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Protecting The Right of Education For Children In Armed Conflict

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Protecting The Right of Education For Children In Armed Conflict

A child's early years lay the foundation for all that is to come, paramount of which is the access to education, which has unfortunately been deficient or non-existent in crisis-stricken countries. Currently, more than 75 million children and young people (aged 3-18) are out of school in 35 crisis-affected countries, while less than 2% of global humanitarian aid goes towards education.[1] Even when children are able to access education in conflict-affected countries there are huge challenges – such as overcrowded classrooms, lack of teachers and resources, and violence in or en route to school.[2] This report addresses the ongoing issues involving protection of children in areas of armed conflict and will focus on the need of developing a better educational system for children in order to help pave the path for an acceptable system.

In 2002 the Optional Protocol on the Rights of the Child on the involvement of children in armed conflict came into force, emphasizing that States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.[3] Further, in 2016, the Human Rights Council reaffirmed the human right of everyone to education, which is enshrined in the Convention on the Rights of the Child.[4] It recognizes the negative impact of conflict and crisis on the full realization of the right to education, and that a large proportion of the world's out-of-school population lives in conflict-affected areas.[5] The issues particularly affecting education in crisis-affected countries are displacement of children into foreign countries, and destruction of schools for military use.

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[1] War Child, Education. https://www.warchild.org.uk/what-we-do/education
[2] Id.
[3] UN Human Rights Council, *Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure: resolution / adopted by the Human Rights Council*, 14 July 2011, A/HRC/RES/17/18.
[4] UN Human Rights Council 32/22, *Resolution adopted by the Human Rights Council on The Right to Education*, 1 July 2016, A/HRC/RES/32/22.
[5] Id.

Based on HRC's 2015 Resolution 28/19, which addresses the need for government protection of children particularly when armed conflicts are involved,[6] Human Rights Advocates calls attention to the lack of education for children in armed conflicts in African countries such as Somalia, Democratic Republic of the Congo (DRC), Sudan and South Sudan which are often the result of gang activity, as well as crisis-affected countries such as Syria. Addressing the issue of education for all children involved in armed conflicts will be a step towards a better future.

I. Forced Displacement of Children Due to Conflict

Education is an essential part of life for refugee children and it is not a luxury that can be placed on hold during times of displacement. The most recent estimates by the Office of the United Nations High Commissioner for Refugees (UNHCR) indicate that an unprecedented 65.3 million people around the world have been forced from their homes.[7] Among them are nearly 21.3 million refugees, over half of whom are under the age of 18.[8] Access to education is very limited for children who have been displaced. In 2009, 94 per cent of Syrian children attended primary and lower secondary education in Syria, and by June 2016 only 60 per cent of children did so, leaving 2.1 million children and adolescents without access to education.[9]

Gang leaders in countries such as Somalia force children to work for them from as early as age 6, threatening those who refuse with death.[10] Many children have stopped going to school because classrooms have become recruiting grounds leading these countries to have the lowest school attendance rates.[11] For example, government and rebel forces have recruited about 16,000

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[6] Resolution 28/19 (Cite)

[7] The UN Refugee Agency, *Figures at a Glance,* http://www.unhcr.org/en-us/figures-at-a-glance.html

[8] *Id*.

[9] Starting Out: Why Education for Refugees Matters, http://www.unhcr.org/en-us/starting-out.html

[10] Human Rights Watch, *No Place for Children: Child Recruitment, Forced Marriage, and Attacks on Schools in Somalia*. https://www.hrw.org/report/2012/02/20/no-place-children/child-recruitment-forced-marriage-and-attacks-schools-somalia

[11] *Id*.

children since the war began in South Sudan in 2013,[12] and these numbers are continuously increasing. Other children are promised that they are going to attend school, which are actually military training facilities disguised as schools.[13]

A. Obstacles Affecting Displaced Refugee Children

Since children are being displaced from their home countries involved in armed conflict, their lack of education is far reaching. Many practical obstacles such as language barriers and social interrogation difficulties discourage parents from enrolling their children in foreign schools.[14] Consequently, such impediments make the access to education for refugee children more difficult to attain. Refugees mostly cannot work legally, so everyone in the family – including children – has to take whatever irregular, low-paid work they can find.[15] Because of the pressure on capacity, schools for refugees often have a maximum age for attending.[16] Essentially refugee children whose secondary education is temporarily disrupted due to conflict may find it impossible to go back and complete it.

