher at a school in Swat, Pakistan, complained to Amnesty International in 2009 that Taliban forces “took over my school and started to teach children about how to fight in Afghanistan.”⁵⁵

Temporary Shelter

Armed forces and armed groups sometimes use education buildings as temporary shelter, either from incoming attacks or just against the elements. Due to the short nature of this kind of use, the media and independent monitors rarely document or report on it.

- According to reporting by the NGO, Karen Human Rights Group, Myanmar government armed forces temporarily sheltered from the rain in a school in the village of Tha Dah Der, in the northeastern Karen State, in July 2010. Local residents had already fled the area, and the soldiers had burned most of the other structures in the village. Prior to leaving the area, the troops also attempted to burn the school as well.⁵⁶
- During the conflict in South Ossetia, Georgia, in 2008, a kindergarten teacher told Human Rights Watch that South Ossetian volunteer militias had been “hiding” in her kindergarten building, and that Georgian government forces attacked the building with rockets. Militia fighters also co-mingled with civilians in the basement of School No 6, in the regional capital of Tskhinvali, peeking out but not opening fire at Georgian forces. That school also drew government tank fire.⁵⁷
- In Colombia, army helicopters have occasionally used school playgrounds as landing sites and for unloading personnel, supplies, and weapons, reported a local human rights group in 2007.⁵⁸

Military Presence to Protect Education Institutions, Students, Teachers, or Election Polling

This study distinguishes between use of education institutions by armed forces in pursuit of a military advantage, and instances where forces establish a presence in or around a school, perhaps at the request of community leaders or local authorities, in response to an immediate and compelling security threat against the school itself, or the teachers and students.

In places such as Afghanistan, Iraq, Nigeria, and Thailand, where schools regularly come under attack, armed forces have at times set up in or around schools in order to protect students and staff. Activities have included checkpoints, military escorts to and from the place of study, and the deployment of troops or police.⁵⁹ In addition, throughout the world, governments often use education premises as election polling stations. As polls may be subject to attack in some countries, armed forces deploy to protect the security of the polling station and voters.

There is debate about whether, or in which circumstances, the presence of armed forces in or around education institutions acts as a deterrent to violent attacks on education institutions; or it actually invites attacks on those military personnel guarding the facilities; or if it has other negative consequences.⁶⁰ Although this debate is outside the scope of this study, the findings nonetheless suggest that avoiding the presence of security forces within the grounds or buildings of an education institution could help to avoid compromising the establishment's civilian status and disrupting the learning environment.

- In Thailand, soldiers escort some teachers to and from schools to ensure safe passage, and sometimes deploy to protect schools. However, separatist militants have also targeted such soldiers while at schools. At times, such attacks have damaged schools and endangered civilians. For example, one attack in September 2013 killed two soldiers and injured a 12-year-old boy on school premises.⁶¹
- In Yobe, Nigeria, the government deployed soldiers to all boarding schools in the state in 2013 to guard against attacks from Boko Haram. One teacher told reporters, "The presence of soldiers in schools only heightens fear among teachers and students because it is a constant reminder of the danger they are in, which affects them psychologically and emotionally and negatively affects teaching and learning. No effective learning takes place in an atmosphere of fear and anxiety."⁶²

On August 19, 2009, members of an armed opposition group launched an attack with rockets and small arms against an Afghan National Police checkpoint at the Malak Yar Hotak High School, Nangarhar province, which was to serve as a polling station.⁶³

Military Use of Schools in Situations of Insecurity

While this study focuses on the military use of schools and universities during situations of armed conflict, the use of schools by security forces in other situations of instability can also have negative consequences.

- In November 2012, the Lycée Al-Horreya “Bab El Louk,” in Cairo, Egypt, sustained heavy damage when Egypt’s riot police, the Central Security Forces, used the school to launch attacks on protesters over four consecutive days. Molotov cocktails from protesters left parts of the school in flames and soldiers threw school furniture at protesters.⁶⁴
- In Ethiopia, at least one school in the Gambella region was used by the army as a makeshift prison in 2012. A witness told Human Rights Watch that he had seen soldiers torturing a young man at the school by making him walk on hot coals.⁶⁵
- In Kenya in September 2012, police sent to curb inter-tribal violence in the Tana region reportedly created a camp inside a school.⁶⁶
- In Russia’s Dagestan region, two schools were set aside for use as military bases by national forces during 2009 to 2012. In June 2012, suspected armed militants burned down one school and then attacked another in Tsyntuk village, apparently because government forces had earmarked them for use as bases for counter-insurgency operations.⁶⁷

Reasons Education Institutions are Used by Armed Forces and Armed Groups

A variety of advantages attracts armed forces and armed groups to use education institutions, including tactical benefits, shielding, deception, and simple convenience. Generally, forces use schools or universities because of the physical nature, geographic location, or government ownership that distinguishes these institutions from alternative buildings or sites.

Forces looking to establish a base in conflict situations will often identify places where they can rapidly establish a defense. From a point of convenience, and in order to establish a secure base quickly, troops will generally avoid buildings that require extensive reinforcement, time-consuming fire prevention measures, fields of fire clearance,⁶⁸ and other manual labor requirements.⁶⁹ Schools and universities often have thick boundary walls, and in many places are better built and taller than standard construction.

- As reported by Human Rights Watch, a governor in southern Thailand explained in 2010 that security forces had clear tactical reasons for locating in schools: “Schools often have better protection, such as a fence, and a good setup for surveillance from the top of the school. It would be riskier to set up sentry posts with [paramilitary] Rangers or soldiers in the periphery of the village, so they place them inside the schools in the center of the villages. [Bases on the periphery] makes them more vulnerable to insurgent attacks, because they are more exposed.”⁷⁰

Military forces using education premises might also benefit from free access to basic services such as water, kitchens, and electricity.

- At Nagaan Elementary School on Mindanao island in the Philippines, troops from the armed forces slept in some of the school’s classrooms and in the teachers’ housing for seven months in 2011, all the while accruing an electricity bill that the school felt “too shy” to ask the soldiers to pay.⁷¹

A lack of alternatives is sometimes raised to justify using schools.

- When rebel Houthi forces entered Yemen’s capital, Sanaa, in September 2014, they used several schools as barracks, both during the fighting and after a peace agreement was signed. A Houthi spokesperson told Human Rights Watch that when their forces took control of Sanaa, they saw an urgent need to fill the power vacuum and asked allied tribal and other groups to bring in more fighters. “There were suddenly thousands of men whom we needed to give a place to sleep,” he said. “We rented some event halls and hotels, but still needed space, which is why some of them took over schools.”⁷²
- When a civil society group went to court in 2008 to contest the conversion by paramilitary police of parts of schools in Jharkhand, India, into bases and barracks during counterinsurgency operations against Maoist armed groups, the police told the court: “The newly created State of Jharkhand was lacking buildings and infrastructures in the remote areas of the State. The Jharkhand Police had no other alternative than to deploy the police/paramilitary forces in [...] part of the buildings/campuses.”⁷³

Sometimes local communities or local governments may offer the school to an armed force—or feel compelled to do so.

- Infantry soldiers were using part of Sadanga National High School in Mountain Province, in the Philippines, when Human Rights Watch visited in November 2011. The school has over 200 students, aged 12 to 18. More than a dozen soldiers had camped on both an adjacent piece of land and parts of the school grounds for over a year. A sergeant at the school conceded to Human Rights Watch that their presence was “against the law,” but said their presence was justified because it was done “with consent” of local officials. The town mayor similarly told Human Rights Watch, “We know about the law, but we are practical here.”⁷⁴

In addition, troops often view the location of schools—typically central within the local community—as advantageous from both a geographic and political perspective.

Historical Perspective

Concerns about the negative consequences of where soldiers are accommodated—and resulting efforts to regulate their billeting and quartering—date back a long time. In 1131, for example, England’s King Henry I’s charter for the city of London ordered: “Within the walls of the city no-one need be billeted, not [members] of my household nor anyone else.”⁷⁵

Schools too have a long history of protections. In 1621, Sweden’s King Gustavus II Adolfus promulgated “Articles of War” that included the instructions: “No man shall set fire upon any ... School ... or spoil them any way, except he be commanded... [and] No soldier shall abuse any ... Colleges [or] Schools.”⁷⁶ In the midst of war, in 1631, Gustavus added: “Every soldier ... convicted of having committed any disorder in ... schools, shall be punished with death.”⁷⁷

Although this study focuses on cases drawn from 2005 to 2015, military use of schools has been a feature of many of the major conflicts of the past century:

- During the First World War, more than 1,000 schools in England and Wales were appropriated for military purposes, including for use as barracks for troops and munitions workers. At the peak of disruptions in 1916, more than 155,000 children were displaced.⁷⁸ Alternative education was provided to many through “double shifts” at other schools, and at temporary schools in halls and Sunday schools.⁷⁹ However, the Army Council conceded: “Other premises to which a school is temporarily removed may often be much inferior in comfort, accessibility and convenience, to those which have been occupied for military purposes, and that a considerable sacrifice is therefore made by the parents, scholars, teachers, and officers of local education authorities.”⁸⁰
- During the war in Bosnia and Herzegovina, schools used by Bosnian Serb forces for detention and interrogation became sites of mass execution, torture, sexual assault, and rape.⁸¹
- During the invasion of Iraq, the US portrayed Iraq’s use of schools as contributing to civilian casualties. US Defense Secretary Donald Rumsfeld accused Iraqi President Saddam Hussein of using schools to shield military forces, “thereby exposing helpless men, women, and children to danger.”⁸² During 2003, US forces also deployed in at least three schools in northern Iraq, and one in Fallujah, all characterized as abandoned or closed.⁸³ Later, Multi-National Forces, the new Iraqi Army and police, and militias were reported to have used three schools in Eskan, 10 in Sadr City, and more than 70 in Diyala.⁸⁴



Schoolgirl Randi Lind depicted the scene at her school in Sagene, Norway, during the German occupation in 1944.

4. PREVALENCE AND SCALE OF ARMED FORCES AND ARMED GROUPS USING EDUCATION INSTITUTIONS

Examining public reports of the military use of schools and other education institutions around the world reveals that, more often than not, when a country experiences conflict, armed forces or armed groups use schools:

- In the period between January 2005⁸⁵ and March 2015, armed forces and armed groups were reported to be using schools and other education institutions in situations of armed conflict in at least 26 countries.⁸⁶

The military use of education institutions is likely under-reported. The frequent inability of neutral observers to access conflict areas where military use occurs and the fact that military use of education institutions is often only reported when accompanied by more newsworthy events, such as direct attacks on a school, contribute to underreporting. Even though the actual prevalence rates may be higher, reports of military use of education institutions in 26 countries experiencing armed conflict indicates that:

- Military use of education institutions is, at the least, widespread and occurring in the majority⁸⁷ of countries with armed conflicts.
- Armed forces or armed groups used schools and other education institutions across geographic regions—including Africa, Asia, Europe, the Middle East, and South America—and in both international and non-international armed conflicts.

Countries with Reported Military Use of Education Institutions 2005–2015

Afghanistan
Central African Republic
Chad
Colombia
Côte d'Ivoire
Democratic Republic of Congo
Georgia
India
Iraq
Libya
Mali
Myanmar
Nigeria
Nepal
Pakistan
Palestine
Philippines
Somalia
South Sudan
Sri Lanka
Sudan
Syria
Thailand
Uganda
Ukraine

Parties that Use Education Institutions

The data from the period January 2005 to March 2015 reveals that a variety of military actors is engaged in using education institutions. State armed forces, such as national armies and government paramilitary forces, were notably active in military use of learning facilities.

- State armed forces were reported as using schools in all of the 26 countries where military use was reported.⁸⁸
- In some conflicts, only state armed forces were reported to be engaged in such military use, though four-fifths (21 of 26) featured use of education institutions by both state armed forces and non-state armed groups.⁸⁹
- Foreign armed forces were reported to be using schools in at least five countries (Afghanistan, the Democratic Republic of Congo, Iraq, Mali, and Somalia). Furthermore, foreign mercenaries were reported to have used schools in Côte d'Ivoire during 2011.⁹⁰

Scale of Use of Education Institutions

In some countries, there is documentation of forces using only a handful of schools, while in others the number of education institutions used by militaries approaches, and even exceeds, one hundred. Nevertheless, depending on the intended enrollment numbers in affected learning facilities, even the disruption to a handful of schools can mean endangering and disrupting education for thousands, and even tens of thousands, of students.

- In January 2015, the Arabic international newspaper *Asharq al-Awsat* cited a local education department director as saying that Islamic State (also known as ISIS) had converted more than 1,500 schools in Iraq's western Anbar province into military barracks.⁹¹
- The Syrian Network for Human Rights alleged in early 2013 that government forces had turned approximately 1,000 schools into detention and torture centers and used schools to house security and intelligence personnel or as positions from which to shell the surrounding area.⁹²
- According to the UN's Independent Expert on the situation of human rights in the Central African Republic, when ex-Seleka forces were advancing on Bangui in 2013, "they occupied and looted all school structures on their way."⁹³
- In the Democratic Republic of Congo, army soldiers occupied 42 schools in Minova, South Kivu, and Bweremana, North Kivu, for varying lengths of time in late 2012, preventing at least 1,100 children from going to school.⁹⁴ In Katanga province, at least 64 schools were reported to be occupied during fighting between Mai Mai militias and the army in early 2013.⁹⁵
- In Libya, 221 schools were used by armed groups during 2011, with a further 35 used by the government or local administrations, according to a UN official.⁹⁶

- In Afghanistan in 2011, the UN verified 31 incidents of military use of schools—20 of which were attributed to opposition groups, and 11 to pro-government forces. This number of schools affected by military occupation rivals the number of schools burned down in Afghanistan during the same period, which was 35.⁹⁷ In 2012, the UN Assistance Mission in Afghanistan received reports of 14 incidents of school occupations. In one case, local elders in Alasay district, Kapisa province, told the mission that the Afghan National Army had used a school building for the previous four years, forcing staff to teach pupils outside.⁹⁸
- In southern Thailand, government forces used at least 79 schools for camps and barracks during 2010,⁹⁹ endangering and imperiling the education of an estimated 20,500 students.¹⁰⁰ They subsequently vacated all, or nearly all, of these schools.

