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EDUCATION AND CONFLICT: PROTECTING CIVILIANS AND PROTECTING EDUCATION

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KEY MESSAGES

- × Full protection of civilians should be conceived with a broad lens to include conflict prevention, protection during conflict, social cohesion and post-conflict societal resilience. With this view, education rests at the heart of civilian protection.
- × Education is an area where the long term and ‘reverberating’ effects of conflict can be clearly understood. These effects have already been acknowledged by states through the Safe Schools Declaration, which acts as an example of how concern regarding longer term harm can be successfully integrated into policy responses seeking to improve protection of civilians.

KEY RECOMMENDATIONS

- × States should further commit to developing the normative framework (at both policy and legal levels) and take practical steps to better protect education in conflict as a cornerstone for the full protection of civilians.
- × The normative presumption against attacks on and military use of schools should be strengthened, and emphasis put on the safe resumption of a quality education as soon as possible once a conflict has ended. Tied to this, greater attention should be paid to patterns of harm created by the use of certain weapons, including explosive weapons that have wide area effects, and the full scale of harm caused by those weapons should be recognised.



INTRODUCTION: EDUCATION, PROTECTION AND WEAPONS

Conflict and violence deprive millions of children of an education. According to the European Commission, the education of 75 million children between 3 and 18 around the world has been disrupted by humanitarian emergencies and protracted crisis.¹

The Global Coalition to Protect Education from Attack (GCPEA) documented a systematic pattern of attacks on education in 37 countries over the last five years.² Such attacks include the bombing, burning and destruction schools and universities and result in the death and injury of children, students and teachers, the risk of abduction, violence and abuse, the disruption of learning opportunities and the deprivation of access to schools. Military use of schools as bases, barracks, detention centres or armament stores can similarly deny children of their right to an education, turning schools into targets for attack and putting the security of pupils and teachers at risk. It can also increase their risk of forced recruitment by armed actors.

The effects of conflict and violence on education are not just immediate or short-term. Particularly depending on the means and methods used, conflict causes long-lasting harm to children, communities and broader society. In the case of specific attacks on educational facilities, the immediate and longer-term effects will vary depending on the nature of the violence and weapons used. Beyond physical violence directed at educational facilities, students and staff, the impact of conflict can also be felt indirectly through steep reductions in public spending on education, shortages of learning materials or trained staff, broader economic pressures on families and wider patterns of displacement and disruption. Formal education in particular is at risk during violent conflict since it relies on a consistent level of funding as well as sufficient administrative support, both of which can be difficult to sustain during a crisis.

For the full protection of civilians, the functioning of education must be ensured. This paper sets out why this is part of the goal of protecting civilians as a humanitarian, human rights and broad moral goal – from the physical protection of students and teachers, through children's right to education, to the short and long term community function of places and systems of education. Concentrating in particular on the role of the use of particular weapons and tactics in harm to education, it concludes with practical and policy recommendations for advancing the protection of education as a component of the full protection of civilians.

“Attacks on education kill and injure, lead to student drop out, the loss of teachers, extended school and university closures. They diminish the quality of education and have devastating and long term consequences for society.”

GCPEA, “Education Under Attack: 2018”

THE RELATIONSHIP BETWEEN EDUCATION AND CIVILIAN PROTECTION

Attention to broader socio-economic rights and needs both during and after armed conflict is key to the full protection of civilians. This includes education, which is increasingly recognised as both a right to be protected during conflict, as well as a social institution that in itself is something both deserving of protection and that plays a protective role for children and young people during violence.

Despite this, in conflict situations education has often factored fairly low in the hierarchy of rights attended to. It has not traditionally been a consistent priority in humanitarian response – though this has been changing. Too often both the quantity and quality of education at all levels – for children as well as young people in higher education – is accepted as an inevitable casualty of war or, for refugees, low down their list of needs. This is despite increasing evidence that access to education is a high priority for those affected by conflict³ and can determine a family's willingness to return home if they are displaced.

In recent years, however, the right to education has increasingly been included in discussions on how to protect civilians, in part due to an acceptance of education as a humanitarian need, but also due to an increased appreciation of its future impact on the lives of children and young adults, as well as its wider protective role and its interactions with other aspects of humanitarian response.

