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# Keeping schools safe from the battlefield: Why global legal and policy efforts to deter the military use of schools matter

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## Abstract
*This article describes how schools are used for military purposes in today's conflicts. It summarizes the latest data on the practice, before explaining how the military use of schools harms students' and teachers' safety and impedes students' right to education. The article concludes by examining the diverse legal and military responses to this practice, and the foundation they lay for the 2015 Safe Schools Declaration and for further action.*

**Keywords:** use of schools for military purposes, attacks on schools, education, armed conflict, children, Safe Schools Declaration.

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## Introduction

Schools can, and should, be places of study and safety for children, even during war. The use of schools by armed forces, including as military bases, barracks, firing positions or munitions caches, may turn them into military objectives and thus render them lawful targets of attack during times of armed conflict.[1] Military use of schools may therefore place students at risk of attack and interfere with their education. However, the practice of using schools for military purposes has only gained international attention in the past dozen years, and has received scant attention in academic journals.[2] Yet the development of a consensus calling for an international response to the practice has been swift, culminating in the 2015 Safe Schools Declaration supporting the use of the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* (Guidelines for Protecting Schools).[3] The protections for schools from military use encouraged by

1 Military use of schools is not explicitly prohibited under international humanitarian law. However, such use must be assessed in light of the obligations on parties to armed conflict to take all feasible precautions to protect the civilian population and civilian objects under their control against effects of attacks, the obligation to take special care in military operations to avoid damage to buildings dedicated to education, and rules affording special protection to children and their education in armed conflict situations. See Protocol Additional (I) to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 1125 UNTS 3, 8 June 1977 (entered into force 7 December 1978) (AP I), Arts 52(2), 57(1), 58, 70, 77, 78; Protocol Additional (II) to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts, 1125 UNTS 609, 8 June 1977 (entered into force 7 December 1978), Arts 4, 6, 28; Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War of 12 August 1949, 75 UNTS 287 (entered into force 21 October 1950), Arts 14, 17, 23, 24, 38, 50, 82, 89, 94, 132; Jean-Marie Henckaerts and Louise Doswald-Beck (eds), *Customary International Humanitarian Law*, Vol. 1: *Rules*, Cambridge University Press, Cambridge, 2005 (ICRC Customary Law Study), Rule 38. Unless stated to the contrary, this article uses the term "armed conflict" as defined in international humanitarian law.

2 See Gregory Bart, "The Ambiguous Protection of Schools Under the Law of War: Time for Parity with Hospitals and Religious Buildings", *Georgetown Journal of International Law*, Vol. 40, No. 2, 2009; Bede Sheppard and Kennji Kizuka, "Taking Armed Conflict Out of the Classroom: International and Domestic Legal Protections for Students When Combatants Use Schools", *Journal of International Humanitarian Legal Studies*, Vol. 2, No. 2, 2011; Bede Sheppard and Kyle Knight, "Disarming Schools: Strategies for Ending the Military Use of Schools during Armed Conflict", *Disarmament Forum*, No. 3, 2011; Melanie C. Brooks and Ekkarin Sungtong, "Leading in Conflict Zones: Principal Perceptions of Armed Military Guards in Southern Thai Schools", *Planning and Changing*, Vol. 45, No. 3/4, 2014; Zama Coursen-Neff, "The Right to Education: Regulating the Conduct of Armed Forces Under International Law", *Harvard International Review*, Vol. 37, No. 1, 2015; Ashley Ferrelli, "Notes: Military Use of Educational Facilities during Armed Conflict: An Evaluation of the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict as an Effective Solution", *Georgia Journal of International and Comparative Law*, Vol. 44, No. 2, 2016; Cyril Bennouna *et al.*, "Improving Surveillance of Attacks on Children and Education in South Kivu: A Knowledge Collection and Sensitivity Analysis in the D. R. Congo", *Vulnerable Children and Youth Studies*, Vol. 11, No. 1, 2016; Zama Coursen-Neff, "Brave Educators Face Down Mortal Danger, But They Need Help", *International Educator*, Vol. 26, No. 2, 2017. See also Jo Becker, *Campaigning for Children: Strategies for Advancing Children's Rights*, Stanford University Press, Stanford, CA, 2017.

3 The Safe Schools Declaration is an inter-governmental political commitment through which States express support for protecting students, teachers, schools and universities from attack during times of armed conflict, ensuring the continuation of education during armed conflict, and the use of a set of concrete measures set forth in the *Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict* (Guidelines for Protecting Schools), intended to deter the military use of schools and to

the Safe Schools Declaration build upon a wide variety of earlier national efforts to ban or regulate the practice. Examples of military policies and domestic legal obligations to protect schools and universities from military use can be found around the world and, in the past century, predominately in the global South and countries with experience of armed conflict, indicating the feasibility of such protections even within the complexities of modern warfare.[4] In light of the evidence of the negative consequences of using schools for military purposes, combined with evidence of the viability of common-sense efforts to deter the practice, these domestic examples of positive practice demonstrate that armed forces not only should, but can, implement the protections of the Safe Schools Declaration in order to avoid the use of schools for military purposes. Universal endorsement and implementation of the Safe Schools Declaration therefore offers a path to safer studies for children living in war zones.

This article draws upon the author's own on-the-ground investigations in conflicts in Africa, Asia, Europe and the Middle East between 2009 and 2018 on behalf of the NGO Human Rights Watch (HRW), as well as the work of other researchers at the organization.[5] It begins with an explanation of the practice of military use of schools, including a summary of the latest data on its prevalence. The various negative consequences of the practice for student and teacher safety, as well for the ability of students to access a quality education, are explained, drawing upon concrete examples. Then, the responses in different domestic policies and laws are presented, illustrating the substantial background upon which the Safe Schools Declaration builds, as well as the Declaration's positive impact since its inception.

mitigate the negative consequences when such use does occur. The Safe Schools Declaration was developed through consultations with States in a process led by Norway and Argentina and opened for endorsement at the Oslo Conference on Safe Schools on 29 May 2015. It is available at: www.regjeringen.no/globalassets/departementene/ud/vedlegg/utvikling/safe_schools_declaration.pdf (all internet references were accessed in July 2019). The Guidelines for Protecting Schools were developed through a series of expert consultations from 2012 to 2014, and are available at: www.protectingeducation.org/sites/default/files/documents/guidelines_en.pdf. The Guidelines are not of legally binding nature and do not change the existing rules of international law. As of November 2019, 100 countries have endorsed the Safe Schools Declaration.

