STRENGTHENING THE RIGHT TO EDUCATION IN CONFLICT SITUATIONS

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EXECUTIVE SUMMARY

Education is a human right and a vital tool in the protection and promotion of human rights. In conflict situations however, the right to education is often compromised and difficult to realise. Despite the existence of laws and mechanisms upholding the right to education, (i) attacks on schools are underreported, (ii) national education sector plans remain “emergency blind”, (iii) perpetrators are seldom held accountable, (iv) education is under funded and (v) attacks on schools and the military use of schools remain widespread. This paper addresses each of these concerns in turn.

In order for the right to education to be protected, the prevention and response mechanisms in place need to be effective. Prevention is essential in efforts to limit future attacks on education. Prevention can only proceed if one has information to develop prevention strategies, which sheds light on the importance of documenting attacks. To deal with the underreporting concern at the international level, efforts should be undertaken to strengthen the current mechanism, the Monitoring and Reporting Mechanism (MRM), or alternatively establish a global and comprehensive monitoring system. The former option has the advantage of building on an existing mechanism. However, it is unlikely to resolve all the inherent shortcomings of the MRM. Therefore, as this paper will argue, the second option is preferred, as it would put in place a structure that is entirely dedicated to attacks on education, rather than being limited to attacks on
schools alone. At the national level, education sector plans need to be strengthened. To do so, UN agencies should work closely with the competent authorities to include emergency and preparedness responses within national policies.

Holding perpetrators accountable has a double function: it is a response to past violations but its deterrent effect may play a role in preventing future violations. Accountability may take place at the national or international level. The national justice system is more accessible to victims and is likely to provide a timelier outcome. Referring cases to the International Criminal Court, on the other hand, can only occur for the most serious crimes and is limited to those countries that have accepted the Court’s complementary jurisdiction. Efforts should concentrate on strengthening national judicial systems to put an end to impunity, primarily focusing on criminalizing attacks on education.

Little can be done in the absence of adequate funding for education in emergencies. UN agencies should thus continue to advocate for education to receive 4% of global humanitarian funding.

Finally, attacks on schools may be limited if educational institutions received more protection under international humanitarian law. There is thus a strong argument in favour of providing schools with a protected status similar to that of hospitals and religious buildings. It is hoped this would limit the targeting of schools and restrict their use for military purposes.
I. INTRODUCTION

Education is the most powerful weapon, which you can use to change the world.\(^1\) Education is not only a basic human right but is also a vital tool in the promotion and protection of other rights. Education is the primary vehicle by which economically and socially marginalized children can lift themselves out of poverty and obtain the means to participate fully in their communities.\(^2\) In times of conflict, schools provide children with a much-needed sense of normalcy, and, if adequately protected, also a haven of safety.

However, it is precisely during such times that children’s right to education is most compromised. The overall security situation in times of war often prohibits access to education facilities. Attacks on schools and the military use of schools, two particularly worrying trends, also have serious implications on children’s ability to access education.

Under international law, states have the primary responsibility to protect the rights of their citizens at all times. In conflict situations however, states often find themselves unable - or are unwilling - to provide the requisite protection. This is where the international community’s role becomes significant. International development and aid agencies thus step in to fill the gaps.

This paper looks at the possible ways to strengthen the protection of the right to education in conflict situations. It is primarily addressed to the international community and UN agencies working in the field of education in emergencies.

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\(^1\) Famous quote by the late Nelson Mandela.
II. BACKGROUND

A. CURRENT SITUATION

Several international instruments protect the right to education. These include the Universal Declaration of Human Rights (art. 26), the International Covenant on Economic, Social, and Cultural Rights (art. 13) and the Convention on the Rights of the Child (art. 28), all of which have been ratified by a significant number of states. The Rome Statute defines intentional attacks on educational buildings as war crimes subject to the jurisdiction of the International Criminal Court.\(^3\)

In conflict situations, the right to education can be severely constrained. The overall security situation affects the ability of children to attend schools. Attacks on schools and the use of schools for military purposes also hinder children’s access to education.