The right to and attacks on education are now regularly referenced in the annual report of the UN Secretary General on protection of civilians in armed conflict, and is raised by states during Security Council open debates on the protection of civilians, sexual violence in armed conflict, and children and armed conflict. Attacks on schools and hospitals have since 2011 been included in the six grave violations that affect children during war the most, on which the UN Secretary-General reports annually. Additionally, the UN General Assembly recently declared the 9 September the International Day to Protect Education from Attack to mobilise the safeguarding of education during armed conflict.

Furthermore, in 2015 a group of countries launched the Safe Schools Declaration, an international political declaration now endorsed by 104 countries,⁴ which was conceived of as an initiative to strengthen the protection of civilians in armed conflict.⁵ The Declaration, which among other commitments commits endorsers to using the *Guidelines for protecting schools and universities from military use during armed conflict*⁶ and ensure the continuation of education during armed conflict, acknowledges explicitly the long-term harm caused to communities and societies by attacks on and the disruption of education. The agreement of the Declaration is a demonstration of both the right to education and longer-term harms to communities caused by specific attacks being recognised as part of the full protection of civilians by states.



Children in a refugee camp
in northern Iraq.
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Education is increasingly recognised as a humanitarian need and priority in emergencies, in need of special protection due to recognition of the right to as well as the protective role of education during conflict, as well as recognition of education's role in broader humanitarian response and of its future effects. As such, education can be conceptualised as a key part of the protection of civilians in conflict, both as a basic need and as a protective social node through which harms can be both transmitted and prevented.

RIGHT TO EDUCATION

Children have a right to inclusive and equitable quality education, even during times of conflict and unrest. This right is rooted in an agreement that education serves myriad purposes, from personal development to the building of stronger societies, and as such must be protected and respected. Education is internationally recognised as a fundamental social and cultural right, enshrined in a number of declarations and conventions⁷. These include the Universal Declaration of Human Rights (1948) which outlines the right to free, compulsory elementary education and the Convention on the Rights of the Child (1989), the most widely-ratified of all human rights conventions. In a General Comment that elaborates on the right to education, the Committee on the Rights of the Child emphasised that education should be “child-centred”, respect the “inherent dignity” of the child, and broadly equip children with the “the tools needed to pursue their options in life”. The right to education is also recognised in the Sustainable Development Goals and their precursor, the Millennium Development Goals. Sustainable Development Goal 4 in particular is devoted to ensuring “inclusive and quality education for all and [promoting] lifelong learning”.

The right to education is widely understood to mean that “educational institutions have to be available in sufficient quantity (i.e. the availability condition) and be accessible to everyone without discrimination”⁸. Education should meet the educational objectives required by human rights law and national minimum education standards, but also be relevant and culturally appropriate to the student. It also needs to be adaptable to changing needs and requirements of students and societies. Despite this, conflict tends to be accompanied by a downgrading of what is considered a sufficient or acceptable

education by observers. In this sense, much of the focus of international effort tends to fall on ensuring children and young people are enrolled in schools and able to access education. In such situations, the quality of the education offered can easily be compromised.

EDUCATION AS A SOCIAL SYSTEM

Education has a significant role in society, and effectively functions as a social system. This is true of both the buildings in which education takes place, as well as educational activities. Education's physical places – its university buildings, classrooms and libraries – often act as sites of social, political and economic activity. Schools are often a focal point for communities, becoming informal community centres, as well as voting centres in elections. During conflict, schools and universities can end up playing a variety of roles – both positive and negative – that go beyond a space for education. Not only can they provide a place of safety, structure and learning for students, but they can also be the location for distribution of vital information (such as mine risk education) or supplies (such as emergency feeding programmes). Some of these uses – such as mine risk education – can augment and supplement existing education; others can risk displacing or subverting it, for example when schools are used for military purposes or to house at-risk populations or displaced people.

Due to the essential role schools and universities play within a community both during and outside of conflict, where those institutions are harmed in the course of an attack or attacked directly, those harms can be transmitted further through the education system, beyond the direct and immediate impact on buildings, but also transform those harms from physical harm to broader societal losses.

VIOLENCE AND EDUCATION: WHAT IS THE HARM?