Sometimes schools have been used multiple times by various groups:

- The director of one school in the Democratic Republic of Congo told Human Rights Watch: “On May 10, 2013, we stopped school activities as the school was occupied by [Congolese army] soldiers who were in combat with the M23... [Army] soldiers stayed for a month in the classrooms... The school was transformed into a military camp.... [Then] the M23...managed to chase away the [army] from the area. They fled, leaving behind some military equipment in our school that the M23 recovered upon their arrival. The M23 then, in turn, also used our school for a period. And when, during the months of October and November 2013, the fighting resumed between the [Congolese army] and the M23, the military chased away the M23 and reoccupied the classrooms of our primary school.”¹⁰¹

5. CONSEQUENCES OF MILITARY USE OF EDUCATION INSTITUTIONS: ENDANGERING STUDENTS' AND TEACHERS' SAFETY

The moment soldiers enter an education institution, it can become a target for enemy attacks, and stops being a safe place for students and teachers. Belligerent forces have attacked armed forces inside schools and higher education institutions even when students and teachers have been present. However, students' safety can also be jeopardized by the misconduct of those troops within their school or university. Attending a school occupied by armed forces can expose children to sexual harassment and cause them to witness acts of violence. In addition, there is the persistent danger of accidental or misdirected firing and explosions, especially when weaponry is in the care of poorly trained troops.

Students, Teachers, and Schools under Fire

Schools and higher education institutions used by armed forces and armed groups have come under attack from opposition forces, sometimes while students and teachers have been present. Children and other civilians have been caught in the crossfire and wounded or killed.

- According to the *Bangkok Post*, troops from Thailand's paramilitary Rangers had established an operating base inside the compound of Ban Cho Kuyae School in Pattani. On October 9, 2013, a group of insurgents broke into the school compound about 2 a.m. The insurgents shot at the buildings being used as the Rangers' base, and then threw a bomb at the buildings, setting them on fire. Rangers based at the school opened fire on the attackers, and one soldier was wounded. A stray bullet hit and killed Waena Bungo, 55, a teacher at the school, who was sleeping on the second floor of a nearby house in the compound.¹⁰²
- On September 23, 2013, members of the militant organization the Bangsamoro Islamic Freedom Fighters used the Malingao Elementary School, in North Cotabato, Philippines, as a defense posture, holding approximately 1,500 adults and children hostage, and abducted nine teachers in the course of their retreat.¹⁰³
- From June to December 2011, Yemeni government forces occupied the Superior Institute for Health Science, a tertiary institute for pharmacists and physicians' assistants, in Taizz, Yemen. They placed a machine gun mounted on an armored vehicle in the yard and dozens of troops remained inside the medical laboratory and the pharmacology department and on the roof, even when classes began. The troops routinely fired machine gun and mortar rounds from the school while it was in session. On October 17, a 60-year-old father was shot dead at the gate of the school when he came to register his son for classes. Upon hearing shots near the gate, several students and teachers rushed outside and allegedly saw a Central Security officer standing over the dead man with his gun pointed at him. On October 25, a 53-year-old dormitory guard was killed in crossfire between the security forces and opposition fighters.¹⁰⁴
- In 2011, the UN verified an increase in improvised explosive devices planted by the opposition New People's Army near and on school grounds in the Philippines, targeting detachments of the army.¹⁰⁵

- In 2010, Al-Shabaab fighters used a school in Mogadishu, Somalia, as a firing position while the students were still in the classrooms. Pro-government forces returned fire, and five rockets hit the school compound. One rocket struck just as the students were leaving the school, killing eight.¹⁰⁶
- During an offensive by insurgents on the town of Patia, in Colombia, in early 2006, guerillas entered a school to take shelter from army helicopters and to return fire. A teacher at the school, who was lecturing at the time, told a Colombian NGO that this caused great panic among the students and teachers who had to take shelter to avoid being hit by gunfire.¹⁰⁷ More recently, at another school in Narino, when the school rector asked at a public meeting whether the police could relocate from their post on his school's land, he received death threats the following day and was forced to flee, according to a local human rights group.¹⁰⁸
- In January 2006, members of the People's Liberation Army temporarily occupied a school in Syangja district, Nepal, with 130 students and teachers present. The Nepalese Army fired at the school from a helicopter and dropped a bomb nearby.¹⁰⁹

Students and teachers are also endangered by the conduct of those troops based within the premises, or the munitions they keep:

- At two of the schools visited by Human Rights Watch that were used by armed groups during the 2011-2012 uprising in Sanaa, Yemen, a soldier within the school had started firing his weapon indiscriminately while civilians were present.¹¹⁰
- During 2011, soldiers occupied Kuerboani Primary School, in Unity State, South Sudan, during the night, while children used the school during the day. Child protection staff reported to the IASC Education Cluster that children were using classrooms that contained weapons and grenades.¹¹¹
- In Iraq, a Shiite militia group stored ammunition in a cache dug underground at the Abaa Dhar Primary School in Sadr City, according to media reports. On December 7, 2009, the ammunition accidentally exploded, killing 8 people, including 6 children, and wounding 25 students and 3 teachers.¹¹²
- According to reporting by a coalition of Colombian NGOs, armed forces camped for several weeks in the Giovanni Cristini School in Carmen de Bolivar during 2006 and students had to share the school with them. One day, a soldier accidentally fired his weapon and injured a student.¹¹³

Even after troops have withdrawn from an education institution, students and teachers can still be in danger. In some cases, alleged or apparent retaliation attacks have occurred shortly after troops withdrew from school premises. Opposition forces have also attacked premises not recently occupied; yet the attackers' claimed motive was the presence of armed forces.

- When Maoists bombed the high school in the village of Belhara, Jharkhand, India, on April 9, 2009, local residents heard the attackers shout, "Down with the police camp!" However, residents said that paramilitary forces had not camped in the school in 2009, and had, at most, used the school only two or three times for two to three days previously.¹¹⁴
- In June 2008, the FARC-EP launched explosives into a school in the municipality of Puerto Asís, Putumayo, Colombia. In the days prior, army personnel had camped in the school premises.¹¹⁵

Exiting armed groups frequently leave fortifications, sandbags, and other indicators that could be mistaken by enemy forces as evidence that troops are still present or that the building is a military target. In the worst instances, armed forces leave behind dangerous items such as unexploded ordnance.

- In early 2015, when 40 schools remained occupied by forces in South Sudan, the UN Office for the Coordination of Humanitarian Affairs (OCHA) expressed concern that the poor disposal of shells in the affected schools would expose children to unexploded ordnance when the schools reopened.¹¹⁶
- Ukrainian government forces took over School Number 14, in Illovaïsk, in August 2014, for about 11 days until forced out by the rebels. When Human Rights Watch visited the school in October, it was closed and significantly damaged. Human Rights Watch found several unfuzed landmines on the school's land, apparently ejected from the supply truck they were stored on when it was attacked while parked in the schoolyard.¹¹⁷ In the last week of November 2014, at a school in Pervomaïsk where rebels were based in at least the school's yard, Human Rights Watch encountered signs on trees next to the school reading "Entry Prohibited. Shoot to kill" and "Mines."¹¹⁸
- During a visit to Institut Bweremana in the Democratic Republic of Congo in June 2013, Human Rights Watch observed Congolese army technicians removing large munitions from the school latrines. Although the latrines had been closed and partially destroyed in order to prevent their use, Human Rights Watch observed children playing around them. The munitions had apparently been left there for more than seven months by Congolese army soldiers who had previously used the school as a base.¹¹⁹
- Armed groups left unexploded ordnance in some schools in northern Mali in 2013, and the United Nations Children Fund (UNICEF) reported that some children were injured when these exploded.¹²⁰
- In 2010 and 2012, Yemen's Republican Guards entered and used Al-Faarūq School in Sanaa when there were threats or attacks on the nearby presidential residence. Even when the soldiers were not inside the school, their concrete and sandbag fortifications remained on the school's roof and balcony, giving the school a militarized appearance. Children and teachers would return and use the school when there was no fighting.¹²¹
- As of March 2007, although fighters in the rebel Lord's Resistance Army had been gone from their occupation of five primary schools in Lira, Uganda, for more than three years, unexploded ordnance and landmines prevented children from returning.¹²²

The use of one education institution can also endanger others in the surrounding area: opposition armed forces may suspect that these other education institutions also harbor armed forces, thereby increasing the likelihood of attack. Similarly, one armed group might take over a school merely to prevent it being taken over by enemy forces. Some armed forces have claimed that the use of schools by armed forces justifies their attacks on *any* school in the conflict zone. (Attacking a school, either in reprisal for forces having used it in the past, or because forces may make use of it in the future, violates the laws of war.¹²³)

- One day in early 2012, when the militant group Ansar Al-Sharia were using al-Hikma school in Ja'ar town, Abyan, in Yemen, for either ammunition storage or to make bombs, there was a loud explosion. A man who lived nearby told Amnesty International, "We went out to see what had happened and saw one member of Ansar Al-Sharia running outside the school calling for help. Then other Ansar Al-Sharia men hurriedly carrying two bodies and one injured man came out of the building and sped off in a car. It was clear that the explosion was a result of an activity inside the school because there were no signs of shelling on the outer walls." The school was surrounded on three sides by residential houses and a health institute.¹²⁴
- In August 2011, the UN in Myanmar received reports that the national armed forces had laid mines near a school in a village in Myitkyina Township in order to prevent the Kachin Independence Army

from using the school as a base.¹²⁵

- Statements by some Maoists in India indicate that they consider that, given government security forces' proclivity to occupy schools, any well-built structure, including a school, represents a potential threat because of its possible future use as a military base.¹²⁶

Combatants have justified attacks on schools—truthfully or untruthfully—saying they targeted military bases, not schools.

- In Pakistan, a Taliban insurgent in Swat Valley, explained: “The Taliban do not blow up schools... There are several school buildings in the area which we have never touched. The fact is that the military occupied the buildings and established bunkers. We attacked their positions, not the schools, but the buildings were damaged or destroyed. The irony is that nobody ever says that the army has occupied the school buildings and prevented children from going to school for months. But when the Taliban attack their positions, they are accused of being the enemy of education.”¹²⁷

Exposure to Physical and Sexual Violence

Using a school or other education institution as a base may mean exposing students to poorly trained or poorly disciplined armed personnel. This may lead to children witnessing or experiencing acts of violence, being harassed, or being subjected to physical or sexual abuse and other crimes.

- At Asmaa Girls School in Yemen's capital, Sanaa, soldiers from the renegade First Armored Division occasionally detained individuals during the 2011-2012 uprising. Human Rights Watch recorded complaints of a school administrator, who said: “They brought some detainees to the school and beat them here. We heard arguments and screams.... In the courtyard they beat a guy really severely.” A 13-year-old girl student said that, “When they tortured the old man here, we got very scared. They beat him [and] electrocuted him right in the courtyard of the school. It was during recess.”¹²⁸
- In Thailand, paramilitary forces occupied part of Ban Klong Chang village's elementary school in 2009 and 2010. Human Rights Watch interviewed a 10-year-old girl who said “I am afraid of [the soldiers], because the soldiers are very touchy. They love to hold the children, and that's okay for the boys, but for girls, we can't allow men to touch our body. And I am not happy when the soldiers ask whether I have any older sisters and ask for their phone numbers.” The girl said that, because of her fears, she had wanted to transfer to another school for the past year but had not because her mother wanted her to attend school near her home. Another mother, who had removed her daughter from the school, said: “It is more dangerous for girls than boys, because girls these days now grow up so quickly. I fear that the girls will get pregnant by the soldiers.”¹²⁹
- The Office of the UN High Commissioner for Human Rights in Colombia registered complaints in 2004 alleging that soldiers from the High Mountain Battalion, which had periodically occupied a local school in Valle de Cauca, had sex with two 14-year-old girls who became pregnant as a result.¹³⁰ A 2012 report by the Watchlist on Children and Armed Conflict described how police in Putumayo used schools as a base for operations against guerrillas or failed to comply with a requirement to stay at least 200 meters away from schools. Community members told the organization that the police sexually harassed girl students and stole school food supplies.¹³¹

Forced Labor

Troops using schools have sometimes forced students, teachers, and local community members to work for them.

- A village leader in the Democratic Republic of Congo told Human Rights Watch that forces loyal to rebel commander Bosco Ntaganda forced him to get people from his village to help dig trenches around the school that they occupied. “Others were taken by force to dig holes and fetch water,” he added.¹³²
- In 2004, in the midst of the civil war in Nepal, Maoist fighters were reported by the Watchlist on Children and Armed Conflict to have forced students and teachers to dig defensive trenches at schools they used as barracks in Kalikot district, so the soldiers could retaliate against security forces in the case of attack.¹³³

6. CONSEQUENCES OF MILITARY USE OF EDUCATION INSTITUTIONS: ENDANGERING STUDENTS' EDUCATION

In addition to risking students' and educators' lives and safety, military use of education institutions also impinges upon access to education, degrades the quality of education, and compromises efforts to create safe learning spaces.