Currently, there are 1.5 million school-aged Syrian refugee children living in Turkey, Jordan, and Lebanon, but approximately half of them do not have access to formal education.[17] Removing obstacles to education is critical for refugee children to recover from conflict, realize their rights, contribute to host countries, and ultimately rebuild Syria. Yet every

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[12] Human Rights Watch, *We Can Die Too: Recruitment and Use of Child Soldiers in South Sudan*.
https://www.hrw.org/report/2015/12/14/we-can-die-too/recruitment-and-use-child-soldiers-south-sudan
[13] "Child Soldiers in the Firing Line." BBC News 8 April 2001. 16 April 2008.
http://news.bbc.co.uk/2/hi/1266534.stm.
[14] Human Rights Watch, *Turkey: 400,000 Syrian Children Not in School*.
https://www.hrw.org/news/2015/11/08/turkey-400000-syrian-children-not-school
[15] World Economic Forum, *Why Refugee Education is a Problem-and Six Solutions*.
https://www.weforum.org/agenda/2016/05/why-refugee-education-is-a-problem-and-six-solutions/
[16] *Id*.
[17] Human Rights Watch, *Education for Syrian Refugee Children*, https://www.hrw.org/tag/education-syrian-refugee-children

year since the conflict began, the number of Syrian children out of school has increased.[18] Therefore, without immediate action and sustained support, there is a real danger that any progress made in enrolling refugee children will erode rather than expand.

B. Obstacles Affecting Internally Displaced Children

Unlike refugees, internally displaced people (IDP) do not cross international borders recognized by a State but are displaced within the borders of their own nation. They represent 2/3 of the total number of displaced children.[19] Recruitment to armed forces, sexual exploitation, abuse and violence, and forced labor result in difficulties to access education.[20] Of the total 18 million displaced persons in Africa, more than 12.5 million are IDPs living in their own countries.[21] The IDPs and refugees share something in common: the agony and costs of being forced to flee their homes. A majority of them are children and youth under the age of 18, suffering loss and dislocation, which will affect the rest of their lives.[22] Some IDP camps in Africa have been around for 40 years.[23] Following are some examples:

1. Sudan

War has occurred almost constantly in Sudan since independence in 1956, causing numerous waves of displacement. The country hosts the largest IDP population in the world: nearly 5 million people are internally displaced due to various conflicts throughout the country – in Darfur, southern Sudan, and eastern Sudan.[24] For example, 2.7 million people – nearly half the

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[18] Human Rights Watch, *Syrian Refugee Kids Still Out of School in Turkey*,
https://www.hrw.org/news/2017/01/23/syrian-refugee-kids-still-out-school-turkey
[19] Humanium, *Displaced Children*, http://www.humanium.org/en/displaced-children/
[20] *Id*.
[21] Africa Renewal, *On Forced Displacement We Can Learn From Africa*,
http://www.un.org/africarenewal/news/forced-displacement-we-can-learn-africa
[22] *Id*.
[23] *Id*.
[24] Elizabeth Ferris and Rebecca Winthrop, *Education and Displacement: Assessing Conditions for Refugees and Internally Displaced Persons affected by Conflict*, UNESCO (2011). Available at
http://unesdoc.unesco.org/images/0019/001907/190715e.pdf

population of Darfur – have become IDPs, seeking refuge in major towns, IDP camps and settlements.[25] The duration of the conflict in Sudan has had devastating effects on the education system, including significant damage to the infrastructure, the displacement and repatriation of the population, and widespread poverty.[26] Thus, while providing the essential tools needed to build a more peaceful and just society, education can restore hope and resilience for displaced persons who have lost their home and possessions.

2. Democratic Republic of the Congo

Similarly, Eastern DRC continues to be the theatre of a complex and protracted humanitarian crisis affecting at least 1.6 million IDPs, of whom 90% are displaced due to armed attacks and violence.[27] In 2015, the number of people who have returned home has significantly decreased, which indicates that there is a persistent insecurity that is affecting thousands of families.[28] Unfortunately, at first families and children believe that moving into camps will be a temporary situation, however, soon they have realized that their situation is becoming more permanent. Some families have lived in IDP camps for over 15 years.[29]

Conflicts that have taken place in DRC affect mainly children who are the primary victims. The persisting conflicts in DRC have resulted in the recruitment of children into armed groups.[30] The Congolese children are often captured following the murder of their parents by the armed groups, and are then sent to camps where they are trained how to handle weapons.[31]

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[25] *Id.*

[26] *Id.* at 39

[27] ReliefWeb, *Democratic Republic of Congo: Internally displaced persons and returnees* (September 2015) http://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-internally-displaced-persons-and

[28] *Id.*

[29] Displaced in Congo, *A Life in Limbo: 'There are so many children in the camps born of rapes,'* http://nytlive.nytimes.com/womenintheworld/2016/09/12/a-life-in-limbo-in-the-idp-camps-of-the-democratic-republic-of-congo/

[30] Humanium, *Children of Democratic Republic of the Congo: Realizing Children's Rights in Democratic Republic of the Congo*, http://www.humanium.org/en/africa/democratic-republic-congo/

[31] *Id.*

Essentially, they get trained to become child soldiers and these children are then required to commit crimes against the population and sometimes against their own family.[32] Around 35% of the combatants present in DRC are children. For these children, the only education they receive comes from war – a violent, dangerous, and bloody environment.[33] Because of this, the future and prospects of children in DRC are seriously affected.

