



IN THEIR WORDS

Armed non-State actors share their policies and practice with regards to education in armed conflict



November 2017

This report was produced with the support of the Norwegian Ministry of Foreign Affairs

INTRODUCTION

Education is extremely vulnerable in situations of armed conflict. The latest data indicates that almost 21,5 million children of primary school age are out of school in conflict-affected countries worldwide.¹ Even when children attend school, their education and well-being might be at risk. Schools are often attacked or used for military purposes. In the recent years, thousands of schools, students and teachers have been attacked in over 70 countries worldwide.² Schools have also been used for military purposes in at least 26 countries.³ Both States and armed non-State actors (ANSAs) have been involved in these actions. Although in some conflicts only States were reported to be engaged in such military use, four-fifth contexts (21 out of 26) featured the use of educational facilities by both State armed forces and ANSAs between 2005 and 2015.⁴ While in some cases, ANSAs targeted schools due to the presence of enemy soldiers; in others they attacked teachers suspected to be spies and agents of States' educational system. It has also been reported that schools are attacked because ANSAs are "hostile to the content of the education being delivered or because of the students they educate".⁵ In some countries schools have been targeted because girls were allowed.⁶

Attempts at preventing attacks against education include, among others, initiatives to enhance their awareness, knowledge and understanding in countries across the globe, in particular by strengthening accurate monitoring and reporting of the attacks. To this end, concerned organizations from the fields of education, protection and international law established back in 2010 the Global Coalition to Protect Education from Attack (GCPEA) with the goal of monitoring and reporting attacks against education and the military use of schools.

GENEVA CALL'S WORK ON THE PROTECTION OF EDUCATION

Geneva Call is member of GCPEA, and has been engaged on the protection of education as part of its work on the protection of children from the effects of armed conflict since 2010. Article 7 of the Geneva Call's *Deed of Commitment protecting children from the effect of armed conflict (Deed of Commitment)* pledges signatory ANSAs to ensure that children have access to education and to avoid using for military purposes schools or premises primarily used by children.⁷

More than 50 ANSAs have been engaged by Geneva Call on this topic and up to date **26** have signed the *Deed of Commitment*, **and have taken measures to implement its provisions, including on education**⁸

¹ Global Partnership for Education. Education Data, available online at <http://www.globalpartnership.org/data-and-results/education-data#conflict-affected-and-fragile-countries>.

² *Ibid.*

³ Lessons in War 2015. Military Use of Schools and Universities during Armed Conflict. Global Coalition to Protect Education from Attack, available online at http://www.protectingeducation.org/sites/default/files/documents/lessons_in_war_2015.pdf, at 6.

⁴ *Ibid.*, at 33.

⁵ Human Rights Watch, Schools as Battlegrounds. Protecting Students, Teachers, and Schools from Attack, available online at https://www.hrw.org/sites/default/files/related_material/17feb_hrw_school_brochure_lowspr%5B1%5D.pdf, at 10.

⁶ *Ibid.*

⁷ The *Deed of Commitment* is available online at https://genevacall.org/wp-content/uploads/dlm_uploads/2013/12/DoC-Protecting-children-in-armed-conflict.pdf, Article 7.

⁸ For an updated list of ANSAs that have signed Geneva Call's *Deed of Commitment*, see <https://genevacall.org/how-we-work/armed-non-state-actors>.

Also, since 2015 Geneva Call has developed specific training material on the protection of education, which includes a video⁹ and a booklet¹⁰ on how to protect education in armed conflict. Specific trainings and awareness-raising sessions on the protection of education have been carried out with ANSAs in various contexts, including the Democratic Republic of Congo (DRC), Myanmar, Sudan, Syria and Thailand. Furthermore, in 2015 Geneva Call and Protect Education in Insecurity and Conflict (PEIC) convened a workshop on the provision of education by ANSAs and the suitability of the international response,¹¹ in which UN agencies, human rights and humanitarian organizations, academic experts, and representatives of ANSAs participated. Several recommendations on how to ensure that education continues and is protected in armed conflicts came out of the workshop, including several made specifically by ANSA representatives.¹²