A broad, enabling learning environment consists of secure physical structures, safe sanitation facilities, adequate instructional materials, and competent teachers. This provides optimal support for quality teaching and learning in the classroom. When armed forces and armed groups use education institutions, all of this is imperiled.

Students Drop-Out or Excluded from Studies

When security forces completely occupy functioning educational facilities, it physically displaces the students and forces them to seek instruction in alternative, frequently less educationally appropriate, locations. However, at times, governments provide no alternative local education options, or, families find that for financial, logistical, or safety reasons, their children cannot continue their studies. During the months or years that pass before new premises are constructed or classes are shifted to other locations, education comes to a standstill. In many developing and conflict-affected countries, instructional hours at schools are already inadequate to obtain a quality education.¹³⁴

- In May 2013, army tanks positioned near a school in Beit Saber, in Damascus, Syria, caused the school to close. According to the Commission of Inquiry on Syria in August 2014, students in the area remained without educational alternatives. A girl from Dara'a city told the Commission that most schools in Dara'a were no longer operational because government forces had occupied them and surrounded them with snipers.¹³⁵
- The use by the armed forces of Côte d'Ivoire of a primary school in Dja-Kouakoukro during 2013 prevented students from attending classes for two months.¹³⁶
- When Colombia's national armed forces used a school for military purposes while fighting against FARC-EP in Putumayo during February 2013, classes were often suspended.¹³⁷
- Noting that, in 2013, ex-Seleka fighters had occupied and looted many schools, the UN's Independent Expert on human rights in the Central African Republic concluded, "This is a violation of the right to education because as a result of their acts schools were closed for several months."¹³⁸
- In 2012, the establishment of a detachment by the armed forces next to Salipongan Primary School in Tugaya municipality, Lanao del Sur province, in the Philippines, closed the school for two weeks.¹³⁹
- In Myanmar in May 2011, the Karen Human Rights Group reported that the army used village schools as barracks for a period of two weeks, and several students left school as a result. When the army concluded their occupancy, some students failed to return to school.¹⁴⁰
- According to the UN, a school in Elwak district, Gedo region, in Somalia, was used intermittently by armed groups, including Al-Shabaab, during 2011, interrupting the education of over 500 children.¹⁴¹ Earlier, many students dropped out of school in Mogadishu, Somalia, in response to Al-Shabaab militants' use of schools as recruiting grounds for child fighters. Human Rights Watch quoted a 15-year-old

student explaining the drop-outs from his class: “In my class there were 40 students, and when I left there were only 13 and no girls. There were no girls in the whole school by December 2010.”¹⁴²

- In Yemen, Houthi rebels occupied dozens of primary and secondary schools in the northern Saada governorate for at least two months in early 2010. According to the head of the local education office, this prevented at least 30,000 children from going to school.¹⁴³
- A mother in southern Thailand told Human Rights Watch, “I had nothing against the soldiers when they were outside the school... But when they moved into the school, I feared there would be an attack on the school, so ... I withdrew my children... If there was a hit on the grounds, the children would be hit.”¹⁴⁴
- In Logar province, Afghanistan, a high school for 1,500 students was occupied from 2005 by the Afghan National Police and subsequently, from 2007 to at least 2011, by the international military forces. Community leaders reported to the UN that approximately 450 students chose to leave this school.¹⁴⁵

Even temporary use of schools or universities by security forces can disrupt education.

- In July 2007, the Armed Forces of the Philippines used a school in Aurora Province to hold a community meeting where soldiers displayed the corpse of an alleged member of the New People’s Army (the armed wing of the communist insurgency) and forced residents to identify the individual. As a result, the school cancelled classes for some time as teachers and students refused to enter the school grounds.¹⁴⁶

Sometimes, students who leave one school due to the presence of soldiers will move to another nearby school. This, however, can place additional burdens on the receiving schools.

- After Thai soldiers occupied Pakaluesong School in Pattani in November 2006, school enrollment dropped from 220 students to 2, and the school eventually closed. When it re-opened in May 2008, some 60 students returned and, as of 2010, some 60-90 students attended class there. However, the government school most students transferred to was not prepared to accommodate the sudden, nearly 50 percent, increase in enrollment. Students from each class had to take turns using the classrooms, and the library had to be converted into a classroom.¹⁴⁷

Destruction of Infrastructure

Availability of education requires that proper infrastructure and facilities are in place and that students can access adequate books and materials. When education institutions are targeted for attack because of the presence of troops, the damage and resultant loss of infrastructure can be major.

- French air strikes reportedly damaged several education buildings in Mali in early 2013, including the Teaching Academy in Douentza, which Islamist armed groups were using as a military base.¹⁴⁸
- In June 2012, early on a Saturday morning, FARC-EP guerillas attacked a police outpost on the grounds of the Chilvi Education Institution in Narino, Colombia. According to sources quoted by a local human rights organization, the police fled their wooden post for the protection of the brick classrooms. The firefight left 70 percent of the school damaged. Teachers were subsequently unwilling to teach in such an insecure environment, so students had to relocate to other schools.¹⁴⁹

- The director of a primary school in the Democratic Republic of Congo explained to Human Rights Watch that while his school was occupied by Congolese armed forces, they installed heavy weapons which were used to fire on rebel M23 forces on a hill about five kilometers away. In return, the M23 fired in the school's direction. "One classroom was completely destroyed after a bomb fell on it from the M23 area," he said.¹⁵⁰
- Residents from the town of Sheikh Meskin, in Daraa governorate, Syria, told Human Rights Watch that, in June 2012, government forces attacked a school that an armed opposition group had taken over. One resident explained: "The Free [Syrian] Army was inside a school and the army attacked it with two tanks. Sixteen people were inside it from the Free Army. [The government army] fired on it until the whole school collapsed...The most targeted places [in Sheikh Meskin] are the schools, because the Free Army used to use schools as a place to rest."¹⁵¹
- In Afghanistan, both Afghan and international forces have come under attack while using schools. For instance, in May 2012, after police occupied two schools in Badakhshan province, displacing the students and teachers, so-called anti-government elements fired a rocket-propelled grenade into the school compound, damaging the building, and warned local officials that they would continue to target schools used for military purposes. In June, the forces vacated both schools.¹⁵²
- A teacher at the Tomina elementary school in Libya told Physicians for Human Rights that, in 2011, Gaddafi forces attacked the school on April 26 and used the building as a military base, until May 14 when rebel forces gained control of the area. Investigators documented destruction of the school's perimeter wall and exterior classroom walls, marked with evidence of mortar shells and gunfire. Debris from fallen plaster was scattered throughout the interior, and overturned desks lay in each of the classrooms.¹⁵³
- In late October 2008, the Taliban took over a school in the Darwaz Gai area of Mohmand, in Pakistan, while students were in class. After the children were released, the Pakistan military fired mortars at the Taliban in the school. Less than a month later, on November 12, 2008, a suicide bomber drove a bus filled with explosives into a school that Pakistan forces were using as a command post in the village of Subhan Khwar, located about 20 miles north of Peshawar. The attack killed several soldiers and damaged the school.¹⁵⁴
- In May 2012, the German government committed 7 million euro (US\$9.1 million) to Yemen for the reconstruction and renovation of schools that had been destroyed or damaged during the 2011-2012 uprising, including damage caused because of the schools' use by soldiers.¹⁵⁵ Human Rights Watch has reported that one of the leading causes of attacks on schools in Sanaa was their use by one or another armed faction.¹⁵⁶

Loss of Educational Material

Combatants' use of school facilities and equipment can lead to the looting or destruction of school property.

- A school official listed the damage to his school in the Democratic Republic of Congo that was taken over by soldiers loyal to rebel commander Bosco Ntaganda in April 2012: "The administrative and educational offices were completely destroyed and looted. All the documents were burned or thrown out and scattered across the courtyard. Desks and some piece of wood siding from the classrooms were burned as firewood. The windows of the new building, which had recently been rehabilitated, were broken. The metal roof had holes in it caused by [bullets] or shrapnel. The water tank...was removed

and completely broken. Chairs, office tables, and desks were broken. The flag of the school was burned... All doors to classrooms were demolished. All training materials were taken away from the school. And this list is not exhaustive.”¹⁵⁷

- The IASC Education Cluster in South Sudan has estimated that rehabilitating a primary school with eight classrooms after a period of occupation, replacing windows, doors, furniture, learning materials, and re-digging pit latrines, costs approximately 200,000 SSP (US\$67,000). The Cluster estimated that, in 2011, military use of schools caused 2.4 million SSP (US\$800,000) of damage.¹⁵⁸

Increased Psychosocial Concerns

The military use of schools or universities can cause students to experience and witness violence and abuse,¹⁵⁹ which can have profound psychosocial effects on children and young people. It can compound and exacerbate existing psychological hardships that children and youth experience in countries affected by armed conflict. Since education can also provide routine and a sense of normality to the lives of students—which strengthens their resiliency—by diminishing the opportunity for students to participate in educational activities, the military use of education institutions has an additional negative psychosocial impact upon students.

- Evidence from a range of places affected by armed conflict, including Afghanistan, Gaza, and Sierra Leone, points to conflict-related, post-traumatic stress disorder as a frequent source of impaired learning and poor achievement in school.¹⁶⁰
- A secondary school director explained to Human Rights Watch what happened when the Congolese army arrived in May 2012: “They put their weapons and ammunition in the classrooms... They came to say they are fighting the M23... The students were afraid and said that the [Congolese army] would start fighting soon. Some fled.” The remaining students cohabitated with the soldiers in the school for about 10 days.¹⁶¹

Overcrowding

If students continue to attend a school or university used by armed forces or armed groups, they must make do with whatever space remains. Overcrowding can lead to diminished learning opportunities, heightened distractions, increased truancy, and other problems.

- In the first half of 2013, over 1,200 students from 12 schools in conflict-affected municipalities in Colombia faced great risks because their schools were located near military installations or were repeatedly occupied by troops during the school year. The paths the children took to school were often contaminated with landmines. Temporarily relocating children to nearby schools often led to overcrowding, according to the UN’s Humanitarian Affairs office, while high fuel costs made using river transport to avoid mined paths unsustainable.¹⁶²
- As militiamen occupied the entire top floor, and half of the second floor, of Soqotra School, in Sanaa, Yemen, in late 2011, school officials combined students from different classes into the same room. A school official told Human Rights Watch: “It created problems for students and teachers. For example, the teacher cannot follow-up with students, cannot deliver the information to students, and couldn’t explain lessons to students, and couldn’t comment on their notebooks. In addition, there was the problem of students shouting and fighting because of the overcrowding.”¹⁶³

- In al-Ulafi School, also in Sanaa, Yemen, even though the troops vacated the school during the day, teachers would not allow students into rooms where troops had left their belongings, causing overcrowding. “We had between 80 and 90 children per class,” one teacher said. “[During this period] the grades of the students dropped a lot, and many people failed.”¹⁶⁴

Lower Rates of Enrollment and Transition

Not only does the use of schools or other education institutions by armed groups lead to students dropping out, it can also result in lower levels of new enrollment, and transition to higher levels of learning.

- Enrollment fell at Asal al-Wadi Girls School, in Sanaa, Yemen, once students were displaced to a companion boys’ school, Asal Haddah, after troops from the First Armored Division took over the girls’ school to use it for their barracks and a field hospital. Before the occupation, enrollment was around 1,000 students, but, as of March 2012, after classes resumed at the new location, it was down to no more than 380 students.¹⁶⁵
- At Tankuppa High School, in Bihar, India, 700 students were required to share three classrooms while police occupied the school’s remaining eight classrooms in 2009. Expansion of the school had been approved to offer classes for the final two years of secondary education (a prerequisite for tertiary studies), but, due to space constraints caused by the security forces’ occupation, these additional classes were not available. Students unable to afford transport to the nearest school offering these classes reported difficulty continuing their studies.¹⁶⁶

Inferior Education Quality at Alternative Sites

Alternative sites, including open-air settings, community halls, primary health centers, or other improvised classrooms, are often inferior to regular school sites or inadequate. Students are left to study for weeks or even years in makeshift accommodation as armed forces continue to occupy their education institutions.

- South Sudanese forces first occupied schools in Ezo County in 2009, and remained in Andrai Primary School into 2011. Children from the school moved to a temporary learning space on a nearby plot of land lent by a community member. However, the landowner would not allow latrines to be built on the land, raising sanitation concerns.¹⁶⁷
- At a school in Jhumra Hill, Jharkhand, India, a teacher reported to media sources that classes were held outdoors for many years because security personnel were occupying the school.¹⁶⁸
- Since Sudan People’s Liberation Army forces had occupied a school in Holi village, Eastern Equatoria, Sudan, classes moved under a tree.¹⁶⁹

The additional distance to alternative learning locations can also cause problems. Studies have shown that the distance students must travel from home to school has a dramatic impact on child attendance.¹⁷⁰

- At Ban Klong Chang School, Mayo district, Pattani, in southern Thailand, government paramilitary forces occupied half of the school grounds in 2010. As a result, many parents transferred their children to a private school in another village, which took the children an additional hour to reach each day, and additional transport fees.¹⁷¹

Inappropriate Educational Environments

Poorly trained or poorly disciplined soldiers may conduct themselves in a manner that leads to an inappropriate educational environment.

