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Schoolchildren as Propaganda Tools in the War on Terror

Violating the Rights of Afghani Children under International Law

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Dr. Sonja Grover
Lakehead University
Faculty of Education
955 Oliver Road
Thunder Bay, Ontario P7B 5E1
Canada
sonja.grover@lakeheadu.ca

In loving memory and in honour of my parents, Gina and David Gazan who first taught me that children and youth are worthy of respect, and of my brother Albert Gazan who struggled for the rights of the dispossessed as social worker, psychologist and educator

About the Author

Sonja C. Grover, PhD, is a Professor with Lakehead University and an Associate Editor of *The International Journal of Human Rights*. She has authored over 80 refereed articles primarily on the topic of human rights/children's human rights published in leading international human rights and law journals. She has also presented numerous papers at various international conferences on the topic of human rights including at UNESCO and contributed chapters to edited books such as a volume on children's human rights in Canada. She is the single author of several books such as: Children's Human Rights: Challenging Global Barriers to the Child Liberation Movement (Sandstone Academic Press); The Child's Right to Legal Standing (Lexis Nexis); Prosecuting International Crimes and Human Rights Abuses Committed Against Children: Leading International Court Cases (Springer); The European Court of Human Rights as a Pathway to Impunity for International Crimes (Springer); and Young People's Human Rights and the Politics of Voting Age (Springer).

Preface

This inquiry explores in what ways schoolchildren are being used as propaganda tools by terrorists in their global terror campaign (more specifically the Taliban insurgents in Afghanistan), but also by States waging the so-called 'war on terror' in their propaganda relating to claims about alleged progress in stabilization and development of the conflict-affected State in question. It is emphasized, however, that there is no argument here that there is validity in the view that education should be a part of an emergency aid response wherever feasible and where the security situation permits. This given the importance of education to children's sense of normalcy and to their future success in life (assuming, of course, that the quality of education delivered is such as to allow, at a minimum, for the development of functional literacy skills and, hopefully, a complete adequate basic education). This author is, in fact, in accord with the view that providing education services to children in fragile conflict-affected States *where the children's safety can be assured* is vital to meeting the population's humanitarian and development needs and entitlements. The reality is, however, that many millions of children live in States that are in a *perpetual* state of conflict with only periodic interruption (as is the case for Afghanistan). It is devastating to the children and to the country when this leads, as it inevitably does, to a shutting down of part or all of the education system. However, the suggestion by 'Save the Children' and other NGOs that education cannot wait *in any instance* for the State's 'post-conflict' development phase, but must be delivered also in the midst of intense conflict and despite high levels of organized terrorist activity, belies the fact that security cannot always be adequately provided to schoolchildren in that circumstance as will be discussed. It is specifically the latter situations with which this inquiry is concerned.

As to the scope of the book a few points need to be made. The book deals with targeted terrorist attacks on schools, schoolchildren, teachers of children at the elementary and secondary school level carried out by organized terrorist groups such as Al-Qaeda and the Taliban extremist element as part of a systematic campaign of terror. The issue of accidental damage to schools and injury or killing of schoolchildren, teachers or other school personnel while at school unintentional

and collateral to military action is addressed only to the extent that such accidents were a foreseeable risk given the location of the schools. Note that the focus of this book concerns terror attacks on basic education and on schoolchildren; their teachers; allied school staff and on humanitarian aid workers rather than on terror attacks on universities, university students and academics. There is no doubt that terror attacks on higher education internationally have also increased in recent years. However, the present inquiry focuses on schoolchildren since the children generally have no say in whether they will attend school or not in contrast to university students. The fact that children are forced to attend school often in insecure conflict zones where there is a high risk of terror attack on the school, plus the fact that children are entitled to special protections under international humanitarian law, raises unique issues. Thus, the issue of schoolchildren attending school in 'hot terror zones' – that is zones where the terror activity level is high – is a topic that needs to be addressed separately from the issue of attacks upon university students, professors and higher education institutions. The latter topic, though also pressing, is then beyond the scope of the book.