With respect to the Safe School Process, Geneva Call has been involved since 2014 in the drafting and promotion of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* (the Guidelines).¹³ Even before states were given the opportunity to endorse the Guidelines by adopting the Safe School Declaration in May 2015, Geneva Call had started their dissemination amongst ANSAs. In addition, the Guidelines were presented for the first time to 35 ANSAs at the Third Meeting of Signatories of the *Deed of Commitment* in November 2014.¹⁴



An expert from GCPEA presenting the Guidelines at Geneva Call's meeting, November 2016. © Geneva Call

More recently, the protection of education, including ways of implementing the Guidelines, was extensively discussed amongst 21 ANSAs and experts from PEIC and GCPEA during a meeting on the protection of children in armed conflict organized by Geneva Call in November 2016.¹⁵ Different issues were addressed during that session, such as providing or facilitating education as well as protecting education from enemy attacks and from military use.¹⁶

During its work on this topic, and throughout its discussions with ANSAs representatives and relevant humanitarian actors, Geneva Call identified the lack of specific research on ANSAs' practices on education.¹⁷ Despite the improvements in the collection of data¹⁸ and an increased awareness of the

⁹Available online at <http://genevacall.org/resources/photos-videos/>.

¹⁰ Available online at http://genevacall.org/wp-content/uploads/dlm_uploads/2016/12/English_A6Booklet_ProtectionEducation_web.pdf.

¹¹ The report is available online at https://www.genevacall.org/wp-content/uploads/dlm_uploads/2015/12/Geneva_Call_Paper1.pdf.

¹² *Ibid.*

¹³ The Guidelines are a practical tool that aims at better protecting schools and universities from use by armed actors for military purposes, and to minimize the negative impact that armed conflict has on students' safety and education. They provide concrete guidance to states and ANSAs for the planning and execution of military operations and have so far been endorsed by 64 states. See <http://www.protectingeducation.org/guidelines/support>.

¹⁴ The Third Meeting of Signatories to Geneva Call's Deeds of Commitment, 2014, available at https://genevacall.org/wp-content/uploads/dlm_uploads/2015/07/3rd-Meeting-of-Signatories-Report.pdf.

¹⁵ Geneva Call. Armed non-State actors speak about child protection in armed conflict, available online at https://genevacall.org/wp-content/uploads/dlm_uploads/2017/09/CansaReport_web.pdf.

¹⁶ *Ibid.*

¹⁷One notable exception is the report recently published by Human Rights Watch on the protection of schools from military use, in which the practices of ANSAs are also addressed. See Human Rights Watch. Protecting Schools from Military Use. Law, Policy, and Military Doctrine, available online at <https://www.hrw.org/report/2017/03/20/protecting-schools-military-use/law-policy-and-military-doctrine>.

¹⁸ See, for instance, the country profiles developed by GCPEA, available online at <http://www.protectingeducation.org/country-profile>. For further research on attacks against education, see Human Rights Watch. Targets of Both Sides. Violence against Students, Teachers, and Schools in Thailand's Southern Border Provinces, available online at <https://www.hrw.org/report/2010/09/20/targets-both-sides/violence-against-students-teachers-and-schools-thailands>. See also those countries where schools or universities were used for military purposes

problem of military use of schools and attacks on education, knowledge on how ANSAs view education, their actions and challenges when it comes to facilitating providing or protecting education remains limited. Geneva Call therefore decided to interview certain ANSAs in order to assess the factors that lead to either the use of or attacks against schools or their protection. The research also aims to identify examples of good practice protecting schools in situations of armed conflict.

METHDOLOGY

Throughout the year 2016, Geneva Call consulted ten ANSAs from four different contexts on their policies and practices on education in armed conflict: two of them, the Restoration Council of Shan State/Shan State Army (South) (RCSS/SSA-S) and Karenni National Progressive Party/Karenni Army (KNPP/KA) operate in Burma/Myanmar; one ANSA does not wish to be named as part of another Asian country; the Alliance des Patriotes pour un Congo Libre et Souverain (APCLS) active in the Democratic Republic of Congo; five ANSAs affiliated with the Free Syrian Army (Islam Army, Fastaqim Kama Umirt, Freedom Islamic Brigade, Alwatan Liberation Movement and the Northern Division); and the People's Protection Units/Women's Protection Units (YPG/YPJ), also present in Syria.

