



Hala Systems and Starling Lab Submission to Ms. Farida Shaheed, Special Rapporteur on the Right to Education, Regarding Violations of the Human Right to Education in Ukraine and Syria

1. Hala Systems ('Hala') is a social enterprise working to transform accountability in conflict regions with advanced defence, sensing and artificial intelligence technology, conducted in partnership with international legal experts to ensure its utility for international criminal investigations. The Starling Lab for Data Integrity ('Starling') is an academic research lab promoting the use of open-source tools to securely capture, store and verify digital content using the latest cryptographic methods and decentralised web protocols.
2. Hala and Starling jointly submit the following information to Ms. Farida Shaheed, the UN Special Rapporteur for Education in relation to a Call for Contributions to inform the Special Rapporteur for a report that will be provided to the Human Rights Council in June 2023. The purpose of this submission is to provide relevant information relating to violations of the right to education, as well as to describe attacks taking place on educational facilities, during the conflicts in Syria and Ukraine. In particular, the submission focuses on how the physical destruction of thousands of educational facilities in both Syria and Ukraine (via attacks by the Syrian Arab Republic and the Russian Federation) unduly impedes the right to education. The submission will focus on the denial of such rights under international human rights law, international humanitarian law, and international criminal law.
3. After a brief description of the systemic, widespread threat to the right to education in both Syria and Ukraine, this submission will briefly delineate the international law protecting the right to education in conflict-affected areas. It will then describe Hala and Starling's activities that work to protect this right in conflict-affected areas and actively promote accountability when individuals fail to sufficiently guarantee such right.

Gravity of the Threat to the Right to Education in Syria and Ukraine

4. Concerning the conflict in Syria, OCHA noted in December 2022 that "[o]ver 7,000 schools have been damaged or destroyed, limiting the ability of children to access accredited educational services, and leaving over two million children out of school and another 1.6 million children at risk of dropping out".¹ This is a 'school attack rate' of nearly two schools per day over the past 12 years.
5. Regarding the conflict in Ukraine, the United Nations Office for the Coordination of Humanitarian Affairs ('OCHA') noted in October 2022 that over 2,500 educational institutions have been damaged since the full escalation of the war on 24 February 2022, out of which almost 300 have been destroyed.² This is a 'school attack rate' of nearly eight per day. Prior to the full-scale escalation of the conflict by Russia on 24 February 2022, it was reported that approximately 750 schools had been previously damaged, destroyed or forced to close.³
6. The large-scale, systematic attack on educational facilities in Syria and Ukraine has led to consequences far greater than damage to the physical structure where educational services were once provided. Oftentimes, the lack of physical accessibility to the school means no schooling is being provided at all. As is often the case, students do not fully recover lost educational

¹ OHCA, [Humanitarian Needs Overview, Syrian Arab Republic, Humanitarian Programme Cycle 2023](#), p. 24.

² *Ibid.* OCHA sourced this information from the Ukraine Ministry of Education and Science.

³ OCHA, [Ukraine: Twice as Many Schools Attacked in the Past 100 Days as During the First 7 Years of Conflict](#), 2 June 2022.

opportunities and the gains brought by consistency in their access to education. Even if they could return, teachers and other educational staff are hesitant to return and, in some instances, completely abandon the education sector. This negatively affects the quantity and overall quality of staff educating children.⁴ This weakened education affects a country's development as a whole, including economic, political and social development, poverty reduction, and maternal and child health.

7. With such a void, Syrian children are often found to be engaged in dangerous forms of labour⁵ or conscripted into the Syrian Armed Forces (or other non-state armed groups).⁶ Young girls are often forced into early marriage.⁷ In Ukraine, children have allegedly been voluntarily or forcibly recruited by armed forces as child soldiers since the start of the conflict in 2014.⁸
8. As a consequence, the impact on children is markedly evident. In Syria, as of 2022, 2.4 million children have been forced out of school.⁹ In Ukraine, as of October 2022, approximately 2.6 million students have been forced out of school, according to the Ministry of Education and Science of Ukraine.¹⁰ While information has not been disaggregated to account for those that directly correlate the destruction of schools and consequent risks that follow, it is undeniable that children have suffered in both conflicts due to these types of attacks. In Syria, nearly 13,000 children have been killed or injured since the beginning of the armed conflict in 2011.¹¹ In 2021 alone, 900 of these incidents took place.¹² Children in Ukraine have likewise suffered. Between 24 February and September 2022, at least 372 children were killed and 635 children injured between 24 February and September 2022.

The Right to Education during Armed Conflict

9. In the context of both non-international and international armed conflicts, international human rights law ('IHL') and international humanitarian law ('IHL') apply. Concerning the conflict in Ukraine, international criminal law ('ICL') applies.¹³ While there are certain exceptions to being

⁴ Global Coalition to Protect Education from Attack, [What is the Impact of the Attacks on Education?](#), 2022; Committee on Economic, Social and Cultural Rights, [General Comment 13](#), 1999; Committee on the Rights of the Child, [General Comment 1](#), 2001.

⁵ Syrian Network for Human Rights, [11th Annual Report on Violations Against Children in Syria](#), 20 November 2022, p. 25.