II. Destruction of Schools

Attacks on education can take many forms, from attacks on students, teachers or school buildings, to targeted killings abductions or threats. Security Council, in resolution 2143, reaffirmed its goal of preserving the right to education for all children and recognized the negative impact of attacks on education.[34] That resolution also added a crucial new request to Member States: it asked that they engage in formulating concrete measures to deter the military use of schools.[35] Since military forces have converted schools into barracks, detention facilities, military training camps, weapons depots, and bases for military operations, they have placed students attempting to continue their studies at grave risk.[36]

A. Examples of Countries Affected

In Syria, schools are bombed, damaged, looted and destroyed on a regular basis, many places of learning are now deserted as children and teachers flee to safety. Since the conflict began, more than 4,200 schools have been damaged, destroyed, militarized or are currently used as shelters by IDPs according to data gathered by UNICEF.[37] Between January and December

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[32] *Id.*
[33] *Id.*
[34] UN Security Council, Resolution 2143. *Adopted by the Security Council at its 7129th meeting*, on 7 March 2014. S/RES/2143.
[35] *Id.*
[36] Human Rights Watch, End Military Use of Schools in War Zones. https://www.hrw.org/news/2013/11/19/end-military-use-schools-war-zones
[37] UNICEF, Conflict in Syria and Iraq: 14 million children impacted by conflict in Syria and Iraq, http://childrenofsyria.info/wp-content/uploads/2015/05/Syria_Crisis_4_Years_On_Eng.pdf; ReliefWeb, Schools

2014 alone, UNICEF recorded 80 attacks on schools.[38] At least 160 children were killed and 343 injured in attacks on schools in 2014 and these numbers are expected to be higher.[39] Simply put, schools are too dangerous for children to attend in countries involved in armed conflict.

Another example is the conflict in South Sudan that has devastated the education sector, leading to the closure of some 70 percent of the schools in the areas where most of the fighting has taken place.[40] Some 400,000 children have been forced out of schooling.[41] As a result of the destruction of vital educational infrastructure, children have faced interruptions in their education and the quality of education for many students has declined.[42] Effectively education has taken a backseat in countries involved in armed conflict.

In just two years, between May 2008 and March 2010, Somalia's armed groups and rebels occupied and used at least 34 different schools.[43] Reports indicate that armed groups in Somalia and government troops have also used university campuses during the 2012 civil war.[44] Although, the military use of schools has continued in Somalia, schools are slowly starting to re-open their doors to children in certain areas. Sadly however, an estimated 80% of children have not yet returned to obtain their education.[45] Currently, Somalia has one of the worlds lowest enrolment rates for primary school-aged children – only 30 per cent of children are in school and only 40 per cent of these are girls.[46] Further, only 18 per cent of children in rural households are

Under Attack in Syria. http://reliefweb.int/sites/reliefweb.int/files/resources/FINAL-Education-Under-Attack_STurkey-Briefing-Paper_2015-09-03.pdf

[38] *Id*.

[39] *Id*.

[40] *Supra*, note 11.

[41] *Id*.

[42] Human Rights Watch, *Studying Under Fire*. https://www.hrw.org/report/2016/02/11/studying-under-fire/attacks-schools-military-use-schools-during-armed-conflict

[43] GCPEA, *Global Coalition to Protect Education from Attack: Somalia*, http://protectingeducation.org/sites/default/files/documents/eua_2014_country_profiles_somalia.pdf

[44] *Id*.

[45] The Guardian, *Somalia: taking back schools from Islamic militants*, https://www.theguardian.com/global-development/2011/dec/28/somalia-schools-opening-mogadishu

[46] Unicef Somalia, *Education in Somalia*, https://www.unicef.org/somalia/education.html

in school.[47] All these statistics indicate that children are severely impacted in areas of armed conflict, and their futures are at risk.