The international community has sought to respond to this in a variety of ways, by setting up different mechanisms, elaborated upon below, to prevent and respond to violations of children’s right to education in emergencies.  

_Monitoring and Reporting Mechanism_

Security Council Resolution 1612 (2005)\(^4\) established the Monitoring and Reporting Mechanism (MRM) along with a Working Group on Children and Armed Conflict tasked with reviewing the reports submitted by the mechanism. The mechanism is required to “collect and provide timely, objective, accurate and reliable information” on six grave violations committed against children affected by armed conflict. Attacks on schools


constitute one of those violations. An important development in the work of the mechanism was the adoption of Security Council Resolution 1998 (2011)\(^5\), which requires the Secretary General to include the names of all parties who perpetrate attacks against schools in the annexes of his annual reports on children and armed conflict. Most recently, Security Council Resolution 2068\(^6\) reiterated the Council’s readiness to adopt targeted measures against persistent perpetrators of these violations.

**Actors**

In 1995, the Machel report outlined the impact of armed conflict on children. As a result, the General Assembly adopted a resolution establishing the mandate of the Special Representative of the Secretary-General for Children in Armed Conflict (SRSG-CAC).\(^7\) Two years later, the Human Rights Commission\(^8\) appointed a Special Rapporteur on the right to education mandated to report on the status of the progressive realization of the right to education and the difficulties encountered in the implementation of this right.\(^9\)

As part of the cluster approach developed by the Inter-Agency Standing Committee, the Education Cluster, co-lead by UNICEF and Save the Children, was established in 2007 to coordinate education activities in emergency situations. The cluster works to uphold education as a basic human right and core component of the humanitarian response.\(^10\) Currently, forty-one countries have active education clusters.\(^11\)

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8 The Human Rights Commission was replaced by the Human Rights Council in 2006.
The Inter-Agency Network for Education in Emergencies (INEE) is a network of more than 10,000 individuals who voluntarily join in the work related to education in emergencies.\textsuperscript{12} INEE works to ensure the right to education for all regardless of conflict, along a spectrum of preparedness, prevention, response and recovery. To achieve this, INEE undertakes a range of functions including information management, network development, policy influence, advocacy, and resource mobilization.\textsuperscript{13} Importantly, INEE has published a Minimum Standards for Education Handbook, the only global tool that articulates the minimum level of educational quality and access from the emergency phase through to recovery.\textsuperscript{14} International agencies often cite and refer to this document.

The Global Coalition to Protect Education from Attack (GCPEA) was established in 2010 to advocate for the protection of students, teachers, schools, and universities from attack. The GCPEA is made up of organizations from the fields of education and protection, among others.\textsuperscript{15} The GCPEA recently issued guidelines for protecting schools and universities from military use during armed conflict.\textsuperscript{16}

\textsuperscript{11} See the Global Education Cluster’s website at: \url{http://education.humanitarianresponse.info/countries/education-clusters-countries}, last accessed 19 December 2013.
\textsuperscript{12} See the INEE’s website at: \url{http://www.ineesite.org/en/who-we-are}, last accessed 19 December 2013.
\textsuperscript{13} See the INEE’s website at: \url{http://www.ineesite.org/en/what-we-do}, last accessed 19 December 2013.
\textsuperscript{14} For more details, see the INEE’s website at: \url{http://www.ineesite.org/en/minimum-standards/handbook}, last accessed 19 December 2013.
\textsuperscript{15} See the GCPEA’s website at: \url{http://www.protectingeducation.org/who-we-are}, last accessed 19 December 2013.
B. PURPOSE AND RATIONALE OF THE POLICY

Despite the existence of various actors and mechanisms that illustrate an increased recognition of the importance of education in emergencies, the latest figures show that about 50% of the total number of children in the world who are out of school come from conflict affected countries.\(^\text{17}\)