The ANSAs were chosen based on two criteria: the **existence of challenges** to the protection of education and an existing **dialogue with Geneva Call**

These ANSAs are diverse in terms of size, organizational structure, motivations, and the extent of their territorial control. Whilst most of them were consulted in written by answering a standardized questionnaire prepared by Geneva Call, some consultations took the form of face to face interviews. The consultations were carried out on a confidential basis, with non-attribution, so as to encourage frankness.

The ten ANSAs chosen have all been in dialogue with Geneva Call on the protection of children, but had not necessarily been sensitized specifically on the protection of education. Due to the small sample of ANSAs interviewed, their views cannot be taken as representative for all ANSAs, but as a way to address their understanding of the topic and the challenges they face. The claims and statements made were not factually verified by Geneva Call and may not reflect the full picture of the events on the ground. Many of the findings, however, were confirmed during the meeting on the protection of children in armed conflict in November 2016. This meeting devoted half a day to the topic of education, including group discussions on how to contribute to the protection of education. Some of the key points and recommendations that came out from these discussions will be reflected below.

THE APPLICABLE LEGAL FRAMEWORK

All parties to armed conflicts, including ANSAs, have the following international obligations towards the protection of education:

- a) They must provide or facilitate education
- b) They must protect education from hostilities
- c) They must not attack education
- d) They must avoid using schools for military purposes

a) Providing and facilitating education

International humanitarian law (IHL) requires that children in armed conflicts are provided with the aid and care they require. In particular, they shall receive an education, in keeping with the wishes of their parents or those responsible for their care. Children also have the right to education under international human rights law (IHRL), wherein education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. Although efforts should be made to maintain the national education system, in case this is not possible, ANSAs are required to provide inclusive and equitable quality education when they have the capacity to do so, or otherwise shall seek to cooperate with relief organisations specialized in child protection or with States.

b) Protecting education from hostilities

In order to protect education from hostilities, necessary precautions should be taken by all parties to the conflict, including ANSAs. In this respect, a party's own militaries should not be located in densely populated areas, and feasible measures should be taken to ensure the protection of children, schools, teachers and support staff from the enemy's attacks. This implies that military objects and fighters should not be placed in the proximities of schools and other civilian buildings. Moreover, the institutions' transportation routes, evacuation plans and shelters should be maintained with the goal of ensuring safe passage to school.

c) Preventing attacks on education

Under IHL, students, teachers, parents and support staff are protected from attacks and threats of attacks as long as and for such time as they do not directly participate in hostilities. Schools, educational materials, facilities and transports are protected as long as they are not used for military purposes. However, even when used by enemy forces for military purposes, they must not be attacked if the expected civilian damage would be greater than the expected military advantage, and feasible precautions must be taken to avoid or minimize damage. Schools must never be attacked in order to prevent future use by the enemy. In case of doubt, schools should continue to be considered civilian objects and protected from attacks.

d) Avoiding use of schools for military purposes

While IHL does not necessarily prohibit the use of schools for military purposes, it requires that parties to a conflict, including ANSAs, take all feasible precautionary measures to protect civilians and civilian objects from the effects of attacks. As a civilian object, schools are protected from attacks unless and for the time they are being used for military purposes. This implies that it is unlawful for the parties to use them without placing the civilian population far from the building. Intentionally deploying military targets, such as ANSAs' members, among civilians in a school to prevent them from being attacked can constitute "human shielding".

ANSA'S COMMITMENTS TO PROTECT EDUCATION

Several interviewed ANSAs had made commitments not to use schools or universities for military purposes. Among them, three have signed the *Deed of Commitment*: YPG/YPJ in 2014, KNPP/KA in 2012 and APCLS in 2016, where it is affirmed, as abovementioned, that they will “avoid using for military purposes schools or premises primarily used by children”.¹⁹ Other commitments include unilateral declarations, statements and ceasefire agreements. In April 30th 2014, the President of the Syrian Opposition Coalition and Chief of Staff of the Supreme Military Council of the Free Syrian Army (FSA) declared the following:

“The deliberate targeting of [...] schools and their occupation by military forces represents a direct violation of domestic and international law [...] The Free Syrian Army fully supports the demilitarization of all schools [...] used for military purposes. We stand ready to work with the international community to ensure the immediate and complete demilitarization of all schools [...] under our jurisdiction. To support these efforts, 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”.²⁰