B. The Long Process of Rebuilding Schools After Conflict

The process of rebuilding schools after conflict is very long and usually not successful. Statistics shows that even after crisis children's education is still at risk. Many times the countries involved in an armed conflict do not take on the responsibility of rebuilding a country afterwards. Since the United States led military intervention in Afghanistan in 2001, foreign donors have invested heavily in education, building schools, supporting teacher training, and providing textbooks and other materials to schools across Afghanistan.[48] However, there are still significant obstacles to education after crisis, such as lack of funding, unsafe school buildings, and ineffective teaching. In 2013, more than 10 million male and female students were enrolled in schools throughout Afghanistan after the war.[49] However, despite the dramatic increase in the number of schools in Afghanistan, many fell short, by providing lackluster education in broken-down buildings, the schools were undersupplied, with many overcrowded classrooms.[50]

To make matters worse, the Guardian has reported that just this last year, in 2016, two schools in Helmand, Afghanistan, that were refurbished using British aid money are now being used as bases for the Afghan army.[51] Another school, in Chahe Anjir, Afghanistan, that was renovated by the British government for £450,000 was abandoned last year and turned into an

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[47] *Id.*
[48] Human Rights Watch, *Education on the Frontlines*, https://www.hrw.org/report/2016/08/17/education-front-lines/military-use-schools-afghanistans-baghlan-province
[49] Raziah's Ray of Hope Foundation, *Education in Afghanistan*, https://raziasrayofhope.org/education-in-afghanistan.html
[50] *Id.*
[51] The Guardian, Afghan Army Moves in Helmand Schools Rebuilt With the UK Aid, https://www.theguardian.com/global-development/2016/apr/16/afghan-army-moves-into-helmand-schools-rebuilt-with-uk-aid

outpost for the army.[52] When schools are not used as a military base by the army, the government soldiers have to stand in watchtower on the roof of schools and walk heavily armed through the schoolyard to keep the children safe.[53] Thus, even after crisis, children are still at a disadvantage when it comes to their education.

III. Progress Made By Countries

It is important to note that despite concerns relating to protection of children affected in by armed conflicts, progress has been made. In her annual report to the Human Rights Council, Leila Zerrougui, the Special Representative of the Secretary-General for Children and Armed Conflict highlighted the progress accomplished in the past twenty years, while also urging Member States and parties to conflict to take immediate action to end persistent grave violations against children.[54]

In relation to protecting schools and hospitals, the Special Representative has noted with concern the increasing numbers of attacks on those facilities and encouraged the Governments to take measures to prevent the military use of schools. Some countries have taken heed and in June and July of 2016, the Ministry of Education sent two directives to all security related ministries highlighting the commitment of Afghanistan to the Safe Schools Declaration, signed in 2015, and requesting security forces to refrain from using schools for military purposes.[55] Continued commitment by Governments towards their action plans was demonstrated in Afghanistan, the

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[52] *Id.*
[53] *Id.*
[54] Human Rights Council, *Annual report of the Special Representative of the Secretary-General for Children and Armed Conflict*, 22 December 2016. A /HRC/34/44.
[55] *Id.*

Democratic Republic of the Congo and Myanmar.[56] Further, in March 2016, Sudan signed an action plan to end and prevent the recruitment and use of children by its security forces.[57]

IV. Safe Zones

A solution that has gained some traction involves establishing a safe zone within crisis-affected countries' borders. Safe zones have been established in the past with varying degrees of success. The most successful safe zone, Operation Provide Comfort, was implemented in Iraq in 1991. Following Desert Storm, the Kurds, fearful of Saddam Hussein's response to their attempted revolt, fled their homes and sought refuge in Turkey.[58] Ultimately denied protection by the Turks, they remained in the harsh conditions of northern Iraq, left to fight off a Hussein incursion and to battle the elements without basic necessities.[59]

As a result, the U. N. Security Council passed Resolutions 687,[60] which reinforced the need for Hussein to remain peaceful, and Resolution 688,[61] which condemned repression of the Kurds. Acting on these Resolutions, the U.S. led task force, Encourage Hope, assembled resettlement camps, which were run by NGOs, and maintained security zones to protect the camps. Ultimately, Operation Provide Comfort was in effect for four months and provided support to roughly 700,000 refuges.[62]

A. Benefits Derived From Safe Zones

The most important benefit to be reaped from a safe zone is that millions of civilians fleeing conflict areas will have a place to go to that will provide them security. For example, a neutralized zone would threaten neither the rebel forces nor the government's interests. As

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[56] UN Security Council. *Report of the Secretary-General on Children and Armed Conflict*, 20 April 2016. A/70/836.
[57] *Id.*
[58] Operation Provide Comfort. http://www.globalsecurity.org/military/ops/provide_comfort.htm
[59] *Id.*
[60] UN Security Council. *Security Council resolution 687 (1991) [Iraq]*, 8 April 1991. S/RES/687.
[61] UN Security Council. *Security Council resolution 688 (1991) [Iraq]*, 3 April 1991. S/RES/688.
[62] *Supra*, note 58.

noncombatant displaced persons populate the zone, they will leave areas that both parties want them out of. Further, effective safe zones could be fashioned via collaborations with the U.N Security Council Resolution that expressly sanctions a safe zone, and such collaboration would allow for partitioned zones to remains safe.