Even with the establishment of the MRM, there is an overall under-reporting of grave violations as most attacks on children and schools go unrecorded.\(^\text{18}\) At the heart of the problem is the nature of the system itself, which has been described as “fragmented and partial.”\(^\text{19}\) The information is gathered through UN country team task forces. These task forces have often added MRM activities to their workload with little or no expansion of capacity,\(^\text{20}\) they have to report on five other violations, they themselves rely on other agencies and wider sources,\(^\text{21}\) and they all too often focus on physical attacks on schools.\(^\text{22}\) Furthermore, the MRM is only activated in countries identified as “situations of concern” by the Secretary General, thus limiting the scope of the data.\(^\text{23}\) Finally the MRM has been criticised for granting superficial attention to all violations excerpt the


\(^{19}\) Id. 18.


\(^{21}\) Id. 18, at 194.

\(^{22}\) Id. 20, at 137.

\(^{23}\) To date, the States required to submit yearly reports are: Afghanistan, the Central African Republic, Chad, Colombia, Cote d’Ivoire, the Democratic Republic of Congo, India, Iraq, Lebanon, Libya, Lord’s Resistance Army and the Central African Region, Mali, Myanmar, the Occupied Palestinian Territory, including East Jerusalem, and Israel, the Philippines, Pakistan, Somalia, South Sudan, Sudan, the Syrian Arab Republic, Thailand and Yemen. See the Office of the SRSG-CAC’s website at: http://childrenandarmedconflict.un.org/, last accessed.
recruitment and use of child soldiers. Indeed, out of 19 documents reporting on children and armed conflict issued by the Secretary General and the Security Council Working Groups, 141 recommendations related to child recruitment whereas only 6 related to attacks on education.\(^{24}\) Some stakeholders are also unaware of the existence of the mechanism.

Attacks on schools and the military use of schools remain widespread.\(^{25}\) In 2012, more than 3,500 attacks on education were recorded in 17 conflict-affected countries.\(^{26}\) However, prosecutions remain very limited, at both the national and international level. This near total impunity for grave crimes perpetrated against children is disturbing and poses a serious challenge for the protection of children\(^{27}\) and does little to prevent further attacks.

Funding for education in emergencies remains extremely limited. Only few donor agencies have explicitly included education as part of their humanitarian policies and they often prioritize countries linked with their security priorities.\(^{28}\) Reports indicate that education accounts for less than 2\% of humanitarian aid: no other sector consistently ranks as the least funded sector or has a smaller share of humanitarian appeals funded.\(^{29}\)

\(^{24}\) Id. 20, at 134.
\(^{27}\) Id. 18, at 192.
\(^{29}\) Global Education First Initiative, Education Cannot Wait: Protecting Children and Youth’s Right to a Quality Education in Humanitarian Emergencies and Conflict Situations, 2012, available at:
In 2012, that figure dropped to 1.4% and a mere 26% of the amount requested for education through consolidated appeals was received.\(^{30}\) In practical terms, this means that while funding aimed to reach 18.5 million children, only 5.3 million of those targeted received support.\(^{31}\) To complicate matters further, there is no single agency to which States requiring educational assistance can turn to in an emergency and there is no single funding mechanism. Rather there are a plethora of actors each with their own agenda, expertise and mandate. Although coordination among them is improving, a clear division of labour is still lacking.\(^{32}\)

At the state level, it has been said that education sector plans and budgets are “emergency blind” in that very few address emergency response plans. This makes it difficult for schools to keep their doors open in emergencies, including conflict.\(^{33}\)

A comprehensive policy addressing each of the abovementioned concerns would enhance the international community’s ability to better prevent and respond to attacks on education and ensure as many children as possible have access to education in conflict situations.


\(^{31}\) *Id.* 30.