4 See, for example, legislation from Argentina, Bangladesh, Croatia, Ecuador, Greece, India, Malaysia, Montenegro, Nicaragua, Nigeria (draft legislation), North Macedonia, Pakistan, Peru, the Philippines, Poland, Singapore, Sri Lanka and Venezuela, and military policy or doctrine from the Central African Republic (CAR), Colombia, the Democratic Republic of the Congo (DRC), Denmark, Ecuador, Nepal, New Zealand, Norway, the Philippines, South Sudan, Sudan, Switzerland, the United Kingdom, the United States and Yemen, collated in HRW, *Protecting Schools from Military Use: Law, Policy, and Military Doctrine*, 29 May 2019, available at: www.hrw.org/report/2019/05/27/protecting-schools-military-use/law-policy-and-military-doctrine.

5 This article draws upon interviews, site visits and desk research used in reporting by HRW. Interview techniques may vary or be adapted to the individuals, situations and topics in any situation. Standard guiding principles for interviews are the need to ascertain the truth, to corroborate the veracity of statements, to protect the security and dignity of witnesses, and to remain impartial. Typically, interviews are conducted in private settings, in person with the researcher (often through an interpreter), and focus on the details of what occurred. For more on HRW's research methodology, see HRW, "About Our Research", available at: www.hrw.org/about-our-research.

## Terminology

The terms "military use of schools" and "use of schools for military purposes" are used interchangeably in this article.[6] The terms refer to the practice in which State armed forces or non-State armed groups use school or university buildings and their premises in support of their military efforts, and includes using schools 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, as observation posts, as a position from which to fire weapons or to guide weapons to their targets, or for the recruitment of children contrary to international law.[7] Such use will turn the school into a military objective when it makes an effective contribution to military action and when the school's partial or total destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage.[8]

The term does not include situations in which forces are present to provide security when schools are used as election polling stations or for other purposes not related to armed conflict.

## Prevalence and scale of military use of schools

The latest global survey by the Global Coalition to Protect Education from Attack (GCPEA) identified at least one incident of military use of schools or universities in each of twenty-nine countries between 2013 and 2017.[9] Out of these, instances in twenty-four countries occurred in the context of an armed conflict (data based on the non-legal definition of armed conflict used by the Uppsala Conflict Data Program).[10] That represents more than half of all countries with armed conflicts

6 Compare also United Nations (UN) Security Council, Presidential Statement, UN Doc. S/PRST/2009/9, 29 April 2009 ("the use of schools for military operations"); UNSC Res. 1998, UN Doc. S/RES/1998 (2011), 12 July 2011, para. 4 ("the military use of schools"); and UN Security Council, Presidential Statement, UN Doc. S/PRST/2013/2, 12 February 2013 ("the use of schools for military purposes").

7 This definition is the author's. It attempts to consolidate five efforts to define the practice, four of which the author contributed to: Global Coalition to Protect Education from Attack (GCPEA), *Lessons in War: Military Use of Schools and Other Education Institutions during Conflict*, 2012, p. 20; GCPEA, *Draft Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*, 2014, p. 4; GCPEA, *Lessons in War 2015: Military Use of Schools and Universities during Armed Conflict*, 2015, p. 20; GCPEA, *Commentary on the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict*, 2015, pp. 7–8. And see Office of the Special Representative to the Secretary-General on Children and Armed Conflict, *Guidance Note on Security Council Resolution 1998*, May 2014, pp. 10–11.

8 AP I, Art. 52(2); ICRC Customary Law Study, above note 1, Rule 8.

9 GCPEA, *Education Under Attack: 2018*, 2018, p. 39. The twenty-nine countries are Afghanistan, Burundi, the CAR, Cameroon, Colombia, Côte d'Ivoire, the DRC, Ethiopia, India, Iraq, Israel/Palestine, Kenya, Lebanon, Libya, Mali, Myanmar, Niger, Nigeria, Pakistan, the Philippines, Saudi Arabia, Somalia, South Sudan, Sudan, Syria, Turkey, Ukraine, Yemen and Zimbabwe.

10 The Uppsala Conflict Data Program uses a definition of armed conflict different from that used in international humanitarian law: "An armed conflict is a contested incompatibility that concerns government and/or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths in one calendar year." See Uppsala

(using the Uppsala Conflict Data Program criteria) during the time period. It also includes conflicts in the Americas, Africa, Asia, Europe and the Middle East. Therefore, whenever and wherever there is a conflict, there is a strong likelihood that schools are being used for military purposes. Armed forces may take control over entire school premises, displacing all the students; they may partially occupy facilities, sharing these spaces with students who hope to continue their studies in unused areas; or they may move into schools that have previously been abandoned due to the prevailing security situation.[11]

Although the practice of using schools for military purposes is widespread, it is difficult to obtain an accurate number of affected schools at the country level. For example, officials from the Ministry of Education and Science of Ukraine told this author in 2015 that they were aware that forces had used schools but they did not collect data on it.[12] A member of Pakistan's Human Rights Commission told HRW that keeping a tally of schools used by government forces was difficult since such use is sometimes temporary and many schools do not report when they are taken over.[13]

Moreover, some parties to an armed conflict actively conceal information on military use of schools. An Afghan school official told HRW that when he complained to the force occupying his school, "they chastised me and ordered me not to talk to anyone about the school being occupied, especially not to foreigners".[14] The desire for secrecy may be because members of armed forces or officials know that their use of a school could be unwelcome to some, or could attract criticism. A sergeant at a school in the Philippines conceded to this author that his unit's presence on school grounds was "against the law", but said it was justified because it was "with consent" of local officials.[15]

Despite these monitoring limitations, the GCPEA's global survey provides an indication of the scale of military use of schools within certain conflicts. It notes six countries where at least forty instances of military use of schools were documented between 2013 and 2017: Afghanistan, the Central African Republic

Conflict Data Program, "Definitions, Sources and Methods for Uppsala Conflict Data Program Battle-Death Estimates", available at: https://ucdp.uu.se/downloads/old/brd/ucdp-brd-conf-41-2006.pdf.

11 For example, soldiers entered School No. 4 in Krasnohorivka, Ukraine, one Saturday in either late August or early September 2014, and told the teachers who tried to return to school that they could not enter their school because it was now a military site. They made the teachers stand on the roadside, and delivered their personal belongings to them. HRW interviews with four teachers, School No. 4, Krasnohorivka, 6 November 2015. When the author visited Asma'a School in Sanaa, Yemen, soldiers from the First Armoured Division were living in two of the school's three buildings, causing overcrowding for the girl students in the remaining building. Author site visit, 31 March 2012. One of the schools run by Ziauddin Yousafzai, the father of Malala Yousafzai, was occupied and used by Pakistani government forces while he and his family were displaced by the fighting in and around their hometown. Malala Yousafzai, *I am Malala: The Schoolgirl Who Stood Up to the Taliban*, Orion, London, 2013; "Class Dismissed: Malala's Story", *New York Times*, documentary, 2009.