- Residents of a village in southern Thailand reported that troops brewed and drank an herbal narcotic drink on the grounds of a public elementary school.¹⁷²
- In some schools used by government security forces in the Philippines, soldiers have been observed allowing children to handle weapons.¹⁷³ Soldiers have also brought pornography into schools, consumed alcohol, and allowed children to watch violent movies with them.¹⁷⁴
- Members of security forces at a school in India regularly bathed in their underwear within the sight of girl students, in a manner that was culturally inappropriate.¹⁷⁵
- An investigation by a Colombian NGO on a school in Carmen de Bolivar found that the army had left graffiti on the school walls with images of violence and sexual messages.¹⁷⁶

Specific Impact on Girls

Partial occupation of schools and other education institutions by armed forces and groups affects all students but affects girls in specific ways. The presence of military actors and the shift in gender balance often discourage parents from sending their girls to school. Parents fear their daughters becoming victims of gender and sexual based violence or being subject to sexual harassment (see also *Exposure to Physical and Sexual Violence* in chapter 5).

- Fear of such abuse also causes girls to drop out of school preemptively. “Most girls quit school when we were occupied,” an official whose school was occupied by both the national army and the rebel group M23 in the Democratic Republic of Congo told Human Rights Watch.¹⁷⁷
- When soldiers used Asal Haddah School, in Sanaa, Yemen, they displaced more than 1,000 girls. Three hundred were sent to Asal Al-Wadi School, attended by approximately 800 boys. The school administration shortened study sessions by one class and an hour each day for the girls displaced into the new school, in order to avoid mingling between the boys and girls when leaving school. As of March 2012, teachers also did not allow the girls out of the classrooms during breaks for fear of them interacting with the boys.¹⁷⁸
- In January 2010, families from a village near Bocaranga in the Central African Republic stopped sending girls to the local school for fear of sexual violence by armed forces occupying the school.¹⁷⁹
- At Kasma Middle School, in Bihar, India, the presence of just 10 paramilitary police officers prevented the school from opening a previously approved residential hostel for 200 disadvantaged girls, including married girls, in 2009. As students would remain overnight on the campus with the police, parents refused to register their daughters for fear of sexual misconduct.¹⁸⁰

As girls become older, separate latrine facilities in schools are essential: without access to proper toilets, girls who are menstruating may stop attending school.¹⁸¹ Armed forces have often kept school toilets and sanitation facilities for their own use, thus discouraging school attendance by girls.

Heightened Negative Consequences for Poor Students

Much military use of education institutions occurs in poor, rural areas where access to schools is already limited. School feeding programs in these areas, for example, help promote poorer children's participation in schools by alleviating the burden of extra meals on families. When combatants use school kitchen facilities for themselves, schools are limited in their ability to deliver food to children.

- India's Supreme Court has ordered the government to provide a mid-day meal to children in government primary schools.¹⁸² However, police occupation of schools interrupted this service. For instance, after police occupied Bhita Ramda Middle School, the temporary learning location could not provide the displaced students with a meal in 2009.¹⁸³
- In Colombia, children were sometimes required to share meals with soldiers; school canteens were regularly raided; and less food was available after military occupation, a local human rights group reported in 2007.¹⁸⁴

When education institutions are occupied, poorer students may have fewer schooling options. Poor families may be less able to afford transport to more distant alternative public schools. In contrast to wealthier families, poor families may have difficulty paying for private provision of education. Additionally, poor families may assess the military's presence in schools for alleged protection differently than their wealthier counterparts.

- In Nepal during the civil war, armed forces occupied some government schools following requests for protection from community leaders. The requests originated from wealthier members of the community whose children attended private schools. This affected poorer children who attended the schools that were occupied and exacerbated existing class-based tensions in the community.¹⁸⁵

The inequalities in learning achievement that result from unequal access to education can reinforce wider social and economic disparities. While education systems cannot override these disadvantages, they can either magnify or counteract their effects. Properly resourced schools and universities run effectively by well-motivated, adequately supported teachers and staff are a force for greater equity and social mobility.

Negative Effects for Teachers

Militarized environments can burden teachers with anxiety as well as pragmatic challenges, as noted above, such as overcrowded classes, reduced availability of materials, and compromised facilities. These obstacles compound to compromise the ability to teach well, and may distract teachers and lead to job dissatisfaction, and burnout. Moreover, in some instances, teacher housing has also been used by armed forces and armed groups, thus displacing teachers, and resulting in economic losses and serious personal hardships for teachers and the families they support.

- Army soldiers stayed in the teacher housing adjacent to Nagaan Elementary School in Mindanao, the Philippines, for at least seven months, and also used school classrooms in 2011.¹⁸⁶
- Asal Al-Wadi School dismissed approximately 30 teachers and 10 other school employees due to decreased income from reduced enrollment, once their school in Sanaa, Yemen, was entirely taken over by anti-government forces. The school also cut salaries for the remaining staff by around 25 percent during the 2011-2012 school year.¹⁸⁷

Use of Abandoned Schools

Frequently, troops move into a school or education institution when it is empty. Sometimes this means moving in during the weekend or the evening. Often, it means setting up in a school during school holidays or when classes have halted due to general insecurity. During periods of conflict-induced displacement of the local population, troops might also enter into a school when it appears abandoned. Although using a school or university when there are no ongoing classes could reduce the security risk to civilians and disruption to students' studies, it does not necessarily eliminate problems.

First, as many communities consider access to education an important indicator of the general security situation, displaced families may be reluctant to return home if troop presence in their local school would preclude students from returning to their studies. Families whose children are attending school in their site of displacement might be particularly reluctant to return home if this would result in their children losing access to education. Occupying troops are unlikely to have adequate intelligence of displaced communities' intentions, and thus may underappreciate the negative impact they are having on displaced families' decision making, and the degree to which a school has been "abandoned."

Second, once an armed group has established a presence in an abandoned school, it might be difficult to remove them when the displaced population returns. For example, in March 2011, refugee children returning to Nana-Barya village, in the Central African Republic, could not attend the local school because rebel forces had occupied it during the population's absence.¹⁸⁸

Third, as discussed earlier in this chapter, damage caused by the use of a school, and the damage and destruction caused if the occupied school is attacked, will have negative consequences on the school's use for its intended purposes once vacated by the soldiers.

7. POSITIVE INITIATIVES TO ADDRESS ARMED FORCES' AND ARMED GROUPS' USE OF EDUCATION INSTITUTIONS

A variety of actors at the international, state, and local levels have developed positive initiatives to restrict the use of learning facilities by armed forces and armed groups or to mitigate the negative impact of this practice. A number of countries that completely ban the practice—namely Colombia, India, and the Philippines—have also experienced decades of multiple conflicts within their own borders, and, therefore, understand both the demands of military operations and the negative consequences of using education institutions.

United Nations Security Council

The United Nations Security Council first expressed grave concern about the harmful and widespread impact of armed conflict on children in 1999. Resolution 1261 strongly condemned a variety of abuses against children, including the targeting of children and their recruitment and use, as well as “attacks on objects protected under international law, including places that usually have a significant presence of children such as schools.”¹⁸⁹

In the resolution, the Council also reaffirmed “its readiness to consider appropriate responses whenever buildings or sites which usually have a significant presence of children are specifically targeted in situations of armed conflict, in violation of international law.”¹⁹⁰ In the years since, the Security Council has consistently engaged with the topic of children and armed conflict, and within that agenda, has increasingly expressed concern for the protection of schools and their military use.

The Security Council has justified its increasing specificity of recommendations in response to military use of schools with a range of reasons, including negative consequences for children’s and teachers’ safety, children’s education, and the civilian nature of schools; that the practice may convert schools into legitimate targets for attack; and, that it may violate protections under both international humanitarian law and international law more broadly.

A presidential statement from the Security Council, adopted by consensus on April 29, 2009, was the first to discuss directly concerns with military use of schools. In this statement, the Council urged parties to armed conflict “to refrain from actions that impede children’s access to education, in particular...the use of schools for military operations.”¹⁹¹

Then, in 2011, in Resolution 1998, the Security Council unanimously urged parties to armed conflict to “refrain from actions that impede children’s access to education” and requested the Secretary-General to “monitor and report...on the military use of schools and hospitals in contravention of international humanitarian law.”¹⁹² (The UN-led monitoring and reporting mechanism on children and armed conflict is discussed further below.)

Most recently, in 2014, in Resolution 2143, the Security Council made its most comprehensive statement on the issue, expressing “deep concern at the military use of schools in contravention of applicable international law, recognizing that such use may render schools legitimate targets of attack, thus endangering children’s and teachers’ safety as well as children’s education.”¹⁹³

Resolution 2143 went on to urge “all parties to armed conflict to respect the civilian character of schools in accordance with international humanitarian law,” and encouraged all “Member States to consider concrete measures to deter the use of schools by armed forces and armed non-State groups in contravention of applicable international law.”¹⁹⁴

The Security Council has also raised the problem of military use of schools outside of its children and armed conflict agenda, applying these standards concretely with regards to the situation in Syria. In February 2014, the Security Council unanimously approved a resolution focused on the humanitarian situation in Syria. In its most forceful statement to date regarding schools, Resolution 2139 “demands that all parties demilitarize ... schools ... and avoid establishing military positions in populated areas.”¹⁹⁵ The Security Council reiterated this demand less than five months later in Resolution 2165.¹⁹⁶

The United Nations-led Monitoring and Reporting Mechanism on Children and Armed Conflict

The most comprehensive global monitoring system that currently exists for attacks on children during periods of armed conflict is the UN-led Monitoring and Reporting Mechanism on children and armed conflict (MRM), established by Security Council Resolution 1612 in 2005.¹⁹⁷ The Security Council requested the UN Secretary-General to implement a monitoring and reporting mechanism to provide timely, accurate, objective, and reliable information regarding the recruitment and use of child soldiers and other grave violations against children in armed conflict, including attacks against schools. Resolution 1612 also called for the establishment of a Working Group on Children and Armed Conflicts to review reports on violations collected through the MRM, evaluate progress on action plans, and make recommendations for the promotion of child protection.

At first, the establishment of country-level task forces on monitoring and reporting was triggered where recruitment and use of children was documented by parties to armed conflict. In September 2009, the Security Council adopted Resolution 1882, making the grave violations of killing and maiming children, and rape and other grave sexual abuses, additional triggers for the MRM process.¹⁹⁸ Then, in 2011, the Security Council under Resolution 1998 made “attacks on schools and hospitals” a violation that would trigger, or initiate, the monitoring mechanism in any situation of armed conflict, regardless of whether any other violations were taking place. It further requested the Secretary-General to “monitor and report...on the military use of schools and hospitals in contravention of international humanitarian law.”¹⁹⁹

Although the MRM system was mandated under the 2005 Security Council Resolution 1612 to monitor and report on attacks on schools, Security Council Resolution 1998 in 2011 was the first formal request from the Security Council for the UN to systematically monitor and report on the practice of military use of schools. Military use of schools will not trigger, or initiate, the MRM, but once it has already been triggered by another grave violation against children, the mechanism will now additionally report on the military use of schools. Such reporting can expose the practice, and thus promote accountability among parties to the conflict, including state forces and non-state armed groups.²⁰⁰

Even prior to being requested to monitor and report on the military use of schools, the annual reports from the Secretary-General to the Security Council on children and armed conflict already contained ever increasing reports on the prevalence of the practice of military use of schools:

- In his 2005 report, the Secretary-General made no reference to the military occupation and use of schools.²⁰¹
- In 2006, such use of schools was reported in Côte d'Ivoire, the Occupied Palestinian Territory, and Nepal.²⁰²
- In his 2014 report, the Secretary-General reported on military occupation and use of schools in 11 places: Afghanistan, the Central African Republic, Colombia, Côte d'Ivoire, the Democratic Republic of Congo, India, Mali, Pakistan, the Philippines, South Sudan, and Yemen.²⁰³

In May 2014, the office of the Special Representative to the Secretary-General on Children and Armed Conflict issued a comprehensive guidance note to provide practical guidance for UN and NGO partners on the implementation of Security Council Resolution 1998.²⁰⁴ The publication includes information on the establishment, structure and functioning of the MRM, as well as procedures for monitoring and advocacy related to the military use of schools. The Guidance Note also calls for increased collaboration with new civil society partners in the education field, discussed further below.

Human Rights Treaty Bodies

United Nations treaty bodies—committees of independent experts who oversee countries' compliance with treaties—are increasingly providing influential recommendations on armed forces' conduct with regards to schools.

The committee that examines countries' compliance with the Convention on the Rights of the Child (CRC) and the Optional Protocol on the Involvement of Children in Armed Conflict has asked states to report on the problem when it has been absent from their submissions,²⁰⁵ and has called for the cessation of this practice,²⁰⁶ drawing upon both international humanitarian law²⁰⁷ and the right to education under international human rights law.²⁰⁸

In 2014, the committee that examines compliance with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) issued its first concluding observation mentioning the topic. The CEDAW committee noted that the occupation of schools by security forces contributes to girls dropping out of school, and exposes girls to sexual harassment and violence. It cited both international humanitarian and international human rights standards as the basis for its recommendation that occupation of schools be prohibited.²⁰⁹

The treaty bodies have gone further than simply calling for the end of such use. They have suggested the need for a variety of follow-up responses to prevent future instances of military use, and to redress past incidences:

- The CRC committee urged Yemen to “ensure that...national legislation explicitly prohibits the occupation and use of...schools..., in line with international humanitarian law,”²¹⁰ while the CEDAW committee urged India to “prohibit the occupation of schools by security forces in conflict-affected regions in compliance with international humanitarian and human rights law.”²¹¹
- The committees have urged countries to conduct prompt and impartial investigations of reports indicating the military use of schools and to prosecute and punish those responsible.²¹²
- The CRC committee called upon Sri Lanka to “ensure that school infrastructures damaged as a result

of military occupation are promptly and fully restored,”²¹³ and that Yemen “expedite the reconstruction of these facilities as appropriate.”²¹⁴

- The CRC committee also advised Afghanistan to “include communities, in particular parents and children, in the development of measures to better protect schools against attacks and violence.”²¹⁵

Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict

The *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*²¹⁶ were unveiled on December 16, 2014, at an event hosted by the permanent missions of Norway and Argentina to the UN in Geneva. The *Guidelines* urge parties to armed conflict—both state armed forces and non-state armed groups—not to use schools and universities for any purpose in support of the military effort. While the *Guidelines* acknowledge that certain uses would not be contrary to the law of armed conflict, they state that all parties should endeavor to avoid impinging on students’ safety and education, using the *Guidelines* as a guide to responsible practice.

