

This guide is part of a series of thematic guidance notes providing practical advice on monitoring various aspects of the right to education from a human rights perspective. These guides are based on, and supplement, the Right to Education Initiative's (RTE) right to education monitoring guide, which provides a human rights framework for monitoring education and education-related issues, as well as our experiences across various monitoring initiatives that we have undertaken with partners from all over the world.

This report was written by Juliana Lima, with input from Delphine Dorsi and Erica Murphy. Special thanks to Jerome Marston, Marika Tsolakis, Peter Hyll-Larsen, Bede Sheppard, and GCPEA and partners for their generosity of time, guidance, and comments.

This guide is not exhaustive. For more resource intensive indicators, please review Global Coalition to Protect Education from Attack's (GCPEA) Toolkit for Collecting and Analyzing Data on Attacks on Education.

ABOUT THE RIGHT TO EDUCATION INITIATIVE

The Right to Education Initiative (RTE) is an international human rights organisation focusing on the right to education. We promote education as a human right, striving for a world where everyone, without discrimination of any kind, can fully enjoy the right to education in all its dimensions.

We link global, national and local research and evidence based policy dialogue to campaigning and advocacy with the aim of accelerating progress towards the realization of the right to education for all through positive and concrete changes on the ground.

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INTRODUCTION

More than 11,000 attacks on education were reported between 2015 and 2019, affecting over 22,000 students, teachers, and academics, according to Education Under Attack 2020, a report published by the Global Coalition to Protect Education from Attack (GCPEA).

The impact of these attacks on the lives of those affected can be disastrous. Attacks on students, teachers, staff and/or educational facilities have long-term impacts on access to and quality of education, putting at risk an entire generation of children and youth. Children in fragile, conflict-affected countries are more than twice as likely to be out of school compared with those in countries not affected by conflict; similarly, adolescents are more than two-thirds more likely to be out of school.

Furthermore, conflict usually exacerbates existing inequalities, increasing - or leading to new forms of - discrimination. For example, girls and minority groups may be directly or indirectly targeted, deepening prior social and gender gaps. Human Rights Watch has reported that militant islamist groups have attacked schools and universities in Pakistan with the intent of fostering intolerance and exclusion, and particularly driving girls out of school. In Nigeria, Boko Haram's hostility towards secular education has turned girls, female teachers and girl's schools into targets of military attacks, leading to abductions, sexual violence, forced marriage, and other types of psychological and physical abuse.³ Girls are also more likely to suffer from sexual violence during or in the aftermath of attacks on schools.⁴

The destruction of educational facilities due to airstrikes, shelling or armed combat, and the occupation and use of schools and universities as barracks, shelters, weapon storage, training or



² Education For All, Global Monitoring Report, Policy Paper 21, June 15, available at https://www.globalpartnership.org/results/education-data-highlights



More than

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interrogation centers by military forces usually lead to the partial or complete closure of schools. This prevents boys and girls accessing their right to education, exposing children to violence and increasing the risks of child recruitment into fighting.

Learning environments play a crucial role in bringing stability, and emotional and physical protection to many. Continuity of education during hostilities can reduce the psychological and traumatic effects of conflict and ensure social cohesion and development. With the Covid-19 pandemic prompting school closures all over the world, there is a higher risk that armed parties will take over schools for military use. In light of this, Human Rights Watch has launched a new call for action, appealing to the international community to work together to avoid armed parties exacerbating the consequences Covid-19 on education systems around the globe.

³ For a thorough analysis of the impacts of attacks on girl's education in Nigeria see in particular GCPEA's report: "I Will Never go Back to School": Impacts of Attacks on Education for Nigerian Women and Girls.

⁴ GCPEA, Education under Attack 2020, Executive Summary, p. 15.

⁵ Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Virginia Gamba, on the Security Council open Debate on Children and Armed Conflict, September 10, 2020 https://children.and-armed-conflict/.

⁶ Human Rights Watch, <u>Protecting Education from Attack During Covid-19</u>, A New Day, a New Call for Action.

⁷ According to the <u>Unesco's Global Monitoring of School Closure</u>, by mid september 2020, over 860 million students were affected by school closures due to the global pandemic, representing almost half of the total number of enrolled students (49,6%) worldwide.

BOX I. DEFINITION OF ATTACKS ON EDUCATION

Attacks on education are defined as 'any threatened or actual use of force against students, teachers, academics, education support and transport staff (e.g. janitors, bus drivers), or education officials, as well as attacks on education building, resources, material, or facilities (including school buses)'8.

According to the Global Coalition to Protect Education from Attack, 'attacks on education take various forms and may be carried out for political, military, ideological, sectarian, ethnic, or religious reasons. In some cases, attackers use explosive weapons, arson, or gunfire to damage or destroy school or university facilities. In other cases, attackers directly target students and education personnel with force or threats of force, including sexual violence. Armed forces, law enforcement, other state security entities, and nonstate armed groups, also use schools and universities for military purposes, sometimes while students and teachers continue to attend, or use schools, or school routes, to recruit children to their groups. These attacks have devastating effects on human lives, educational systems, and long-term peace and development'.9

Between April 2017 and December 2019, Burkina Faso, Mali, and Niger witnessed a six-fold increase in school closures due to violence. Across these three countries, the number of schools closed or non-operational increased from 512 in April 2017 to 3,315 in December 2019. By the end of 2019, more than 3,300 schools had been closed, affecting almost 650,000 children and more than 16,000 teachers. ¹⁰ The long and ongoing conflict in Syria has also taken a devastating toll on the right to education. Nearly 280,000 children have had their education interrupted as a result of conflict. At least 180 schools in the Idlib area are non-operational, because they were damaged, destroyed, or are sheltering displaced families. ¹¹ In Yemen, an average of one attack on education per day was reported between

2015 and 2019. This represents just over 2,000 incidents in the five-year period.

When students, teachers and staff are targeted or attacked, when schools and universities are blocked, shelled or used by military forces as training camps, it is the realisation of the human right to education that is under attack. It is thus crucial to enforce the right to education during hostilities and armed conflicts.

This monitoring guide is designed to help civil society organisations¹³, and journalists, photojournalists and videographers¹⁴ monitor education under attack from a human rights perspective. It will guide you through the importance of monitoring (I), give you advice on what to look for and how to collect data (II), provide you with a list of indicators you might want to look at (III) and recommendations on how and who to report to (IV) when identifying violations of the right to education.

Continuity of education during hostilities can reduce the psychological and traumatic effects of conflict and ensure social cohesion and development.

⁸ GCPEA, Education under Attack 2018, "What are attacks on Education?".

⁹ GCPEA, Education under Attack 2020, p. 9.

¹⁰ UNICEF. DHS 2010, Niger DHS 2012, Mali MICS 2015.

¹¹ UNICEF, press release, 20 february 2020, https://www.unicef.org/press-releases/children-and-teachers-killed-schools-and-kindergartens-attacked-idlib.

¹² GCPEA, Education under Attack 2020, Executive Summary, p. 8.

¹³ If you are a CSO with experience in monitoring education under attack, you might want to look at GCPEA's <u>Toolkit for Collecting and Analyzing Data on Attacks on Education</u> for supplemental and more resource intensive indicators.

¹⁴ See also Education Under Attack: a guidance note for journalists and photographers.



Education is not a privilege. It is a human right.