\(^{33}\) *Id.* 29.
III. PREVENTION

A. IMPROVING THE QUALITY OF MONITORING AND REPORTING OF ATTACKS ON EDUCATION

Nicholas Burnett, the Assistant Director-General for Education (UNESCO), neatly summarises the importance of monitoring and reporting:

“Regular monitoring is crucial because silence legitimates an unacceptable situation. In some cases, monitoring can act as a deterrent; in others it can be a tool for negotiation and mediation. Every single attack needs to be documented, investigated and brought to international attention. Without monitoring, we cannot denounce, and without denunciation, we cannot act to protect education and to end impunity.”

Monitoring is also important in improving early warning, rapid response, recovery measures and efforts to prevent future attacks. As previously noted, despite the existence of the MRM, and various other actors engaged in monitoring, most attacks on children and schools go unrecorded. To address this situation, UN agencies may wish to concentrate their efforts on one of two options: (i) strengthening the MRM or (ii) establishing a truly global monitoring structure. Each option will be addressed in turn.

(i) Strengthening the MRM

Strengthening the current MRM presents the advantage of building on an existing and well-established mechanism. This would entail intensifying and broadening the scope of


reporting by the MRM to include non-physical attacks. For example, the MRM could include findings on the impact of attacks on schools on the education and the school system as a whole (attendance, enrolment, etc.). However, this would not address many of the concerns previously mentioned: (i) the MRM is only activated in countries designated as situations of concern by the Secretary General so that the reporting is not comprehensive, (ii) actors have to report on 5 other violations in addition to attacks on schools and their own work which can be burdensome, and (iii) the UN country task forces are often under resourced and may not have the required expertise to document and report in this specific area.

(ii) Establishing a global monitoring structure

On the other hand, the creation of a global monitoring structure would establish a reporting system that systematically and comprehensively records, analyses and corroborates attacks, identifying those responsible. This in turn would greatly impact the ability to prevent and respond to attacks on education. It would establish a go-to agency with a specific mandate and do away with the reliance on UN country task forces. Some might argue that this would add to the already existing plethora of actors and there would be a risk of duplication with the MRM. Furthermore, it is acknowledged that setting up a new entity takes time and effort, and requires expertise and funding, the latter of which is the most crucial and yet most difficult to ensure. However, if the Group’s mandate is clearly defined and the various actors closely coordinate their activities, these risks could be mitigated.

Recommendation

36 Id. 20, at 140.
37 Id. 18, at 196.
Effective measures to prevent and respond to attacks on education cannot be taken in the absence of accurate and precise information on the scope of the problem. Creating a global monitoring structure would, at least to some extent, provide the necessary background for action.

**Implementation**

The following steps would be required to set up a global monitoring structure:

- Create a Violence Against Education Monitoring Group within UNICEF given that the latter is the lead agency on child protection and has the relevant expertise given its primary role in the MRM.
- Draw up a clear mandate for the Group, which would include clearly defining attacks on education (rather than limiting the scope to attacks on schools).
- Define the functions of the Group and when it would be triggered and where it would operate (solely in situations of armed conflict?).
- Ensure the reports issued will also result in “naming and shaming” perpetrators in line with the MRM.
- Determine a set of standardized and uniform indicators for reporting.
- Specify the means of interaction and collaboration with existing mechanisms and actors, especially the MRM and the various education clusters.
- Operationalize the group (coordinating capacity building/experts/funding).

**B. STRENGTHENING THE CAPACITY OF NATIONAL SYSTEMS ON EDUCATION**

At the national level, local institutions need to be adequately equipped with the means to provide education in emergencies. UN agencies should thus strengthen their work with
national governments on education to enhance the latter’s ability to prevent and respond to attacks on education. Strengthening the education system and children’s access to education is a vital tool in preventing conflict and promoting peace building. As mentioned at the outset, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty.\(^{38}\) This in turn alleviates one of the major grievances of conflict and promotes peace and security. In contrast, the denial of education in fact perpetuates a cycle of violence and exclusion and deprives children, youth and adults of the knowledge, skills and values they need to build a better and more peaceful future.\(^{39}\) Empowering local institutions and endowing them with the necessary tools to operate effectively plays a major role in ensuring sustainable and long-term development.