The refugee camp in Kilis, Turkey, should provide the template for the infrastructure of safe zones. The camp in Kilis provides housing that is at least commensurate with what many refugees would be given in Europe or elsewhere as it has power lines, street lights, schools (with many teachers), playgrounds, and even maintenance for housing issues.[63] There are multiple large structures for the schools and nearly 2,225 students attend school at the refugee camp in Kilis.[64] Showing that safe schools within crisis-affected countries are achievable.

B. Problems Implementing Safe Zones

Determining where a safe zone should be established is complicated. For example, many Syrian cities have been reduced to rubble and there are few areas where fighting has ceased entirely. Further, safe zones require resources and protection. It requires an army of soldiers to protect the individuals living in these camps in order to prevent the opposition groups from attacking them. This may be difficult to achieve. However, those countries that are providing weapons to areas of conflict should have a higher incentive to take responsibility for the consequences of their actions and should consider funding safe zones.

Another significant impediment to establishing a safe zone is cost. Significant expenditures both in monetary terms and in terms of personnel on the ground are required to establish and enforce a safe zone. The costs could be particularly high given that usually neither

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[63] The New York Times Magazine, *How To Build a Perfect Refugee Camp.*
http://www.nytimes.com/2014/02/16/magazine/how-to-build-a-perfect-refugee-camp.html?_r=0; BBC News, Inside the Kilis camp at the Turkey-Syria border, http://www.bbc.com/news/world-europe-35537919
[64] *Id*.

the rebel forces nor the government forces have made real or lasting progress in capturing and securing a territory. Consequently, military engagement might be required in order to carve out a suitable parcel of land that could support a safe zone. Understandably, the cost of implementing a course of action to establish a safe zone is onerous. Notwithstanding, the savings realized by not having to implement integration programs and from giving children access to healthcare, housing, and education, among other myriad of rights, would offset a portion of the costs associated with a safe zone.

V. Conclusion

Decades of research indicate that the future success of every child is in many ways determined before he or she turns eight years old.[65] States should take responsibility for their actions and start thinking about the future of their youth. Children are the building block of a country and they are the future that a country can steadily rely on. Unfortunately, politics has pushed education to take a backseat in our society as governments are slowly attempting to make changes. However, this slow progress, although commendable, is not enough to ensure that children are afforded their essential right to education.

Children in armed conflict are deprived of basic health care, education, and are usually forced to leave their homes and occupy camps. Some children are born in camps after displacement while other children start to believe that camps are their permanent homes. Parents struggle on a daily basis to provide for their children and education has taken the backseat in their struggles. Even when children are not displaced they have to face military forces and armed groups while they attend school. The Human Rights Council has recognized the negative impact of conflict and crisis on the full realization of the right to education, and that a large

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[65] NationSwell, *Ask the Experts: How Can We Fix Early childhood Education?* http://nationswell.com/ask-experts-can-fix-early-childhood-education/

proportion of the world's out-of-school population lives in conflict-affected areas.[66]

Understanding the problem is the first step to realizing a solution, the effects of which could foster a healthier environment for the future generation. States should work harder in order to improve the education sector for the children in armed conflict.

VI. Recommendations

Human Rights Advocates urges:

1. The Human Rights Council:

    a. To set up a mechanism to enforce its guidelines and its recommendations under the 2015 Resolution 28/19 are being complied with, particularly holding states accountable to ensure that children are protected from direct conflicts.

    b. To request the Security Council to collaborate with Human Rights Council regarding issues such as:

        — Create a body to monitor and report on the sale of weapons to areas involved in armed conflicts;

        — Consider the issue of sanctions on all governments involved in armed conflicts that affect children;

        — Require countries providing weapons to areas of conflict to take responsibility for the consequences and consider funding safe zones.

2. State Parties:

    a. Take steps to ensure that children are protected during times of war, and from recruitment into armed forces;

    b. Offer post-war education for children involved in armed conflicts;

    c. Create safe zones where children can thrive, obtain education, and can be safe.

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[66] *Supra*, note 5.