12 HRW interview with official, Ukraine Ministry of Education and Science, November 2015. On file with author.

13 HRW interview with Abdul Hayi, Karachi, 22 September 2016. On file with author.

14 HRW interview with school official, Pul-e Khumri, Afghanistan, 24 April 2016. On file with author.

15 Bede Sheppard, "Some Things Don't Mix", *Philippine Daily Inquirer*, 24 April 2012.

(CAR), the Philippines, South Sudan, Syria and Yemen.[16] The greatest number of schools used in one country in any year contained in the report was ninety-two schools in Yemen in 2014.[17]

## Motivations for school use by armed forces

The reasons why combatants use schools vary from school to school. Common reasons are tactical considerations and apparent convenience in the moment. Possible tactical advantages include the solid construction of many school buildings. In many locations, schools also have boundary walls constructed of solid materials that may provide additional protection from certain forms of attack.[18] Schools sometimes have multiple floors, even in areas where most construction is only one-storey, and can thus provide good vantage points for both surveillance and firing. In some places, schools are centrally located, which might protect from hit-and-run attacks or help control territory.

Convenience factors include the fact that schools may have electricity, water supply, kitchens, and toilets with the capacity for large groups of people. Government forces may perceive schools as government property and therefore readily available to them.[19]A teacher at a school in the Philippines confided to this author, for example, that she felt "too shy" to ask soldiers, who had camped out in some of her school's classrooms for more than seven months, to pay the electricity bill they had accrued.[20] However, the aspects of using a school that may be perceived as conveniences may only appear to be so due to poor planning or bad logistics that have failed to identify feasible alternatives ahead of time, or due to a failure to adequately equip, supply and support troops.

Despite some apparent tactical advantages from using a school, there can also be military disadvantages to such use.[21] For example, a member of the Free Syrian Army told the author that setting up inside schools could make it easier for government forces to attack, as the government had geospatial data on the location of schools.[22] Moreover, when using schools for military purposes, armed forces may be perceived negatively by the local population, and it can escalate

16 GCPEA, *Education Under Attack*, above note 9, p. 39.
17 *Ibid*., pp. 263–265.
18 For example, an Afghan school official explained a common rationale: "Most of the houses in our area are mud houses, so the soldiers took control of … the school, which was built out of concrete." HRW interview with school official, Pul-e Khumri, Afghanistan, 25 April 2016. On file with author.
19 GCPEA, *Lessons in War 2015*, above note 7; see also Geneva Call, "In Their Words: Armed Non-State Actors Share Their Policies and Practice with Regards to Education in Armed Conflict", November 2017, pp. 10–12; Sara Parker, Kay Standing and Bijan Pant, "Caught in the Cross Fire: Children's Right to Education During Conflict – The Case of Nepal 1996–2006," *Children & Society*, Vol. 27, No. 5, 2013, p. 375; HRW interview with Grisada Boonrach, Governor, Yala, Thailand, 29 March 2010.
20 B. Sheppard, above note 15.
21 For more examples, see GCPEA and Roméo Dallaire Child Soldiers Initiative, *Implementing the Guidelines*, 2017, pp. 18–19.
22 HRW interview, 16 February 2017. On file with author.

tensions with the local community.[23] The Colombian armed forces have acknowledged, for example, that the use of schools by troops often triggers accusations from the local population of forced displacement, theft, or physical and verbal abuse of children.[24] Military use of schools may also attract condemnation from human rights organizations, criticism from the media, and scrutiny from the United Nations (UN) Security Council.[25]

## Negative consequences of military use of schools

Access to safe schools during times of war can provide students with not only an education, but also physical and psychological protection.[26] Being able to routinely go to school and see friends and trusted teachers can give children a sense of normality. Schools can also be locations to provide assistance through, for example, feeding and vaccination programs that mitigate the humanitarian consequences of war. Information provided at schools can even save lives, such as the mine awareness briefings that the International Committee of the Red Cross (ICRC) provides to schools in eastern Ukraine.[27] Military use of schools imperils all these benefits, while causing a variety of specific negative consequences that fall into two broad categories: consequences for students' and teachers' safety, and consequences for students' access to a quality education.

The risks to students' and teachers' safety can come from both outside the school (from incoming attacks) and within (from abuses by fighters). Meanwhile, students' education can be harmed when military use of schools causes students to

23 For example, on 23 April 2003, US soldiers took over a primary school near the centre of Fallujah, Iraq. Schools were scheduled to reopen on 29 April and tensions ran high as parents wanted the soldiers to leave. The troops were open to moving, but before they could withdraw, residents demonstrated outside the school. The demonstration turned violent and the US soldiers opened fire on the protesters, killing seventeen and wounding more than seventy. See HRW, *Violent Response: The U.S. Army in Al-Falluja*, 2003.

24 General Commander of the Military Forces, Military Order No. 2010124005981/CGFM-CGING-25.11, 6 July 2010.

25 See, for example, UNSC Res. 1998, UN Doc. S/RES/1998 (2011), 2011 ("The Security Council … requests the Secretary-General to monitor and report … on the military use of schools in contravention of international humanitarian law"); UNSC Res. 2427, UN Doc. S/RES/2427 (2018), 9 July 2018 ("The Security Council … calls upon United Nations country-level task forces to enhance the monitoring and reporting on the military use of schools").

26 Rebecca Winthrop and Jackie Kirk, "Learning for a Bright Future: Schooling, Armed Conflict, and Children's Well-Being", *Comparative Education Review*, Vol. 52, No. 4, 2008; Lori Heninger, "Education in Emergencies: Life-Saving, Life-Sustaining, Conflict Mitigating", in *Commonwealth Ministers Reference Book 2011*, 2011, p. 244; Susan Nicolai and Carl Triplehorn, *The Role of Education in Protecting Children in Conflict*, Overseas Development Institute, Humanitarian Practice Network Paper No. 42, March 2003; Neil Boothby and Charles Melvin, "Towards Best Practice in School-Based Psychosocial Programming: A Survey of Current Approaches", in Richard Mollica (ed.), *Refugee Mental Health*, Vanderbilt University Press, Nashville, TN, 2008; Alan Smith and Tony Vaux, *Education, Conflict, and International Development*, DFID, London, 2003; Margaret Sinclair, "Education in Emergencies", in Jeff Crisp, Christopher Talbot and Daiana Cipollone (eds), *Learning for a Future: Refugee Education in Developing Countries*, UNHCR, Geneva, 2001.

27 See ICRC, "Ukraine: The Threat of Mines and Unexploded Shells Continues", 5 April 2016, available at: www.icrc.org/en/document/ukraine-landmines-mine-awareness-day.

drop out of studies, which results in lower rates of attendance and transition to higher years of study, overcrowding and otherwise unsuitable learning environments, and lower-quality alternative education options for children displaced by the use of their schools. Girls and boys may experience these risks differently based on their gender.[28] In addition to the risk of students and teachers being injured or killed as a result of military use of schools, the practice exposes important – and expensive – education infrastructure to damage and destruction.[29] The dire state of many school buildings in conflict-affected areas means that even moderate damage can render them unusable. This section will further outline examples of these risks.