Further, the book concentrates on organized, systematic and repeated targeted terror attacks on basic education in Afghanistan by the Taliban and other insurgents as opposed to isolated terror incidents carried out by individuals not associated with organized terror groups. The former pose a significant threat to the West, and to the stability of the States in which they occur. It is beyond the scope of this book to consider what strategy or strategies, military or non-military; or combinations, would in fact lead to greater security in Afghanistan. That weighty topic will be left to others with expertise regarding security in fragile conflict-affected States. Rather, the focus here will be on: (a) the responsibility of the international humanitarian community and the Afghan and coalition States in safeguarding schoolchildren by all means feasible and necessary including suspending school operation in hot conflict zones within the State (Afghanistan) until security for education at the sites in question can be reasonably guaranteed; (b) the potential civil liability of NGOs and States where school attendance is encouraged despite the known inadequate security situation for education and (c) potential criminal and/or civil liability under international law for individual officials most responsible for the education sector (and, at times, perhaps also for frontline workers), who encouraged school attendance at particular education sites which they knew would put the children at high risk of being victimized by a terror attack. The encouragement and facilitation of school attendance under these circumstances amounts then to the individual potentially violating international humanitarian norms (i.e., the prohibition against intentionally engaging in acts that potentially inflict or do result in avoidable and legally unjustifiable suffering – physical and/or psychological – for civilians or instigating or participating or contributing in any way to acts that place civilian lives in significant jeopardy).

As to the issue of any potential or actual civil and/or criminal liability under international law for encouraging and facilitating school attendance where security is quite inadequate, nothing in what follows, or implied therefrom, is intended to, or should be taken as being a statement attributing actual or potential culpability to

any particular conflict-affected State or its allies, particular NGO organization or
humanitarian or human rights entity or particular individual as a factual matter. As
far as individual culpability for violations of international humanitarian law, those
are matters potentially to be investigated by a Prosecutor if there is a reasonable
basis for doing so (whether there is such a reasonable basis for an investigation in
any particular instance is something only a Prosecutor can decide based on the
available facts). Any attribution of culpability would be a finding made by a court,
should the case be heard by a national court (where there are statutes concerning
'war crimes' and 'crimes against humanity' incorporated into the domestic sta-
tutes), or by the International Criminal Court in The Hague (where all jurisdictional
criteria have been met), based on all the facts in the particular case, as well as
consideration by the court of defences raised and of any mitigating and aggravating
factors. As far as civil liability in respect of States, NGOs and human rights bodies,
those are matters that would be heard in an international court of human rights or a
national court depending in part on the jurisdictional criteria operative. Rather, the
intent here is simply to critically examine the conduct of the Afghan government
and its Western allies, as well as that of international and national NGOs, and UN
bodies in regards to basic education initiatives (primary and secondary schooling)
in Afghanistan. More specifically, a challenge is mounted regarding the alleged
moral and legal legitimacy of encouraging and facilitating school attendance when
security for education is grossly inadequate (as is occurring in Afghanistan in
certain hot combat zones). Further, the author offers her views based on extensive
research from diverse sources on the potential international law violations which
derive from such conduct (with actual or potential liability of any particular
individual or entity here acknowledged as being factually undetermined unless
and until assessed by the proper judicial authority).

   The objective of this book then is to raise awareness of the fact that various
democratic States, certain high profile NGOs and the United Nations are inadver-
tently arguably complicit in the rapidly rising numbers of schoolchildren interna-
tionally who have been successfully targeted by terrorists in contemporary armed
conflicts. Though this is certainly not the result that the West and its democratic
allies or human rights/humanitarian aid organizations desire; it appears to be a
result that the aforementioned are quite prepared to risk. We will explore why this is
the case by looking beyond the 'right to education' rhetoric which has served as
something of a smokescreen for the international community's prioritizing of
education over the schoolchildren's personal security in certain conflict-affected
States. The *inadvertent* complicity of the West and its allies, as well as the U.N. and
its organs and certain national and international NGOs, in placing schoolchildren in
harm's way arises in that these players in the 'war on terror' have too often: (a)
contributed to or facilitated the building and maintenance of schools operating in
hot combat zones notwithstanding the acknowledged woefully inadequate security
situation both at the school as well as on the children's route to and from school, and
(b) encouraged parents to send their children to school despite the grossly inade-
quate security situation (i.e., frequently by giving parents assurances about alleged
'improved' security when in fact the security was still substandard and would be

ineffective in preventing harm to the children and to school personnel). There is no way to determine from the data available whether such assurances when given were or were not intentionally misleading or, instead, given in good faith.

There is no suggestion here that schools can only be built or operational in areas where there is an 'iron-clad guarantee' of safety for such a guarantee is not possible in any State whether conflicted or not. However, there ought to be a reasonably and factually-based almost certain guarantee of safety since schoolchildren and adults associated with the basic education effort are entitled to no less under international human rights and humanitarian law.