It is recognised that the effectiveness of the work will depend on the willingness of national authorities to cooperate. It may also prove difficult to convince the government of the importance of education in the aftermath of a conflict as the focus may be on other areas such as security and reconstruction.

**Implementation**

- Closely work with national authorities to ensure emergency preparedness, response and recovery are integrated into national education sector plans, especially in post-conflict settings. Use the INEE Minimum Standards as a starting point.

- Work to strengthen national institutions where necessary.

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39 Id. 34.
• Advocate for inclusion of measures on financing education in domestic laws. The adoption of a national legal framework for financing education will indicate the importance and priority given to the right to education.\textsuperscript{40}

• Promote and regularly engage in dialogue with state and non-state actors on education.

• Promote agreements between conflicting parties drawing on best practices in other countries (ex: Schools as Zones of Peace in Nepal).

• Provide training to the military, police, law enforcement and judiciary officials on the right to education and their duty to protect that right, including the protection of education facilities. Making those who take part in armed conflict aware of what is and what is not permitted by law is essential. Training is one of the key issues, which offers any real hope that educational systems can be protected during armed conflict.\textsuperscript{41}

• Encourage the inclusion of information on the right to education and other rights affected by attacks on education within school curricula.

IV. RESPONSE: ENDING IMPUNITY

A culture of impunity contributes to the persistence and recurrence of human rights violations. Bringing perpetrators to justice is not only a response mechanism but it may serve as a preventive measure to deter future violations. This can be done at either the national or international level. In this regard, UN agencies may choose to focus their

\textsuperscript{40} Id. 28, at ¶ 21.

attention on (i) strengthening their work with national governments on bringing perpetrators to justice before national courts or (ii) advocate for the referral of cases to the International Criminal Court (ICC) and the imposition of sanctions by the UN Security Council.

(i) Resorting to national adjudication

Some argue that the most preferred forum for accountability is within the country where the atrocities took place. Seeking accountability in the country where the atrocity took place is important, because it is also where the evidence is, where the victims have greater access to proceedings, and where justice is faster and cheaper.\(^4^2\) Furthermore, it promotes national ownership in post conflict settings. It also sends a clear message that violating the right to education by perpetrating attacks on schools, and more broadly on education, is a serious crime comparable to other violations warranting adjudication.

However, in many countries attacks on schools may not be stand-alone crimes, so judges may have to rely on other offenses.\(^4^3\) In addition, judges may be reluctant to prosecute their own officials, in a context where retribution is a concern. There is also a concern with regards to fairness and neutrality, especially in post conflict settings. Another element to bear in mind is whether and to what extent prosecutions may affect on-going peace negotiations in a post conflict situation. Finally, the effectiveness of the UN’s work in this field will depend, to a large extent, on the willingness of national


\(^{43}\) For example, the Bosnian courts relied on the offense of “destruction and looting of property” while the Serbian courts relied on “war crimes against the civilian population” in cases transferred to them by the International Criminal Tribunal for the Former Yugoslavia in light of the absence of specific provisions criminalizing attacks on educational institutions. *Id.* 42, at 129.
authorities to cooperate. This is especially true if the right to education is not seen as a priority or a right that warrants primary attention.

(ii) Resorting to the ICC

At the other end of the spectrum is advocating for action at the international level. This would entail advocacy for the referral of cases involving attacks on schools to the International Criminal Court (ICC) and/or imposing sanctions on persistent offenders in line with resolutions 1612 and 2068.

On the upside, the involvement of the ICC sends clear signals that attacks on schools constitute serious human rights violations, which in turn may have a deterrent effect on perpetrators. It has been said that “actors are much more frightened of the ICC than they are of sanctions.” Even the mere monitoring of a situation by the Office of the Prosecutor can deter crimes from being committed.