⁶ Syrian Network for Human Rights, [At Least 156 Children Still Conscripted by Syrian Democratic Forces](#), 16 December 2021. As of November 2022, at least 1,425 children were serving with the Syrian regime forces.

⁷ *See generally* Global Coalition to Protect Education from Attack, [It is Very Painful to Talk About – Impact of Attacks on Education on Women and Girls](#), November 2019; Solange Mouthaan, [Children and Armed Conflict- the Pitfalls of a 'One Size Fits All' Approach](#), p. 130.

⁸ BBC, [Ukraine Conflict: Child Soldiers Join the Fight](#), 26 November 2014; Atlantic Council, [Children as A Tool: How Russia Militarizes Kids in Crimea and Donbas](#), 3 May 2019.

⁹ Kinana Q., Salman H., [Syria's Education Crisis: A Sustainable Approach After 11 Years of Conflict](#), March 2022, p. 5.

¹⁰ OCHA, [Ukraine: More than Half of Children Missing out on Education Due to Blackouts - Survey](#), 17 November 2022.

¹¹ UNICEF, [Syria: Children Struggle with Physical and Psychological Scars after 11 Years of War](#), 15 March 2022.

¹² *Ibid.*

¹³ At the moment, it is unlikely that the conflict in Syria will face any charges under international criminal law. A State may face such charges in two principal ways: (i) if the UN Security Council creates an *ad hoc* criminal tribunal (such as the International Criminal Tribunal for Rwanda); or (ii) if the ICC has jurisdiction to adjudicate matters. Concerning the

accorded a right,¹⁴ it is generally found to apply in situations of armed conflict, at least as it relates to basic education.

10. Concerning IHRL, a range of treaties guarantee the right to education. This includes Article 13 of the International Covenant on Economic, Social and Cultural Rights ('ICESCR'). While IHRL generally applies only to individuals and not facilities, in its General Comment 13, the Committee on Economic, Social and Cultural Rights noted that education must be "accessible to everyone", which includes being physically available.¹⁵
11. Under IHL, educational facilities are protected as both "cultural property" and as a "civilian object" protected against an attack as it is not a legitimate military target. This applies whether the conflict is qualified as an international or non-international armed conflict.
12. Ukraine has additional protections under international criminal law due to its referral of the case to the International Criminal Court ('ICC'). Currently under investigation by the Office of the Prosecutor of the ICC, attacks on educational facilities could be considered as an attack on property with protected status (prohibited under Article 8(2)(b)(ix) of the Rome Statute) or as an attack on a civilian object (prohibited under Article 8(2)(b)(ii) of the Rome Statute).
13. Kindly refer to Annex A for a more complete description of the applicable legal framework under these three disciplines and their applicability to both conflicts.

Hala's Evidence on Attacks against Educational Facilities Affecting the Right to Education in Syria

14. Since 2016, Hala has been developing and deploying technological innovations to protect civilian lives and infrastructure (including educational facilities), to ensure accountability for human rights violations, and to facilitate peacebuilding efforts in Syria. This is accomplished through collecting and preserving data (thereby ensuring its integrity), deploying artificial intelligence, conducting and presenting analytics, and providing real-time insights. Hala works as a user-centered technology company to design, build, integrate, test, and deploy technology solutions based on input and feedback from people directly affected by conflict, disaster, and humanitarian crises. Hala continues to work closely with 29 local partners to increase civilian security and stabilise communities through the deployment of its early warning system – Sentry Warn – reaching a total of 2.3 million civilians with life-saving warnings to date.

creation of an *ad hoc* tribunal, this is unlikely that the UN Security Council would create such a tribunal, as Russia would veto any attempt due to its well-known support for the Government of Syria, as well as its involvement in the conflict. Regarding the ICC, there are several ways in which a state can be subjected to its jurisdiction. First, if it is a member-State of the Rome Statute, the Office of the Prosecutor of the ICC may initiate an investigation via referral by a State Party or *proprio motu*. Second, the UN Security Council can refer the matter to the ICC (as in the case of *Prosecutor v. Al-Bashir*). However, the Security Council is unlikely to do so under the current Russian leadership for the reasons explained above. See [Rome Statute to the International Criminal Court](#), Article 13.

¹⁴ There is no derogation provision in the ICESCR. However, it is likely that the core rights contained in the treaty are not derogable. Accordingly, the right to a basic education is likely to be non-derogable. See Education Above All Foundation and British Institute of International and Comparative Law, [Protecting Education in Insecurity and Armed Conflict: An International Law Handbook](#), Second Edition, p. 26 (other citations omitted).

¹⁵ Committee on Economic, Social and Cultural Rights, [General Comment No. 13: The Right to Education \(Article 13\) \(1999\)](#), para. 6.