## Student and teacher safety endangered by incoming attacks

When students continue their studies inside a school that is being used for military purposes, they may come under fire if armed forces of one party to the conflict target opposing forces present in a school or in its proximity. In the worst cases, students and teachers have been injured and killed in such attacks.

A few examples collected by HRW illustrate these dangers. In 2012, a student recounted to HRW how fighters from the militant group Al-Shabaab had set up a rocket launcher in the playground of his school in Somalia. When they fired toward government-held territory, return fire killed eight students.[30] In 2016, a Saudi Arabia-led coalition bomb hit the only school for blind students in Sanaa, Yemen; a group of Houthi rebels had based themselves in the school. The bomb penetrated the building to a floor where ten children were sleeping, but did not explode. The strike wounded two staff members, one student, a local resident and a Houthi guard.[31] And when Afghan government forces attacked Taliban forces inside a school in Dand-e Ghori while school was in session in 2009, the students fled in panic, and one suffered shrapnel injuries.[32]

## Student and teacher safety endangered by the presence of armed forces inside schools

The safety of students and teachers is also put at risk by proximity to weapons and munitions, physical and sexual abuse, forced labour, and recruitment by armed groups – all due to the presence of armed forces inside their school.

28 Examples of this can be found in the section on "Gendered Impact" below. See also GCPEA, *"I Will Never Go Back to School": The Impact of Attacks on Education for Nigerian Women and Girls*, 2018, pp. 39–44; GCPEA, *"All That I Have Lost"": Impact of Attacks on Education for Women and Girls in Kasai Central Province, Democratic Republic of Congo*, 2019, pp. 24–29.

29 For example, in 2012, the Inter-Agency Standing Committee Education Cluster in South Sudan estimated that rehabilitating a primary school with eight classrooms after a period of occupation, replacing windows, doors, furniture and learning materials, and re-digging pit latrines, costs approximately $67,000. Global Education Cluster, South Sudan, "Briefing Note: Occupation of Schools by Armed Forces", 2012.

30 HRW, *No Place for Children: Child Recruitment, Forced Marriage, and Attacks on Schools in Somalia*, 2012, pp. 67–68.

31 HRW site visit and interviews, 6 January 2016. On file with author.

32 HRW interview with school official, Pul-e Khumri, Afghanistan, 24 April 2016. On file with author.

For example, in Taizz, Yemen, government soldiers occupied parts of the Superior Institute for Health Science in late 2011. They routinely fired from the school while it was in session, and pointed their weapons at students and teachers who objected to their presence.[33] "We tried studying and forgetting the security forces were there, but they were scaring us every day with their shooting", recounted a 22-year-old student.[34] Students and teachers said they believed security forces shot and killed a man at the school gate when he came to register his son for classes.[35] One week later, a dormitory guard was killed in crossfire between government and opposition fighters.[36]

When this author asked a 12-year-old boy in southern Thailand whether the soldiers based in his school ever carried weapons, he promptly answered by identifying their assault rifles as "M-16s" and added that he'd been allowed to touch them but not carry them.[37]

Fighters using schools have on some occasions forced students and teachers to work, even to the point of recruiting them into their forces. For example, an official from a village in the Democratic Republic of the Congo (DRC) where the school was used by M23 rebel forces told HRW: "Often, the M23 asks the teachers to help them find water, cut a tree, do random tasks. I ask the professors to justify their absences, and they tell me how they are taken to help construct M23 camps."[38]

Soldiers installed in a school in the Philippines asked children to run errands for them. A school official shared how a parent complained that a soldier threatened to shoot a child during a dispute over whether the child had returned the correct change after a purchase. The military denied the incident.[39] And in Somalia, Al-Shabaab militants have systematically used schools as recruiting grounds, selecting children they deem fit to serve as fighters, for domestic duties, or for forced marriage and sex.[40]

In these ways, the presence of fighters inside a school can lead to various human rights abuses of students and teachers.

## Safety risks continue after school is vacated

Risks can remain even after a force has left the school. When this author visited a school in the DRC in July 2013, the latrines were closed because technicians had found rockets and boxes of ammunition left in them, apparently by the Congolese forces who had temporarily occupied the school. It took the

33 HRW telephone interviews with five students and three teachers, Taizz, Yemen, 22–23 October 2011.
34 HRW telephone interview with student, Taizz, Yemen, 23 October 2011.
35 HRW telephone interviews with students and teachers, Taizz, Yemen, 22–23 October 2011.
36 HRW telephone interviews with two teachers and a doctor, Taizz, Yemen, 25–26 October 2011.
37 HRW interview with student, Pattani, Thailand, 30 March 2010. On file with author.
38 HRW interview with prefect, Goma, DRC, 28 June 2013.
39 HRW, "Philippines: Soldiers on the School Grounds: Armed Forces Should Cease Military Use of Schools", press release, 30 November 2011.
40 HRW, above note 30.

technicians seven months to remove the danger.[41] In 2014, HRW researchers found several unexploded landmines on the grounds of a school in Ukraine, apparently ejected from the truck they were stored on when it was attacked while parked in the schoolyard.[42] Thus, the dangers posed to students, and their exclusion from studies, can last longer than the period in which their schools are physically used by armed forces.

## Lower rates of enrolment, attendance, retention and transition

Military use of schools can discourage students from enrolling. The principal of a school in a rural area affected by the conflict with Maoist guerrillas in India told this author how the government had approved adding a hostel to his school along with scholarships so that 200 girls not receiving an education could enrol. But, he explained, the presence of ten paramilitary police at the school ruined this goal:

> The parents of these girls do not want their children to come here while the police are here. … Maybe they think there is a possibility of sexual misconduct or abuse. … I want to open the residential school because it will benefit the girls and the local villagers, but because of these police I cannot open it and it is a setback for these disadvantaged girls.[43]

Children in conflict areas who do enrol in primary school are 20 percent more likely to leave before completion than students in countries not affected by conflict.[44] The military use of schools can be a factor leading students to drop out early. For example, at Bibi Aina High School in Afghanistan, 1,170 boys were enrolled before Afghan security forces occupied the school in January 2016. A school official told HRW that although the security forces did not explicitly prohibit students from attending, regular gun battles at the adjacent military position scared off most students.[45]

Transitions to higher levels of education can also be affected. At a high school in India, the government had approved the school expanding to teach the final two years of secondary education, the prerequisite for tertiary studies. However, due to space constraints caused by the presence of paramilitary police inside the school, these additional classes had not begun when this author visited. A student in the last available year of schooling said that he wanted to continue his studies, but the closest school offering senior classes was more than an hour away, and the cost of attending was prohibitive: "If I had money I would go … but since I don't have money I won't be able to continue."[46]

41 HRW visit to Institut Bweremana, DRC, 11 July 2013.
42 HRW interviews and visit, October 2014.
43 HRW interview with principal, Bihar, India, 14 June 2009.
44 UNESCO, *Education For All Global Monitoring Report – The Hidden Crisis: Armed Conflict and Education*, 2011, p. 132.
45 HRW interview with school official, Pul-e Khumri, Afghanistan, 24 April 2016.
46 HRW interview with student, Bihar, India, 12 June 2009.