Education as a human right means:

- the right to education is legally guaranteed for all without any discrimination
- states have the obligation to protect, respect, and fulfil the right to education
- there are ways to hold states accountable for violations or deprivations of the right to education



Monitoring is a fundamental approach to promoting human rights. Collecting and disseminating data about unfulfilled rights and about rights violations puts pressure on duty bearers to meet their obligations to respect, protect and fulfill human rights.

Under international human rights law, states have a legally binding obligation to ensure the full realisation of the right to education for all and at all times. The Geneva Conventions and their Additional Protocols set the boundaries for the legal protection of civilians in armed conflicts, establishing obligations to all parties in conflict, including non-state armed forces. International criminal law ensures that individuals can be prosecuted for international crimes, such as war crimes and crimes against humanity, and refugee law protects those who have been forcibly displaced by conflict. A whole range of regional human rights instruments, such as the European Convention on Human Rights, the African Charter on the Rights and Welfare of the Child, and the Arab Charter on Human Rights reinforce the protection of the right to education at the regional level.

In addition, a large number of soft law instruments and international policy frameworks, including the Education 2030 Incheon Declaration and Framework for Action and the 2030 Agenda for Sustainable Development, recognise the importance of the right to education and set goals for its implementation. Currently, more than 110 States have made a political and ethical commitment to protect students, teachers, schools and universities from attack during armed conflict by endorsing the Safe Schools Declaration (2015), which includes a commitment to implement the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict. The Declaration

also includes specific commitments to collect and report on attacks on education and to hold perpetrators accountable for such violations.

Despite this solid legal architecture protecting the right to education, state and non-state armed groups continue to perpetrate attacks on education, putting children, teachers, and educational staff in physical, social, and psychological danger. Documenting the violations of their duty to respect, protect, and fulfill the right to education is thus fundamental to minimise the impact of conflict on education and to ensure accountability.

BOX II. WHY MONITOR ATTACKS ON EDUCATION?

Monitoring attacks on education is crucial to:

- verify compliance with international, regional, and national laws
- report and raise awareness about the ongoing situation
- ensure that those responsible for violations of the right to education are held accountable for their action (commission) and/or their inaction (omission)
- collect evidence for legal accountability (see box IX)
- assess the needs of affected children and teachers
- evaluate the short- and long-term impacts of conflict on the educational system
- enable the development and implementation of policy strategies to prevent, minimise and reduce its consequences.

Currently, more than 110 States have made a political and ethical commitment to protect students, teachers, schools and universities from attack during armed conflict by endorsing the Safe Schools Declaration (2015)

HOW TO MONITOR ATTACKS ON EDUCATION FROM A HUMAN RIGHTS PERSPECTIVE

Monitoring from a human rights perspective implies verifying if the normative international framework that sets human rights obligations and standards is being upheld by duty bearers.

Monitoring from a human rights perspective implies verifying if the normative international framework that sets human rights obligations and standards is being upheld by duty bearers. Thus, the first thing you need to do is to identify the legal framework safeguarding the right to education (A). Then you need to define the geographical and thematic focus of your monitoring project and analyse its feasibility (B). You might want to collect relevant existing data before doing any fieldwork (C).

A. LEGAL FRAMEWORK

States are the primary <u>duty-bearers</u> to the right to education. It is their responsibility to respect and safeguard the right of every person to access and enjoy quality education, including in times of conflict. From a human rights perspective, your first step is thus to identify the international and national laws protecting the right to education.

Start by checking if the state(s) considered in your monitoring project has(have) ratified the <u>international treaties</u> protecting the right to education (check the <u>OHCHR Database</u>). You may also want to verify if the state has endorsed the <u>Safe Schools Declaration</u> and the <u>Guidelines for Protecting Schools and Universities</u> from Military Use during Armed conflict.

BOX III. INTERNATIONAL LEGAL FRAMEWORK AND POLITICAL INSTRUMENTS

International Humanitarian Law

- The Four Geneva Conventions (1949)
- Additional Protocols I & II to the Geneva Conventions (1977)
- Rome Statute of the International Criminal Court (1998)

International Human Rights Law

- Convention on the Rights of the Child (1989)
- Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- International Covenant on the Elimination of All Forms of Racial Discrimination (1965)
- UNESCO Convention against Discrimination in Education (1960)
- Convention on the Elimination of All Forms of Discrimination against Women (1979)
- International Convention for the Protection of All Persons from Enforced Disappearance (2006)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their families (1990)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1987)
- Convention on the Rights of Persons with Disabilities (2004)
- ILO Conventions 29 (1930) and 182 (1999)

Non-Binding/International political instruments

- Safe Schools Declaration
- Guidelines for Protecting Schools and Universities from Military Use
- Abidjan Principles on the Right to Education
- Security Council Resolutions on children and armed conflict: 1261 (1999), 1314 (2000), 1379 (2001), 1460 (2003), 1539 (2004), 1612 (2005), 1820 (2008), 1882 (2009), 1998 (2011), 2068 (2012), 2134 (2014), 2225 (2015), 2427 (2018).

- International Instruments: Right to Education; UNESCO,
- Right to education Handbook 2019; Office of the Special
 Representative of the Secretary General for Children in Armed
 Conflict,
- Working Paper 1: The Six Grave Violations Against Children During Armed Conflict. The Legal Foundation; Education Above All,
- Protecting Education in Insecurity and Armed Conflict: An International Law Handbook.

Then, you need to consider <u>national legislation and its implementation</u>. Understanding what is and what isn't within the bounds of domestic law and identifying relevant policies that you can consider looking at when collecting data on the ground helps shape your focus and prepare your fieldwork. To this end, you should look at the State's constitution, at the State's education laws, at the State's financial allocation to the education

sector, and at any other legal provisions affecting the right to education, including military legal frameworks.



Check our notice on where to find information on the status of international and domestic law.

Consider also checking if the State has made steps to incorporate the <u>Abidjan Principles on the Right to Education</u> and endorsed the <u>International Safe Schools Declaration</u>.

BOX IV. ASK YOURSELF

- What international Human Rights instruments have been ratified by the country under review? Check the <u>OHCHR</u> Database.
- Is the right to education enshrined in constitutional law or in primary domestic legislation? If so, to what extent? Check the local constitution and education law.
- What policies to protect education from attack does the government have in place? Do policy documents include a timeline and budget? Check education and military programmes and budget. See also if the state has endorsed the <u>Safe Schools Declaration</u> and the <u>Abidjan Principles</u>.

B. DEFINING YOUR FOCUS AND PLANNING YOUR FIELDWORK

Once you are aware of the international and national laws protecting the right to education, you can define your focus by establishing the geographical and thematic scope of your monitoring. You may want to do comprehensive monitoring - engaging all aspects of the right to education at a regional or national level - or you might focus your monitoring on a specific topic - for instance, minority groups - and/or on a specific region - at a subnational level, for example. You will find more guidelines here on defining your focus.

Keep in mind that the primary purpose of your monitoring will be to identify and evaluate the respect and fulfillment of the right to education in conflict or post-conflict situations (outcome indicators). For example, if you are evaluating access to education in a war zone, you will look for incidents of attacks by state and/or non-state armed groups that might have disrupted the continuity of education. For instance, the destruction of a primary school or its military occupation may lead to its partial or complete closure. You will then evaluate the extent of the damage, for example, how many classes are/were closed and for how long, how many students are/were affected by it, etc.