15. Through Hala’s capabilities to collect unique information of attacks, it has information of 59 attacks on educational facilities in Syria. This is information that often supports the work of international investigative and accountability mechanisms. Six reported attacks are submitted below in the form of Annexes:¹⁶

- An attack on a school in the town of Arbin in Easter Ghouta, Rif Damascus, on 19 March 2018, by a fixed-wing aircraft. Prior to the approximate time of the attack, several sightings of Syrian regime and Russian fixed-wing aircraft were reported inbound to or circling above the town.¹⁷
- An attack on a school in the town of Kafr Batikh, Idlib on 21 March 2018, which caused the death of 20 individuals, 16 of which were children. Prior to the certain attack, several sightings of at least one Russian fixed-wing aircraft were reported in the vicinity. Moreover, a Russian fixed-wing aircraft was observed flying north near Ma’rrat al-Nu’man and was subsequently observed circling near Saraqib and then Khan al-Sobol (four km southeast of Kafr Batikh).¹⁸
- An airstrike on a school in Ain al-Altina, Quneitra, on 17 July 2018, which killed 10 civilians and left many more injured. Prior to the strike, multiple Syrian Regime M-8 (Hip) helicopters and at least one Su-24 (Fencer) were observed in the vicinity.¹⁹
- An airstrike on the SCD Center in Jisr al-Shughur, Idlib, on 6 November 2019, which affected a nearby school and caused one civilian death and many more civilian injuries. Observers tracked a Su-24 (Fencer) fixed-wing aircraft departing from Sin airbase, Rif Damascus, and later circling in the vicinity shortly before the reported time of the attack. At least one fixed-wing aircraft was also observed in the area at the time.²⁰
- Multiple airstrikes on civilian areas of Ariha, Idlib, on 5 January 2020, which damaged a school and a kindergarten and caused nine civilian deaths and at least 20 injuries. Observers tracked a Su-24 (Fencer) departing from the T4 West Airbase and then flying en route to the town prior to the time of the strike.²¹
- An artillery attack on a school in Maarzaf, Idlib, on 13 December 2021, which caused no reported casualties. At least one drone aircraft was observed circling in the vicinity of the school at approximately the same time as the attack.²²

Hala and Starling’s Evidence on Attacks against Educational Facilities Affecting the Right to Education in Ukraine

16. On 15 June 2022, Hala and Starling submitted an Article 15 Communication to the Office of the Prosecutor for the ICC addressing intentional attacks against educational facilities (disproportionately affecting children) by the Armed Forces of the Russian Federation since they launched their wide-scale invasion into Ukraine on 24 February 2022. While there have been

¹⁶ See Annex B.

¹⁷ See Annex B, Report No. 1.

¹⁸ See Annex B, Report No. 2.

¹⁹ See Annex B, Report No. 3.

²⁰ See Annex B, Report No. 4.

²¹ See Annex B, Report No. 5.

²² See Annex B, Report No. 6.

thousands of illegal attacks on protected objects since the conflict started,²³ the Communication focused on five representative attacks on schools in Kharkiv between 2-16 March 2022, relying solely on open-source information ('OSINT').

17. On 17 January 2023, these groups will submit a second Article 15 Communication which corroborates and contextualises these attacks by providing 43 photographs of two of the five educational facilities in the original Article 15 Communication. They were taken by experienced crimes documenters who were trained to use secure, authenticated means of communications allowing the capture and transfer of photographs, specifically using the camera application named 'ProofMode'²⁴ and a messaging application named 'Signal'.²⁵ Further, this Communication provides direct evidence of a subsequent attack on School 17 in Kharkiv (one of the five schools originally presented in June)²⁶ relying upon the same two applications.

18. The five schools in Kharkiv are identified as follows:

- School 17;
- School 35;
- School 75;
- School 118; and
- School 464.

Briefly described below, all of the schools were attacked by the Russian Armed Forces. Photographs and links to videos of the attacks can be found in Annex C.

19. School 17²⁷

School 17 was clearly attacked by a large projectile launched by the Russian Armed Forces. Open source photos collected by Hala and Starling show a large hole in the side of a classroom full of desks and chairs caused by the impact from the shelling. The caption of a Telegram message reads "[a]nd the school on Saltivka was also a military facility? Did it have to be 'demilitarised' or 'denazified'?". Other OSINT confirmed the date and geo-coordinates of the attack. Photographs taken and preserved via ProofMode and Signal corroborated and contextualised this information.

20. School 35²⁸

School 35 was also attacked by the Russian Armed Forces. Open source videos were posted on the Telegram messaging platform by Tpyxa on 16 March 2002.²⁹ The videos depict the extent of the damage caused to School 35, with the videographer showing three different viewpoints of the extensive damage left by an unknown, but powerful weapon. Rubble from the walls of the school appears littered throughout the videos, validating the destruction brought upon this area. The caption reads "Demilitarisation of the school №35 in Kharkiv...[m]ilitary facilities, you say?".

²³ See *supra*, pp. 2-3.

²⁴ See [ProofMode's website](#) to learn more.

²⁵ See [Signal's website](#) to learn more.

²⁶ See Hala and Starling's June 2022 Article 15 Communication, paras 51-60.

²⁷ See Annex C, pp. 30-35.

²⁸ See Annex C, pp. 36-38.

²⁹ See [Tpyxa website](#) for more information.

Other OSINT confirmed the date and geo-coordinates of the attack. Photographs taken and preserved via ProofMode and Signal corroborated and contextualised this information.