Thunder Bay, Ontario, Canada   Sonja Grover
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Acknowledgements

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Part I
Re-Examining the Role of Education Aid as a Component of the 'Humanitarian' Agenda in Conflict-Affected States

Chapter 1
Introduction

There is no question that education is a basic human right and essential to a decent quality of life; though not a guarantee thereof. Yet, there are in the year 2010, 77 million children out of school and of these over half (53 million) live in conflict-affected fragile States[1] where CAFS is defined as "countries that are impacted by conflict, income-disparity, weak governance and/or inequality in resource allocation.[2] While the absolute numbers of children who are out of school is higher in conflict-affected countries; it is also the case that the rate of school enrollment is slower compared to that in countries that are not experiencing conflict-related fragility.[3] Furthermore, completion of primary school and regular school attendance are also substantially lower in CAFS compared to more stable States not currently affected by conflict.[4] There is no debate here that children in conflict-affected, developing countries deserve and are entitled to educational equity compared to children in developed, non-conflict affected States. That is a non-issue. The contention explored in this book is rather that simply getting children into school when they are at high risk of terror attack at that school or on the way to or from school does not genuinely amount to increased access to education in any meaningful and legitimate sense. In any case, another terror attack on their school will have many if not most of the students dropping out again; at least for a time. Yet, too often enrolling and retaining students in school no matter the cost in personal security to the children, their teachers and other school staff as well as to frontline education humanitarian workers is where the focus of the international community appears to be. Keeping the numbers of school attendees as high as possible despite the lack of school security or security for children and education personnel on their way to and from school creates the *illusion* of progress. That is, the illusion is crafted of movement toward stability and normalization not only in the education sector but also in the *perceived* overall security situation of the conflict-affected State itself. In fact, in CAFS such as Afghanistan, as will be discussed in detail in

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[1]Dryden-Petersen (2010), p. 4.

[2]Dryden-Petersen (2010), p. 7.

[3]Dryden-Petersen (2010), p. 4.

[4]Dryden-Petersen (2010), p. 8.

what follows, level of school attendance is an *unreliable* indicator of the overall security situation in any particular region of the conflict-affected State. This is the case given the pressure from the international aid community and the national government and its allies that children attend school notwithstanding gross deficiencies in school security.

Persistence in school attendance, as mentioned is also of major concern to the international aid community as is not surprising. The concern is often communicated *as if* it were one that is purely based on the fact that children's educational interests are undermined by dropping out of school:

> ...Five or six years of schooling ...represent a threshold. With less than that amount of education, people remain functionally illiterate. From a human capital perspective, it is completion that matters more than enrollment...Primary Completion rates ...are almost always substantially lower than net enrolment ratios in any given country.[5]

However, the national government and international aid community's concern with school attendance and completion rates in Afghanistan, as we shall see, has as much, if not more, to do with the bureaucratic and propaganda interests of the aforementioned as with the welfare of children.

There certainly has been tremendous change in the school attendance in Afghanistan since 9/11. According to a 2009 report by Human Rights Watch (HRW) "We have the Promises of the World", in 2002 less than one million children were enrolled in formal education in Afghanistan and by the school year 2008–2009, this number had risen to over six million "more than at any point in Afghanistan's history".[6] The greatest gains were in school enrollment in primary school and participation drops off substantially in secondary school for both boys and girls with the dropout rate being considerably higher for girls. The aforementioned HRW report states in fact that the number of girls enrolled in grade seven drops to half the number of girls enrolled in grade six. Only 11 percent of Afghani secondary-school aged girls are enrolled in grades 7–9 and this drops to 4% in grades 10–12.[7] In this regard, note that low school attendance and significant school dropout jeopardizes NGO funding and undermines the West's use of school attendance and completion rates as a propaganda tool for communicating to the international community progress in the global conflict designated as the 'war on terror':

> Since then [the 2007 UNESCO report on attacks on education globally] there have been thousands more reported cases of students, teachers, academics and other education staff being kidnapped, imprisoned, beaten, tortured, burned alive, shot, or blown up by rebels [including terrorists and by other forces] ...The effects on education of such incidents will be felt long after the funerals have taken place, through loss of teachers and intellectuals, flight of students and staff, fear of turning up to class, grief and psychological trauma among students and personnel, damage to buildings, materials and resources, and degradation

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[5]Dryden-Petersen (2010), p. 8.