Furthermore, you will want to identify progress made by duty bearers (state and armed groups) in the protection and realisation of the right to education (process indicators). For example, you might want to check if the state has endorsed the Safe Schools Declaration and if so, if it has made steps to implement policies that are coherent with the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

Once you have set the focus of your monitoring, it is important that you evaluate the feasibility of your project. To this end, you might want to consider a few challenges:

BOX V. CHALLENGES TO MONITORING EDUCATION UNDER ATTACK

It is important to acknowledge the difficulties in accessing sources and data in conflict and/or post-conflict situations. Furthermore, the nature of the context itself implies taking into account a number of safety and ethical issues. Here are some of the challenges you might face and some tips on how to overcome them:

Discontinuity of classic monitoring mechanisms and public data collection

In conflict and/or post-conflict scenarios, reliable data is often unavailable. War may disrupt data collection. You can refer to <u>international databases</u>. See also our guidelines on collecting data (II.C)

Politicisation of the context

The sensitivity of the political context may sometimes result in military surveillance, and create mistrust within the community. Those engaged in monitoring and/or those bearing witness might feel or be intimidated.

Identify reliable sources - humanitarian actors, local civil society organisations, witnesses, community leaders, minority leaders - and try to contact them in advance to see how they can help you plan and implement your monitoring project.

Also, conduct desk research on the history of the conflict and its evolution. It will help you identify geographical areas where education is under attack and sensible and safety issues related to each particular region.

Before going to the field, discuss with local civil society organisations and humanitarian actors working in the area in which you are planning to conduct your monitoring to get information on the situation on the ground and safety issues of concern, as they may evolve rapidly. This is of crucial importance to evaluate the feasibility of your research.

Abduction and attacks on humanitarian personnel

Avoid going into a war zone alone. If possible, go with a colleague. If you are a foreigner, try to contact a local civil society organisation representative or humanitarian agency with well established relations with military and/or armed groups occupying the area and team up with them when doing your monitoring (check hereafter a few suggestions on community monitoring – $\underline{\text{Box VI}}$ – and collaborating with war journalists and photographers – $\underline{\text{Box VII}}$).

You might want to inform your embassy of your presence in the area and, if possible, of all your movements. Note

that your embassy can also help you get in touch with local CSOs, indigenous, religious and community leaders, and give you advice on safety issues.

Disruption to the local transportation system, road destruction, landmines, and checkpoints

Inquire with local civil society organisations and humanitarian actors regarding the situation on the ground previous to your field research. Be aware of issues that might be of concern and plan on how to mediate them - inquire on the location and functioning of checkpoints, for example, and make sure you get appropriate accreditation. When planning your fieldwork timeline, you may want to consider unforeseen events that might influence your monitoring activities such as delays in obtaining the proper accreditation to enter a specific area.

Risks to witnesses and the community

Be aware of risks and data privacy, since collecting, maintaining, and sharing data on addresses, perpetrators, and nature of attack could put data collectors and communities at risk. Check $\underline{\text{Box X}}$ for more information on how to protect yourself and your sources.

An important part of planning your fieldwork is taking the time to assess your capacities and identify partners with whom you could work. You might want to consider partnering with local civil society organisations and engaging citizens in community monitoring. You may also consider the possibility of partnering with war journalists and/or photographers: not only are they very good at telling stories, they might also collect visual data that can support your advocacy projects.

BOX VI. COMMUNITY MONITORING

People living in conflict zones are usually able and best positioned to document attacks on education.

Consider working with local communities and encouraging citizen monitoring to overcome challenges such as access to the ground, access to information, and collecting evidence. Identify community leaders and work with them to build a team that can document and report attacks on education

Make sure you give them simple guidelines on what to document and how to proceed. Encourage the use of visual data (photos and short films) – remember that your primary focus is to gather evidence, therefore, photos and videos do not have to be professional and can be shot with a smartphone. In all circumstances, make sure you give guidance on your organisation's child safeguarding protocol and ask collaborators to commit to it.

Be aware that civilians might be intimidated and/or threatened by armed parties and face particular risks if they collaborate in monitoring. Make sure your sources are aware of the risks and are willing to cooperate despite this.

Additional resources:

Ceasefire. Centre for Civilian Rights. Eyes on the Ground: Realizing the potential of civilian-led monitoring in armed conflict. 2017.

BOX VII. COLLABORATING WITH JOURNALISTS, PHOTOGRAPHERS, AND VIDEOGRAPHERS

You might consider collaborating with journalists, photographers, and videographers who are covering the region you are monitoring. This collaboration could prove to be very fruitful, especially if you are planning on documenting violations of the right to education with visual data, and/or gathering stories directly from the ground with the intent of nourishing your advocacy projects.

Define the terms of the partnership previous to any fieldwork: work with journalists and/or photographers and videographers to define the focus and the scope of their participation in your monitoring project and be open to their suggestions and ideas. Provide them with research questions that might help them know what to look for when gathering data on the ground. Share ethical and child safeguarding protocol with your partners and have them commit themselves to following the standard procedures. For more on why and how to collaborate with journalists, photographers and videographers see our brief on this subject: Education Under Attack: a guidance note for journalists and photographers

As an example, consider the multimedia essay RTE published on Education Under Attack in Ukraine (<u>Caught in the crossfire</u>: The right to education in eastern Ukraine) in collaboration with the photographer Diego Ibarra Sánchez and the videographer Ricardo Marquina Montañana.

Once you are aware of the international and national laws protecting the right to education, you can define your focus by establishing the geographical and thematic scope of your monitoring.

When designing your monitoring plan, you might want to consider the importance of qualitative and visual data. Stories put a human face to abstract rights and humanise your reporting.

BOX VIII. USING QUALITATIVE DATA TO IMPROVE YOUR ADVOCACY

Quantitative data is extremely important because it measures the enjoyment (or lack of enjoyment) of the right to education. Statistics usually provide researchers with the "big picture", allowing for comparison across time and/or places. For instance, if you measure the out-of-school rate before, during and after a specific conflict in one specific region, you might have an idea of the impacts of this conflict on the right to education in this region. But this information alone will not help you understand the underlying causes that kept children out-of-school, which can be linked to the destruction of educational facilities, to military use of schools, or simply to the fact that in a context of insecurity, parents fear sending their children to school.

On the other hand, qualitative data (gathered through interviews, focus groups, "on site" visits) may improve your comprehension of the context and help you interpret quantitative data. Testimonies, narratives, pictures and videos can:

- provide a better understanding of the underlying issues sustaining violations of the right to education, and ensure that the voices and life experiences of those affected by it are heard
- ensure that the perspectives, knowledge and priorities of affected communities are taken into account, therefore leading to informed policy designing
- constitute evidence for legal accountability (for e.g. criminal trials)

The use of qualitative and visual data can represent a risk for witnesses as well as for those collecting data. Check $\underline{\text{Box } X}$ for an ethical approach to sources and data.

Caught in the crossfire: The right to education in eastern Ukraine.

Another important aspect of planning is to consider collecting evidence for legal accountability.

BOX IX. MONITORING TO COLLECT EVIDENCE FOR LEGAL ACCOUNTABILITY

Violations of human rights can be the subject of legal proceedings. In the specific context of attacks on education, international human rights law as well as international criminal and humanitarian laws may be summoned to bring perpetrators justice, as for e.g., at the International Criminal Court (ICC).