The *Guidelines* urge government armed forces and non-state armed groups to incorporate these protections into their military doctrine, military manuals, rules of engagement, operational orders, and other means of dissemination, to encourage appropriate practice throughout the chain of command.

- An official of the International Committee for the Red Cross (ICRC) observed: “The ICRC recognizes that the *Guidelines* are not legally binding nor do they propose to change existing international law or affect existing legal obligations on their subject matter. Nevertheless, the ICRC considers that the *Guidelines* can provide relevant guidance to those involved in the planning and execution of military operations and practice. They may help lead to a shift in behavior and practice that could lead to a reduction in the military use of schools and universities and to the minimization of the negative impact that armed conflict has on children and students’ safety and education.”²¹⁷

The *Guidelines* were produced through consultations between expert representatives from the Ministries of Foreign Affairs, Defense, Education, and the armed forces from 14 countries across Africa, the Americas, Asia, Europe, and the Middle East, along with representatives of human rights and humanitarian organizations. The states ranged from North Atlantic Treaty Organization (NATO) members to developing states that had experienced, or were still experiencing, armed conflicts.

As of the time of this study’s publication in May 2015, it was expected that states would be given the opportunity to publicly endorse and commit to implement the *Guidelines* as part of a “Safe Schools Declaration” to be concluded at an international conference held in Oslo, Norway, on May 28-29, 2015.

Data Collection, Negotiation, and Advocacy

Well-designed and timely monitoring in countries experiencing conflict can be crucial for spurring and implementing a rapid-response to minimize the impact of military use of education institutions and to preserve students’ access to education.

Increasingly in recent years, the Inter-Agency Standing Committee (IASC) Education Cluster—the UN agencies and NGOs working on education preparedness and response in emergency situations—have begun to take a more active role in collecting and reporting information on attacks on schools, engaging education

actors in the monitoring, and conducting advocacy at the local level.²¹⁸

- Following the disputed outcome of the 2010 presidential elections in Côte d'Ivoire, various military groups used at least 30 schools and teachers' homes as shelter, observations posts, to store ammunition, and to train fighters.²¹⁹ In response, the Education Cluster led data collection efforts in partnership with the education ministry and advocated for evidence-based solutions for the military use of schools. The Cluster developed a standard table to collect data on a variety of attacks on education from a wide network of informants in the field, including UN agencies, international and local NGOs, and school principals. The Cluster shared information with the UN Department of Peacekeeping Operations, who then advocated with state actors and non-state actors to leave occupied schools. Direct discussions with armed forces about the right to education, as well as the illegality of occupying schools and potential repercussions led some actors to stop occupying schools.²²⁰

There have been increased efforts in recent years to link the Education Cluster members with the actors involved in the UN's monitoring and reporting mechanism on children and armed conflict (discussed above).

- As the UNICEF Education Cluster coordinator is an active member of the MRM task force in Democratic Republic of the Congo, cluster members in the country's regions have started to provide alerts on the military use of schools.²²¹
- In 2011, UNICEF Chad reviewed its collaboration policies to ensure that the MRM team also uses data from the education unit to report and address military use of schools.²²²

Other international actors have also begun establishing better systems for systematically collecting and responding to consistent data on military use of schools.

- In 2014, the UN's Department of Peacekeeping Operations released new training materials giving peacekeepers advice on how to respond should they encounter host nation's forces based in a school and who invite the peacekeepers to join them in a joint operation.²²³ The UN company commander is advised to advocate for the unit to "immediately vacate the school premises"; inform the peacekeeping mission's child protection advisors of the situation; and collect and share certain relevant facts about the occupation.²²⁴
- In South Sudan, when violence broke out in late 2013, UNICEF coordinated a strategy on both the national and local levels to advocate with armed actors to vacate schools, as well as with relevant government counterparts like the Ministries of Education, Interior, Defence, as well as local authorities.²²⁵
- The UN's Office for the Coordination of Humanitarian Affairs (OCHA) has also conducted local-level advocacy with international security forces on the military use of schools, building on OCHA's mandate and experience in negotiating with parties to the conflict.²²⁶

National NGOs have also engaged in similar acts of data collection, negotiation, and advocacy.

- In 2011, schools in the city of Lorica requested a Colombian human rights organization engage in dialogue with paramilitary forces in the area.²²⁷ These paramilitary forces were conducting educational campaigns lasting from one day to several weeks in nearly half of the schools in the city. These paramilitary campaigns intended to influence teachers and students and to recruit new soldiers into the paramilitary forces. The human rights organization successfully negotiated an end to these campaigns and the forces left the school premises.²²⁸

Use of Satellite Imagery and Social Media Forensic Analysis

Very high-resolution commercial satellite imagery has been used in a limited but growing number of cases during armed conflicts where military forces occupied schools, deployed forces nearby, or launched military attacks from within school grounds. In addition, social media—specifically video recorded by journalists, local civilians, and even armed combatants themselves—is increasingly a vital source of evidence.

- In 2014, Human Rights Watch was able to use satellite imagery to geo-locate videos recorded by opposition forces in Aleppo, Syria, showing them launching mortar rounds and rockets from school courtyards.²²⁹
- In their 2013 report on war crimes in Sudan’s Blue Nile State, Amnesty International commissioned satellite imagery that documented the presence of Sudanese military forces in schools and the resulting militarization of the school campuses. For example, they could determine that military forces had established a strongpoint in two school buildings in the village of Taga that supported elements of an infantry company in 65 tents with at least two mortar emplacements.²³⁰
- In 2009, OCHA was able to use satellite imagery to identify a mortar battery erected on school grounds by government forces near the end of the conflict in Sri Lanka.²³¹

National Legislation Banning or Restricting Armed Forces Use of Education Institutions

A clear ban on all military use of education institutions sends a simple and unambiguous message to troops. Correspondingly, it also sends a clear message about the importance of education facilities as safe spaces for children where armed forces should not intrude. A couple of countries have introduced such unequivocal bans through national legislation:

- In 1992, the Philippines’ Special Protection of Children against Abuse, Exploitation, and Discrimination Act declared children to be “zones of peace.” In accordance, the law states that school “units shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots.”²³² A bill passed by the Philippines’ lower house in 2011 (but, at time of writing, not yet passed by their Senate) seeks to criminalize the occupation of schools—including the occupation of schools which have been temporarily abandoned by the community as a result of armed conflict.²³³ Unfortunately, incidents of the Armed Forces of the Philippines using schools continue to be reported.²³⁴
- Both India and Bangladesh have laws instructing that property used as a school cannot be requisitioned.²³⁵
- Under Ireland’s Defence Act of 1954, although the military may be given wide powers to conduct maneuvers, pass over, and encamp on land, they are explicitly banned from being allowed to do so in a manner that includes “entry on or interference with (except to the extent of using any road) any ... school...[or] ground attached to any ... school.”²³⁶ Although the legislation appears directed at the training operations, it may encourage an armed force to fight as they trained, and the legislation contains no explicit limitation that it applies only during situations not rising to the level of armed conflict.
- Poland’s Armed Forces Accommodation Act of 1995, explicitly excludes “real property of institutions of

higher education” from being subject to temporary quartering by the armed forces.²³⁷

- A number of Latin American countries, including Argentina, Ecuador, Nicaragua, and Venezuela, have national legislation that bars, to varying degrees, state security forces from entering university campuses.²³⁸
- In September 2014, the legal adviser in the Ministry of Defense in South Sudan submitted proposed amendments to the 2009 Sudanese People’s Liberation Act to include punitive measures for members of the armed forces who occupy schools.²³⁹
- Nepal’s cabinet decided in May 2011 that, “In order to assure the learning rights of students and provide easier access to a well-managed and peaceful environment as well as the continuous operation of schools without hindrance to learning, [it is decided to] declare schools a ‘Zone of Peace.’”²⁴⁰ Although this cabinet decision has yet to be codified in legislation, the education ministry has promulgated implementing regulations that specify that there should be no armed activities in school premises or in their periphery.²⁴¹

National Court Decisions Banning or Restricting Armed Forces’ Use of Education Institutions

As local communities recognize the devastating impact that use of schools by armed forces can have, individuals and civil society groups have on occasion approached their courts to resolve the problem. Courts in Colombia and India have been sympathetic to such complaints.

In Colombia in 1998, a student at a school in Zambrano municipality, Bolivar, brought a case to the country’s Constitutional Court, arguing that the police headquarters established directly behind her school building, and army officials occasionally overnighing in her school, threatened her right to life and right to education:

- Citing both protections under Additional Protocol II to the Geneva Conventions of 1949, and the right to education under Colombia’s constitution, the Constitutional Court ordered that police and army officers could no longer stay at the school. It also ordered that either the police station or the school should be relocated, due to the high likelihood that any attack on the town by guerillas would involve an attack on the school, and because fear of such an attack was already leading students to drop-out, and the quality of education to suffer.²⁴²

In another Colombian case, a father from La Calera brought a similar complaint because his son’s kindergarten was one block from the police station and the National Army military base. A second kindergarten was located just 20 meters from the police station. FARC-EP guerillas had previously attacked the town and razed the police station with rockets, grenades, mortar rounds, and other long-range weapons. The applicant requested that the police station move:

- The court balanced the benefit of services provided to the community by the proximity of the police station with the imminent nature of the threat of attack on the police station, the rights of children under Colombia’s constitution to protection from violence, and the inability of kindergarten children or their teachers to defend themselves from such an attack. The court agreed on the need to move the police station away from the kindergarten.²⁴³

India’s Supreme Court has in two recent cases also sided with complainants against security forces using

schools. In the first case, filed in May 2007, the petitioners asked the court to order the state of Chhattisgarh to stop supporting a militia known as the Salwa Judum, and requested an independent inquiry into the abuses committed by government security forces and the Salwa Judum and into killings by the Maoist guerillas.²⁴⁴ The Supreme Court ordered India's National Human Rights Commission (NHRC) to investigate allegations of human rights abuses by both sides. The NHRC report, among many other findings, noted that the state government had, in many instances, allowed security forces to occupy schools.²⁴⁵ In response to these findings:

- The Supreme Court ordered in January 2011: "There shall be a direction to the Union of India and the State of Chhattisgarh to ensure that the security forces vacate all the educational institutions, school buildings and hostels within a period of four months from today."²⁴⁶

Although security forces subsequently vacated many schools in compliance with the court order, as of September 2012, a number of schools remained in use by forces.²⁴⁷

The second Indian Supreme Court case, which also began in 2007, alleged that a large number of children had been illegally transported from India's northeastern states to the southern state of Tamil Nadu. The Supreme Court ordered another inquiry, this time by the National Commission for Protection of Child Rights (NCPCR):

- The NCPCR recommended that the Supreme Court call on the Home Ministry to vacate all schools occupied by government security forces, a recommendation that the court embraced, adding that "the school buildings are not allowed to be occupied by the armed or security forces in future for whatsoever purpose."²⁴⁸

State-level courts in India have also had some success in clearing schools of security forces.

- Local activists credit a 1999 ruling in the high court of Patna, the capital of Bihar state, for removing troops established in schools as part of anti-Maoist operations. The court noted both that the use of schools by security forces negatively impacted students' studies, and that banning troops from using schools need not be to the detriment of the security situation.²⁴⁹
- A case brought in 2009 in West Bengal alleging the use of 22 schools by government security forces, also resulted in an order from the Calcutta High Court for the security forces to withdraw from the schools, who later complied with this directive.²⁵⁰

Military Policies Banning or Restricting Armed Forces' Use of Education Institutions

Some countries have used military orders or policy to institute bans on military use of education institutions, or restrictions that go beyond the baseline minimums stipulated by international humanitarian law.