## Psychosocial concerns

The presence of soldiers inside a school can cause fear and anxiety for students and teachers.[47] A student at a school in the CAR that was being partially used by fighters told HRW, "I am scared to come to school. I am scared the [fighters] will attack me. I often ask myself, 'Should I even bother to go to school? Is it worth the risk?'"[48]

Teachers, too, can be nervous about attending school when there are armed men there. The quality of teaching may diminish as teachers are distracted or worried. "The teachers are not focusing on the teaching", one mother at a school partially occupied by government forces in southern Thailand told this author.[49]

## Overcrowding

When students are displaced from a school that is being used for military purposes, it can cause overcrowding at nearby schools that accommodate them. When almost all the children left a school in one village in Thailand after government forces moved in, many enrolled in the next-closest government school. The alternative school had insufficient classrooms to accommodate the sudden increase, and students had to take turns using them.[50]

Overcrowding can also occur when students must share a school's facilities with soldiers. At a school the author visited in India, 700 students were supposed to study in just three classrooms after paramilitary police moved into the rest of the school. There were not enough chairs or even spaces to sit. "It is very difficult if you sit on the floor to write, or to take notes on what the teacher is saying", a student said.[51] Her classmate added, "When all of the students are at school, we are forced to sit outside in the hot sun."[52]

## Inferior education quality at alternative sites

Sometimes alternative solutions are found for students displaced from their schools, but uniformly, the alternative sites that the author has researched seemed of poorer quality than the original sites.

In Pakistan, the Swat education department reported that the army had occupied the Ozbaka Government Primary School, a school for boys, in September 2016. Classes were held outside, in an area where temperatures can drop below freezing.[53] In Ukraine, many students unable to attend their schools because of military use resorted to distance learning. Teachers provided

47 See also M. C. Brooks and E. Sungtong, above note 2.
48 HRW interview with student, Ngadja, CAR, 24 January 2017.
49 HRW interview with parent, Pattani, Thailand, 30 March 2010.
50 HRW interview with army official, Pattani, Thailand, 27 March 2010.
51 HRW interview with student, Bihar, India, 12 June 2009.
52 *Ibid*.
53 Swat Education Department, "Wholly Illegally Occupied Schools", September 2016, available at http://sed.edu.pk/wp-content/uploads/2016/10/Wholly-Occupied-Sept-2016.pdf.

assignments and collected homework at the school or at students' homes, and then used telephone, email and Skype to answer students' questions. Students and teachers acknowledged that the quality of education children received through distance learning was inferior to that which they received through classroom learning.[54]

### Gendered impact

Studies show that education outcomes for girls in countries affected by conflict are generally worse than for boys,[55] and girls often drop out following occupation of a school. One reason is fear of sexual abuse by the soldiers in the school. At a school in Yemen, for example, according to the school's officials, parents complained that they would not register their daughters at the school "because it's a very sensitive issue having daughters with soldiers".[56]

A 10-year-old girl in southern Thailand told this author that she did not like talking to the soldiers inside her school:

> 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.[57]

A mother who removed her daughter from this 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."[58]

But it is not just girls whose experience of militaries using their schools can be related to their gender; boys too can be particularly susceptible to specific problems. Troops may suspect that boys have intelligence about insurgent groups or could be sympathetic to such groups, and may be questioned about the comings and goings of people in the area, or about local inhabitants.[59]

## Legal and policy precedent protecting schools from military use

Many countries have responded to the practice of military use of schools by implementing protections through legislation, jurisprudence, and military doctrine, law, policy, trainings and practice. Although examples can be found

54 HRW, *Studying Under Fire: Attacks on Schools, Military Use of Schools during the Armed Conflict in Eastern Ukraine*, February 2016, pp. 52–55.
55 UNESCO, *EFA Global Monitoring Report 2011*, 2011, pp. 132–133.
56 HRW interview with school official, Sanaa, Yemen, 26 March 2012.
57 HRW interview with student, Pattani, Thailand, 30 March 2010.
58 HRW interview with parent, Pattani, Thailand, 30 March 2010.
59 For example, HRW interviews with student, Bihar, India, 12 June 2009; and teacher, Jharkhand, India, 2 June 2009.

from around the world, countries in the global South and countries with recent experience of armed conflict account for most examples.[60]

In 2004, when the United Kingdom was involved in wars in both Afghanistan and Iraq, its Ministry of Defence issued an updated *Manual of the Law of Armed Conflict* which prohibits committing hostilities against cultural property that is not being used for military purposes during non-international armed conflicts, but which notes that "as a corollary, the better view is that the law also prohibits … the use of cultural property for purposes which are likely to expose it to destruction or damage in armed conflict, unless there is no feasible alternative to such use". The *Manual* defines cultural property as including institutions dedicated to education.[61]

In Colombia, an order from the commander-general of the military forces in 2010 – when the country's armed forces were fighting two rebel movements – stated:

> [I]t is a serious offence [when] a commander occupies or allows the occupation on the part of his troops of … public institutions, such as educational establishments, including colleges [and] schools … which causes an imminent risk for the protection of minors, noticeably affecting the guarantee of the fulfillment and respect of their rights.[62]

In 2012, South Sudan's armed forces issued an order calling the occupation of schools "deplorable", a violation of the law of the land, and added: "[Y]ou are depriving our children [of] much-needed education." The order listed eight occupied schools and ordered them to be vacated, threatening "severe disciplinary actions" if they were not.[63] The following year, two more orders prohibited "occupying schools" and outlined potential sanctions for violators, including referral to general court-martial and civilian criminal court.[64]

In May 2013, the defence minister of the DRC directed all members of the Congolese army to be instructed that anyone found guilty of requisitioning a school for military purposes "will face severe criminal and disciplinary sanctions".[65] In 2019, in what appears to be the first such law of its kind in the world, the Philippines criminalized the "occupation" of schools, even those temporarily abandoned by the community as a result of armed conflict. Sentences under the law range from fourteen to twenty years as well as a fine.[66] Schools in the

60 For historical examples, see HRW, above note 4.
61 UK Ministry of Defence, *Joint Service Manual of the Law of Armed Conflict*, Joint Service Publication 383, 2004, para. 15.18.
62 General Commander of the Military Forces, above note 24.
63 Order of Lieutenant-General Obuto Mamur Mete, Deputy Chief of General Staff for Moral Orientation, 16 April 2012.
64 General Order of General James Hoth Mai, Chief of General Staff, 14 August 2013.
65 Minister of Defence Alexandre Luba Ntambo, Ministerial Directive on the Implementation of the Action Plan, No. VPM/MDNAC/CAP/0909/2013, May 2013.
66 Act Providing for the Special Protection or Children in Situations or Armed Conflict and Providing Penalties for Violations Thereof, Republic Act 11188, 10 January 2019, Sections 5(e), 9(b)(9).