With regards to attacks on education, evidence needs to be collected whilst hostilities are ongoing rather than after the fact, when they may already be destroyed. However, only certain kinds of evidence can be used in court: documentary, testimonial and/or any other piece of evidence must comply with international standards under penalty of being deemed inadmissible in court.

Refer to Global Rights Compliance's <u>Basic Investigative</u> Standards for International Crimes Investigations (the GRC-BIS app) to find out more about investigative and ethical principles that must be implemented throughout an investigation to ensure information is safely preserved.

Additional resources:

Save the Children, Advancing Justice for Children: Innovations to strengthen accountability for violations and crimes affecting children in conflict, 2018.

Finally, it is important to keep in mind that when conducting research on human rights and interviews with rights holders, you must observe some basic <u>principles</u> and respect relevant law and ethical guidelines throughout the whole monitoring process, especially if children are involved.¹⁵ These guidelines include doing no harm, ensuring transparency, respecting autonomy, protecting privacy, and treating people with dignity.

BOX X. ETHICAL PROCEDURES AND CHILD SAFEGUARDING PROTOCOL

- Ensuring transparency: Prior to conducting your research, make sure all your informants are aware of the purpose of your monitoring and the way you will use the information they provide you with.
- Respecting privacy: Respect your informants right to privacy and security. Consider ensuring anonymity if revealing names and/or locations might put them, their families or their community at risk.
- Respecting autonomy: Get prior, informed, and free consent - if possible, in written form.
- Doing no harm: Make sure you avoid exposing victims to unnecessary burden. Consider if you are not exposing your informants, their families and/or communities to any risks. When interviewing children, your primary consideration must be the child's best interest.
- Treating people with dignity: Adopt a conflict sensitive and gender-transformative approach (for example, girls might be more comfortable discussing sexuality issues with a woman). Respect cultural norms and customs (for example, if the norm is for a woman to cover her hair and if you are a woman, make sure you have a scarf or a veil over your head). When talking to children, make sure you have previous parental consent and use child sensitive language. When using visual data (videos or photos), make sure you have written consent of those concerned. When capturing children in photos or videos, make sure you respect their dignity: do not portray children in a way that is disrespectful, shameful, or that might expose them to any harm.

For more information, <u>review these guidelines</u> for gathering informed consent.

Additional resources:

- British Education Research Association (BERA), BERA <u>Statement on</u> Close-to-Practice Research, 2018
- British Education Research Association (BERA), <u>Ethical Guidelines</u> for Educational Research, 2018
- Ethical Research Involving children (ERIC), <u>Ethical Guidance</u> and <u>Getting Started</u>
- 15 Additional resources: Labby Ramrathan, Lesley le Grange and Lester Brian Shawa, Ethics in educational research, 2017. ERIC, Ethical Research Involving Children, <u>Guidance for Ethical Research Involving Children</u>.

C. GATHERING EXISTING DATA

Once you have defined the scope of your project, you will want to gather data on the situation of the right to education in the area in which you are planning to implement your monitoring program. First, you might want to verify existing data. For example, if your work is focused on the impact of armed conflict on girls' access to education, you will need evidence that girls enrollment and attendance rates have been adversely affected due to conflict. So you need to know the girls' enrollment and attendance rates before conflict broke out, in order to compare it to the current situation.

Remember that national governments and international development agencies regularly collect and publish education statistics. Because continuous monitoring of the right to education is the primary duty of states, you might first want to check if the national Ministry of Education or the National Statistics Office has published data relevant to your monitoring prior to implementing your field research.

Consider also referring to international databases, such as UNESCO, UNICEF, World Bank, OECD and UNDP Human Development Reports; education clusters and/ or alternative sources of data, such as academic data sets or monitoring projects conducted by civil society organisations (CSOs). You might also want to look at the Office of the UN Special representative for children in armed conflicts or the Global Coalition to Protect Education from Attack reports to have an idea of the situation in the area you are working on. Two very useful resources are the OCHA Humanitarian Data Exchange's Education and Conflict Monitor and GCPEA and Insecurity Insight's Education in Danger newsbrief. The InterAgency Network For Education in Emergencies (INEE) <u>Data and Evidence Collaborative</u> is very useful when looking for data and evidence. It can be of special interest for those looking for inspiring good practices of education in emergencies.

National governments and international development agencies regularly collect and publish education statistics, but war may disrupt data collection.

BOX XI: INEE MINIMUM STANDARDS FOR EDUCATION: PREPAREDNESS, RESPONSE, RECOVERY

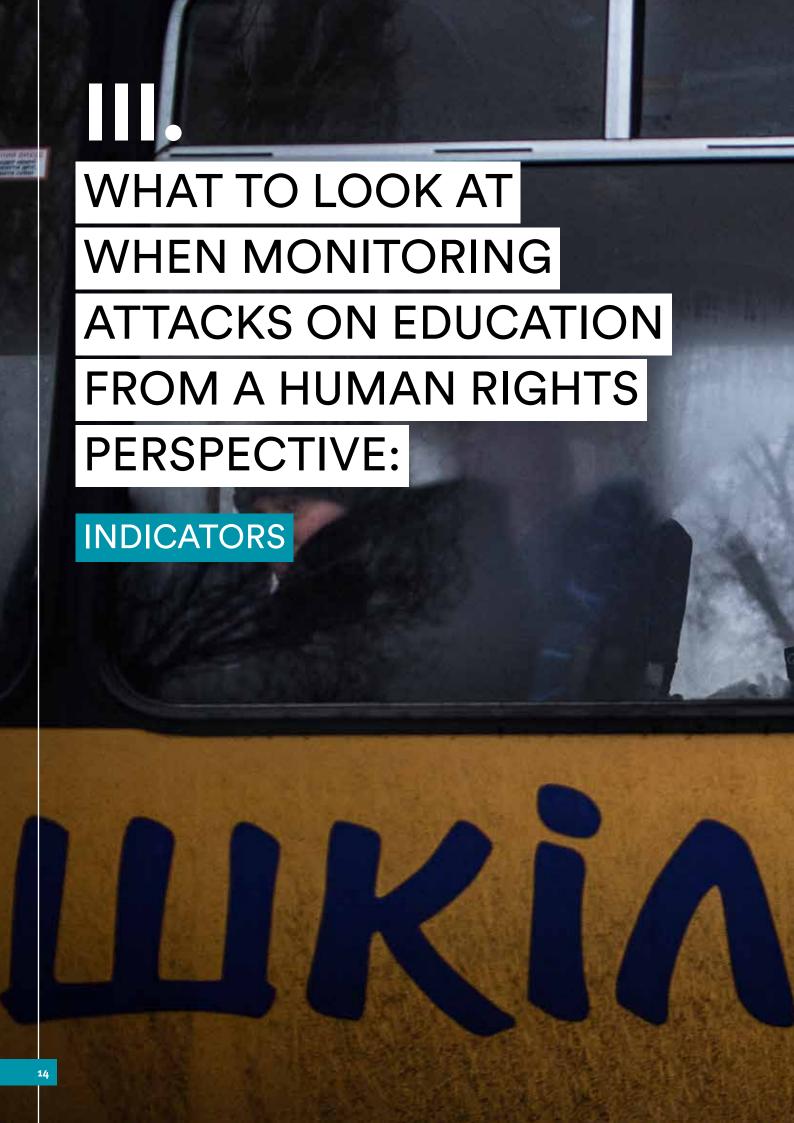
These standards articulate the minimum level of educational quality and access in emergencies through to recovery. They can be used as a capacity-building and training tool for humanitarian agencies, governments and affected populations to enhance the effectiveness and quality of their educational assistance. They help to enhance accountability and predictability among humanitarian actors and improve coordination among partners, including education authorities. The INEE Minimum Standards are founded on the Convention of the Rights of the Child, the Dakar 2000 Education for All goals, and the Sphere Project's Humanitarian Charter.