- The 2012 United Nations Infantry Battalion Manual, which provides peacekeeping battalion commanders, their staff, company commanders, and sub-unit leaders with direction for planning and conducting operations, states: "Special attention must be paid to the protection needs of girls and boys who are extremely vulnerable in conflict. Important issues that require compliance by infantry battalions are: Children should not be put in the direct line of danger or used in information-gathering in military operations ... [and] Schools shall not be used by the military in their operations."²⁵¹

- In 2013, the Chief of General Staff of South Sudan’s armed forces, the Sudanese Peoples’ Liberation Army (SPLA), issued the following General Order: “All SPLA members, personnel, and units are unconditionally prohibited from...[o]ccupying schools, interfering with or disrupting school classes or activities, or using school facilities for any purpose, to include but not limited to storing equipment, billeting, or taking cover from ongoing or prospective enemy attack... [A]ll incidents of ... school occupation shall be investigated with a view to severe judicial and administrative action resulting in imprisonment, fine, and punitive or administrative discharge from active duty service in the SPLA.”²⁵² On September 10, 2014, the SPLA Deputy Chief of General Staff reinforced the punitive directive of August 2013 by issuing an order to all SPLA units to ensure compliance.²⁵³
- In Colombia, the Commander General of Military Forces issued an order in 2010 stating that it was a “clear violation of the Principle of Distinction and the Principle of Precautions in attacks,” to occupy a school. The order noted that use of similar property had “historically triggered other accusations against troops, such as forced displacement, theft, indiscriminate attacks, and both physical and verbal abuse against [children], who are subject to special protections.” The order noted that, “commanders at all levels” are responsible for ensuring adherence to the ban on occupying schools, and that where there were accusations of transgressions, “it is required to undertake disciplinary investigations where possible and to carry out ... monitoring in order to avoid a repetition of the behavior in operation areas.”²⁵⁴
- The Armed Forces of the Philippines has issued a letter directive stating that personnel shall strictly abide by the rule that “basic infrastructure such as schools ... shall not be utilized for military purposes such as command posts, barracks, detachments, and supply depots.”²⁵⁵
- The United Kingdom’s Manual of the Law of Armed Conflict notes that it is prohibited to commit any act of hostilities against cultural property, which it defines as including institutions dedicated to education. It then goes on to say, “the better view is that the law also prohibits,” the use of institutions dedicated to education “for purposes which are likely to expose it to destruction or damage in armed conflict, unless there is no feasible alternative to such use.”²⁵⁶
- New Zealand, at time of writing, is revising its Manual of Armed Force Law, which will be issued as a Defence Order to aid enforceability. A draft version of the manual notes that New Zealand forces are only to use the buildings of educational institutions for military purposes if it is absolutely necessary to do so. In such cases, all feasible steps are to be taken to ensure that: “Children are protected from the effects of attack upon the institutions by opposing forces—including where necessary the removal of such persons from the vicinity; such use is for the minimum time possible; [and] the adverse effects upon children, in particular in respect to their right to education, are minimised to the maximum extent possible.”²⁵⁷ The draft commentary to the manual notes that the endangerment of education facilities “is unequivocally an attack upon the learning and development of future generations who bear no responsibility for the armed conflict from which the damage arises.” The manual explicitly acknowledges children have a right to education under international law, and that “use and occupation of schools and other educational institutions obviously inhibits the exercise of this right.” Where for military reasons it is necessary to use a school, the commentary says that, “all feasible steps must be taken, in consultation with local authorities, to ensure that the disruption to the education of children is reduced to as low as reasonably practicable,” which may include identifying and facilitating the use of other suitable facilities.²⁵⁸
- In May 2013, the Democratic Republic of Congo’s Vice Prime Minister and Minister of Defense Alexan-

dre Luba Ntambo issued a ministerial directive to the Congolese army stating that all members found guilty of requisitioning schools for military purposes would face severe criminal and disciplinary sanctions.²⁵⁹ Researchers for this study, however, were unable to identify any existing legislation or military doctrine that explicitly prohibits or regulates the practice of military use of schools, let alone criminalizes it, thus leaving the potential effectiveness of the directive in doubt.

- The United States Army Field Manual 27-10 notes that the United States has a treaty arrangement with many other states in the Americas, “which accords a neutralized and protected status to...educational...institutions in the event of war between such States.”²⁶⁰

Commitments by Non-State Armed Actors

International humanitarian law, also known as the laws of war (see *International Humanitarian Law* in chapter 8, below), binds non-state armed groups that are engaged in an armed conflict.²⁶¹ To regulate the conduct of their forces, many such groups issue orders, directives, principles, or rules.

- In 2014, the chief of staff of the supreme military council of the Free Syrian Army declared that “The Free Syrian Army fully supports the demilitarization of all schools...used for military purposes... The Free Syrian Army today states its official position prohibiting the militarization of schools...and will amend its Proclamation of Principles to reflect the same. This statement will be circulated among all of our battalions and guide the actions of our members. Any individuals found to violate the principles listed in our proclamation will be held accountable, in accordance with international law.”

Another approach to give non-state armed groups an incentive to respect international norms protecting children in armed conflict is the 2010 Deed of Commitment for the Protection of Children from the Effects of Armed Conflict developed by the non-governmental organization Geneva Call. As non-state armed groups do not have the legal capacity to sign or ratify international treaties, this document gives armed groups an opportunity to demonstrate their commitment to international standards protecting children during armed conflict:

- The Deed of Commitment contains among other commitments, a provision “To further endeavor to provide children in areas where we exercise authority with the aid and care they require... Towards these ends, and among other things, we will: ... avoid using for military purposes schools or premises primarily used by children.”²⁶²

As of March 2015, 13 armed non-state actors have signed the Deed of Commitment protecting children in armed conflict, and have taken measures to enforce their obligations, including groups from Myanmar, India, Iran, Syria, and Turkey.²⁶³

International Red Cross and Red Crescent Movement

The world’s largest humanitarian conference, the 31st International Conference of the Red Cross and Red Crescent, took place in Geneva, Switzerland in 2011, and brought together the States party to the Geneva Conventions, the world’s National Red Cross and Red Crescent societies, the International Federation of the Red Cross and Red Crescent, and the International Committee of the Red Cross. The conference adopted a four-year action plan for the implementation of international humanitarian law that included the following step in pursuance of the objective of enhancing the protection of children in armed conflict, and the protection of education in armed conflict:

- “States take all feasible measures to prevent civilian buildings dedicated to education from being used for purposes that could cause them to lose their protection under international humanitarian law.”²⁶⁴

Information Campaigns

Where laws or policies exist prohibiting the military use of schools, it is essential that both soldiers and school officials are aware of them.

- In the Philippines, UNICEF has produced a series of posters in English and various local languages, which can be displayed in schools, and that announce that the military use of schools violates Philippines law.²⁶⁵

Provision of Alternative Temporary Learning Spaces

When education cannot continue in a school or other education institution due to its use by armed forces, it is the government’s obligation to provide alternative learning spaces of an equal quality. However, when the government is unwilling or unable to do so, international actors might be able to provide a role. (As noted earlier in this study, however, alternative temporary learning spaces are often inferior to the original school.)

- In South Sudan, the IASC Education Cluster has responded to the education needs caused by the occupation of schools by providing temporary learning spaces, emergency school supplies, and emergency teacher training on protection and psychosocial support, and other lifesaving skills.²⁶⁶

Community Initiatives

Influential community members, from religious leaders to parent-teacher organizations, can also protect education institutions by negotiating with government forces and non-state actors to end military occupations of schools or other education institutions. Even informal efforts by parents may be successful in keeping armed groups out of schools.

- In 2010, NGOs working in the Central African Republic negotiated an agreement with the People’s Army for the Restoration of Democracy to end local military use and occupation of schools by the rebel group.²⁶⁷
- Nepal’s Schools as Zones of Peace (SZOP) program involved a negotiation model for engaging armed forces on both sides of the civil conflict as well as local stakeholders to cease, among many threats to children’s safety, the presence of armed forces in and around schools. The most influential item of the program was the development of codes of conduct to safeguard schools, negotiated among local governments and civil society stakeholders, police, education officials, and representatives from the Maoist forces and the army. Even after the end of Nepal’s conflict, the SZOP program continues.²⁶⁸
- Teachers and students in a number of schools in Colombia that have been previously occupied by the army, have tried to protect their schools with the few resources they have: by hoisting a white flag, in a symbol of neutrality.²⁶⁹
- In December 2013, Taiba school in the Inzarat neighborhood of Aleppo in Syria, was one of the very

few schools in the opposition-controlled part of Aleppo that had reopened after fighting broke out. According to a neighbor, while there were buildings used by armed opposition fighters 200 meters east and 200 meters west of the school, parents had insisted that there be no armed opposition fighters near the school because of the risk of attack.²⁷⁰

Unfortunately, however, citizens often have little authority over armed groups. Moreover, parents and school officials may feel constrained to challenge government security forces or non-state armed groups. Often, therefore, community initiatives alone—absent clear supporting national or international standards—are insufficient to clear schools or universities of an unwanted armed presence.

- When most state officials fled the town of Ja'ar in Yemen's Abyan governorate following its capture by the armed group Ansar Al-Sharia in 2011, some residents established a Civil Council comprising 21 community members, to ensure that the town continued to receive basic services, including education. The Civil Council proposed that schools must be free of arms. However, in late 2011, Ansar Al-Sharia's Islamic education coordinator told members of the Civil Council that he rejected the proposal that schools be free of arms, and saying he would not prevent armed men from entering schools.²⁷¹
- At Ban La Ar Elementary School in Pattani, Thailand, 110 local residents signed a petition opposing the presence of paramilitary troops on school grounds. Subsequently, the troops worked harder to prove their good discipline and either placated or earned the trust of local residents, but they did not immediately leave the school.²⁷²
- Residents of Malakand district in Pakistan told Amnesty International in 2010 that Taliban insurgents used schools to hide in and launch attacks from despite entreaties from residents to avoid such crucial civilian buildings and take the fighting elsewhere.²⁷³

Lack of Civilian Control over Forces

When armed forces take over education institutions, the soldiers are prioritizing tactical advantage or convenience over the potential threat their armed encampments pose to both children's and young people's safety and their right to education. The community loses its ability to exert ownership and control over its own schools. Security forces rarely consult with communities and education authorities before establishing a camp in the local school. As a result, school authorities are not able to prepare appropriate alternative sites to offer education, and local communities do not have a chance to propose alternative sites for combatants to use. While some communities have publicly demonstrated against the presence of troops in local schools, parents and school officials have reported feeling constrained in their ability to challenge government security forces or non-state armed groups. Government education officials, education ministries, and even the courts, have occasionally had difficulty vacating schools occupied by security forces that are in fact another branch of the same government. In this manner, the military use of schools frequently represents a disturbing lack of civilian control over the armed forces.

➤ In Bajaur Agency, Pakistan, a university student told Amnesty International that the army and paramilitary Frontier Corps had deployed at his university and the local people could not get them to leave even after complaining to the Education Department.²⁷⁴

Teachers and school directors in the Democratic Republic of Congo told Human Rights Watch that their concerns were often brusquely pushed aside as government soldiers dismissed their concerns, claiming that wartime circumstances justified the school's occupation. The director of a primary school in Nyiragongo territory, north of Goma, told Human Rights Watch what happened after army troops occupied his school in September 2012: "We tried to organize a meeting with the [Congolese army], but they refused and said that we were in wartime, and they weren't willing to give the time."

8. INTERNATIONAL LAW PROTECTING SCHOOLS AND UNIVERSITIES FROM MILITARY USE

International law regulates armed forces' and armed groups' use of education institutions through both international humanitarian law, also known as the law of war or the laws of armed conflict, and international human rights law.²⁷⁵

International Humanitarian Law

International humanitarian law regulates the conduct of armed forces and non-state armed groups during times of armed conflict. International humanitarian law requires all parties to a conflict to distinguish between military objectives and civilians and civilian objects, and to target only the former. Schools, as with other civilian objects, are protected from attack unless they are being used for military purposes.

Additionally, parties to a conflict are obliged to take all feasible precautions to protect the civilian population and civilian objects, such as schools, under their control against the effects of attacks:

- Additional Protocol I to the Geneva Conventions of 1949, which applies to situations of international armed conflict, states that parties to a conflict shall, “to the maximum extent feasible ... endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives...[and] take the other necessary precautions to protect the civilian population, individual civilians and civilian objects under their control against the dangers resulting from military operations.”²⁷⁶
- Additional Protocol II to the Geneva Conventions of 1949, which applies to situations of non-international armed conflict, including civil wars, states: “The civilian population and individual civilians shall enjoy general protection against the dangers arising from military operations.”²⁷⁷
- It is also widely considered the rules of customary international law²⁷⁸ that parties to a conflict are required to take all feasible precautions to protect the civilian population and civilian objects such as schools under their control against the effects of attacks. Moreover, each party to the conflict must, to the extent feasible, remove civilians and civilian objects under its control from the vicinity of military objectives.²⁷⁹

Therefore, while international humanitarian law contains no general ban on the use of schools for military purposes, it does prohibit armed forces and armed groups using an education institution at the same time as students and teachers are using it as an educational center.

In addition, the intentional deployment of forces among students or other civilians in a school building or university to prevent those forces from being attacked is a serious violation of international humanitarian law, and can constitute the war crime of “human shielding.”²⁸⁰

International humanitarian law provides specific obligations to protect access to education:

- 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.” Moreover, should the local institutions be inadequate, the occupying power is to “make arrangements for the maintenance and education ... of chil-

dren who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.”²⁸¹

- 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.²⁸²

The Legality of Attacks on Education Institutions Used by Armed Forces or Armed Groups

The use of a school or another education institution by armed forces or armed groups may make it a legal target for attack. Under international humanitarian law, schools and other education institutions are considered “civilian objects” that are protected from attack.²⁸³ However, they may be attacked if, and only for such time as, they count as “military objectives”—objects that contribute to the military action and whose destruction under the existing circumstances would offer a definite military gain. (In case of doubt whether an object which is normally dedicated to civilian purposes, such as a school, is being used to make an effective contribution to military action, it is to be presumed not to be so used.)²⁸⁴ Attacking a school, either in reprisal for forces having used it in the past, or because forces may make use of it in the future, violates the laws of war.²⁸⁵

Even temporary use can turn a civilian building like a school into a legitimate military target.

- Explaining that buildings normally used for civilian purposes, such as schools, are to be presumed as not being used for military purposes, Australia’s Defence Force Manual uses the example: “If enemy soldiers use a school building as shelter from attack by direct fire, then they are clearly gaining a military advantage from the school. This means the school becomes a military objective and can be attacked.”²⁸⁶

Even if the presence of military personnel is insufficient to convert the institution itself into a military objective, combatants in or near a school will nonetheless be subject to attack, which could also in certain circumstances result in damage to infrastructure or civilian casualties.