Philippines have been occupied by troops in recent years in the context of various ongoing conflicts.[67]

Non-State armed actors involved in conflict have also seen the value in enacting policies protecting schools from military use. In 2014, the Free Syrian Army armed group made public "its official position prohibiting the militarization of schools", that it fully supported the "demilitarization of all schools", and promised accountability for members who violated this principle.[68] The National Coalition of Syrian Revolution and Opposition Forces also declared in 2014 that it had a responsibility to refrain from using schools in support of the military effort.[69] In 2018, two non-State armed actors in Iraq committed to "abstaining from using schools, or any other building used for the provision of education, for military purposes to avoid harm to children and educational personnel".[70] Indeed, a number of armed non-State actors have signed the "Deed of Commitment" for the protection of children developed by the NGO Geneva Call, which contains a commitment to "avoid using schools for military purposes".[71]

The issue of protecting schools from military use has arisen not only during war, but also increasingly during the cessation of armed conflict. In a peace deal concluded between Sudan and the Sudan People's Liberation Movement in 2002, both sides committed to "refrain from endangering the safety of civilians … by using … schools to shield otherwise lawful military targets".[72] The peace agreement that ended the civil war between the government of Nepal and Maoist rebels in 2006 included a commitment by both sides to "immediately put an end to such activities as capturing educational institutions and using them … and not to set up army barracks in a way that would adversely impact schools".[73] In 2011, this protection was further solidified when the Council of Ministers declared all schools "zones of peace", and the education ministry promulgated guidelines on keeping schools free from armed activities.[74] The 2015 ceasefire agreement between the Myanmar government and various ethnic armed groups included a

67 See, for example, HRW, "Philippines: Soldiers on the School Grounds", news release, 30 November 2011; Jake Scobey-Thal, "We Told the Children Not to Enter", Inter-Agency Network for Education in Emergencies, 31 January 2012; B. Sheppard, above note 15.

68 Declaration signed by President of Syrian Opposition Coalition and Chief of Staff of Supreme Military Council, Free Syrian Army, 30 April 2014.

69 National Coalition of Syrian Revolution and Opposition Forces, Declaration of Commitment on Compliance with IHL and the Facilitation of Humanitarian Assistance, 2014.

70 Ezidkhan Protection Forces, Declaration on the Commitment to Respect Humanitarian Norms during and in the Aftermath of Armed Conflict or Military Operations, 12 December 2018; Ninewa Guards, Declaration on the Commitment to Respect Humanitarian Norms during and in the aftermath of Armed Conflict or Military Operations, 12 December 2018. English translations provided to author by Geneva Call.

71 Geneva Call, Deed of Commitment under Geneva Call for the Protection of Children from the Effects of the Armed Conflict, 2010.

72 Agreement between the Government of Sudan and Sudan People's Liberation Movement to Protect Non-Combatant Civilians and Civilian Facilities from Military Attack, 2002, Art. 1.

73 Comprehensive Peace Agreement concluded between the Government of Nepal and the Communist Party of Nepal (Maoist), 2006, Art. 7.5.4.

74 Decision of the Government of Nepal, 25 May 2011; Ministry of Education, "Schools as Zones of Peace National Framework and Implementation Guideline", 2011.

condition that all sides avoid using schools "as military outposts or encampments", that they "avoid restrictions on the right to education", and that they avoid "actions that would lead to the destruction of schools".[75] And the so-called "roadmap for peace" agreed between the government of Afghanistan and the Taliban in July 2019 includes a pledge to "ensure the safety" of public institutions such as schools and madrassas, and to "respect educational institutions, like schools and universities".[76]

## Attention to protecting schools from military use at the international arena

The earliest instance this author could identify of the military use of schools coming to the attention of the UN Security Council is in the year 2000, when the UN Secretary-General's report on children and armed conflict made passing reference to schools in Kosovo having been "used as barracks by warring parties" and thereby having suffered damage.[77] It was not until 2006 that the issue finally received the Security Council's explicit concern, with the Secretary-General calling "the seizure and forced occupation of schools" by pro-government militia in Côte d'Ivoire "a major cause for concern"; stating that "the use of school buildings as army barracks or temporary shelters" by both sides in Nepal "impede[d] children's access to education"; and noting that the Israel Defense Forces "had occupied" one school and "used" another school "as a detention centre and firing position, causing extensive damage".[78] The issue then began to feature more consistently in the Secretary-General's reports, and became regularized in 2011 when the Security Council requested the Secretary-General "to continue to monitor and report … on the military use of schools … in contravention of international humanitarian law".[79] Twice since, the Security Council has called upon UN country-level task forces to "enhance the[ir] monitoring and reporting on the military use of schools".[80]

In parallel, the UN General Assembly has begun to respond – if sporadically – to the practice since 2010, at times explicitly referring to obligations under international human rights law, and not just international humanitarian law, that may be infringed by military use of schools.[81]

75 Nationwide Ceasefire Agreement between the Government of the Republic of the Union of Myanmar and Ethnic Armed Organizations, 2015, Sections 5, 9.
76 Resolution of Intra Afghan Peace Conference, Doha, Qatar, 8 July 2019, provisions 5(b–c).
77 UN Secretary-General, *Children and Armed Conflict*, UN Doc. S/2000/712, 2000, p. 17.
78 UN Secretary-General, *Children and Armed Conflict*, UN Doc. S/2006/826, 2006.
79 UNSC Res. 1998, UN Doc. S/RES/1998 (2011), 12 July 2011, para. 4.
80 UNSC Res. 2143, UN Doc. S/RES/2143 (2014), 7 March 2014, para. 18(d); UNSC Res. 2427, UN Doc. S/RES/2427 (2018), 9 July 2018, para. 16(d).
81 UN General Assembly Resolutions on "The Right to Education in Emergency Situations", UN Doc. A/64/L.58, 30 June 2010 ("[The General Assembly,] reminding all parties to armed conflict of their obligations under international law to refrain from the use of civilian objects, including educational institutions, for military purposes … [u]rges all parties to armed conflict to fulfil their obligations under international law … in particular their applicable obligations under international humanitarian law and international human rights law, including to respect … civilian objects such as educational institutions"); on "The