For further resources on the importance of data and guidelines on how to access them, read our <u>monitoring</u> <u>guide</u> - in particular, <u>section 2.2</u>.

In all circumstances, when relying on existing national data it is important to bear in mind that it reflects the political choices and biases of those who were involved in its original collection. Therefore, whenever possible you should use a standard data source that is internationally accepted. Whenever doubts have been raised about the veracity of specific data, <u>assess its reliability</u>.

You might check all the sources and still lack some information. This could be the case if you are looking for disaggregated data at a sub-national level. Some states fail to disaggregate data by regions and districts and it might be very difficult to find statistics on the area in which you are planning to conduct your monitoring. In this case, you can gather as much information as possible when implementing your monitoring on the field. For example, if you are visiting one facility in order to document the shelling of a primary school and its impacts on the community, you might want to take the time to interview the school director, teachers, and staff. They are usually able to inform you on the precise details of enrollment, drop-out and attendance rates in their school. Or, if you are documenting girls' attendance to school during conflict, you may want to interview parents, members of the Parent Teacher Association (PTA), and school staff. They might be able to explain why girls are staying home whereas boys continue to go to class.

In any case, prior to gathering information from the field, you need to define the indicators that will allow you to identify human rights violations in the context of attacks on education.





A rights based approach to attacks on education involves investigating a specific incident or allegation of human rights violation based on human rights and humanitarian law, collecting a set of facts that proves the incident occurred and how it occurred, and documenting it.

Once you have designed and planned your monitoring, identified relevant existing data to the matter and partners to work with on the field, you need to focus on the indicators that will allow you to identify one - or a set of - attacks on education, measure its extent and the short and long term consequences to the right to education.

An indicator is a 'trend or fact that indicates the state or level of something' (Oxford Dictionary). Indicators differ from statistics, which tend to be purely descriptive, in that they have a reference point. In the case of Human Rights indicators, the reference point is Human Rights norms, standards and principles. In situations of armed conflict, international humanitarian laws must also be taken into account when designing your indicators.

BOX XII. DEFINITION: HUMAN RIGHTS INDICATORS

'A human rights indicator is specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards; that addresses and reflects human rights principles and concerns; and that can be used to assess and monitor the promotion and implementation of human rights. Defined in this manner, some indicators could be unique to human rights because they owe their existence to specific human rights norms or standards and are generally not used in other contexts'. *OHCHR*, <u>Human Rights Indicators</u>. A <u>Guide to Measurement and Implementation</u>, *2012*, *p. 16*.

A rights based approach to attacks on education involves investigating a specific incident or allegation of human rights violation based on human rights and humanitarian law (see section II.A), collecting a set of facts that proves the incident occurred and how it occurred, and documenting it.

To help you approach human rights and humanitarian law violations in the context of attacks on education, RTE has identified three categories of attacks (box XIII), with an accompanying list of qualitative and quantitative outcome indicators for each. Separately, we present

a list of transversal and crosscutting <u>structural</u> and <u>process</u> indicators that apply to more than one category and that are crucial to the analysis from a human rights perspective. Structural indicators measure the commitments made by states in order to meet their obligations regarding the right to education. Process indicators refer to the efforts duty-bearers are making to transform commitments into effective enjoyment of the full right of education.

BOX XIII. CATEGORIES OF ATTACKS ON EDUCATION¹⁶

- Attacks on schools and universities
- Attacks on students, teachers and other educational personnel
- Military use of schools and universities

The following sections present the outcome indicators that are appropriate for each category of attack on education, as well as the transversal structural and process indicators that are common to all three categories. At the end of each section you will also find a flow chart, presenting a summary of each category, including research questions, and qualitative and quantitative indicators. The flow charts were designed as a user-friendly printable memo that you can take with you to the field when conducting primary research.

Detailed information for each indicator (definition, relevant comments, legal framework and how to interpret data) can be found in RTE's monitoring guide by accessing specific indicators for Armed Conflict by using our <u>indicator selection tool</u>. They can also be accessed for downloading and printing <u>here</u>.

Please note that when monitoring attacks on education, it is crucial to have indicators that can be disaggregated by incident¹⁷. *One incident is one reported attack on education*. Box XIV summarises what you need to document for each category.



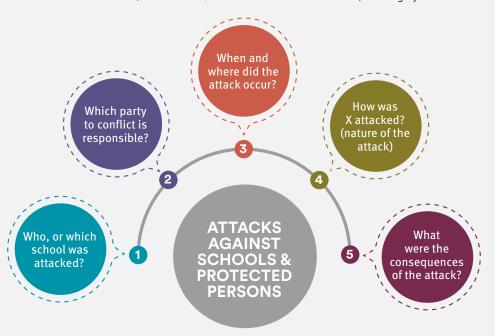
Disaggregation by incident allows for collecting detailed qualitative data that is important to measure the type and the extent of human and material damages caused by the attack, allowing for a better comprehension of the state of the right to education in a conflict or post conflict given situation. The sum of all the qualified incidents lead to quantitative indicators.

RTE has limited the attacks to three categories, but other organisations work with different classifications. For example, GCPEA works with five attacks on education and the military use of schools and universities, for six total. See GCPEA Toolkit for Collecting and Analyzing Data on Attacks on Education as well as their Education Under Attack reports.

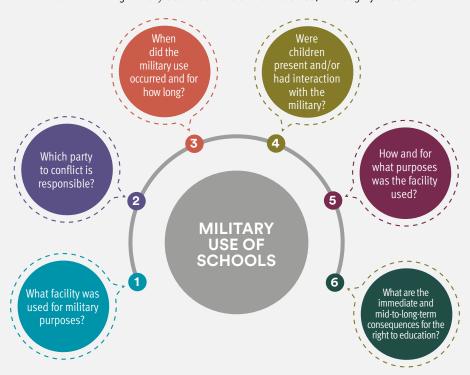
¹⁷ For more resource intensive indicators, please consult the Global Coalition to Protect Education from Attack (GCPEA) <u>Toolkit for</u> <u>Collecting and Analyzing Data on Attacks on Education</u>.

BOX XIV. WHAT YOU NEED TO DOCUMENT FOR EACH INCIDENT

When monitoring Attacks on Schools and Universities and Attacks on Students, Teachers and/or Other Educational Personnel, thoroughly document:



When monitoring Military Use of Schools and Universities, thoroughly document:



Adapted from : United Nations. Office of the Special-Representative of the Secretary-General for Children and Armed Conflict. Protect Schools and Hospitals. Guidance Note on Security Council Resolution 1998. New York, 2014, p. 9 & p. 11.

A. ATTACKS ON SCHOOLS AND UNIVERSITIES

This category includes targeted and indiscriminate attacks on schools, universities and other educational facilities. Schools and universities should be understood in a broad sense: the term includes primary and secondary schools, colleges, as well as kindergartens, preschools, technical and vocational training schools, and non-formal education sites. It also includes related infrastructure, such as playgrounds, libraries, school buses, and university campuses.