Moreover, the National Coalition of Syrian Revolution and Opposition Forces made a Declaration of Commitment on Compliance with IHL and the Facilitation of Humanitarian Assistance in 2014 where it affirmed their “responsibility to respect International Humanitarian Law at all times including [...] the responsibilities to [...] [r]espect and protect schools [...], and refrain from using in them in support of the military effort, including by locating military objectives within or near them”.²¹

Similarly, in 2006, the KNPP claimed that “young people were encouraged by the KNPP to go to schools run by the organization to pursue an education rather than becoming soldiers. There schools were not used for military recruitment and the students were not encouraged by the KNPP to serve in the army when they finished school”.²² The importance of protecting education has also been reflected in the “Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organisations” concluded in 2015. All parties to this agreement, including the RCSS, agreed to “avoid using any religious buildings, schools, hospitals, clinics and their premises as well as culturally important places and public spaces as military outposts or encampments”.²³ The agreement goes further, stating that all parties will “provide necessary support in coordination with each other to improve livelihoods, health, education, and religious development for the people”.²⁴ They will also “avoid restrictions on the right to education in accordance with the law, destruction of schools and educational buildings, including educational tools and the disturbance and hindrance of students and teachers”.²⁵

¹⁹ *Supra* note 7.

²⁰ FSA Calls for the Immediate Demilitarization of Schools and Hospitals, available online at http://theirwords.org/media/transfer/doc/fsa_call_to_demilitarize_schools_and_hospitals-3342d5bc1f48d28defec3d30a8c3f906.pdf.

²¹ Global Coalition to Protect Education from Attack. Commentary on the “Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict”, available online at http://www.protectingeducation.org/sites/default/files/documents/commentary_on_the_guidelines.pdf (last accessed 05/04/2017), at 17.

²² Karenni National Progressive Party Headquarters. Statement on the use of child soldiers, Statement No. 01/2006, August 31st 2006, available online at http://theirwords.org/media/transfer/doc/mm_knpp_ka_2006_13-d977939e975759722973c131c83edf89.pdf.

²³ Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and the Ethnic Armed Organizations, 2015, available online at <http://theirwords.org/media/transfer/doc/nca-2967a3dc28726636cbea72471878cc.pdf>.

²⁴ *Ibid.*

²⁵ *Ibid.*

Compliance, however, remains a challenge and several **interviewed ANSAs** have reportedly **attacked** or **used schools** for military purposes

Although none of the Syrian ANSAs interviewed are listed in the 2016 annual report of the UN Secretary General on Children and Armed Conflict specifically for attacks on schools²⁶, allegations of these, and of military use of schools by opposition groups in Syria have been included since 2013. In many cases, however, it is difficult to attribute possible violations to a precise ANSA, and the reports generally refer to “FSA affiliated groups”. Allegations of military use by such ANSAs include the use of schools as barracks, detention and interrogation centers, weapon storage and field hospitals. Moreover, the UN reported a case of attack on schools by YPG/YPJ in 2016. This ANSA, a signatory to the *Deed of Commitment* since 2014, is listed in the 2016 annual report for having recruited and used children.²⁷

The KNPP, a signatory to the *Deed of Commitment* since 2012, is also listed in the 2016 annual report for having recruited and used children, but the report did not include any specific allegations of military use of schools by the KNPP.²⁸

The APCLS, a signatory to the *Deed of Commitment* since 2016, is also listed in the 2016 annual report for having recruited and used children.²⁹ While there are numerous reports of attacks and military use of schools in the North of Kivu, it is often difficult to determine who the authors of the attacks are. The ANSAs present in this geographical area comprise the Forces Démocratiques de Liberation du Rwanda (FDLR) and several Mai Mai groups, including the APCLS.³⁰

FINDINGS FROM THE INTERVIEWS

a) On facilitation and provision of education

All groups that were consulted stressed the importance of education, in particular with a long-term goal of developing a society and building a prosperous country. Various ANSAs referred to education as a basic need and lifesaving (“as important as food and water”, some ANSAs claimed) and a way of building resilience, enabling children to live better lives in the future. The protective element of education and the prevention of child recruitment and child labour were also brought up. One ANSA stated that education was a means of safeguarding children from ignorance and destructive ideologies. Most ANSAs stated that children in their areas of control were facing difficulties in having full access to education, should this be due to ongoing hostilities, a lack of human and material resources in the educational sector or the economic situation of the population which either forces children to work or does not allow the parents to pay the tuition fees. Lack of access was also linked to the remoteness of the regions in which some of the ANSAs operate, the long walking distances to schools and the absence of secondary education in these areas.