In 2015, two developments occurred that are likely to spur further domestic legal and policy efforts. First, on 29 May the Safe Schools Declaration was opened for endorsement at an international conference in Oslo, Norway. Included in the Declaration is a commitment to use the Guidelines for Protecting Schools. Second, on 17 June, the UN Security Council unanimously adopted a resolution expressing "deep concern that the military use of schools in contravention of applicable international law may render schools legitimate targets of attack, thus endangering the safety of children", and "encourag[ing] Member States to take concrete measures to deter such use of schools by armed forces and armed groups".[82]

There have subsequently been encouraging signs that military use of schools can be reduced. Each year since 2015 there has been a decrease in the number of UN-verified incidents of military use of schools globally, as included in the UN Secretary-General's annual reports to the Security Council on children and armed conflict. Among the twelve countries included in the Secretary-General's reporting that have endorsed the Declaration, incidents of those governments' forces using schools decreased by more than a third overall between 2015 and 2018.[83] The annual reports on children and armed conflict do not purport to capture all incidents of military use of schools, yet this downward trend is particularly encouraging because it coincides with improved monitoring of the phenomenon, something that often – initially at least – makes it appear as if violations are increasing.

Similarly, analysis by the GCPEA found that the overall reported incidents of military use of schools and universities declined between 2015 and 2018 in the twelve conflict-affected countries that endorsed the Safe Schools Declaration in 2015, from at least 160 incidents reported by UN, NGO and media sources in 2015, to at least eighty in 2018.[84]

Rights of the Child", UN Doc. A/RES/70/137, 7 December 2015 ("The General Assembly … expresses its concern that the military use of schools in contravention of applicable international humanitarian law may also affect the safety of children and teachers and the right of the child to education, and encourages all States to strengthen efforts in order to prevent the military use of schools in contravention of applicable international humanitarian law; [and c]alls upon States … to refrain from actions that impede children's access to education"); on "Strengthening or the Coordination of Emergency Humanitarian Assistance of the United Nations", UN Doc. A/RES/72/133, 11 December 2017, para. 38 ("[The General Assembly] reaffirms the right to education for all … [and] strongly condemns … the use of schools for military purposes, when in contravention of international humanitarian law"); and on "United Nations Global Counter-Terrorism Strategy Review", UN Doc. A/RES/72/284, 2 July 2018, para. 33 ("[The General Assembly] condemns the failure to take all feasible precautions to protect the civilian population and civilian objects against the effects of attacks when using civilian objects, in particular schools …[,] for military purposes such as launching attacks and storing weapons").

82 UNSC Res. 2225, UN Doc. S/RES/2225 (2015), 18 June 2015. See also UNSC Res. 2427, UN Doc. S/RES/2427 (2018), 9 July 2018.

83 Analysis of reports by the author and Alex Firth.

84 The GCPEA found that incidents decreased in six of the twelve countries (Afghanistan, the CAR, Iraq, Nigeria, Somalia and South Sudan); reported incidents remained the same in two countries (Palestine and Sudan); and only Niger saw an increase during the same time period. Reports of military use of schools were few and infrequent in Kenya, Lebanon and Mozambique, and the GCPEA was thus unable to determine any increase or decrease in these countries during 2015–18. GCPEA, "Practical Impact of the Safe Schools Declaration: Fact Sheet", October 2019.

The focus of the international community on military use of schools in recent years has strongly influenced domestic policies.[85] Upon Norway's endorsement of the Safe Schools Declaration in 2015, the country's Ministry of Defence announced that leasing agreements for objects owned by the armed forces but put at the disposal of the local population, including sometimes for education, would contain a cancellation clause in the event of an armed conflict on Norwegian territory.[86] At the time of this writing, Norway is in the process of updating its *Manual on the Law of Armed Conflict*, presenting an opportunity for further concrete implementation of the Safe Schools Declaration's commitments.

Following the CAR's endorsement of the Safe Schools Declaration, the UN peacekeeping mission in the country issued a directive in 2015 directly replicating much of the text of the Guidelines for Protecting Schools, and stating that "the use of a school or university by a party to a conflict is not permitted".[87] In 2015 and 2016, schools occupied by peacekeepers were vacated, and in another instance peacekeepers turned down an offer to use a school for accommodation.[88] Moreover, the directive reinforced the importance for the mission of protecting schools from military use, and in 2016, the mission successfully vacated five schools that were being occupied by armed groups in the country.[89]

Denmark released its first *Military Manual on International Law Relevant to Danish Armed Forces in International Operations* in September 2016, before endorsing the Safe Schools Declaration in May 2017. The *Manual* states that "it is necessary … to exercise restraint with respect to the military use of children's institutions, including … schools".[90] When an English-language translation of the *Manual* was released in March 2019, after Denmark's endorsement, it contained footnotes referencing the Safe Schools Declaration as a source of this proposition.

In July 2017, the Sudanese Armed Forces issued a command order to all divisions to prohibit the military use of schools, and circulated guidance on schools in areas of active conflict.[91] In 2019, New Zealand's defence forces released an updated *Manual of Armed Forces Law* that references the Safe Schools Declaration's Guidelines for Protecting Schools in a section on protecting

85 The Safe Schools Declaration has also been used as a tool by non-military government officials to attempt to influence military behaviour. See, for example, letter from Cameroon's Minister of Basic Education to Governor of the Far North Region, 30 November 2017, available in HRW, above note 4.

86 Ine Eriksen Søreide, Norwegian Minister of Defence, quoted in Ministry of Foreign Affairs, *Report of the Oslo Conference on Safe Schools*, Oslo, 2015, p. 19.

87 Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), "Directive on the Protection of Schools and Universities against Military Use", MINUSCA/OSRSG/046/2015, 24 December 2015.

88 Presentation of Lieutenant-Commander Tasnuva Anan, Bangladesh Navy, then serving with MINUSCA, 8 November 2016, at Addis Ababa Workshop on Strengthening the Role of Armed Forces in the Protection of Education from Attack and Educational Institutions from Military Use during Armed Conflict in Africa, organized by the governments of Norway, Sierra Leone and Zambia, and the GCPEA.

89 GCPEA, *Report of the Addis Ababa Workshop on Strengthening the Role of Armed Forces in the Protection of Education from Attack and Educational Institutions from Military Use during Armed Conflict in Africa*, 2017, p. 10.

90 Danish Ministry of Defence, *Military Manual on International Law Relevant to Danish Armed Forces in International Operations*, September 2016, pp. 87, 73, 195, 422.