Attacks on schools and universities include airstrikes, ground strikes, bombing/shelling, explosions, looting, burning, and vandalism. It also includes attacks that occur in reasonable proximity to a school, because of the damages they can cause to educational facilities' infrastructure, and because they expose children, youth and educational personnel to violence and injuries. Threats that lead to the closing of schools because of security issues related to armed conflict are also considered attacks on educational facilities, and are therefore included in this category.

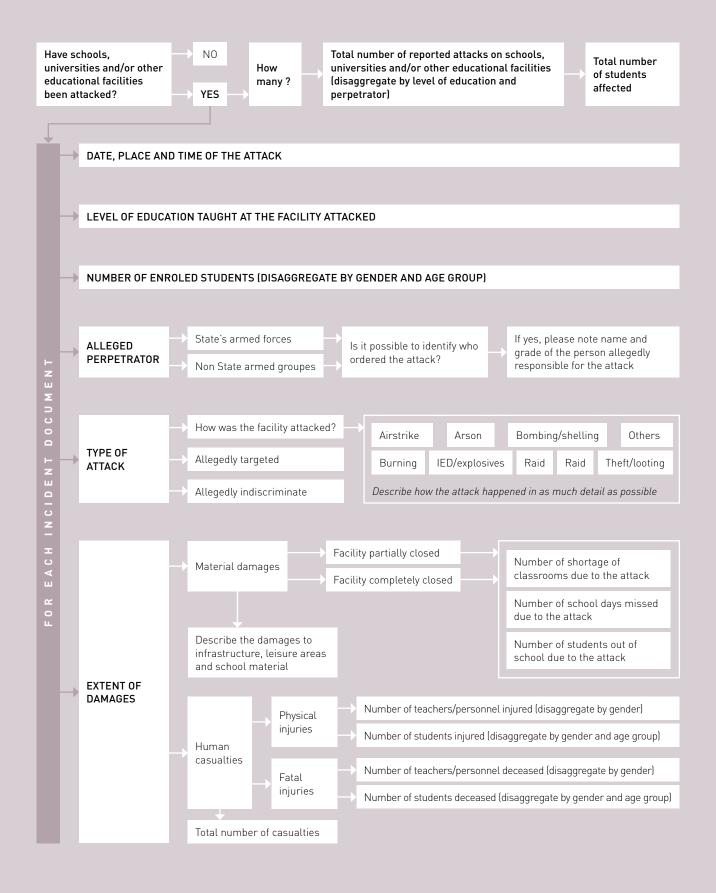
For examples of reports on attacks on schools, universities and other educational facilities check the virtual library of the Office of the Special Representative of the Secretary General for Children and Armed Conflict and reports from the Global Coalition to Protect Education from Attack.

- 1. ave schools, universities and/or other educational facilities been attacked?

 For each incident, disaggregate by perpetrator, gender of school attended by students, type of attack, and extent of material and human damages
- 2. Total number of reported military attacks on schools, universities, and other educational facilities
- 3. <u>Number of reported targeted attacks on schools,</u> universities, and other educational facilities

- 4. Number of reported *indiscriminate* (non-targeted) attacks on schools, universities, and other educational facilities
- 5. <u>Number of attacks on schools, universities, and other educational facilities perpetrated by state armed forces</u>
- Number of attacks on schools, universities, and other educational facilities perpetrated by non-state armed groups
- 7. Number of educational facilities with buildings in a state of disrepair due to military attacks on schools, universities, and other educational facilities
- 8. Number of students reported suffering from physical injuries as a consequence of attacks on schools, universities and/or other educational facilities
- 9. Number of teachers and educational personnel reported suffering from physical injuries as a consequence of attacks on schools, universities and/or other educational facilities
- 10. Number of students reported dead as a consequence of attacks on schools, universities and/or other educational facilities
- 11. Number of teachers and educational personnel reported dead as a consequence of attacks on schools, universities, and/or other educational facilities
- **12.** Number of reported human casualties as a consequence of attacks on attacks on schools, universities, and/or other educational facilities
 - For the legal framework and tips on how to gather and analyse data for each indicator, see here
 - For more resource-intensive indicators check the GCPEA's Toolkit for Collecting and Analyzing Data on Attacks on Education

ATTACKS ON SCHOOL, UNIVERSITIES AND/OR OTHER EDUCATIONAL FACILITIES



B. ATTACKS ON STUDENTS, TEACHERS AND/OR OTHER EDUCATIONAL PERSONNEL

This category includes injuries, torture, abduction, forced disappearance, sexual violence, child soldier recruitment, use of human shields, killings, and threats of violence (such as coercion or extortion), that occur in educational facilities, when students, teachers and personnel are on their way to or from school, or otherwise if individuals are explicitly targeted because of their status as students or educators. Attacks on students and teachers include not only deliberate attacks but also reported incidents of placing students and teachers in harm's way by exposing them to return fire, including in the way to and from school, as for example, when a school bus is caught under crossed fire. It also includes acts of coercion, intimidation, or threats of physical force that create a climate of fear and repression that undermines academic freedom, including freedom of speech and choice of curriculum content.

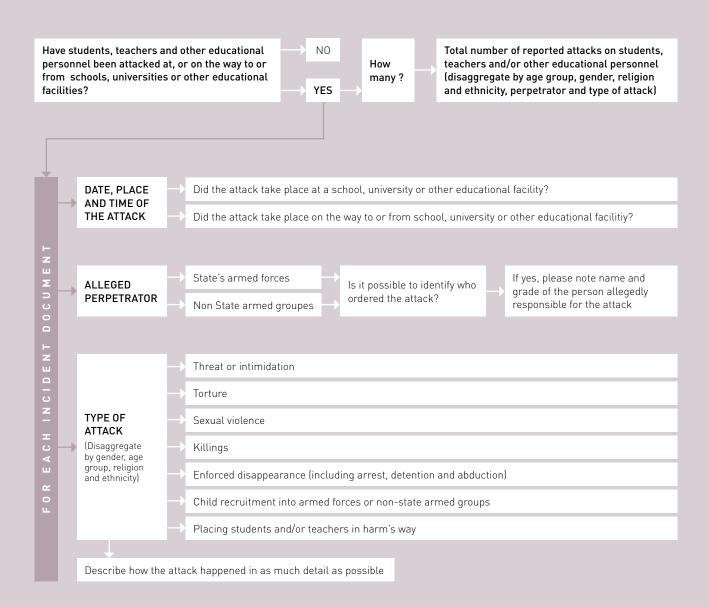
Students, teachers and staff of all levels of education, including preschool, kindergarten, vocational training and higher education, can be affected by these types of attacks.

As GCPEA's 2020 Education Under Attack Report points out, 'These attacks are distinct from attacks on schools in that the target appears to be people, rather than infrastructure. Attacks on school buses and vehicles carrying ministry officials, teachers or students are included in this category when people are targeted in the attack, as opposed to the infrastructure. Armed force or armed group members entering a school and opening fire are included only when the incident does not involve a complex attack involving explosives which aim to damage the facilities, in which case the incident would be classified under attacks on schools'.¹⁸

For examples of reports on attacks on schools, universities and other educational facilities check the virtual library of the Office of the Special Representative of the Secretary General for Children and Armed Conflict and reports from the Global Coalition to Protect Education from Attack.