21. School 75³⁰

An open source video posted on the Telegram messaging platform on 2 March 2002 shows proof of the attack against School 75. The incident is a recording of one video, the link of which can be found in the footnote.³¹ It shows extensive damage to the walls and windows of the school, with the videographer panning across the length of the school demonstrating the breadth of the damage. The caption reads “[t]he piggydogs bastards bombed one of the best schools in the Industrial District our kids wanted to go to”. Other OSINT confirmed the date and geo-coordinates of the attack.

22. School 118³²

Four open source photographs posted on the Telegram messaging platform on 2 March 2002 show proof of the attack against School 118. They show a school destroyed by a strong force that, in context, is clearly from the Russian Armed Forces. Rubble from the school litters the surrounding area and fires appear to have started outside the building. The foundation appears significantly damaged. The caption of the Telegram message reads “Kharkiv. We’re losing school by school. Putler is completely out of his mind”. Other OSINT confirmed the date and geo-coordinates of the attack.

23. School 464³³

A video posted on the Telegram messaging platform on 6 March 2002 by Tpyxa shows proof of the attack against School 464. The video shows extensive damage to the entirety of the area shown by the videographer. The caption reads “and another video”. The commentary provided by the individual making the video recordings is as follows: “Kindergarten area. I can’t see the hole but what is going on around you can imagine”. Other OSINT confirmed the date and geo-coordinates of the attack.

Additional information can be supplied on request to Hala’s Director of Accountability, Ashley Jordana at ashleyj@halasystems.com.

³⁰ See Annex C, p. 39.

³¹ Telegram, [Link](#), 2 March 2022.

³² See Annex C, pp. 39-41.

³³ *Ibid*, p. 42.

Conclusion & Recommendations

24. Attacks on educational facilities have a material impact on an individual's right to education, of which children are the principal victims. Against this backdrop, Hala and Starling's partnership is grounded in gaining insights and analysis required to leverage much-needed change in the way crimes against education and children are addressed in various accountability mechanisms.
25. Drawing on our extensive research and data collected, we make the following recommendations in an effort to protect educational facilities from being destroyed to ensure availability and access to education and holding perpetrators of such crimes to account:
 - Make every effort to collect reliable relevant data on attacks on educational facilities, on the victims of attacks, and on military use of schools and universities during armed conflict.
 - Build political backing at the state and diplomatic level to maintain focus on ensuring schools, (including abandoned school buildings and surrounding areas) are never used as military points or for any military purposes and that all schools currently being used for military purposes should be returned to education authorities immediately.
 - Promote the signing of the Safe Schools Declaration, an inter-governmental political commitment that provides countries the opportunity to express support for protecting education: (i) from attack during times of armed conflict; (ii) the importance of the continuation of education during war; and (iii) the implementation of concrete measures to deter the military use of schools. States should also be encouraged to use the guidelines to bring their domestic policy and operational frameworks into alignment.
 - Investigate allegations of violations of applicable national and international law and, where appropriate, prosecutions of perpetrators;
 - In an effort to ensure that children are able to access information (and justice) at a much later date, preserving data collected in a decentralised manner and according to design principles implementing best-in-class custody demonstration properties ensures the long-term viability and integrity of the data for later use seeking, *inter alia*, accountability for violations of the right to education.
 - Upon collection of relevant information, reach out to the media and publicise the findings, raising awareness of violations of the right to education, particularly as it relates to children.
 - Where relevant, working with partners and stakeholders to raise awareness on protecting the right to education in conflict-affected areas during active conflict situations.
 - Raising awareness on educational facilities being protected during conflict, as the protection of such facilities helps facilitate the right of children to receive education.
 - Providing information to relevant legislators, parliamentarians, and other policy actors in an effort to improve legal protections (and punishments) for violating the right to education.

Request for Action

26. There are a range of requested actions that need to be taken by many international accountability bodies, treaty bodies, UN Special Procedures, and others to protect the right to education. The collective effort of all relevant bodies will contribute to the fundamentally important right to

education is maximally provided during times of conflict. In line with the Special Rapporteur's mandate, Hala and Starling respectfully request the following:

- Request a call for contributions from all relevant sources, including Governments, international organizations, civil society, including non-governmental organizations, and other concerned stakeholders that identify any and all obstacles that are limiting the right to access education during an armed conflict, with particular emphasis on the conflicts in Ukraine and Syria.
- Request for relevant data to be provided by signatory States of the Safe School Declaration, who are responsible for collecting reliable data on military attacks of schools and universities.
- Make recommendations to the Governments of the Russian Federation and the Syrian Arab Republic urging their conformity with all relevant domestic and international standards regarding the right to education.
- Conduct a country visit to Russia to enquire into their compliance with the right to education during the conflict in Ukraine.
- Upon collection of relevant information from the call for contributions, we request that the Special Rapporteur provide a report to the UN Human Rights Council in its Annual Report.

Annex A:
Applicable Law as Related to the Conflicts in
Ukraine and Syria

Ukraine

Applicable Legal Framework Concerning the Right to Education during Armed Conflict

Concerning the conflict in Ukraine, international human rights law, international humanitarian law and international criminal law apply. While there are certain exceptions to being accorded such a right,³⁴ the right to education has been found to apply in situations of armed conflict. This includes the protection of educational facilities against attack.