91 HRW, above note 4.

and respecting schools and regulating the use and occupation of schools.[92] In 2011, New Zealand's defence forces shared with HRW an early draft of the provisions proposing new, explicit protections for schools from military use.[93] That draft language was shared with the experts participating in the drafting process for the Guidelines for Protecting Schools, and influenced the final text of the Guidelines.[94]

The influence of the Safe Schools Declaration on Switzerland's military policy appears clear. Just prior to the Second International Conference on Safe Schools in Argentina, the Swiss government made public a draft update to the Swiss Armed Forces manual on the law of armed conflict adding explicit language protecting schools from military use. They then finalized this addition on 1 May 2019, the same month as the Third International Conference on Safe Schools in Spain, which brought countries together to discuss implementation of the Declaration's commitments.[95]

The Code of Conduct for the Palestinian National Security Forces in Lebanon, finalized in March 2019, also shows the influence of the process surrounding the Safe Schools Declaration. For example, the Code includes "special protections" for "schools and universities" – a phrase that mirrors the formulation in the Guidelines for Protecting Schools, even though there are no universities in the Palestinian refugee camps in Lebanon.[96]

92 New Zealand Defence Force, *Manual of Armed Forces Law: Law of Armed Conflict*, DM 69, 2nd ed., Vol. 4, 8 January 2019, Section 14.8.3.

93 Letter from Brigadier Kevin Riordan, Director-General, Defence Legal Services, New Zealand Defence Forces, to Bede Sheppard, HRW, 21 April 2011, available at www.hrw.org/sites/default/files/related_material/schools-newzealand.pdf; see also HRW, *Schools and Armed Conflict: A Global Survey of Domestic Laws and State Practice Protecting Schools from Attack and Military Use*, 2011.

94 Compare, for example, Guideline 4 with the draft manual's proposal that if the use of a school by an opposing force turns a school into a military objective, then "wherever possible the commander of a New Zealand force is to demand that the opposing force cease its military use of the property within a reasonable time and may only attack the objective if the opposing force fails to do so. … [I]n planning an attack on a military objective which is, or may include, educational institutions which have lost their protection, the commander of the New Zealand force is to take all feasible precautions in the choice of means and methods of attack to avoid or minimise incidental loss to such property and is not to attack where the damage to such property would be excessive in relation to the direct military advantage anticipated from the attack considered as a whole." This author was also involved in the expert consultations assisting the drafting of the Guidelines and can attest to the influence of the New Zealand draft manual in the drafting process.

95 Swiss Armed Forces, *Rechtliche Grundlagen für das Verhalten im Einsatz* (*Military Manual on Behaviour during Deployment*), 2005, addition of 1 May 2019, translation in English available in HRW, above note 4: "Educational institutions are to be treated with particular caution. … Their military use should be avoided."

96 Palestinian National Security Forces in Lebanon, Code of Conduct, 20 March 2019, Part 6, Art. 5: "The leadership of the Palestinian National Security Forces is committed to protecting … schools and universities during armed violence and clashes. Equally, the civilian character of … educational facilities should be preserved at all times. No attack on such facilities should be tolerated and concrete measures should be taken to avoid the military use of such institutions." English translation provided to the author by Geneva Call. For another effort to protect schools from military use in Lebanon, see the written assurances from Palestinian armed groups operating in the Ain al-Helweh refugee camp in Lebanon to the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) that they would not violate the neutrality of UNRWA's facilities, following days of fighting between rival Palestinian factions in early 2017, during which some UNRWA schools were occupied; HRW, above note 4.

New protections influenced by the Safe Schools Declaration may soon be on the way. Italy, Luxembourg and Slovenia have announced their intentions to update their military manuals and doctrine in order to implement the Safe Schools Declaration commitment to protect schools from military use.[97] In Nigeria in December 2018, a working group of NGOs, UN agencies and other actors chaired by the Federal Ministry of Education, referencing Nigeria's endorsement of the Safe Schools Declaration, submitted to the Ministry of Defence a proposed amendment to the country's Armed Forces Act that, if it became law, would ban the requisition by the armed forces of buildings or premises used for educational purposes.[98]And in Mali in early 2019, the Ministry of Education established a technical committee for the operationalization of the Safe Schools Declaration, including two representatives from the Ministry of Defence.[99]

The pace at which explicit protections for schools from military use have been codified in the period since 2015 appears unprecedented.[100] But even to the extent that the impetus behind such efforts has been the Safe Schools Declaration, there has been considerable variety in the type of protection chosen to provide schools, from complete bans on their use to regulation of their use along the lines proposed by the Safe Schools Declaration, and to other complementary measures to deter the practice. The Guidelines for Protecting Schools urge countries to "determine the most appropriate method" to "encourage appropriate practice throughout the chain of command",[101] and countries have found various ways to do so, including military doctrine, military manuals, military orders, legislation and direct advocacy. Countries engaged in drafting or updating their trainings, doctrine and military manuals should draw inspiration from the efforts that have been made to date.

## Conclusion

The fact that so many countries, including those currently or recently engaged in armed conflicts, have chosen to expressly prohibit or regulate the use of schools

97 Italy: Policy Commitments 207055 and 207069, World Humanitarian Summit, 2016; Luxembourg: Policy Commitment 213039, World Humanitarian Summit, 2016; and Slovenia: letter from Darja Bavdaž Kuret, State Secretary, Ministry of Foreign Affairs, Slovenia, to Tore Hattrem, State Secretary, Ministry of Foreign Affairs, Norway, 12 April 2016.

98 Proposed Amendment to Armed Forces Act, submitted by Ministry of Education-led Education in Emergencies Working Group Nigeria to Minister of Defence, 5 December 2018, Section 216(3) ("No premises or building or part thereof occupied for educational purposes or accommodation of persons connected with the management of school or vehicles and other facilities of educational institutions shall be requisitioned"), in letter from Nkiru Cynthia Osisioma, Deputy Director, Federal Ministry of Education, to Minister of Defence, 5 December 2018. On file with author.

99 Letter from Minister of Education to cabinet ministers and others, No. 0501/MEN/SG, 19 March 2019; Ministry of Education, Decision No. 2019-000481-MEN-SG, 22 February 2019. Both on file with author.

100 Author's analysis of dates of concrete measures to protect schools or universities from military use, collected by author for HRW, above note 4.

101 Guidelines for Protecting Schools, above note 3, Guideline 6.

by their armed forces makes it evident that military needs can be met while protecting schools. The examples of how the military use of schools endangers students and teachers, and interferes with students' right to education, demonstrate why such alternatives should be pursued whenever possible. Now that more than half the world has endorsed the Safe Schools Declaration and has thereby committed to using the Guidelines for Protecting Schools and "bring[ing] them into domestic policy and operational frameworks as far as possible and appropriate",[102] additional examples of concrete measures to deter the military use of schools should be anticipated in the coming years. Further endorsements of the Declaration – especially by the remaining countries whose armed forces have used schools or universities for military purposes in recent years in conflicts at home, abroad, or as peacekeepers – appear to be a particularly valuable step. But it will only be through implementation of the Safe Schools Declaration and other concrete measures to deter the military use of schools and universities that generations of future students will be able to study and learn in greater safety.

102 Safe Schools Declaration, above note 3, first commitment.