- 1. Have students, teachers or other educational personnel been attacked at, or on the way to or from, school, university or other educational facilities?
 - For each incident, disaggregate by perpetrator, gender of student/educator, type and extent of the attack.
- 2. Number of reported attacks on students, teachers and/or other educational personnel
- 3. Number of reported attacks on students, teachers and/or other educational personnel perpetrated by state armed forces
- 4. Number of reported attacks on students, teachers and/or other educational personnel perpetrated by non-state armed groups
- 5. Number of reported incidents of threats and/or intimidations against students, teachers and/or other educational personnel
- 6. Number reported incidents of torture against students, teachers and/or other educational personnel
- 7. Number reported incidents of sexual violence
 against students, teachers and/or other
 educational personnel perpetrated at, or on the
 way to or from, school or university
- 8. Number of reported incidents of killings of students, teachers, and/or other educational personnel
- 9. Number of reported incidents of enforced disappearance of students, teachers, and/or other educational personnel
- **10.** Number of reported incidents of child recruitment at, or on the way to or from, school
- 11. Number reported incidents of attack on of students, teachers and/or other educational personnel by placing them in harm's way
 - For the legal framework and tips on how to gather and analyse data for each indicator, see here
 - For more resource-intensive indicators check GCPEA's Toolkit for Collecting and Analyzing Data on Attacks on Education

ATTACKS ON STUDENTS, TEACHERS AND/OR OTHER EDUCATIONAL PERSONNEL



C. MILITARY USE OF SCHOOLS AND UNIVERSITIES



This category includes situations where armed forces or non-state armed groups 'partially or fully occupy schools or universities and use them for purposes that support a military effort' 19. Common examples include using educational facilities as bases, barracks, and temporary shelters, fighting positions, weapons storage facilities, detention and interrogation centers; and military training or drilling soldiers.

Schools and universities should be understood in a broad sense: the term includes primary and secondary schools, colleges, as well as kindergartens, preschools, technical and vocational training schools and non formal education sites. It also includes related infrastructure, such as playgrounds, libraries, school buses, and university campuses.

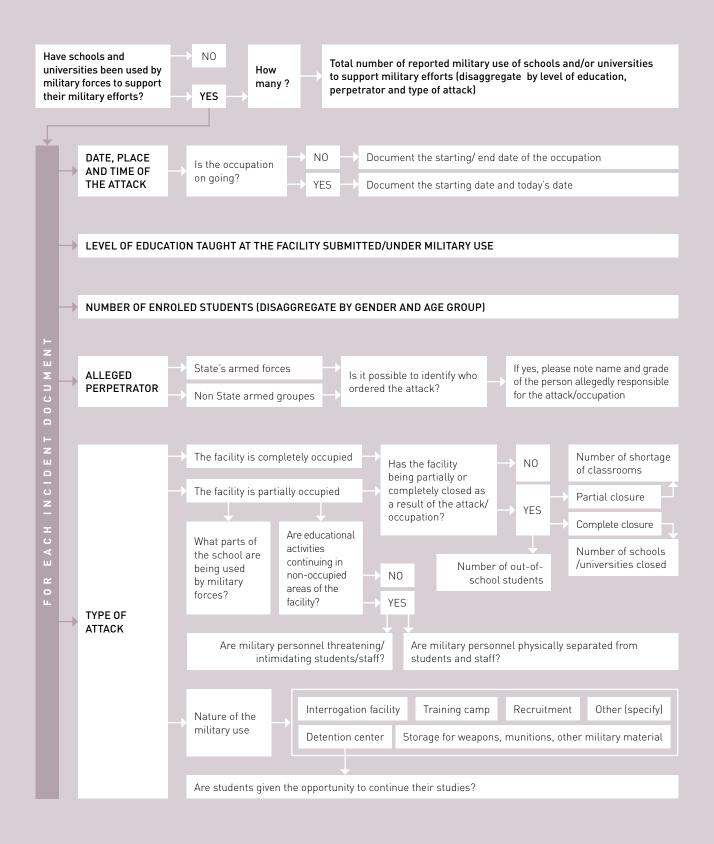
- 1. Have schools and universities been used by armed forces or non-state armed groups to support their military efforts?
 - For each incident, disaggregate by level of education, perpetrator, and type of attack.

- 2. Total number of reported military use of schools and/or universities to support military efforts
- Number of out-of-school students due to military use of schools and/or universities to support military efforts
- **4.** Number of reported incidents of military use of schools by state armed forces
- Number of reported incidents of military use of schools by non-state armed groups
 - For the legal framework and tips on how to gather and analyse data for each indicator, see here
 - For more resource-intensive indicators check GCPEA's Toolkit for Collecting and Analyzing

 Data on Attacks on Education

¹⁹ GCPEA, Toolkit for Collecting and Analyzing Data on Attacks on Education, p.87.

MILITARY USE OF SCHOOLS AND UNIVERSITIES



D. TRANSVERSAL INDICATORS

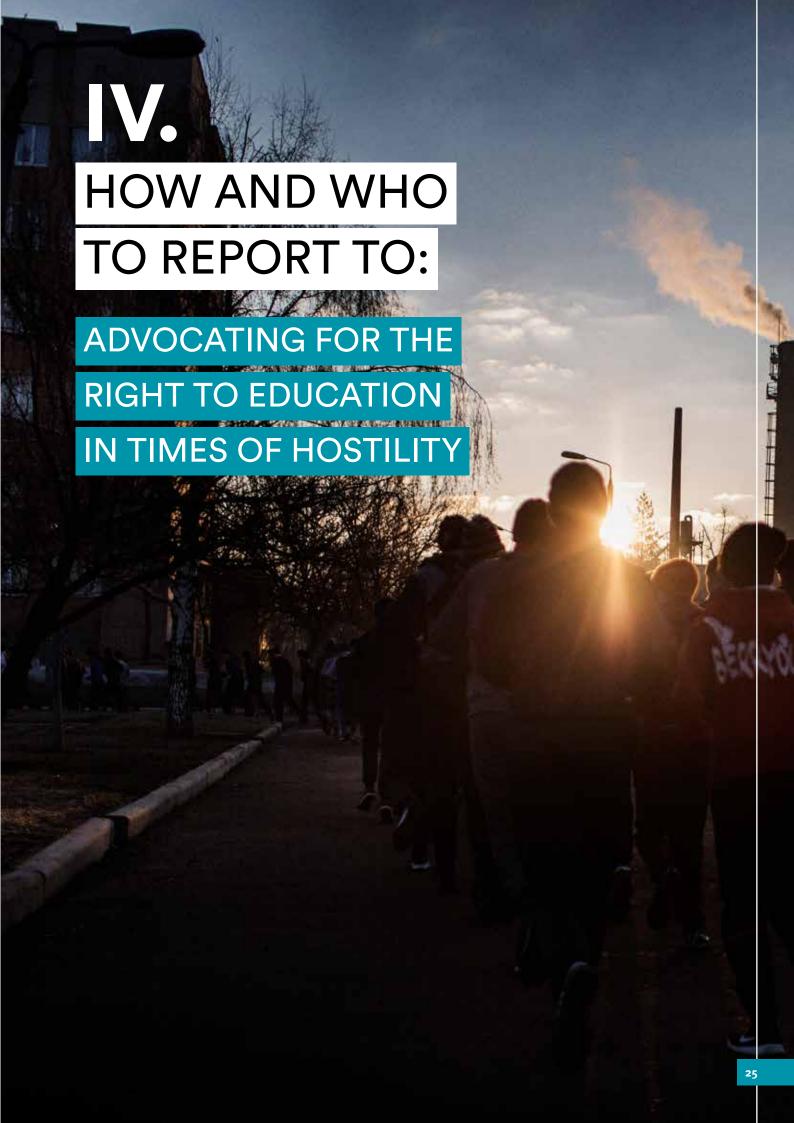
- 1. Number of reported incidents of schools partially or completely closed, or not allowed to open, due to attacks on education
- 2. Has the state endorsed the Safe Schools