Attacks on valid military targets—including education institutions being used for military purposes—must be neither indiscriminate nor disproportionate. An indiscriminate attack is one in which the attack is not directed at a specific military objective, or the methods or means used cannot differentiate between combatants and civilians.²⁸⁷ A disproportionate attack is one in which the expected loss of civilian life and property exceeds the anticipated military gain.²⁸⁸

International and Regional Human Rights Law

International human rights law protects students and teachers during peace, war, and times of unrest and strife.²⁸⁹ Indeed, international human rights law explicitly requires that children be protected by the rules of international humanitarian law applicable in armed conflict.²⁹⁰

In addition to students’ and teachers’ rights to life and security, the most relevant human right jeopardized by the military use of schools and universities is the right to education. When the use of an education institution by government security forces affects children’s ability to receive education, they may be violating children’s right to education guaranteed under international human rights law.

Two major international treaties guarantee the right to education:

- The International Covenant on Economic Social and Cultural Rights (ICESCR) provides that states recognize the right of everyone to education. With a view to achieving the full realization of this right: primary education shall be compulsory and available free to all; secondary education shall be made generally available and accessible to all; higher education shall be made equally accessible to all; and the development of a system of schooling at all levels shall be actively pursued and the material conditions of teaching staff continuously improved.²⁹¹
- The Convention on the Rights of the Child guarantees individuals under the age of 18 the right to education. With a view to achieving this right progressively, states shall make primary education compulsory and available free to all; make secondary education available and accessible to every child; make higher education accessible to all on the basis of capacity; and take measures to encourage regular attendance at schools and the reduction of drop-out rates.²⁹²

The right to education is also guaranteed in various regional human rights treaties,²⁹³ and in the national constitutions of many countries.²⁹⁴

The UN's Committee on Economic, Social, and Cultural Rights, has explained countries' legal obligations under the ICESCR's right to education, noting:

- "There is a strong presumption of impermissibility of any retrogressive measures taken in relation to the right to education... If any deliberately retrogressive measures are taken, the State party has the burden of proving that they have been introduced after the most careful consideration of all alternatives and that they are fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the State party's maximum available resources."²⁹⁵
- "The right to education, like all human rights, imposes three types or levels of obligations on States parties: the obligations to respect, protect and fulfill... The obligation to respect requires States parties to avoid measures that hinder or prevent the enjoyment of the right to education. The obligation to protect requires States parties to take measures that prevent third parties from interfering with the enjoyment of the right to education. The obligation to fulfill (facilitate) requires States to take positive measures that enable and assist individuals and communities to enjoy the right to education. Finally, States parties have an obligation to fulfill (provide) the right to education..."²⁹⁶
- "States have obligations to respect, protect and fulfill each of the 'essential features' (availability, accessibility, acceptability, adaptability) of the right to education. By way of illustration, a State must respect the availability of education by not closing private schools; protect the accessibility of education by ensuring that third parties ... do not stop girls from going to school; [and] fulfill (facilitate) the acceptability of education by taking positive measures to ensure that education is ... of good quality for all..."²⁹⁷

States are therefore under an obligation to achieve increasing realization of the right to education. These include measures to encourage regular attendance at schools, reduce drop-out rates, encourage the development of higher forms of education, and continually improve the material conditions of teaching staff – all elements that this study has shown are threatened by military use of schools and other education institutions.

(For more on how the Committee on the Rights of the Child has viewed the practice of military use of schools from a human rights perspective, see the discussion in chapter 7).

9. CONCLUSION

This study has shown that in the majority of contemporary conflicts around the world, military forces and non-state armed groups have used schools and other education institutions for purposes such as bases, barracks, detention facilities, torture centers, firing positions, and munitions caches. These uses can convert a school or university into a legitimate military target under international law and make students, teachers, and learning facilities vulnerable to attack from opposing forces. In addition to the risk of death or severe injury from attacks, students attending classes in schools or universities occupied by military forces may witness violence or be exposed to physical or sexual abuse by the combatants.

The presence of troops in schools also impacts young people's right to education, and leads to students dropping out, reduced enrollment, lower rates of transition to higher levels of education, loss of motivation or absenteeism by teachers and faculty, overall poorer educational attainment, and recruitment for violent activities. Girls and young women are disproportionately affected. Given education's key role in achieving other social and economic indicators, military use of schools can ultimately result in communities' diminished capacities to reach global development goals.

Guaranteeing the right to education is rarely a priority, or even a consideration, for armed forces and armed groups engaged in fighting. Even those armed forces that pride themselves on their knowledge and compliance with the laws of war may be unaccustomed and unfamiliar with the idea of having to take into consideration children's rights or economic, social, and cultural rights when planning maneuvers and tactics for the battlefield. This study shows that failing to do so results in significant negative consequences to individuals, communities, and states.

A number of recommendations emerge from the research and findings of this study. The full list of recommendations follows the executive summary.

There is an urgent need for clear and simple rules to guide soldiers' decision-making amidst the fog of war. Commanders and planners would benefit from knowing how to prepare in advance so they can avoid needing to use education premises. Moreover, clear standards would also aid the monitoring and assessment of the conduct of armed forces and armed groups, and assist negotiations and interventions with groups who contravene such guidance.

At a bare minimum, armed forces' obligations to respect, protect, and fulfill students' security and right to education need to be made explicit. Implementation into national military doctrine, policy, and practice, of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* would constitute an important concrete measure in this direction.

APPENDIX 1: ANALYSIS OF USE OF EDUCATION INSTITUTIONS 2005 –2015

For country-specific citations for both of the following tables, see Appendix 2.

**Table 1: Actors Reported Engaged in Military Use of Education Institutions
January 2005 – March 2015**

Country	State Actors	Non-State Actors	International Actors
Afghanistan	<ul style="list-style-type: none"> • Afghan National Civil Order Police • Afghan National Border Police • Army 	<ul style="list-style-type: none"> • Taliban 	<ul style="list-style-type: none"> • Multinational forces
Central African Republic	<ul style="list-style-type: none"> • Army 	<ul style="list-style-type: none"> • Anti-Balaka • Armée Populaire pour la Restauration de la République et de la Démocratie • Convention des Patriotes pour la Justice et la Paix • Ex-Seleka 	
Chad	<ul style="list-style-type: none"> • Army 		
Colombia	<ul style="list-style-type: none"> • Army 	<ul style="list-style-type: none"> • Ejército de Liberación Nacional • Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo • Paramilitary successor groups 	
Côte d'Ivoire	<ul style="list-style-type: none"> • Army 	<ul style="list-style-type: none"> • Groupement patriotique pour la paix • Jeunes patriotes 	<ul style="list-style-type: none"> • Liberian mercenaries
Democratic Republic of Congo	<ul style="list-style-type: none"> • Army 	<ul style="list-style-type: none"> • Congrès national pour la défense du peuple • Forces démocratiques de libération du Rwanda • M23 • Mai Mai groups 	<ul style="list-style-type: none"> • Mission de l'Organisation des Nations Unies en République démocratique du Congo

Country	State Actors	Non-State Actors	International Actors
Georgia	<ul style="list-style-type: none"> • Army • Police 	<ul style="list-style-type: none"> • South Ossetia militia 	
India	<ul style="list-style-type: none"> • Bihar Military Police • Border Security Force • Central Reserve Police Force • State police 	<ul style="list-style-type: none"> • Maoists 	
Iraq	<ul style="list-style-type: none"> • Army • Kurdish Peshmerga • Paramilitary police 	<ul style="list-style-type: none"> • Militias • Islamic State (ISIS) 	<ul style="list-style-type: none"> • Multinational forces
Libya	<ul style="list-style-type: none"> • Army (pro-Gaddafi) 	<ul style="list-style-type: none"> • National Transitional Council 	
Mali	<ul style="list-style-type: none"> • Army 	<ul style="list-style-type: none"> • Ansar Dine • Arab Movement of Azawad • Coalition du peuple pour l'Azawad • Movement for Oneness and Jihad in West Africa • National Movement for the Liberation of Azawad • Pro-government Ganda Koi militia • Supreme Council for the Unity of Azawad 	<ul style="list-style-type: none"> • United Nations Multidimensional Integrated Stabilization Mission in Mali
Myanmar	<ul style="list-style-type: none"> • Army (Tatmadaw) 		
Nepal	<ul style="list-style-type: none"> • Army 	<ul style="list-style-type: none"> • Communist Party Nepal – Maoists 	
Nigeria	<ul style="list-style-type: none"> • Army 	<ul style="list-style-type: none"> • Boko Haram 	
Pakistan	<ul style="list-style-type: none"> • Army • Frontier Corps 	<ul style="list-style-type: none"> • Taliban 	
Palestine		<ul style="list-style-type: none"> • Palestinian armed groups 	<ul style="list-style-type: none"> • Israel Defense Forces
Philippines	<ul style="list-style-type: none"> • Army • Citizen Armed Force Geographical Units 	<ul style="list-style-type: none"> • Bangsamoro Islamic Freedom Fighters • Moro Islamic Liberation Front 	

Country	State Actors	Non-State Actors	International Actors
Somalia	<ul style="list-style-type: none"> • Transitional Federal Government Forces 	<ul style="list-style-type: none"> • Al-Shabaab 	<ul style="list-style-type: none"> • Ethiopian army • African Union Mission to Somalia
Sri Lanka	<ul style="list-style-type: none"> • Army • Police 		
Sudan	<ul style="list-style-type: none"> • Army • Central Reserve Police 	<ul style="list-style-type: none"> • Sudan People's Liberation Army 	
South Sudan	<ul style="list-style-type: none"> • Sudan People's Liberation Army • National Police Services 	<ul style="list-style-type: none"> • Sudan People's Liberation Army in Opposition • South Sudan Democratic Movement/Army Cobra Faction 	
Syria	<ul style="list-style-type: none"> • Army 	<ul style="list-style-type: none"> • Free Syrian Army • Islamic State • Shabiha militia 	
Thailand	<ul style="list-style-type: none"> • Army • Rangers 	<ul style="list-style-type: none"> • Barisan Revolusi Nasional 	
Uganda	<ul style="list-style-type: none"> • Army 		
Ukraine	<ul style="list-style-type: none"> • Army 	<ul style="list-style-type: none"> • Pro-government volunteer militia • Separatist rebel forces 	
Yemen	<ul style="list-style-type: none"> • Army (pro-government) • Republican Guard • Central Security 	<ul style="list-style-type: none"> • Al-Houthi militia • Al-Osimat tribe • Ansar al-Sharia • First Armored Division (breakaway pro-opposition army element) • Other pro- and anti-government tribal militia • Qaflat Uthar tribes • Salafists 	

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⁸⁶ For citations documenting military use of schools in these 26 countries, see Appendix 2.

⁸⁷ According to the Peace and Conflict Department at Uppsala University there were conflicts in 44 countries 2005 to 2013. The program uses a definition of conflict predicated on at least 25 battle-related deaths per calendar year between two armed and opposing actors. As such, the list of conflicts identified by their definition of conflict includes a number of countries that may not be considered to have an “armed conflict” using the definition of that term under international law. Some countries experienced more than one or more armed conflicts within their borders. Lotta Themnér and Peter Wallensteen, “Armed Conflict, 1946-2013,” *Journal of Peace Research* 51(4) (2014).

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²³² RA No. 7610, An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation, and Discrimination, Providing Penalties for its Violation and Other Purposes, June 17, 1992, art. X(22)(e).

²³³ House Bill 4480, An Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof, 15th Congress of the Philippines, approved by House May 23, 2011.

²³⁴ Jake Scobey-Thal, “We Told the Children Not to Enter,” *Inter-Agency Network for Education in Emergencies*,

January 31, 2012; Bede Sheppard, “Some Things Don’t Mix,” *Philippines Inquirer*, April 24, 2012; UNSG, *Children and Armed Conflict in the Philippines*, S/2008/272, April 24, 2008, para. 35; UNSG, *Children and Armed Conflict in the Philippines*, S/2010/36, January 21, 2010, paras. 32-33; UNSG, *Children and Armed Conflict*, A/65/820-S/2011/250, April 23, 2011, para. 179; UNSG, *Children and Armed Conflict*, A/66/782-S/2012/261, April 26, 2012, para. 150-151.

²³⁵ Acquisition and Requisition of Immovable Property Ordinance, 1982, art. 18(1) [Bangladesh]; and Requisitioning and Acquisition of Immovable Property Act, Act No. 30 of 1952, March 14, 1952, art. 3 [India].

²³⁶ Defence Act (Ireland), May 13, 1954, arts. 269-270.

²³⁷ Armed Forces of Poland Accommodation Act, No. 86, item 433, June 22, 1995, as amended, chapter 7, art. 64(1).

²³⁸ See e.g. Higher Education Act, Law No. 24,521, July 20, 1996, art. 31 [Argentina]; Higher Education Law, 2010, art. 19 [Ecuador]; Law on Autonomy for Institutions of Higher Education, 1990, art. 9 [Nicaragua]; and Universities Act, September 8, 1970, art. 7 [Venezuela].

²³⁹ Letter from Kuot Jook Alith, legal adviser, Ministry of Defense, to the Minister of Defense and others, “Proposal for the Amendment of SPLA Act 2009 Section 22,” September 11, 2014.

²⁴⁰ Decision of the Government of Nepal, May 25, 2011.

²⁴¹ Schools as Zones of Peace National Framework and Implementation Guideline, Ministry of Education, promulgated under rule no. 192(3) of Education Regulation (2002), 2011.

²⁴² *Yenys Osuna Montes v. the Mayor of Zambrano Municipality*, SU-256/99, Constitutional Court of Colombia, April 21, 1999.

²⁴³ *Wilson Finch and others v. the Mayor of La Calera*, T-1206/01, Constitutional Court of Colombia, November 16, 2001.