IMPACT ON EDUCATION SERVICES

“Access to and provision of education is also recognized as a humanitarian need because of its life-sustaining and protective role for children and young people in crises”

ICRC, “Framework for Access to Education”, July 2017

The loss of education services, and of an education, is most tangible at the individual level. Education is widely recognised as a basic human right and has positive, transformative effects for students in both the immediate and long-term. For younger children, those in primary and secondary education, it can be a psychological anchor, offering a sense of normality and provide structure during times of crisis, trauma and upheaval. Education also delivers the mental stimulation needed for healthy cognitive, social and emotional development in children and young people. Without a sufficient primary and secondary education, children risk having lower levels of literacy, or even being illiterate, when they reach adulthood. Where education services are not available, being out of school places children and young people at higher risk of recruitment into armed groups or exploitative work. Schools can also be the location of health services or nutrition programmes for children who might otherwise be at risk of going without.

BROADER SYSTEMIC AND SOCIETAL EFFECTS - ECONOMIC, SOCIAL & DEVELOPMENTAL

Education not only affects the individual, but has much wider social, economic and development effects. There are multiple ways in which harm moves out from the individual to broader systemic and societal effects, and from the immediate to long term. This is clear in the case of attacks on schools and universities which in the long term can lead to weakened education systems; long-term loss of qualified teachers, administrators and academics; and a diminishing of the quality of education provided. This is true for higher education as much as schools: the Global Coalition to Protect Education from Attack (GCPEA) notes that attacks “prove devastating for research and teaching by triggering fear, flight and self-censorship among whole academic communities. They also disrupt training of teachers, education planners and managers...Wider and long-term consequences for society include restricting development and – particularly in the case of attacks on higher education – hindering the emergence and strengthening of political plurality, accountable government and open democracy”.⁹ These longer-term impacts on education have negative knock-on effects for a country’s economic, political and social development, as well as for the development of a robust civil society.

At the economic level, “education is the most basic insurance against poverty”¹⁰. Education (or lack thereof) can significantly contribute to increasing the income of a person, family or community¹¹, and plays a vital role in a society’s economic development. It enables the upward mobility of not just the individual but their families, communities and societies. This may be particularly true for tertiary education, with some studies suggesting it has both a strong impact on the earnings of graduates, as well as on macro-level economic growth.¹²

Education is also key to the fulfilment of other critical rights and needs. Education has been shown to reduce both economic and gender inequalities: the more educated women are, the more power they have over their lives, including when to marry and have children, and the closer their earnings come to that of their male counterparts.¹³ Levels of education also have an impact on a society’s health, both by



Mines Advisory Group deliver a mine risk education session to children at Bardarash refugee camp in northern Iraq, © Emily Garthwaite/Article 36



Children line up for a mine risk education session at Bardarash refugee camp in northern Iraq, © Emily Garthwaite/Article 36

contributing to a higher income which in itself has a major effect on health, but by equipping individuals with knowledge of healthy behaviours, the ability to understand their health needs and follow physician directions, and to advocate for themselves and their families. In this way, education empowers people, communities, and societies to live more healthy and sustainable lives.

Education not only has consequences for a society's development, but for its stability. Just as schools "can become tools for division and lay the groundwork for future violent conflicts"¹⁴, education can also contribute to more peaceful, as well as more prosperous, societies. It can be key in fostering acceptance between people, and can be mobilised to defuse, recover from and reconcile after violent conflict. The academic freedom associated with education, and particularly higher education, can be essential in encouraging mutual understanding and dialogue, and thereby addressing social tensions and conflicts in a peaceful manner.

Case study: Conflict and education in Iraq

Between 2014 and 2017 Iraq saw the major phase of conflict between the government and its supporting forces and the 'Islamic State' (ISIS). ISIS occupation and the conflict has affected – and in some cases continues to affect – education in conflict-affected areas of Iraq through: destruction and physical barriers to access; displacement and dynamics around it for educational provision; the denial of educational and academic freedom during ISIS occupation; and barriers to access such as documentation issues for students.