The general framework of applicable laws concerning the conflict in Ukraine is briefly discussed below.

International Human Rights Law (IHRL)

There are a wealth of IHRL treaties providing for the right to education. As the Special Rapporteur is surely aware, principal amongst them is Article 13 of the International Covenant on Economic, Social and Cultural Rights. Article 26 of the Universal Declaration of Human Rights also provides for the right to education. While not a treaty, it is seen as the foundation of all international human rights law and is reflective of customary international law. Other core human rights treaties protecting the right to education include:

- Convention on the Right of the Child (Article 28);
- Convention on the Elimination of Discrimination against Women (Article 10);
- International Convention on the Elimination of All Forms of Racial Discrimination (Article 5(e)(v));
- Convention on the Rights of Persons with Disabilities (Article 24(1)); and
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Article 30).

Attacks on educational facilities are protected under international human rights law. While IHRL generally applies to individuals and not facilities, in its General Comment 13, the Committee on Economic, Social and Cultural Rights noted that education must be “accessible to everyone”, which includes being physically available.³⁵ In its seminal study on the right to education during armed conflict, the Education Above All Foundation and the British Institute of International and Comparative Law note that “[a]n attack on any physical structure or material on which the provision of education depends is likely to interrupt the educational process and thus violate the right to education”.³⁶

International Humanitarian Law (IHL)

The conflict in Ukraine would likely qualify as a non-international armed conflict (or at least mixed non-international and international) in relation to the conflict between Ukraine and the self-proclaimed “People’s Republic of Luhansk and Donetsk”.³⁷ Since 24 February 2022, due in part to the overall control exercised

³⁴ There is no derogation provision in the ICESCR. However, it is likely that the core rights contained in the treaty cannot be derogated from, while those non-core rights may be derogable in certain situations. Accordingly, the right to basic education is likely to be non-derogable. That which is not part of the right to a basic education may be derogable. See Education Above All Foundation and British Institute of International and Comparative Law, [Protecting Education in Insecurity and Armed Conflict: An International Law Handbook](#), Second Edition, p.26 (other citations omitted).

³⁵ Committee on Economic, Social and Cultural Rights, [General Comment No. 13: The Right to Education \(Article 13\) \(1999\)](#), para. 6.

³⁶ Education Above All Foundation and British Institute of International and Comparative Law, [Protecting Education in Insecurity and Armed Conflict: An International Law Handbook](#), Second Edition, p. 210.

³⁷ See Rulac: Geneva Academy, [Ukraine](#).

by the Russian Federation over these so-called republics, the conflict is now properly characterised as an international armed conflict.³⁸ For the sake of clarity, only the rules regulating international armed conflict can be found below. To the degree a particular event prior to 24 February can be characterised as non-international in nature, legal measures described in the section on Syria would apply.³⁹

Protection as a Civilian Object

During armed conflict, attacks on education may violate international humanitarian law and constitute war crimes (or crimes against humanity during war or peacetime) as foreseen in the 1907 Hague Regulations, the 1949 Geneva Conventions and their Additional Protocols, as well as customary international humanitarian law.⁴⁰ While there are a range of principles engaged in relation to the right to protect educational facilities from attack in the above legal measures, perhaps none is more fundamental than their qualification as civilian objects.

Under IHL, the principle of distinction provides that parties to an armed conflict must distinguish between civilian and military objects. Military objects are defined by Article 52(3) of Additional Protocol I as objects “which by their nature, location, purpose or use make an effective contribution to military action and whose total or partial destruction, capture or neutralization, in the circumstances ruling at the time, offers a definite military advantage”. Anything else should be considered a civilian object. Additional Protocol I further notes that “in case of doubt whether an object which is normally dedicated to civilian purposes, such as a...school, is being used to make an effective contribution to military action, it shall be presumed not to be so used”.⁴¹

Upon identification, parties to the conflict are only allowed to target military targets, as “[c]ivilian objects shall not be the object of attack or of reprisals”.⁴² The term ‘attack’ is defined in Additional Protocol I and means “acts of violence against the adversary, whether in offense or in defense”.⁴³ As is evident from the text, the scope of the Article is extremely broad and almost all acts of hostility fall under this provision.

An attack on education is any intentional threat or use of force - carried out for political, military, ideological, sectarian, ethnic, or religious reasons - against students, educators,⁴⁴ and education institutions.⁴⁵ An attack on education may be perpetrated by state security forces, including armed forces, law enforcement, paramilitary, and militia forces acting on behalf of the state, as well as by non-state armed groups.⁴⁶

³⁸ *Ibid.*

³⁹ *See infra*, pp. 14-15.

⁴⁰ Global Coalition to Protect Education from Attack, [What International Laws are Violated?](#), 2022.

⁴¹ *See* Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts, 8 June 1977, ([‘Additional Protocol I’](#)), Article 52(3).

⁴² *Ibid.*

⁴³ *Ibid.*, Article 49(1).

