

**ANNUAL CONSULTATIONS WITH NGOs
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SIDE EVENT

BACKGROUND PAPER

Session Title: **Protecting Children and Protecting Schools: The Guidelines for Protecting Schools and Universities from Military Use in Armed Conflict**

Date: **Wednesday 1 July**

Time/Room: **12h00 – 13h00 – Room 5**

The Military Use of Schools: Why is it a Problem?

Education provides critical protective benefits to children in conflict settings. It offers them a place of stability, a link to services, and an environment which is free from the perils of war. But these benefits disappear when the schools themselves are not a place of safety. The presence of military actors in schools can create the potential for sexual exploitation and abuse, recruitment, expose them to violence, and put them at risk of injury through the presence of weapons or remnants of war.

The use of schools for military purposes can also result in infrastructure being damaged or destroyed and education materials lost, impacting the quality of education. It can lead to lower rates of enrolment and transition to higher grades, and increased teacher absenteeism. Students may drop out or experience interruptions to studies or may transfer to other schools, where they often cause overcrowding. Girls can be disproportionately affected as parents are often particularly wary of sending daughters to schools occupied by armed men. All of these things impact on the ability of students to gain meaningful education that allows them to find an eventual solution to their displacement. Perhaps most critically, however, the presence of military actors can also turn the school into a target for attack, greatly increasing the dangers of violence and death to students and teachers.

Aren't schools protected under International Humanitarian Law (IHL)?

Schools and universities are generally categorized as civilian objects under IHL, and as long as they maintain this civilian character, they are protected from attack under Article 52(1) of Additional Protocol I. Schools and universities can however be converted into a *military objective* (defined in art. 52(2) of Additional Protocol I), if they are used to make an effective contribution to military action, which also means that they can become lawful targets for attack.

What are the Guidelines to Protect Schools and Universities from Military Use in Armed Conflict and how to do they help?

The presence of military actors or assets in a school can convert it into a military objective, and cause the school to lose its protected status as a civilian object. While IHL offers a minimum level of protection for schools that are civilian in nature, there was a recognized need for a complementary tool that could help prevent schools from losing their protected civilian status in the first place and/or to help mitigate the impact of military use of schools when it does occur. The Guidelines were designed with this purpose in mind: to help offer practical steps that states and parties to conflict could voluntarily take to *better* protect schools and universities, in addition to their pre-existing obligations within IHL. The Guidelines draw on existing good practice adopted by some states. They are a non-binding tool and do not alter or change existing international legal frameworks.

How can the Guidelines be implemented?

Following the finalization of the Guidelines in December, the governments of Norway and Argentina launched a state endorsement process, wherein states could endorse a declaration, reaffirm their support for the Guidelines and make a political commitment to implement. The “Safe Schools Declaration” was launched on May 29, 2015 in Oslo, endorsed by 37 States. There are a number of ways these states can implement, but most commonly it will be through updating rules of engagement, training, standard operating procedures, and potentially in national legislation.

Ongoing efforts have also been made to disseminate the Guidelines with armed non-state actors. For instance, the NGO Geneva Call has shared the Guidelines during a meeting last year with 35 armed groups from 14 different countries.

What can I do?

If you or your organization works in one of the countries that signed the Safe Schools Declaration, the focus now is on advocating for the implementation of the Declaration, namely for the state to:

- Use the Guidelines, and bring them into domestic policy and operational frameworks as far as possible and appropriate;
- Make every effort at a national level to collect reliable relevant data on attacks on educational facilities, on the victims of attacks, and on military use of schools and universities during armed conflict, including through existing monitoring and reporting mechanisms; to facilitate such data collection; and to provide assistance to victims, in a non-discriminatory manner;
- Investigate allegations of violations of applicable national and international law and, where appropriate, duly prosecute perpetrators;
- Develop, adopt and promote ‘conflict-sensitive’ approaches to education in international humanitarian and development programs, and at a national level where relevant;
- Seek to ensure the continuation of education during armed conflict, support the re-establishment of educational facilities and, where in a position to do so, provide and facilitate international cooperation and assistance to programs working to

- prevent or respond to attacks on education, including for the implementation of this declaration;
- Support the efforts of the UN Security Council on children and armed conflict, and of the Special Representative of the Secretary-General for Children and Armed Conflict and other relevant UN organs, entities and agencies; and
 - Meet on a regular basis, inviting relevant international organization and civil society, so as to review the implementation of this declaration and the use of the guidelines.

If you work in a country that has not endorsed the Safe Schools Declaration, you can advocate with the government for its endorsement. But on a practical level, you can also use the Guidelines as a concrete reference and basis for discussions with state and non-state armed actors and other relevant stakeholders to address particular instances of military use of schools and to raise awareness on the potential consequences of this practice, thus helping to build and strengthen preventive strategies in practice.

Where can I find more information?

The Guidelines can be found in multiple languages on the website of the Global Coalition to Protect Education from Attack (www.protectingeducation.org), alongside other Q&A documents and advocacy tools.