According to a World Bank survey, over half of the educational institutions included in its study of conflict-affected areas were damaged by the conflict, with almost a fifth completely destroyed. Physical damage to power infrastructure during the conflict also had adverse knock-on effects for the delivery of education.¹⁵ This destruction was mostly caused by the use of

explosive weapons, including incidental damage from attacks directed at military targets. Over 100 direct or indiscriminate attacks on schools were also recorded by GCPEA during 2014-17, typically featuring explosive weapons such as airstrikes, mortars and devices manufactured by ISIS.¹⁶ Direct attacks on students, teachers and academics were also reported during this time.¹⁷

During the conflict, physical barriers to accessing education facing students also included the use and occupation of schools and universities by Iraqi forces, ISIS and other armed groups¹⁸ – with ISIS in particular using schools and universities to headquarter themselves, and commit crimes such as the trafficking of women and children. Such military use of schools denies students and teachers access to facilities, and puts facilities at greater risk of attack. Schools were sometimes also used to house displaced people during the conflict. Additionally, during the 2014 elections in Iraq many were used as polling stations – demonstrating the broader community function that schools can play, but also the risk this can bring, with the UN recording 23 attacks targeting schools used as polling station in the north and west of Iraq.¹⁹

By June 2017, 90% of children in conflict-affected areas were out of school according to Unicef,²⁰ for factors including physical barriers to access and displacement. Following the end of the major period of fighting, explosive remnants of war (ERW) – a combination of unexploded munitions left from fighting, and explosive devices left or emplaced by ISIS – rendered many educational buildings unusable, and posed a threat to teachers and students until clearance could be undertaken. Under ISIS occupation, many parents also did not send their children to school for fear of indoctrination as well as of the schools being attacked. The denial of academic and educational freedom by ISIS in areas it occupied in Iraq has been well documented.²¹

By 2019, over half of schools in conflict-affected areas still required rehabilitation.²² A sample of assessments from Ninewa

(shared informally with Article 36) suggests that these needs stemmed from a mixture of conflict damage (including from explosive weapons, gunfire and vandalism/arson) and disrepair from previous lack of maintenance and investment.

As of November 2019, in their 2020 Humanitarian Needs Overview, UN OCHA estimated some 1.2 million IDP and returnee children in Iraq will need emergency and specialised education services, and reported that in IDP camps 10% of children face major challenges accessing formal or informal education, whilst for out of camp child IDPs some 13% have little to no access to education.²³ The Norwegian Refugee Council (NRC) estimated that during the past year 240,000 children in Iraq had been unable to access education, with a 32% shortage of teachers resulting from no new hires since the conflict meaning volunteers were often filling the gaps. According to NRC 28% of girls and 15% of boys were out of secondary school, and 9.6% of girls and 7.2% of boys out of primary school.²⁴ One challenge for some displaced and returnee children is bureaucratic: the Iraqi system requires students to present certificates of passing previous grades to move onto the next. Displaced (and refugee) children however may not have taken certificates with them when fleeing, nor be able to get copies if for example their school was no longer operational or their families did not have funds for duplicates.

Many families in affected areas of Iraq have been reluctant to return to their hometowns until essential services such as schools were restored. This dynamic (among others) continues to contribute to pressure on services in the areas where displaced people are currently living. The Kurdistan Region of Iraq (KRI) for example was at the time of research (November 2019) working with humanitarian organisations and implementing measures such as double shifts to try and accommodate students internally displaced from the conflict with ISIS, as well as refugees from Syria (of which many more had just arrived). This amounted to over 200,000 extra students to cater for, in the context of a system and infrastructure already in need of repair and investment (including because of Iraq's 2014 financial crisis). It was informally estimated that another 3,000 school buildings would be needed to accommodate all these students.²⁵

HOW IS THE HARM CREATED?

- × Barriers to supply and delivery – resources, infrastructure, ability to teach

Conflict and violence result in multiple barriers to the supply or delivery of a quality education. One of the clearest and most direct impacts of conflict on education is on the infrastructure itself. Attacks on school infrastructure can range from missile strikes, bombings and remotely-detonated explosions to burnings and ransacking, and can result in complete collapse of building structures, caved-in roofs, and the destruction of or damage to walls and windows. Military occupation of use of places of education (as, for example, military barracks, command centres, weapons storage facilities, bases and fighting positions or detention and interrogation sites) exposes such places to greater risk of attack, and thus damage and destruction. Such attacks can be conducted by state security forces including paramilitary or militia groups, as well as non-state actors, and for myriad reasons including political, ideological, religious or military. Military occupation also carries other hazards: where schools are used for military advances they are often subsequently booby-trapped with explosives, or when they are the target of attacks they can become sites contaminated with unexploded ordnance. This necessitates the clearance of landmines and explosive remnants of war and can significantly delay or even render impossible the return of staff and students long after a war has ended.