However, ICC involvement in this case may be problematic as the ICC’s jurisdiction is complementary to that of national courts so that the court only intervenes when national courts are unwilling or unable to do so. Furthermore, the ICC will only intervene if the crimes rise to the level of war crimes or crimes against humanity, thus limiting its use for the most serious crimes. Its use is further limited by the fact that only perpetrators in States parties to the Rome Statute can be indicted. There are also evidentiary hurdles in seeking prosecutions under international humanitarian law such as proving that civilians or civilian objects were targeted or that the use of force was disproportionate. One of the main challenges the ICC is faced with is the absence of enforcement of its final verdicts.

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45 *Id.* 20, at 153.
given the lack of a police force. Thus, enforcement largely depends on the cooperation of State authorities to make arrests. It is also an after the fact measure, costly, time consuming and not directly accessible to victims.

With regards to the imposition of sanctions, this largely depends on the political will of the permanent Council members. Whether sanctions would be effective in this field is questionable. It has been said that by the time sanctions are applied, it is too late. Either that or they are too insignificant or their enforcement is too complex so they can be ignored. Ultimately, they are just symbolic.\textsuperscript{46}

\textit{Recommendation}

UN agencies would be better advised to focus their attention on strengthening national justice systems to protect education. National justice systems are ultimately more accessible to those who need them the most and more likely to result in timely adjudications.

\textit{Implementation}

UN agencies should:

- Assist states in enacting national legislation criminalizing attacks on education. The latter should include provisions banning physical attacks on schools as well as the prohibiting the use of schools for military purposes. The Rome Statute and the Draft Lucens Guidelines should be the guiding minimum standards applicable.

- Monitor the implementation of these laws.

- Encourage parties to bring cases before national courts.

- Encourage national investigations where appropriate laws exist.

\textsuperscript{46} Id. 44, at 11.
• Establish truth commissions that would document and expose perpetrators of attacks on schools in post conflict settings where deemed suitable.

• Raise awareness on states’ international obligations to protect education. This should target students, teachers, education personnel and civil society at large. The more individuals are aware of their rights and the remedies available to them, the more they are likely to seek relief and in the absence of such relief, to advocate for reform.

• Provide capacity building and technical assistance to national justice systems and share best practices from other systems.

• More generally, advocate for states to adopt the Rome Statute in order to be subject to the ICC’s jurisdiction.

V. PROTECTING EDUCATION DURING CONFLICT

A. MAINSTREAMING EDUCATION FUNDING IN ALL HUMANITARIAN RESPONSES

A key way to ensure the provision of education during conflict is through mainstreaming education funding in all humanitarian responses. This is in line with the *Education Cannot Wait: A Call to Action* initiative launched in 2012 to highlight the importance of ensuring education provision in crisis-contexts. This would allow the implementation of activities on the ground and ensure that the targeted number of beneficiaries is reached. It also raises the importance of education as equal with other rights. However, this measure largely depends on the availability of funds and the interests and priorities of donors. It may prove difficult to convince some donors of the priority of education as compared to food or health.
Implementation

The implementation of this policy requires several steps to be taken. Firstly, advocacy efforts should be strengthened to increase the share of education funding in global humanitarian funding to 4%. By way of example, in 2012, humanitarian actors sought to provide 18.5 million beneficiaries as target with education support. Because the education sector received only 1.4% of humanitarian funding, however, only 5.4 million beneficiaries were reached. If the sector had received the advocated 4%, a total of 15 million beneficiaries would have been reached. Secondly, to ensure those funds are put to proper use, better coordination among agencies is required. This is particularly true in light of the fact that coordination has not been able to sufficiently direct decisions on where specific donors would work and how aid could be most strategically deployed to fill gaps and reach those in need.47 Thirdly, humanitarian actors should ensure education is included in all humanitarian appeals (Consolidated Appeals, Flash Appeals, and appeals to the Central Emergency Fund) where education needs are identified. Fourthly, education should be explicitly mainstreamed in humanitarian policy documents (i.e. Humanitarian Action Plans). Fifthly, the needs assessment process should be amended. Currently the planning process focuses on supply so that agencies request funding according to what they might be able to deliver. Instead, the focus should be on the actual needs of the population.48 Finally, awareness should be raised on education as a tool to

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48 *Id.* 18, at 206.
prevent conflict and promote peace building to perhaps influence donors’ willingness to contribute to the education sector.