Although certain ANSAs acknowledge that access to education can be more difficult for girls due to local traditions, they have also affirmed that in situations of conflict and poverty, boys can also be

²⁶ Annual Report of the UN Secretary General on children and armed conflict, 2017, at 26, available online at <http://undocs.org/A/72/361>.

²⁷ *Ibid*, at 26.

²⁸ *Ibid*, at 38.

²⁹ *Ibid*, at 37.

³⁰ Global Coalition to Protect Education from Attack. Country Profile: Democratic Republic of Congo, available online at <http://www.protectingeducation.org/country-profile/democratic-republic-congo>.

affected since they drop out of school to support their families financially. This can be particularly true for older boys. On the question whether they had prevented students and teachers from going to school, they all said that, on the contrary, they facilitated access to schools, at times putting themselves at risk to save students and teachers. One ANSA stated that it would prevent students or teachers from going to school only if this would constitute a danger to their lives and only if they could provide them with alternative places to teach.

When they were asked about which actors provide education in the areas where they operate, the answers varied depending on the context. In some areas, the state continues to provide education, either because of a lack of an effective control over the territory by the ANSA or because the ANSA decides to allow government employed teachers to continue working in areas under their control. In others, there are religious institutions or humanitarian organisations that support the provision of education.

Regardless of which actor is the main provider, **all interviewed ANSAs** affirmed that they **would support** in some way or another **the schools located in the territories where they operate**

In situations where other actors provided education, ANSAs claimed to do their best to support their activities. Some ANSAs said that they cover expenses of some schools and assist students to attend classes. This includes the provision of clothing, food, and sometimes even financial aids. They also claimed that they would encourage parents to continue sending their children to school. When schools were destroyed, they would contribute to their rehabilitation.



A bush school in Karen State, Burma/Myanmar. © Karen Education Department

Some ANSAs, which have control over a given territory or operate in areas where there are no or a few other possible providers, have set up education committees or departments to run the provision of educations themselves. They have established schools and provide trainings and salaries for teachers. In certain cases, they have even created their own curriculum or use a foreign state's curriculum. From discussions with some of the groups that have such systems in place, it appears yet that this creates difficulties when it comes to recognizing these degrees in states' institutions. Furthermore, the schools located in those areas under ANSAs' control

sometimes teach in local languages, which makes difficult to recruit qualified teachers.

The political sensitivity of education in situations of conflict was also recognized by some of the interviewed ANSAs. Where it is considered discriminatory against ethnic or religious minorities, particularly through the language which is used and the "ideology" that is transmitted to the children, it is even considered as one of the sources of conflict. Many ANSAs fear that education is used by their adversary to forcibly "assimilate" the children. In such situations, education may become the target of attacks or at least lead to the stigmatization and sometimes threats and intimidation of the students

and teachers for this reason. Where parallel educational systems exist, they are often not accepted by the opposite side. One ANSA explained that the provision of education was a key service generally provided to the population, so each party to the conflict tries to gain control over it, as part of its struggle to maintain control over the territory and its population.

b) On attacks against schools

Most ANSAs reported that there have been attacks on schools in their areas of control. One ANSA specified that although attacks had not been directed at the schools, these had been affected by indiscriminate attacks. Others ANSAs mentioned both targeted and indiscriminate attacks on schools, looting, killing of students, damaging and destruction of schools, gathering of intelligence in schools. The means of attacking schools were heavy artillery, aerial bombardments and intentional rifle fire. One ANSA also considered that the seizure of a school by enemy forces was an attack, as well as sending people to investigate into the schools and gathering intelligence from teachers and administrators of schools by forcing them to file regular reports.



A student from the Aal Okab school stands amid the ruins of his classroom, destroyed during the conflict, Saada, Yemen. © Giles Clarke for UN-OCHA

In some cases, the attacks seem to have occurred either due to military use of schools, because displaced families of members of ANSAs were there, or as a policy of spreading fear and putting pressure on civilians or because the villagers were from different ethnic groups. In this sense, ANSAs mainly blamed the government forces and their allies, as well as other ANSAs for the attacks. All but one ANSA said that the abovementioned attacks were continuous or at least frequent.