Damage occurs when schools and universities are deliberately attacked, but also when they sustain incidental damage in an attack on another target. Where explosive weapons such as heavy mortars, air-dropped bombs and missiles are used, for example, they can result in extensive damage to or complete destruction of school and university buildings, even if they are not the target of the attack, or are not directly hit. Even where a building is left largely intact, the damage to its structures, classroom materials or to vital infrastructure it relies upon²⁶ – electricity for example – can make it unsafe for students or largely unsuitable for teaching.

The scale of damage, particularly in protracted conflicts and where explosive weapons have been used extensively, can be massive: in Syria, conflict has damaged or destroyed over 7,000 schools²⁷; in Yemen over two million children are out-of-school with one in five schools no longer functioning.²⁸ As well as large numbers of children and young people left without education, damage to facilities can mean that those schools that continue to function serve more pupils with the same number or fewer teachers, lessening the quality of the education those children receive. Many schools in conflict areas are severely over capacity, due to the loss of space through the physical destruction of buildings or rooms, reduced teaching staff, and increased pupil numbers.

The physical destruction of places of education has a direct impact on staff and students. Attacks on places of education, including deliberate attacks on schools, can kill, injure and traumatise educators, staff and students in the building or vicinity. Attacks on higher education in particular can be used by warring parties as a tool of repression to create fear among certain communities. Educators and students can also find themselves subject to deliberate attack outside of or away from school or university buildings. In conflict as well as during times



of political, religious or other tension, individual education staff, administrators and students, whether in the classroom or on the way to or from school, can be killed, injured, abducted, tortured or otherwise threatened. This can lead to the loss of teaching and support staff, which can be exacerbated by the economic challenges of conflict that can see government struggling to pay public sector, including teacher, salaries. These shortages can in turn force the closure of schools, as well as contribute to the risk of student drop-out.

Conflict can also affect education in less direct ways. Where explosive weapons are used, for example, their 'reverberating effects' – effects that are a product of an attack, though not directly caused by it – can have serious consequences for the ability to deliver quality education. If water processing plants or distribution networks are affected by conflict, children are often sent to collect water elsewhere, reducing time spent studying. Where family members are killed or injured, the resulting trauma or increased care responsibilities can affect a child or young person's ability to learn effectively. Where electricity is unreliable or cut off, children can struggle to complete homework at home. Looking again at the broader conflict landscape, it may also be that violence within a certain town, city or region becomes so intense that protecting a school not only becomes impossible but irrelevant – where an area is under sustained attack, even if a school building remains intact it is unlikely that students will attend.

× Barriers to access

Where education can still be provided, students may find their ability to access these services or facilities severely compromised by conflict. Students can be in direct physical danger – threatened, physically

Surya and Ibrahim

When we were in Hasakah, if I heard about an airstrike somewhere else I felt so worried for my son Ibrahim. After our experience in Aleppo, it really disturbed me hearing about any airstrikes at all. So I decided to leave Syria and come here to Iraq. My son Ibrahim had previously gone to school in Aleppo, before it became too dangerous. In Hasakah, even though it was safe, I was still afraid for him, because I just had him now, so I didn't send him to school. I kept him at home as I was just too scared to send him. In Aleppo there were cases of kidnapping of children so I was really afraid for my son. The constant worry really affected me mentally, and the whole time I just wanted him where I could see him. Now, in the camp, there is a school, but we are hoping to leave soon so I am not sending him here either.

Surya and Ibrahim, a mother and her son, are from Aleppo. Several years into the Syrian conflict, and distressed by near-constant airstrikes, they left Aleppo for Hasakah, in search of safety. From Hasakah they crossed the border into Iraq.

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blocked, or even killed - when attempting to attend school or university. When they are in school or university, students are also vulnerable to the physical effects of any attack on the building or premises, including the danger of injury or death. Children and young people of all genders can also be the target of forced recruitment into military groups or forced 'marriage' – both when they are in school, but also when travelling to and from.