[6]Human Rights Watch (2009), p. 76.

[7]Human Rights Watch (2009), p. 76.

of the education system through staffing recruitment difficulties **and halted investment** (emphasis added).[8]

When significant numbers of basic education students fail to attend school for a considerable time or drop-out due to fear related to lax security around education, it is likely to stimulate others in the same school or alternate education site and schoolchildren in nearby locales to do the same. Poor school attendance and high drop-out rates in any region of a conflict-affected State such as Afghanistan would be perceived by the international community as reflective of the fact that: (a) security in the education sector is inadequate and (b) the students in a particular region(s) of the CAFS have directly or indirectly been exposed to terror attacks due to the victims' involvement with education. Thus, there is, it is suggested, a tremendous push from the international aid community and the national government and its military allies to increase enrollment and retain students despite inadequate security for school buildings and alternate education sites in certain regions of Afghanistan (the same pattern repeating itself also in other conflict-affected States). In this regard, note that:

> [Afghanistan is] [T]he only complex emergency where all *major donors* [*of international humanitarian aid to education and other sectors*] *are also belligerents* (the exceptions being Switzerland and India). *As a result the* **militarization of aid** *has reached unprecedented levels* (emphasis added).[9]

This author is agreed with the notion expressed in the quote immediately above regarding the 'militarization of aid' in several conflict-affected countries globally; Afghanistan included; for the reason that belligerents have also become aid donors. There has thus indeed been at least a perceived blurring of the lines between neutral humanitarian aid *versus* aid as part of a military strategy to "win hearts and minds" to the West's military cause (i.e., that cause being expressly stated by the West as that of defeating Taliban insurgent extremists, Al Qaeda and other terror groups). This author does *not* agree, however, with the position taken by some NGOs operating in Afghanistan (i.e., CARE and certain others) that agreeing to protection for schools and for various other humanitarian projects from the allied forces amounts to the militarization of aid. It is the obligation of NGOs and all humanitarian organizations under international humanitarian and human rights law to do what they can to protect civilians-accepting protection from allied forces against terror attacks is frequently the only viable option in that regard in the present circumstance. The current author is in disagreement then with the contention in a recent UNESCO report[10] and other NGO documents that negotiations with the Taliban insurgents in Afghanistan (or Pakistan for that matter) regarding school safety is a reasonable less incendiary approach. Consider in this regard the following admission by CARE:

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[8]O'Malley (2010), p. 14.

[9]Donini (2010), p. 3.

[10]O'Malley (2010), p. 124 [citing Glad (2009), p. 57].

> The CARE study in Afghanistan recommends that where potential attackers are known, community leaders might consider engaging in *preventative negotiations* with them *to try to reach agreement on continuing education locally. But it warned that this option must not be taken lightly and only local leaders would know if it was appropriate,* **might achieve the opposite effect** *or would be beyond their reach* (emphasis added).[11]

In other words, attempting negotiations with Taliban extremists for schools as safe sanctuaries is a high risk proposition at best and, at times, may even increase the risk of school attacks and terror attacks directly on schoolchildren and education personnel. Children cannot give informed, voluntary consent to gambling with their security in this way. Further, under no scenario under international humanitarian law can such a gamble (sending children to unsecured schools on the basis of a promise by the Taliban not to launch a terror attack) be considered legally or morally supportable. One may rightfully raise the question 'how humanitarian is the humanitarian aid community when it takes such risks with children's lives and psychological and physical well-being?' It would seem that the international aid community in encouraging and facilitating school attendance even in various regions within Afghanistan where there is inadequate security for basic education is focused in that instance on self-interest. The motivation in such circumstances is, in large part, to meet the need of the NGOs, as bureaucratic entities, to maintain donor monies. It is relevant to note in this regard that "countries with the most children *already* accessing primary education receive the most aid".[12] There is a move, however, by UNESCO to shift the thinking such that the number of out-of-school children would be considered in determining need and more aid per child would be provided where large numbers of children are out of school as "these children may require more investment than a child already in school in terms of ensuring access to the education system".[13] Were the UNESCO proposal for assessing need in the education sector adopted, conflict-affected countries would then not be as disadvantaged in accessing donor monies as is currently the case (given the large numbers of children out-of-school in CAFS and the practice, at present, of donors giving more aid where more children are *already* in school).