B. PROTECTING SCHOOL BUILDINGS UNDER THE LAWS OF WAR

It has been suggested that the international community should advocate for the increase of the protection of schools in international law by giving schools a similar protected status to religious buildings and hospitals. The latter have a direct, clear and independent privileged status based on their inherent humanitarian nature and value to a people. The same should apply to school buildings as they have an inherent value to society that merits independent protection. The objective of such a policy is twofold: first to prohibit the targeting of schools as protected buildings; and second to prohibit the military use of schools, so as to pre-empt their targeting as legitimate military targets.

This would promote physical access to schools during conflict. It would also send a clear message with regards to the inviolable nature of educational institutions. However, arguably this will take some time to implement. Realistically speaking, security issues will remain in terms of accessing schools, even though the schools themselves are safe, the roads to access schools may not be. Furthermore, this would not completely save schools from being targeted or used for military purposes just as some hospitals and religious institutions continue to be targeted in conflict.

Implementation

- Define which educational buildings would benefit from protected status. It should preferably extend to all civilian school building institutions, regardless of the

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presence of civilians and non-combatants. The definition should also clarify whether the rule applies to temporary or permanent structures. It should also clearly distinguish between civilian schools, which would be afforded protection, and military schools, which would not. The distinction lies in their inherently different humanitarian purposes.50

- Create a universally recognized distinctive emblem that would identify a structure as a protected educational facility.51
- Identify the means of maintaining privileged status: should the status persist if the school is abandoned or not used for a significant period of time?52
- Encourage the use of peacekeepers to accompany children to schools during conflict by including protection provision within their mandate53

VI. CONCLUSION

Education in emergencies is seen as a less immediate priority. Responses are usually focused on food, health and shelter. However, aid that merely supplies calories for the stomach and water for the throat reduces people to things54 and will do little to further international peace and security.

Work needs to be undertaken on several front in order to ensure attacks on education decline and children continue to be able to access education during conflict. First and foremost, adequate data needs to be readily available, in order to enable prevention and

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50 Id. 49, at 215-217.
51 Id. 49, at 218.
52 Id. 49, at 219-220.
53 Id. 18, at 211. This could be done drawing on best practices in countries like Sudan and the Democratic Republic of Congo where peacekeepers would accompany women and girls to school or to carry out other activities to protect them against sexual violence.
54 Id. 32, ¶ 31.
response activities. This could be achieved by putting in place a global monitoring structure that would enable the collection of comprehensive data on attacks on education. Knowledge of past violations will assist in establishing mechanisms to prevent future attacks. At the national level, local institutions need to be prepared and have education sector plans that include means for the provision of education in emergencies. This also requires national authorities to include in domestic laws specific budget allocations for education in emergencies.

Justice can only be achieved if perpetrators of offenses are held accountable. To ensure timely adjudications, resort should be made to national justice systems. Where absent, legislation criminalizing attacks on education should be enacted as a matter of priority.

Money matters, this could not be truer than in the humanitarian sector. Unfortunately, education in emergencies is severely under-funded, which in turn hampers any attempts at reaching children most in need. Advocacy efforts should be aimed at holding donors to their commitments of increasing global humanitarian funding for education to 4%.

Lastly, it would be difficult to dispute that schools have an inherent value to society, similar to that of hospitals and religious buildings. As such, they warrant a privileged protected status under the laws of war, which they currently do not benefit from. This is one suggestion to which the international community would be well advised to dedicate attention.
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