Young women and girls can be particularly affected by this type of violence: attacks on female teachers and students are all too common and can include rape, abduction into sexual slavery or forced marriage, and threats or attacks designed to forcibly prescribe their dress or to limit their freedom of movement and their access to an education on the basis of their gender. Such attacks may take place at school, but also along routes to the school or university, or nearby. It is not surprising, then, that girls living in conflict affected countries are 2.5 times more likely to be out of school than boys.²⁹ As noted by the Global Coalition to Protect Education from Attack: "Girls and women can be disproportionately affected by conflict when their right to education is opposed; they are targeted for sexual violence while at or en route to education institutions; or their families withdraw them for security reasons. This impacts the achievement of gender parity."³⁰ Girls often face more barriers to returning to education: "Being out of school for even a short period renders girls and young women vulnerable to many risks, including child and forced "marriage", which further diminishes the chance for girls to return to school due to pregnancy, parenting, household responsibilities, or husbands, in-laws, or schools forbidding them to return."³¹

Displacement as a result of conflict-related violence also forces students to leave their school or university as they and their families flee in search of safety, and reduces the ability of children and young people to access a quality education. UNHCR has estimated that 63% of refugee children were enrolled in primary school in 2018 and 24% in secondary school, whilst a meagre 3% were enrolled in higher education.³² This is in part due to regulations around asylum that sees the detention of children, who then have limited or no access to education, as well as significant wait times for the paperwork needed to attend schools alongside host-country nationals. Where refugees arrive in underserved areas of host countries, already-limited resources can be further stretched, affecting not just the ability to access education, but the quality of education offered. In Dadaab refugee camp in Kenya, one of the largest refugee camps in the world, offers an illustrative example: pupil to teacher ratios are notably high, with 120 children to 1 teacher in pre-primary, and 56 to 1 in primary school, and 6 out of 10 refugee teachers were untrained; each textbook is shared between four students, and each desk between six.³³ Even when in school and with sufficient resources, language differences and being taught in a foreign language can add an additional struggle for students seeking an education. Those who have been internally displaced face similar barriers to education. Where they are displaced into camps there is often a lack of qualified education providers, and where they are outside camps they may not meet the residency requirements for local school

enrolment, or may have lost the required documentation to be registered at schools. Where conflict forces people from their homes, the disruption to education can be difficult to recover from. For displaced communities, insufficient quantity and adequate training of teachers, poor condition of buildings, shortages of learning materials and large class sizes predictably result in poor education outcomes.

Added to these difficulties are myriad economic pressures that conflict causes. Socioeconomic impoverishment and economic imperatives that divert funds from education (at all levels, from state³⁴ to individual) are consequences of conflict that are broad but that have notable knock-on effects for the ability of students to access education. At an individual level, livelihoods and income are preconditions of meeting a child or young person's education needs, yet many of those affected by conflict are left without a sustainable income. This is especially true for those who have been displaced by conflict, whose financial capital is often eroded if not lost entirely. Conflict-affected populations including IDPs can quickly exhaust their coping strategies, and the costs of attending school can rapidly become a significant barrier to education even where schools and universities continue to function.

OPPORTUNITIES TO PREVENT HARM

To better protect civilians in conflict, the legal and policy norms that protection rests on must be strengthened and extended. Such norms include those that recognise education as a protection priority in conflict, and that attacks on education, its institutions, staff and students are unacceptable, that military use of educational facilities puts them in danger of attack, and that education should be reinstated as soon as possible post-conflict. Better protection of civilians also requires better recognition of how different weapons produce harms

Asma

Before Islamic State occupied our village, my eldest daughter was in the 3rd class and was about to go to the 4th. When the Islamic State came she stopped going to school, as did my two younger daughters. When we fled, I thought we would be able to go back to our home after one week, but it has been four or five years we have been away now. My children want to study but they need their certificates from their last school in the village in order to be accepted into the next grade, and I can't afford the transport back to my village. If I have any extra money it is used for food. The general directorate of education will also have a copy of their certificates, but again I can't afford to get them. I try to help them study at home so that they can at least read and write.

Asma (pseudonym) and her family fled their village when Islamic State militants occupied it. Her husband returned to get their car and paperwork including passports but never returned and is presumed dead. Asma has five daughters ranging from five to fifteen, and one son. They have lived in an IDP camp in northern Iraq since 2017, but struggle due to their lack of papers – identity documents as well as school certificates.