²⁴⁴ In May 2007, Delhi University sociology professor, Nandini Sundar, and two others petitioned the Supreme Court on a variety of human rights violations identified in four fact-finding reports conducted in Chhattisgarh, one of which Sundar had co-authored. *Nandini Sundar, Ramachandra Guha and E.A.S. Sarma v. State of Chhattisgarh*, Writ Petition (Civil) No. 250 of 2007. A second petition was filed in August 2007 by three residents of one of the most violence-affected districts in the state who had been victims of arson, beatings, and looting by the Salwa Judum. *Kartam Joga and others v. State of Chhattisgarh and Union of India*, Writ Petition (Criminal) No. 119 of 2007. The Supreme Court reviewed the two cases together. *See also*: N. Sundar, *Pleading for Justice*, 2010; and Independent Citizens' Initiative, *War in the Heart of India: An Enquiry into the Ground Situation in Dantewara District, Chhattisgarh*, 2006.

²⁴⁵ NHRC (Investigation Division), Chhattisgarh Enquiry Report, no date, p. 38.

²⁴⁶ *Nandini Sundar and others v. State of Chhattisgarh*, Writ Petition (Civil) No. 250 of 2007, Supreme Court Order of January 18, 2011. *See also Nandini Sundar and others v. The State of Chattisgarh*, W.P. (Civil) No. 250 of 2007, Supreme Court of India, judgment of July 5, 2011.

²⁴⁷ "Troopers to vacate Chhattisgarh schools," *IANS*, September 24, 2012.

²⁴⁸ *Exploitation of Children in Orphanages in the State of Tamil Nadu versus Union of India and ORS*, Writ Petition (Criminal) No. 102 of 2007, Supreme Court Order of 1 September 2010.

²⁴⁹ *Inqualabi Nauzwan Sabha and others v. The State of Bihar*, C.W.J.C. No. 4787 of 1999, High Court of Patna, order of January 2, 2001 ("[L]et the police force even be increased to double strength. No one has any objection to this. But what is being complained of is that the police has occupied the building of the school with the result that the children are not being sent to school where the police has occupied the classrooms. This is depriving the children of education... [S]chools should not be closed for the reason that the classrooms have been converted into barracks. Why should this happen? This is depriving a generation and a class of children from education to which they have a right.")

²⁵⁰ *Paschim Medinipur Bhumi Kalyan Samiti v. State of West Bengal*, W.P. No. 16442(W) of 2009, High Court of Calcutta.

²⁵¹ Department of Peacekeeping Operations, *United Nations Infantry Battalion Manual* (2012), sec. 2.13.

²⁵² General Order No. 0001, Chief of General Staff, August 14, 2013 [South Sudan].

²⁵³ UNSG, *Children and Armed Conflict in South Sudan*, S/2014/884, December 11, 2014, para. 65.

²⁵⁴ General Commander of the Military Forces, order of July 6, 2010, official document Number 2010124005981/CGFM-CGING-25.11

²⁵⁵ Armed Forces of the Philippines Letter Directive No. 34, GHQ AFP, November 24, 2009, para. 7.

²⁵⁶ United Kingdom Ministry of Defence, *Joint Service Manual of the Law of Armed Conflict*, Joint Service Publication 383 (2004), paras. 15.18-15.18.1.

²⁵⁷ Draft New Zealand Manual of Armed Force Law (2nd Ed), volume 4, 14.35.8.

²⁵⁸ Commentary to New Zealand Draft Manual of Armed Force Law (2nd Ed), volume 4, 14.35.8.

²⁵⁹ Ministry of Defense, "Directive ministérielle sur la mise en oeuvre du Plan d'Action," VPM/MDNAC/CAB/0909/2013, May 3, 2013.

²⁶⁰ Field Manual 27-10: The Law of Land Warfare, Department of the Army Field Manual, July 15, 1976, para. 57.

²⁶¹ *See e.g.*, Decision on Preliminary Motion Based on Lack of Jurisdiction (Child Recruitment), *Prosecutor v. Sam Hinga Norman*, Case No. SCSL-2004-14-AR72(E), Special Court for Sierra Leone, May 31, 2004, para. 22 ("it is well settled that all parties to an armed conflict, whether states or non-state actors, are bound by international humanitarian law, even though only states may become parties to international treaties"); J.M. Henckaerts, "Binding Armed Opposition Groups through Humanitarian Treaty Law and Customary Law in Relevance of International Humanitarian Law to Non-state Actors," Proceedings of the Bruges Colloquium, October 25-26, 2002.

²⁶² Geneva Call, *Deed of Commitment under Geneva Call for the Protection of Children from the Effects of the Armed Conflict* (2010).

²⁶³ "Table: List of armed non-State actors that have been engaged by Geneva Call," <http://www.genevacall.org/how-we-work/armed-non-state-actors> (last visited March 16, 2015).

²⁶⁴ Resolutions of the 31st International Conference of the Red Cross and Red Crescent, Resolution 2, "4-year action plan for the implementation of international humanitarian law," Annex 1, 2011.

²⁶⁵ Author interview with UNICEF official, Manila, November 24, 2011.

²⁶⁶ IASC Education Cluster: South Sudan, "Briefing Note: Occupation of Schools by Armed Forces," 2011.

²⁶⁷ Internal Displacement Monitoring Centre & Watchlist on Children and Armed Conflict, *An Uncertain Future: Children and Armed Conflict in the Central African Republic*, May 2011, p. 27.

²⁶⁸ Bede Sheppard and Kyle Knight, “Disarming schools: strategies for ending the military use of schools during armed conflict,” *Disarmament Forum* 3 (2011), pp. 26-27; Melinda Smith, “Schools as Zones of Peace: Nepal Case Study in Access to Education During Armed Conflict and Civil Unrest,” in *Protecting Education from Attack: A State-of-the-Art Review*, UNESCO, 2010, pp. 261-78.

²⁶⁹ COALICO, *Un camino por la escuela colombiana desde los derechos de la infancia y la adolescencia: 2006-2007* (Bogotá: COALICO, 2007), p. 54.

²⁷⁰ Human Rights Watch, “Syria: Dozens of Government Attacks in Aleppo,” news release, December 21, 2013.

²⁷¹ Amnesty International, *Conflict in Yemen: Abyan’s darkest hour*, report, 2012.

²⁷² Human Rights Watch, “*Targets of Both Sides*”: *Violence against Students, Teachers, and Schools in Thailand’s Southern Border Provinces*, September 2010, pp. 66-67.

²⁷³ Amnesty International, “*As if hell fell on Me*”: *The Human Rights Crisis in Northwest Pakistan* (2010), p. 63.

²⁷⁴ *Ibid.*, p. 70.

²⁷⁵ For further analysis of the legal regime regulating the military use of education institutions, see Human Rights Watch, *Schools and Armed Conflict: A Global Survey of Domestic Laws and State Practice Protecting Schools from Attack and Military Use*, July 2011, pp. 46-65; Bede Sheppard and Kennji Kizuka, “Taking Armed Conflict Out of the Classroom: International and Domestic Legal Protections for Students When Combatants Use Schools,” *International Humanitarian Legal Studies* 2 (2011) 281–324; and British Institute of International and Comparative Law, *Protecting Education in Insecurity and Armed Conflict: An International Law Handbook* (2012), pp. 200-205.

²⁷⁶ Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of International Armed Conflicts (Additional Protocol I), June 8, 1977, art. 58.

²⁷⁷ 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), June 8, 1977, art. 4.

²⁷⁸ Customary international law is the general practices of states that are followed because of a sense of legal obligation to do so. Customary international law exists independent of international treaties, and is not compiled in any one central document or source. Unlike treaty law, which is binding only on the states that choose to become a party to it, customary international law is binding on all states.

²⁷⁹ ICRC, Customary International Humanitarian Law, rules 22 & 24. See also Judgment, *Prosecutor v. Kupreškić*, No. IT-95-16-T, ICTY, January 14, 2000, para. 524 (finding AP I, Article 58 part of “customary international law, not only because [it] specif[ies] and flesh[es] out general pre-existing norms, but also because [it] do[es] not appear to be contested by any State, including those which have not ratified the Protocol”).

²⁸⁰ ICRC, Customary International Humanitarian Law, rule 97; see also Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, August 12, 1949, art. 28; Additional Protocol I, art. 51(7); and Rome Statute of the International Criminal Court, July 17, 1998, art. 8(2)(b)(xxiii) (“[u]tilizing the presence of a civilian or other protected person to render certain points, areas or military forces immune from military operations” constitutes a war crime in international armed conflicts.)

²⁸¹ Fourth Geneva Convention, art. 50.

²⁸² Protocol Additional to the Geneva Conventions of August 12, 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), June 8, 1977, art. 4.

²⁸³ See Additional Protocol I, arts. 48 and 51(2), and Additional Protocol II, art. 13(2); see also ICRC, Customary International Humanitarian Law, rule 1, and *Prosecutor v. Kordic*, IT-95-14/2-A (Judgment), December 17, 2004, para 92: “there is no doubt that the crime envisaged of destruction of educational buildings [is] part of international customary law.”

²⁸⁴ See Additional Protocol I, art. 52.

²⁸⁵ See Henckaerts & Doswald-Beck (eds.), *Customary International Humanitarian Law* (2005), rule 8, citing Additional Protocol I, art. 53(2): “[M]ilitary objectives are limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction...in the circumstances ruling at the time, offers a definite military advantage” [emphasis added].

²⁸⁶ Australian Defence Headquarters, *Manual of the Law of Armed Conflict*, Australian Defence Doctrine Publication 06.4, (2006), sec. 5.34.

²⁸⁷ Protocol I, art. 51(4); see also ICRC, Customary International Humanitarian Law, rules 11-12.

²⁸⁸ Protocol I, art. 51(5); *see also* ICRC, Customary International Humanitarian Law, rule 14.

²⁸⁹ *See* Advisory Opinion, *Legality of the Threat or Use of Nuclear Weapons*, ICJ, 8 July 1996, para. 25; Advisory Opinion, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, ICJ, 9 July 2004, para. 106; Judgment, *Case Concerning Armed Activities on the Territory of the Congo* (Dem. Rep. Congo v. Uganda), ICJ, 19 December 2005, para. 216; Judgment, *Isayeva, Yusupova and Bazayeva v. Russia*, Apps. 57947/00, 57948/00 and 57949/00, ECtHR, 6 July 2005; Merits and Judgment, *Bámaca Velásquez vs. Guatemala*, IACtHR, 25 November 2000, para. 207; *see also* Louise Doswald-Beck & Sylvain Vité, “International Humanitarian Law and Human Rights Law,” 293 IRRC 94 (1993); Cordula Droege, “The Interplay between International Humanitarian Law and International Human Rights Law in Situations of Armed Conflict,” 40(2) ILR 310 (2007).

²⁹⁰ Convention on the Rights of the Child, adopted November 20, 1989, entered into force September 2, 1990, art. 38 (“(1) States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child... (4) In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.”); *see also* African Charter on the Rights and Welfare of the Child, entered into force November 29, 1999, art. 22 (“(1) States Parties to this Charter shall undertake to respect and ensure respect for rules of international humanitarian law applicable in armed conflicts which affect the child... (3) States Parties to the present Charter shall, in accordance with their obligations under international humanitarian law, protect the civilian population in armed conflicts and shall take all feasible measures to ensure the protection and care of children who are affected by armed conflicts. Such rules shall also apply to children in situations of internal armed conflicts, tension and strife.”)

²⁹¹ International Covenant on Economic, Social, and Cultural Rights, art. 13.

²⁹² Convention on the Rights of the Child, art. 28.

²⁹³ African (Banjul) Charter on Human and Peoples’ Rights, adopted June 27, 1981, entered into force October 21, 1986, art. 17; African Charter on the Rights and Welfare of the Child, art. 11; Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, adopted November 17, 1998, entered into force November 16, 1999, arts. 13 & 16; Additional Protocol I to the European Convention for the Protection of Human Rights and Fundamental Freedoms, adopted March 20, 1952, entered into force May 18, 1954, art. 2.

²⁹⁴ *See e.g.* Brazil’s Constitution guarantees a variety of educational rights, including: that education is a right (art. 6 and 205); that teaching shall be provided on the basis of equality of conditions for access to and staying in school (art. 206); that access to compulsory and free education is a public right (art. 208(VII)(1)); and notes that “The Government’s failure to offer compulsory education or offering it irregularly implies liability of the proper authority” (art. 208(VII)(2)); Colombia’s Constitution contains a number of protections for children; article 44 states that “The following are basic rights of children: ... instruction,” and that “The rights of children have priority over the rights of others;” article 67 states: “Education is an individual right and a public service that has a social function ... The State, society, and the family are responsible for education, which will be mandatory between the ages of five and 15 years and which will minimally include one year of preschool instruction and nine years of basic instruction; Education will be free of charge in the state institutions.” For a comprehensive list of constitutional protections of the right to education, *see* the Right to Education Project at <http://www.right-to-education.org/>.

²⁹⁵ Committee on Economic, Social, and Cultural Rights, “General Comment No. 13: The right to education,” E/C.12/1999/10, December 8, 1999, para. 45.

²⁹⁶ *Ibid*, para. 46.

²⁹⁷ *Ibid*, para. 50.



Front cover: Syrian rebels take position in a classroom at an empty school to observe the movement of regime forces nearby in the Bustan al-Basha district in the northern city of Aleppo.

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Back cover: An assault rifle left inside a classroom of a school occupied by soldiers in Chocó State in Colombia. Colombia's internal armed conflict still entails serious abuses by irregular armed groups, including guerrillas and successor groups to government-backed paramilitaries. In 2008, the United Nations documented attacks on schools by irregular armed groups, and the occupation of schools by both state security forces and non-state armed groups.

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