⁴⁴ Educators include education officials, teachers, academics, education support and transport staff: *See* Global Coalition to Protect Education from Attack, [What is an Attack on Education?](#), 2022.

⁴⁵ Education institutions include buildings, resources, and facilities (including school buses): *See* Global Coalition to Protect Education from Attack, [What is an Attack on Education?](#), 2022.

⁴⁶ Global Coalition to Protect Education from Attack, [What is an Attack on Education?](#), 2022.

Protection as Cultural Property

Article 56 of the Hague Regulations prohibits “all seizure of, and destruction, or intentional attacks damage done to” institutions dedicated to religion, charity, education, the arts and sciences, historic monuments and works of art and science.⁴⁷

International Criminal Law (‘ICL’)

During an international armed conflict, attacks on education may violate the Rome Statute of the International Criminal Court (‘ICC’). While not a State Party to the Rome Statute of the ICC, the Government of Ukraine lodged a declaration under Article 12(3) of the Rome Statute accepting ICC jurisdiction concerning crimes against humanity perpetrated between 21 November 2013 and 22 February 2014 in Ukraine.⁴⁸ On 8 September 2015, the Government lodged a second Declaration accepting the ICC’s jurisdiction from 20 February 2014 with no temporal end date.⁴⁹

Attack on Cultural Property

Article 8(2)(b)(ix) of the Rome Statute prohibits intentionally attacking buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, which are not military objectives, as a serious violation of the laws of war in the context of an international armed conflict.

Specifically, this Article prohibits intentionally attacking buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, which are not military objectives, as a serious violation of the laws of war in the context of an international armed conflict.⁵⁰ Accordingly, educational institutions are specially protected as long as they meet the special requirement of “cultural heritage of people”, meaning “objects whose value transcends geographical boundaries, and which are unique in character and are intimately associated with the history and culture of a people”.⁵¹ Additionally, these institutions must “clearly be identified as dedicated to education”.⁵²

Attack on a Civilian Object

Article 8(2)(b)(ii) of the Rome Statute prohibits the war crime of “intentionally directing attacks against civilian objects, that is, objects which are not military objectives”. This war crime is derived from the customary international law principle of distinction during an armed conflict - the requirement to distinguish at all times between civilians and combatants and to direct attacks only against combatants.

Syria

⁴⁷ See [Hague Regulations 1907](#), Article 56; see also ICRC Customary International Humanitarian Law Study, Rule 40.

⁴⁸ The Embassy of Ukraine to the Kingdom of the Netherlands, [Declaration under Article 12 of the Rome Statute](#), 9 April 2014. Ukraine is not a member-state of the ICC, but Article 12 allows a state to accord the ICC jurisdiction.

⁴⁹ Minister for Foreign Affairs Ukraine, [Declaration under Article 12 of the Rome Statute](#), 9 September 2015.

⁵⁰ The following international legal instruments prohibit attacking protected objects: [ICTY Statute](#), Article 3(d); [Hague Regulations 1907](#), Article 27 and 56; [Geneva Convention I](#), Articles 22-23, 34-35; [Geneva Convention II](#), Articles 18-19; [Geneva Convention IV](#); and [Additional Protocol I](#), Articles 12 and 53. This crime was already prohibited by the specialised instrument – the [Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954](#) (e.g. Articles 3, 4, 5, 9) and its First Protocol. These instruments were substantially supplemented by the Second Additional Protocol of 1999 (II AP to HCP).

⁵¹ [Commentary on the Law of the International Criminal Court](#), pp. 89, 90; see also *Prosecutor v. Martić*, Case No. IT-95-11, Trial Judgment, 12 June 2007, para. 97.

⁵² [Commentary on the Law of the International Criminal Court](#), pp. 89, 90; See also *Prosecutor v. Blaškić*, Case No. IT-95-14, Trial Judgment, 3 March 2000, para. 185.

International Human Rights Law (IHRL)

See the Ukraine section above.⁵³

International Humanitarian Law (IHL)

The conflict in Syria largely qualifies as a non-international armed conflict.⁵⁴ However, it is also engaged in multiple international armed conflicts.⁵⁵ Concerning the applicable law relating to the international armed conflict, kindly review the section on Ukraine.⁵⁶ Regarding non-international armed conflicts, kindly continue reading below.

Protection as a Civilian Object

Generally, all parties to the conflict in Syria are required to comply with Common Article 3 to the 1949 Geneva Conventions, which provides baseline standards that must be followed and generally sets forth the requirement of humane treatment. Further, the Government of Syria and other parties must follow customary international humanitarian law.⁵⁷

While the prohibition of directing attacks against civilian objects is not protected by the Additional Protocol II to the Geneva Conventions of 1949 (relevant to non-international armed conflicts), customary international humanitarian law provides relevant safeguards concerning such protection.⁵⁸ In particular, the principle of distinction between attacks against civilian and military objects is applied and therefore attacks may only be directed against military objectives and not against civilian objects.⁵⁹

Educational facilities clearly are not military objects, as their principal purpose is to provide education to the population, an objective wholly distinct from military action. As such, they are considered civilian objects, which provides them the necessary legal protection.