Iraq, Autumn 2019
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and commitments to not just understand patterns of harm but also to develop appropriate policy responses. Most pressing in this area is the need for preventive attention to the patterns of harm caused by explosive weapons in populated areas as well continued support for the rapid clearance of explosive remnants of war from educational facilities.

Article 36 supports the work of Global Coalition to Protect Education from Attack (GCPEA), including their key recommendations:

- × States should endorse, implement and support the Safe Schools Declaration to ensure that all students and educators can learn and teach in safety.
- × Armed forces and armed groups should refrain from using schools and universities for military purposes, including by implementing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.
- × States and other monitoring bodies should strengthen monitoring and reporting of attacks on education, including disaggregating data by type of attack on education, sex, age, location, person or group responsible, number of days the institution was closed, and type of institution to improve efforts to prevent and respond to attacks on education.
- × States and international justice institutions should systematically investigate attacks on education and fairly prosecute those responsible.
- × States and other institutions should provide non-discriminatory assistance for all survivors of attacks on education, regardless of gender, ethnicity, socio-economic background, or other attributes, while taking into

account their distinct needs and experiences based on gender and potential vulnerabilities such as disability and forced displacement.

- × Education providers should ensure that education promotes peace and provides physical and psychosocial protection for students, including by addressing gender-based stereotypes and barriers that can trigger, exacerbate, and result from attacks on education.
- × Where feasible, states should maintain safe access to education during armed conflict, including by working with school and university communities and all other relevant stakeholders to develop strategies to reduce the risk of attacks and comprehensive safety and security plans in the event of these attacks.

The Safe School Declaration and the Guidelines are important tools in improving the protection of education during conflict. These additional policy protections have been developed in response to a recognition of both the wide nature of harms experienced when education is subject to violence, and the essential protective nature of education and educational institutions for students during conflict. As such, they are an example of how an understanding of the wider and longer-term impacts of conflict on social structures such as education and healthcare can form the basis of a needed policy response. They also demonstrate that in the sphere of civilian protection, policy approaches that recognise that the law is not the only structure through which protection obligations can be understood, and that augment legal protection, can garner significant and widespread support among states and civil society.