When inquired on how ANSAs would react to the military occupation of a school by their enemies, the answers differed. One ANSA admitted that if the militaries were using schools, its own forces would attack the buildings. Another ANSA stated that it would attempt to expel the enemy's armed forces from the school while preserving the building and its equipment. From discussions with another group that was not interviewed but present at the meeting on the protection of children that took place in Geneva in November 2016, the argument was related to ANSA's possible duty to "liberate" an occupied school in order to allow it to function again. An ANSA suggested that it would try to convince the enemy to surrender or, alternatively, it would use appropriate weapons to avoid excessive collateral damages. Another ANSA said that it would engage in hostilities, but only after making sure that no students or other civilians were inside the school. In addition, it would send a warning to the families to ensure that the school and the nearby-populated buildings are evacuated. Other ANSAs affirmed they would do their utmost to avoid fighting in the school and the surroundings, and would instead wait for the enemy to leave the school and clash away from it. One ANSA specified that it would attack only in case of "extreme military emergency", if the collateral damage was minimal and only after having fired warning shots.

Asked about the consequences of such attacks, ANSAs referred to the killing and injury of students and teachers, but also of other civilians such as displaced persons living in the schools, or people living in the vicinity of the schools. In addition, access to education was completely disrupted on the long term, as the schools were damaged, students and teachers feared going to school and parents told their children not to attend as it was considered too dangerous.

The interviewed ANSAs shared some ideas on how to avoid these situations. They mentioned that there should be no military presence in or around schools at all and that schools should be considered neutral sanctuaries and controlled only by civilian authorities; they proposed a system in which schools would be demilitarized zones, with no military presence and no fighting. One ANSA shared its experience of having concluded an agreement on the protection of schools and religious sites in ceasefire and peace talks as a way of improving the situation. Avoiding the use of heavy weapons in populated areas and the military use of schools was also suggested. Finally, one ANSA called for more and better international monitoring of this issue and more pressure on governments to end attacks on education.

Some **ANSAs** suggested to **protect schools** from enemy attacks by **keeping their own forces away**, thus avoiding any military appearance of the school, while others suggested to move schools to safe locations and defend them

The latter has been actually done by some ANSAs through the creation of local “police-like stations”, which received material support to secure schools. One ANSA explained that in the past, when there had been heavy fighting and schools would be under attack by the opposing party on a regular basis, they used to defend them by mounting rifles on the rooftops and by encouraging older students (some that may be former child soldiers or young members of the movement) to defend their school and protect the younger children.

Interestingly, a number of ANSAs seem to find useful to place armed security personnel in or around schools to prohibit anyone other than the school’s staff and students to enter into the buildings or, as a temporary solution, to avoid that parents stop sending their children to school out of fear. A slight majority however would not recommend this as a solution as they are aware that it could give the opposing party a pretext to attack schools. One ANSA affirmed that it tested this possible solution but did not find it helpful.

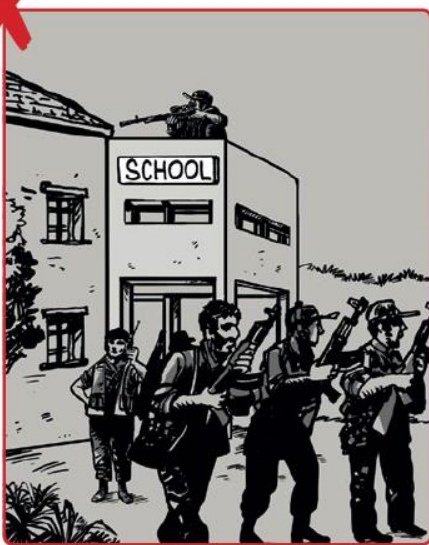
c) On the use of schools for military purposes

In the interviews, the ANSAs were asked about their definition and practices regarding the military use of schools. When asked about what they would consider the “military use of school”, the following ways of using a school were cited: use of schools as military bases, camps and headquarters, as outposts, as frontline positions, as temporary shelters, to coordinate the military activities or to store military equipment or the belongings of the fighters. One ANSA also affirmed that schools had been used by its armed forces as medical points and to hospitalize people.