Protection of Cultural Property

Customary international humanitarian law imposes obligations of respect and protection upon all parties to the conflict towards objects of cultural value. In this context, damage to buildings dedicated to education should be avoided.⁶⁰

⁵³ *Supra*, p. 1.

⁵⁴ See Rulac: Geneva Academy, [Non-International Armed Conflicts in Syria](#).

⁵⁵ *Ibid*, [International Armed Conflicts in Syria](#).

⁵⁶ *Supra*, pp. 1-3.

⁵⁷ To learn more, see ICRC Customary International Humanitarian Law Study, [The Principle of Distinction Between Civilian Objects and Military Objectives](#), Rule 7.

⁵⁸ However, it has been argued that the concept of general protection in Article 13(1) of Additional Protocol II is broad enough to cover the issue of attacks against civilian objects: See Michael Bothe, Karl Joseph Partsch, Waldemar A. Solf (eds.), [New Rules for Victims of Armed Conflicts](#), Martinus Nijhoff, The Hague, 1982, p. 677.

⁵⁹ See ICRC Customary International Humanitarian Law Study, [Rule 7](#).

⁶⁰ See *ibid*, [Attacks against Cultural Property](#), Rule 38.

Rule 40 of the ICRC's study on International Humanitarian Customary Law provides that "all seizure of or destruction or wilful damage done to institutions dedicated to religion, charity, education, the arts and sciences, historic monuments and works of art and science is prohibited".⁶¹

⁶¹ *See ibid*, [Respect for Cultural Property](#), Rule 40.

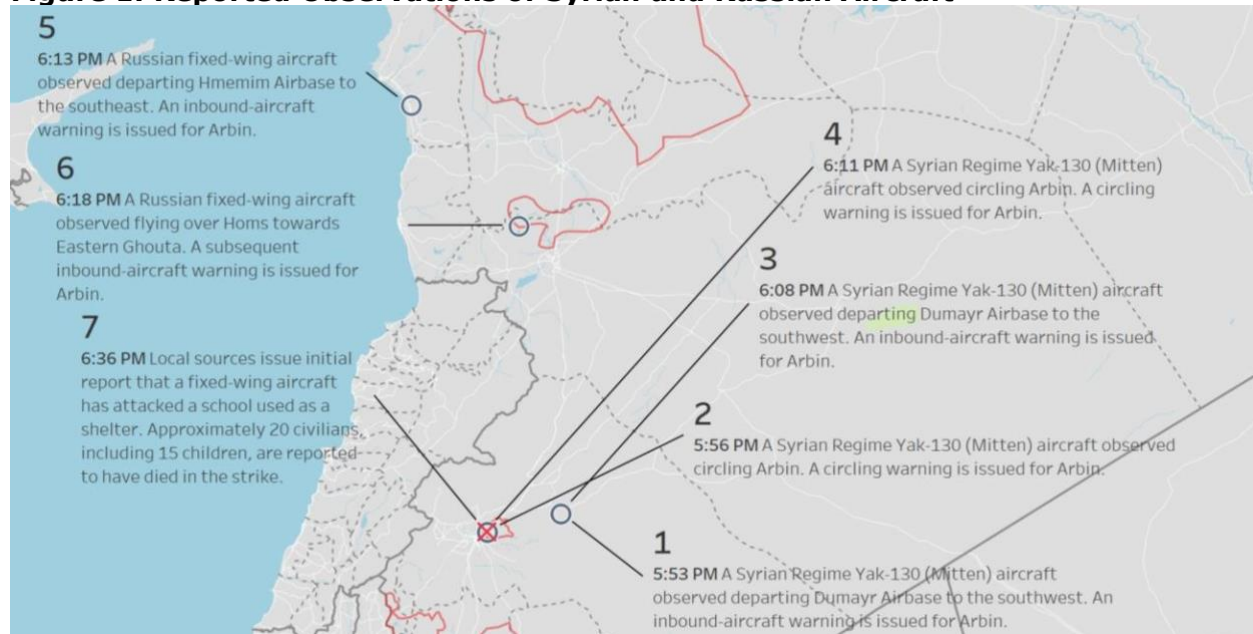
**Annex B: Reports:
Attacks against Educational Facilities in Syria**

Attack on School in Arbin

6:00 – 6:30 PM 19 March 2018

At 6:36 PM on 19 March 2018, local media sources reported that a fixed-wing aircraft struck a school in the town of Arbin in Eastern Ghouta, Rif Damascus¹. Prior to the approximate time of the attack, several sightings of Syrian Regime and Russian fixed-wing aircraft were reported inbound to or circling above the town.

Figure 1: Reported Observations of Syrian and Russian Aircraft



ID	Time	Event
1	5:53 PM	A Syrian Regime Yak-130(Mitten) aircraft observed departing Dumayr Airbase to the southwest. An inbound-aircraft warning is issued for Arbin.
2	5:56 PM	A Syrian Regime Yak-130(Mitten) aircraft observed circling Arbin. A circling warning is issued for Arbin.
3	6:08 PM	A Syrian Regime Yak-130(Mitten) aircraft observed departing Dumayr Airbase to the southwest. An inbound-aircraft warning is issued for Arbin.
4	6:11 PM	A Syrian Regime Yak-130(Mitten) aircraft observed circling Arbin. A circling warning is issued for Arbin.
5	6:13 PM	A Russian fixed-wing aircraft observed departing Hmemim Airbase to the southeast. An inbound-aircraft warning is issued for Arbin.
6	6:18 PM	A Russian fixed-wing aircraft observed flying over Homs towards Eastern Ghouta. A subsequent inbound-aircraft warning is issued for Arbin.