Thus, currently, having large numbers of children out of school in conflict-affected countries (due to non-attendance, irregular attendance, or dropping out) does not translate into large amounts of donor monies for the work of NGOs as well as for other sectors of the international humanitarian aid community. Before they maintain their donor contributions at the same or higher levels, international donors want to perceive that there is progress in development and stabilization in the CAFS. Such progress, it is claimed by the international community, is *supposedly* accurately indexed, in part at least, by the numbers of children in school. Conflict-affected States, at present, thus wish to demonstrate to their allies/donors the *alleged* progress they are making in stabilizing the situation and moving toward

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[11]Dryden-Petersen (2010), p. 13.

[12]Dryden-Petersen (2010), p. 13.

[13]Dryden-Petersen (2010), p. 38.

establishing the regular institutions of civil society in a democratic State. One vehicle for doing so is purportedly the education sector (building and operating schools and increasing the school attendance and completion rates). We will discover, however, that in conflict-affected States such as Afghanistan, school attendance rates are not unflawed as indicators of improvements in security. This is the case given the pressures that families are under from the national government and the national and international humanitarian education aid sector to send their children to school even where security is far below minimally acceptable standards for ensuring the children's safety. In this regard, note that Daniel Toole, UNICEF Regional Director for South Asia in 2009 had the following to say about the security situation in Afghanistan and the consequences for children: "Afghanistan today is without doubt the most dangerous place to be born".[14] The security situation has in fact deteriorated greatly since 2006 and is likely to get even worse with the planned withdrawal of most of the American troops in the very near future.

There is no challenge here to the view that education development work is particularly vital in all low-income States including especially those in a 'post-conflict' stage of development and those recovering from natural disasters. The prime issue addressed in this book is rather whether children who are living in the midst of ongoing armed conflict, in States impacted by organized terror campaigns that include the targeting of education, are unconscionably being used as pawns in a counter-terrorism propaganda campaign. That counter-insurgency strategy, *in practice*, involves, in part, children attending government or non-government community schools even where the schools are highly vulnerable to terror attack as are the routes to and from school (That strategy also potentially puts in harms way teachers, and frontline education aid workers affiliated with national and international NGOs working in insecure zones, and, on occasion, even educational policy-makers and administrators). Thus, there is no counter-argument being raised here disputing the notion that education is a useful and key element of an emergency humanitarian aid response in conflict-affected or disaster zones if and when reasonable security from armed attack becomes feasible. However, in conflict-affected States such as Afghanistan with intense armed conflict still ongoing; reasonable security for education often cannot be provided in every region of the country given the limited necessary military or other security resources available. One may question therefore the wisdom and legality of sending children to school in those unsecured regions where they are at high risk of being targeted for a terror attack given their status as schoolchildren. It would appear then that focusing on education provides the *appearance* at least of a neutral, purely humanitarian rallying point for international donors who wish to contribute to Afghanistan's development. As discussed, however, education in Afghanistan and other conflict-affected areas has become a tool used by both sides for propaganda purposes: (a) by the West to try and communicate the notion that progress is being made in stabilization and development, and (b) by the terrorists to send the opposing message;

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[14]Donini (2010), p. 3.

namely that the country will remain unstable and no development progress of any kind made unless the government accedes to extremist Taliban demands.

In all of this, it is important to acknowledge the fact that in Afghanistan having the focus of the government and the international humanitarian aid community on education generally, and regardless whether or not minimal security has been established in the particular region in question, comes at a cost to the personal well-being of civilians. That cost, as discussed, comes, in part, in the form of increased risk to the safety of schoolchildren and education personnel from terror attack. It also, however, involves a 'cost' related to the comparative neglect of the vital survival needs of Afghanis. That is, those urgent needs for food, decent shelter and the like are being addressed relying on less financial support from the international humanitarian aid donor community. These additional potential funds have been diverted instead to education despite schools being unsecured in many regions where schools are being built and repaired after a terror attack using international donor monies. Consider in this context then the following sobering statistics relating to the urgent survival needs of civilians in Afghanistan:

> Nine million Afghans (36 percent of the population) live in absolute poverty, and five million 'non-poor' live on less than US$2 a day.[15]
>
> [Afghanistan has] some of the world's worst social indicators: highest infant mortality rate; second-highest maternal mortality rate; the only country in the world where women have lower life expectancy than men.[16]
>
> According to UNAMA, there has been a 40% increase of civilian casualties in 2008. The human security of ordinary Afghans is rapidly deteriorating because of the combination of conflict, appalling levels of poverty, food shortages, difficulties of access, and the accumulated consequences of three decades of war. Conflict-related displacement is a seriously under-addressed issue.[17]