 Declaration and the Guidelines for Protecting

 Schools and Universities from Military Use during

 Armed Conflict?
- 3. Has the government made steps to implement the Safe Schools Declaration by incorporating the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict into national law and/or policies?
- 4. Are there specific state policies or programs aiming to raise awareness of the Safe School Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict?
- 5. Has the government adopted specific measures to prevent and combat attacks on education, including military use of schools and universities?
- Are there any specific military orders, policies or programs to prevent sexual violence at and on the route to and from school by national armed forces and/or foreign forces present in the country (e.g. "zero tolerance policy")?
- 7. <u>Do national armed forces provide security to educational facilities in conflict-affected areas?</u>
- 8. Are there any provisions in domestic policy or any operational frameworks that address the use and/ or requisition of educational facilities (abandoned or functioning) by armed forces during armed conflict?

- 9. Are there legal provisions and or policies that establish that if schools are blocked or attacked the state can requisition other public facilities to serve as classrooms in order to ensure continuity of education during hostilities?
- 10. Is there any law banning the military use of educational facilities or training exercises in and around educational institutions?
- 11. What is the minimum age of military recruitment?
- **12.** Are there specific programs to reintegrate demobilised child soldiers in the educational system and monitor their learning abilities?
- **13.** <u>Is children's education ensured by the occupying</u> power?
- **14.** In the case of territorial occupation, does the state recognise diplomas from the occupied territories?
- **15.** Are children prisoners-of-war given the means to pursue their educational activities?
- **16.** Teacher absenteeism rate
- **17.** Out-of-school children rate
- **18.** Primary net enrolment rate (%)
- 19. Gross enrolment ratio (GER) (%)
- 20. Primary completion rate (%)
- 21. Secondary completion rate (%)
- 22. Tertiary completion rate (first degree) (%)
- **23.** Repetition rate



Once you have collected data from the ground, you need to triangulate and cross analyse it in order to understand all the human rights implications of attacks on education.

Once you have collected data from the ground, you need to triangulate and cross analyse it in order to understand all the human rights implications of attacks on education. Consider sharing raw information on reported incidents with organisations that are engaged in monitoring attacks on education regionally and/or globally - they can incorporate reported data into their reports on global numbers of attacks on education or treaty noncompliance.

A. INTERPRETING DATA

For each indicator we have provided some tips on how to interpret the data - and, eventually, the need to cross-analyse findings from more than one indicator in order to get the full picture of the state and the enjoyment of the right to education related to a specific issue.

You can also find detailed guidance on benchmarking and interpreting the data you have collected from a human rights perspective on steps 2.3–2.4 and 3.3–3.4 of the right to education monitoring guide, as well step 4 on analysing resources and step 5 on monitoring whether the process of policy-development and implementation conform to the well-established human rights principles of participation, accountability, and transparency.

However, if you need help exploring the data you gathered during your monitoring, you might consider sharing the raw information (primary data that has not been treated or analysed) which you have gathered on the ground with civil society organisations that have the necessary expertise to interpret and analyse it, such as:

- ► <u>Ceasefire Centre for Civilian Rights</u>
- ► Education Above All Foundation
- ▶ Global Coalition to Protect Education from Attack
- ► Global Partnership for Education
- ► <u>Human Rights Watch</u>
- Inter-Agency Network for Education in Emergencies

B. WRITING UP YOUR FINDINGS

Once you have analysed your findings, you can make both contextual and human rights-based recommendations, upon which you can base your advocacy.

How you present your findings will depend on the advocacy aims of your project and your intended audience. There are various types of advocacy you can undertake to bring about the change you want to make, for example:

- Political <u>advocacy</u> or lobbying: Influencing decision-makers, legislators, civil servants, policy implementers, etc.
- <u>Campaigning</u>: Mobilisation of affected communities, civil society, and the public to put pressure on the government to change its policies and practices regarding the right to education.
- Litigating: Bringing a complaint to a judicial mechanism, such as a court.
- ▶ Reporting: Taking your evidence and analysis to authoritative human rights mechanisms which monitor compliance with the right to education. For further information on these mechanisms and further guidance on human rights reporting, see Chapter 7 sections 7.7 and 7.8 of the Right to education handbook.

The type of document you produce to present your findings will be determined by your advocacy goals. So, if you want to influence policy-makers then you may want to do a short policy brief where you present the results of your monitoring activity and suggest recommendations to different stakeholders that can act upon it (governments, multilateral organisations, civil society organisations, etc). If you wish to raise awareness about the issue, you may want to produce something more accessible like a multimedia report, a photo essay, a <u>fact sheet</u> or a social media campaign. If you want to report your findings in international and regional human rights fora, then presenting your findings in the form of a complaint or a parallel report will be necessary. However, because it is likely you will use a variety of advocacy approaches, you may need to create a range of different advocacy products depending on the intended audiences. In any case, consider using qualitative and visual data to improve your advocacy (Box VIII). For further information on report writing and advocacy see step 6 of the right to education monitoring quide.

C. SHARING YOUR MATERIAL

Once you have designed your advocacy strategy and produced the corresponding material, you may then share the results of your monitoring at a national, regional, and international level.

National	Regional	International
 Ministry of Education Ministry of Defense Governmental bodies ensuring Human Rights and child protection (National Human Rights Commission, Child Protection Ministry, Family Ministry) Education Clusters National representations of UN bodies: Monitoring Reporting Mechanism, UNICEF, UNESCO, UNDP The media 	 European Committee of Social Rights African Commission on Human and People's Rights African Committee of Experts on the Rights and Welfare of the Child African Peace and Security Council Interamerican Commission on Human Rights Arab Human Rights Committee Regional Education Clusters The media In case of litigation: European Court of Human Rights Interamerican Court on Human Rights 	 The UN treaty bodies The UN Monitoring Reporting Mechanism The UN Special Rapporteur of the UN Secretary General to Children and Armed Conflicts The Human Rights Council Civil Society Organisations (see section A) The media In case of judicial proceedings: The International Criminal Court

For information on how to report to international human rights mechanisms related to the right to education (<u>UN treaty bodies</u>, the Human Rights Council, UN Special Rapporteurs, UNESCO Committee on Conventions and Recommendations) as well as to regional and national human rights mechanisms, see <u>here</u>.

When sharing information with the media (TV, radio, newspapers, Internet, etc), consider the relative <u>advantages</u> and disadvantages of each of these forms.

Monitoring **Education Under Attack**

From a Human Rights Perspective

This guide is part of a series of thematic guides providing practical advice on monitoring various aspects of the right to education from a human rights perspective.

For more resources on protecting the right to education, see our Education in Emergencies page and our guidance note for journalists and photographers on education under attack.

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