A distinction was made by ANSAs between the use of functioning schools and the use of those abandoned. When schools are abandoned, almost half of the interviewed ANSAs said that they no longer consider these as schools and believed they could be used for military purposes. Amongst the other half, two ANSAs thought they should not be used for military purposes, not necessarily due to their nature, but because they lay in densely populated areas and military occupation therefore could endanger the population around the schools. Only two of the interviewed ANSAs considered they should not be used in order to allow future use as schools.

Most ANSAs considered military use of functioning schools unacceptable, including those not used during weekends and holidays

Even if there were no classes held, schools were still considered and meant to be educational centres. Some ANSAs also mentioned that on the weekends or during the holidays, the schools could still be used by civilians, for other civilian purposes. Only one ANSA stated that it did not consider military use of a school as problematic, as long as it was only done in extreme situations, for reasons linked to the security of the students or for imperative military reasons (where the “nation” was endangered). Two groups stated that it was prohibited under the law of armed conflict to use schools for military purposes, that it constituted a violation of the rights of the children and that there was no justification to ever use these buildings for military purposes. Others agreed that it was to be avoided as it could disrupt education, turn the school into a target of enemy attacks and damage the school and the lives of students. One group clarified that while the eruption of fighting around a school could happen occasionally and also lead to the disruption of education, military use of schools was a more serious problem as it had long term consequences on education.



Drawing from Geneva Call's training material © Geneva Call

Regarding the practice of military use of schools in the areas ANSAs operate in, the majority said that military use of schools did occur. Only two stated that this was not the case in their areas of control. Where schools had been used, two ANSAs specified that it was not frequent, only for a short period of time and in various cases it was done after the population had abandoned the school. One group, however, claimed that it was a frequent practice which could extent over long periods.

As authors of such occupation, a majority of the interviewed ANSAs referred to the state armed forces as responsible. Two of them added that other ANSAs also used schools. One ANSA admitted that in the past, when there was active fighting and its members were less aware of the difficulties this would create, it has used schools for military purpose, although this did not occur anymore. Another ANSA stated that its own forces continued to use abandoned schools for military purposes, while another group said schools had been used by its troops, but only for medical purposes. One ANSA explained that its members were sometimes present in schools when the communities organized festivities there.

There were different reasons ANSAs saw for using schools, such as that they were convenient as they were empty, big and solid buildings that could be used to rest, gather military equipment, repair certain objects and get shelter from the rain. Moreover, considering schools are normally located in the middle of villages, they allow armed actors to control the villages. One ANSA, on the contrary, explained that the reasons why its own forces did not use schools for military purpose were that schools are always located at the bottom of the valley, so it would place its troops at risk with no possibility to control the enemy's movements.

Where schools had been used, ANSAs observed the following short and long term consequences: in various situations, schools and the neighbourhood where these are located had been targeted by aerial bombardments, leading to the destruction not only of the school building, but also other civilian housing. In one example, the military forces occupying the school in the middle of the village had set up so many roadblocks that this had also disrupted the daily lives of the villagers. In another situation, the school was damaged as the wood from the roof had been used by the occupying forces to cook. One ANSA stated that when government forces were present, teachers and students were afraid to continue the classes as in the past there had been cases of abuses against them.

To avoid some of these consequences, various ANSAs proposed that military camps and headquarters were set up outside of schools and populated areas in general. This could be in tunnels, underground caves or in abandoned villages.

When asked whether children were sometimes recruited from schools, all ANSAs said that this was not the case. Only one group gave a specific reason, arguing that it does not recruit below the age of 17, which was when the children had already finished school. Another ANSA stated that only the government recruited children, but that this happened through the village leader or headman, not in the schools.

d) Other risks to education in situations of armed conflict

ANSAs mentioned several issues or actions by parties to the conflict that could have a negative impact on education. Apart from those that were linked to the general situation of insecurity, ANSAs were mainly concerned with respect to the content of what was taught to the students. This included not only the display of arms in schools, the promotion of violence, brutality, and the use of weapons, but also the creation of ethnic or religious divisions that could impact on the prospects of peace and development by teaching in a certain language, passing on a one-sided vision of the history of a country or region, or by using other controversial school material. All these factors could lead to a politicization of education and thus pose a risk. One ANSA was also concerned with the use of drugs by students.