Clearly, especially where security is still a grave concern in various parts of the country, the first priority ought to be the basic survival needs of all civilians. Under international law, those basic survival needs cannot legitimately take second place to education initiatives for school-aged children. Yet, this is in large part happening given a modus operandi of national and international humanitarian bodies in Afghanistan that would be more suitable for a *genuine* 'post-conflict' situation but not for an ongoing conflict such as is occurring in Afghanistan (i.e., a modus operandi of using donor dollars to build and repair schools as a top priority across the country *regardless the security situation* where those schools are located). Even though Afghanistan has been described as the "world's longest running major armed conflict";[18] in practice, NGOs often prioritize their activities as if the situation were a 'post-conflict' one. At the same time, international donors have responded to civilian needs in Afghanistan in recent years largely as centering allegedly around support for 'recovery' from conflict as opposed to needs relating

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[15]Donini (2010), p. 3.

[16]Donini (2010), p. 3.

[17]Donini (2009), p. 2.

[18]Donini (2010), p. 3.

to a humanitarian crisis. In fact, donor money for purely humanitarian aid is quite low.[19] Donini attributes this to the fact that there is little hard data on the scope of the humanitarian crisis in Afghanistan as humanitarian agencies have not focused on collecting such data and there are not uncommonly issues of accessibility to the civilian population in need of humanitarian aid in those regions where the security concerns are significant.[20] International donors typically adopt the perspective that "unless you can prove that there is a humanitarian crisis, we see no need to shift our funds from recovery to humanitarian activities".[21] It is not surprising then that scholars of the situation have critiqued "the continued acceptance of [alleged] 'post-conflictness' by many NGOs"[22]:

> From a humanitarian perspective, the consequences of the early declaration of "post-conflict" and of the subsequent closing down of OCHA (U.N. Office for the Coordination of Humanitarian Affairs) and downgrading of the UN's humanitarian capacity in early 2002 are now in stark relief. While OCHA was re-established in early 2009, its capacity remains uncertain and its ability to negotiate humanitarian access and space untested. *This is compounded by the absence of reliable data on the depth and breadth of the crisis as well as donor reluctance to acknowledge that a robust humanitarian response is necessary* (emphasis added).[23]

It is noteworthy that donation of international aid monies for education to conflict-affected States such as Afghanistan is not in any way contingent on the State in question (with the assistance of allies and the international aid community) meeting any requirement for adequate monitoring of school attacks or threats of attacks and providing an effective means of prevention. Further, when it comes to the international humanitarian aid community, it, too, has only fairly recently come to discuss in earnest the issue of attacks on education. Suggested prevention measures from the humanitarian aid community regarding attacks on education by anti-government insurgents include things such as attempts at negotiation with extremist insurgent Taliban and other such groups. This despite the fact that many academics and field workers knowledgeable about the human rights situation in Afghanistan contend that:

> . . .there is little understanding of, and respect for, humanitarian principles by the Taliban and other insurgents who tar the UN and NGOs with the occupiers' brush [though of course there can be no justification for the violation of *jus cogen* humanitarian principles under any circumstance].[24]

The notion of NGOs operating in Afghanistan refraining from encouraging and facilitating school attendance where the safety of the schoolchildren and education personnel cannot be reasonably assured has, in practice, *not* been a preventive

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[19]Donini (2009), p. 10.

[20]Donini (2009), p. 6.

[21]Donini (2009), p. 6.

[22]Donini (2010), p. 5.

[23]Donini (2010), p. 5.

[24]Donini (2010), p. 3.

strategy that has been widely discussed or promoted within the international humanitarian education aid community. Rather, the goal has generally been, for instance, to reopen schools as soon as possible after a school attack (after repairs to the school). This may in part be the case in that most NGOs in Afghanistan are not strictly dedicated to humanitarian aid; but rather have mandates focused largely on development and advocacy[25] and function "on the increasingly erroneous assumption that Afghanistan is a postconflict country".[26] The result of all this for school-children is that more often than not:

> Students are afraid when they attend school. They are [rightfully] afraid of kidnappings and explosions [Principal Heart].[27]