ENDNOTES

- 1 European Commission (2020), "Education in Emergencies Factsheet". https://ec.europa.eu/echo/printpdf/what/humanitarian-aid/education-emergencies_en
- 2 Global Coalition to Protect Education from Attack (GCPEA) (2020), "Education Under Attack 2020". eua2020.protectingeducation.org/#introduction
- 3 See, for example, Save the Children (2015), "What do children want in times of emergency and crisis? They want an education" <https://www.savethechildren.org.uk/content/dam/global/reports/education-and-child-protection/what-do-children-want.pdf>. The report analysed 16 studies reflecting the voices of 8,749 children, and also took account of the voices of parent, caregivers and communities, and found that "99% of children in crisis situations see education as a priority".
- 4 Current Safe School Declaration endorsements can be found here: <https://ssd.protectingeducation.org/endorsement/>
- 5 Safe Schools Declaration https://protectingeducation.org/wp-content/uploads/documents/documents_safe_schools_declaration-final.pdf
- 6 Guidelines for protecting schools and universities from military use during armed conflict.
- 7 These are: the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; the 1951 Convention relating to the Status of Refugees; the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949; the Convention on the Elimination of All Forms of Discrimination against Women; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Rights of the Child; and the Convention on the Rights of Persons with Disabilities. Regional declarations include the African Charter on the Rights and Welfare of the Child, and the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights.
- 8 United Nations General Assembly, (2019) "Right to Education – Note by the Secretary General", 28 July 2019, A/74/243, <https://undocs.org/A/74/243>.
- 9 GCPEA, "Protect higher education from attack" <https://protectingeducation.org/what-we-do/protect-higher-education-from-attack/>.
- 10 UNESCO (2011), "Education Counts: Towards the Millennium Development Goals" <http://unesdoc.unesco.org/images/0019/001902/190214e.pdf>, p. 2
- 11 *ibid*, p. 7.
- 12 Moses Oketch et al (2014), "The impact of tertiary education on development: a rigorous literature review", Department for International Development. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/327901/Tertiary-education-2014-Oketch2.pdf
- 13 Education for All Global Monitoring Report (2013), "Education Transforms Lives", UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000223115>
- 14 UN General Assembly (2019) above note 9
- 15 World Bank Group (2018), 'Iraq Reconstruction and Investment. Part 2: Damage and Needs Assessment of Affected Governorates,' <http://documents.worldbank.org/curated/en/600181520000498420/pdf/123631-REVISED-Iraq-Reconstruction-and-Investment-Part-2-Damage-and-Needs-Assessment-of-Affected-Governorates.pdf>
- 16 GCPEA (2018), "Education Under Attack: Iraq country profile". <https://www.refworld.org/docid/5be9430d4.html>
- 17 *ibid*.
- 18 *ibid*.
- 19 *ibid*.
- 20 UNICEF (2017), "Nowhere to go: Iraqi children trapped by cycles of violence". <https://unicef.blob.core.windows.net/uploaded/documents/IRAQ%25203%2520REPORT.pdf>
- 21 See GCPEA (2018) for examples
- 22 GCPEA (2020), "Education Under Attack: Iraq country profile". https://protectingeducation.org/wp-content/uploads/eua_2020_iraq.pdf
- 23 UNOCHA (2019), "Humanitarian Needs Overview: Iraq". https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/iraq_hno_2020-fullen.pdf
- 24 Tessa Fox (2019), "Rights group: Iraq education system on brink of collapse, Norwegian Refugee Council raises alarm over education funding shortfall across Iraq", Al Jazeera, 2 Nov 2019
- 25 Article 36 visited the Kurdistan region of Iraq in November 2019 for case study research for this project. As well as reviewing recent reports and literature (in English) we spoke for background information to a range of international organisations, international and Iraqi NGOs, government agencies, and academics and researchers. We also interviewed people who had been directly affected by the recent conflict. Article 36 is grateful to the hosting and logistical support provided by the Mines Advisory Group team in Iraq, without which we would have been unable to make this visit and undertake these interviews.
- 26 Where violence damages infrastructure critical to the provision of power, water and sanitation, it causes a further harm, cutting off services that depend on these capacities. Destruction of vital power, water, sanitation and transport infrastructure can cause health, social and economic effects far beyond the immediate area or the immediate time and place of the blast. Referred to as 'reverberating effects' by the ICRC, such effects show how damage caused by explosive weapons can propagate through the interconnected infrastructures that support populated areas, extending the harm caused both in time and geography.
- 27 See Unicef, <https://www.unicef.org/syria/education>
- 28 Unicef (2019) "To keep children in education, UNICEF starts incentives for school-based staff in Yemen - Statement from Geert Cappelaere, UNICEF Regional Director for the Middle East and North Africa", <https://www.unicef.org.uk/to-keep-children-in-education-unicef-starts-incentives-for-school-based-staff-in-yemen/>
- 29 European Commission (2020), "Education in Emergencies Factsheet". https://ec.europa.eu/echo/printpdf/what/humanitarian-aid/education-emergencies_en
- 30 GCPEA, "What is the impact of attacks on education?". <https://protectingeducation.org/the-problem/what-is-the-impact-of-attacks-on-education/>
- 31 GCPEA (2019), "It is very painful to talk about: Impact of attacks on education on women and girls", http://protectingeducation.org/wp-content/uploads/documents/documents_impact_of_attacks_on_education_nov_2019_lowres_webspreads.pdf, p.19
- 32 UNHCR (2018), "Stepping up: Refugee education in crisis", <https://www.unhcr.org/steppingup/wp-content/uploads/sites/76/2019/09/Education-Report-2019-Final-web-9.pdf>, p. 6.
- 33 Women Educational Researchers of Kenya (2017), "Out of School Children Assessment; Dadaab Refugee Camp". https://webcache.googleusercontent.com/search?q=cache:TV35C_fKwQJ:https://werk.co.ke/wp-content/uploads/2019/02/OUT-OF-SCHOOL-CHILDREN-ASSESSMENT-REPORT.pdf+&cd=1&hl=en&ct=clnk&gl=uk
- 34 At the state level, conflict tends to divert finite government funds from other services, including national social protection schemes and government-funded education services.

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