In addition to the abovementioned issues, ANSAs pointed out the lack of support for educational structures, teaching material and teachers, as well as the students' concerns that their certificates or diplomas would not be recognized later.

e) Internal policies on the protection of education

Only two of the interviewed ANSAs affirmed that they had specific, written rules on the protection of schools. One of them explained that teachers and supervisors had to share with its members their teaching schedule (probably to avoid that they were affected by hostilities or could be evacuated when necessary). The other ANSA claimed it had policies in place to provide safe places and road openings to allow the continuation of education. The same ANSA stated that according to its internal policies, they would evacuate students and teaching staff when schools were targeted. In addition, they would try to find alternative schools and help securing teaching staff and students - seemingly to avoid influence from the "outside", which could lead to the introduction of destructive and extremist ideas.

f) The role of communities in protecting education

When inquired as to whether communities also played a role in protecting education, ANSAs gave various examples of successful actions, such as when the communities themselves provide education in their villages. In another case, the community built a temporary school made of wooden sticks and tin. When the state's forces occupied a school, an ANSA gave an example of a community that complained and asked them to leave. In the same line, a community had even sued the government for having used its school. One example that was assessed by an ANSA as successful was its organization of plays and other recreational activities to motivate students to attend school.

g) Knowledge of the legal and normative framework

At the end of the interview the participants were asked whether they felt they knew the relevant rules of IHL that apply to the protection of education. Three ANSAs answered positively, although one of them did acknowledge that this depended on who within the group is asked. The same ANSA stressed that even where the rules were generally known, it was necessary to monitor the behaviour of the troops as the provisions that they had transmitted to the fighters were not always taken into consideration and applied. Two ANSAs answered to this question with a clear “no”, and five answered that they had some basic knowledge. Of the five, one ANSA specified that the officers knew the basic rules such as the principle of distinction and the prohibition of child recruitment, but that they were not familiar with the specific norms relating to the protection of education and schools. Another one stated that the protection of education had not featured much in the negotiations with UNICEF towards an Action Plan and was not a central element of the draft plan.

Asked whether they had heard about the “*Guidelines for protecting schools and universities from military use during armed conflict*”, half of them answered yes, while the other half said they were not aware of them.

CONCLUSIONS AND KEY FINDINGS

The above observations suggest that although there might be different perceptions on some specific issues related education, all ANSAs recognized its importance. Indeed, insofar as education matter for the international community, ensuring its protection requires acknowledging the significant role that ANSAs can play in this field. This study has identified both negative and positive practices, where ANSAs have openly recognized to have attacked education or, on the contrary, have taken measures to protect it.

Two issues shall be noted. First, not all ANSAs are familiar with the rules protecting education in armed conflict. The lack of knowledge of international law is certainly one of the main challenges when addressing the roots of violations. Second, while ANSAs need training and capacity building, they often function in isolation from organizations that could assist in the provision and protection of education. This is the case, for instance, in the design of their educational curriculums and through the recognition of the diplomas their institutions give.

The following key findings have been identified from the research:

- All ANSAs interviewed recognised the importance of education and have committed in some way or another to protect it;
- All ANSAs interviewed facilitate or provide education services themselves, in accordance with their capacities. A main concern for those providing education is the recognition of the curriculum and diplomas;
- What represents the “military use” and “attacks on education” is not always understood. The exact meaning of these terms requires further clarification and trainings with the ANSAs;
- The politicization of education constitutes a threat, as it may turn schools, students and educational personnel into military targets. This is the case when education is perceived as fuelling hatred, division and exclusion or when it aims at assimilating or indoctrinating children;
- While all ANSAs agreed that functioning schools should not be used for military purposes, there are different views on the use of abandoned schools;
- There is no agreement between those ANSAs which considered that securing schools through military personal could contribute to enhancing access to education and those ANSAs which affirmed that a complete separation would constitute the best “protection”;
- When used for military purposes by the enemy, the interviewed ANSAs would consider attacking schools only if absolutely necessary and while taking various types of precautions;
- Very few ANSAs have specific, written rules relating to the protection of education;
- There is a lack of knowledge of the legal framework related to the protection of education in armed conflict, as well as of the Guidelines.