With the increasing rate of school attacks in Afghanistan and the deteriorating overall security situation in the country,[28] it would seem that schoolchildren attending school in that troubled State have very good reason to be afraid; at least in certain regions of the country if not in most:

> Between January 2006 and December 2008, 1153 attacks or threats towards the education sector in Afghanistan were reported. The number of attacks started increasing in late 2005 and . . .almost tripled in 2008 . . .the phenomenon of attacks on schools is [furthermore] not confined to one region of the country in particular.[29]

One may, therefore, legitimately highlight the possibility that encouraging and facilitating school attendance knowing the children are under constant and high risk of being victimized by a terror attack, and that the children are consequently terrified of the same, amounts to a crime against humanity involving the intentional infliction of grave psychological harm on a highly vulnerable civilian population. The latter being in violation of Article 7(1)(k) of the Rome Statute dealing with: "Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health".[30] In regard to this latter issue of the potential commission of "crimes against humanity" (depending on the unique facts of the particular case) by individual government officials and humanitarian education aid workers in the field and their superiors (as a consequence of know-ingly putting children at high risk in particular locales by encouraging school attendance in insecure zones in Afghanistan) consider the following:

> A second aspect [influencing fluctuations in the number of school attacks aside from the role of the number of armed insurgents in the area and the "resources and priorities" of the terrorists and other insurgents] that could influence the frequency of attacks is the preva-lence of school closure. At the end of June, 2009, a total of 695 schools were reported

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[25]Donini (2009), p. 2.

[26]Donini (2009), p. 2.

[27]Glad (2009), p. 42.

[28]Glad (2009), p. 15.

[29]Glad (2009), p. 22.

[30]Rome Statute entered into force 1 July 2002. http://untreaty.un.org/cod/icc/statute/romefra.htm. Accessed 7 Oct 2010.

closed across the country ...*The Ministry of Education is making a concerted effort to reopen schools and keep education alive even in those areas where school attacks are at its worst.* ["School construction continues also in areas where security threatens construction companies".[31]] *But many of these re-opened schools are subsequently attacked and shut down again.* In Helmand province, for example, 180 schools, or 71% of the total, were inactive from March to July 2009, but 100 schools were re-opened over the same period. *In many of these areas there appears to be an endless, and costly* [*costly also in terms of civilian deaths and serious injuries*], *process of attack, closure, rehabilitation, opening and attack* (emphasis added).[32]

At what price then in terms of deaths and injuries for students, teachers and other education-related personnel, as well as for humanitarian education aid workers, are these schools in hot terror zones within the country re-opened again and again after repair subsequent to a terror attack? Insofar as delivering education as a humanitarian emergency aid response in conflict-affected Afghanistan (and many other conflict-affected States where the fighting is ongoing and there are hot terror zones) is concerned, this author is thus in accord, at least to a degree, with the view that: "...there is at best limited interest or support for principled humanitarian action..."[33] in these conflict-affected contexts by various parties including the international aid community. This less than full adherence to humanitarian principles is reflected in the willingness to put children at risk in the manner described in order to demonstrate to international donors that development progress is being made. As previously mentioned, most of these donors are also belligerents in the 'war on terror' in Afghanistan and, hence, anxious to use education (i.e., rates of school attendance etc.) as a supposed marker for alleged progress in suppressing insurgents. This is the case presumably, in large part, due to the need to garner support for the 'war effort' at home. The pressure to have children return to school after a terror attack is an ongoing challenge for the international humanitarian aid community and the national government in Afghanistan as:

It is a natural reaction from a parent to be more hesitant to send their children to school after the school they go to has been attacked or threatened. But a direct incident on the school is not the only factor that keeps people away. 'Each incident affects the risk assessment that parents and students undertake nearly every day. Single episodes, even from far away districts, accumulate to establish a pattern: in a country as traumatized by violence as Afghanistan, teachers, parents, and students are keenly attuned to fluctuations in this pattern and decide to continue or stop their education based on how they view the general climate of insecurity and how it will manifest itself in their immediate environment'.[34]

The emphasis has been on drawing a rosy picture focusing on increased school enrollment in particular regions in Afghanistan, new schools built or schools repaired etc. with comparatively less attention paid by the humanitarian community,

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[31]Glad (2009), p. 25.

[32]Glad (2009), p. 25.

[33]Donini (2010), p. 3.

[34]Glad (2009), p. 42 [Citing Human Rights Watch, Lessons in Terror (2006) http://www.hrw.org/en/node/11295/section/7].