7 6:36 PM

Local sources issue initial report that a fixed-wing aircraft has attacked a school used as a shelter. Approximately 20 civilians, including 15 children, are reported to have died in the strike.

¹ <https://www.aljazeera.com/news/2018/03/syria-war-16-children-killed-strike-ghouta-school-180320093343453.html>; <https://www.thenational.ae/world/mena/russia-blamed-for-air-strike-that-killed-15-children-in-syria-1.714563>

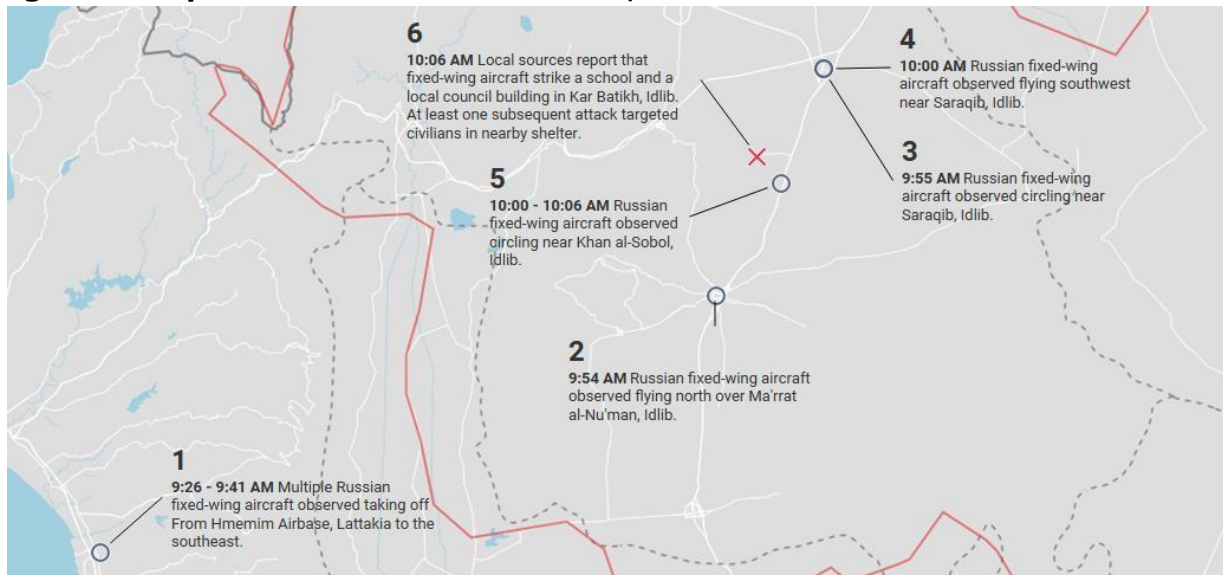
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Attack on School near Kafr Batikh, Idlib

9:26 – 10:06 AM 21 March 2018

At 10:06 local time on 21 March 2018, local media sources began reporting that a fixed-wing aircraft attacked a school and local council building in the town of Kafr Batikh, Idlib.¹ Prior to this attack, several sightings of at least one Russian fixed-wing aircraft were reported in the vicinity. At approximately, 9:54 AM, a Russian fixed-wing aircraft was observed flying north near Ma’rrat al-Nu’man and was subsequently observed circling near Saraqib and then Khan al-Sobol (4kmsoutheast of Kafr Batikh). This attack is reported to have killed 20, including 16 children.

Figure 1: Reported aircraft observations, 21 March 2018



ID	Time	Event
1	9:26 –9:41 AM	Multiple Russian fixed-wing aircraft observed taking off From Hmemim Airbase, Lattakia to the southeast.
2	9:54 AM	Russian fixed-wing aircraft observed flying north over Ma'rrat al-Nu'man, Idlib.
3	9:55 AM	Russian fixed-wing aircraft observed circling near Saraqib, Idlib.
4	10:00 AM	Russian fixed-wing aircraft observed flying southwest near Saraqib, Idlib.
5	10:00 –10:06 AM	Russian fixed-wing aircraft observed circling near Khan al-Sobol, Idlib.

6 10:06 AM

Local sources report that fixed-wing aircraft strike a school and a local council building in Kar Batikh, Idlib. At least one subsequent attack targeted civilians in nearby shelter.

¹ <https://www.facebook.com/EdlibEmc1/posts/2049937461886479> ;
<https://www.facebook.com/SyrianCivilDefenceIdlibWhiteHelmets/posts/1608528395912877>
; <https://aa.com.tr/en/middle-east/russian-airstrikes-kill-20-civilians-in-syria-s-idlib/1095533>

BUSINESS
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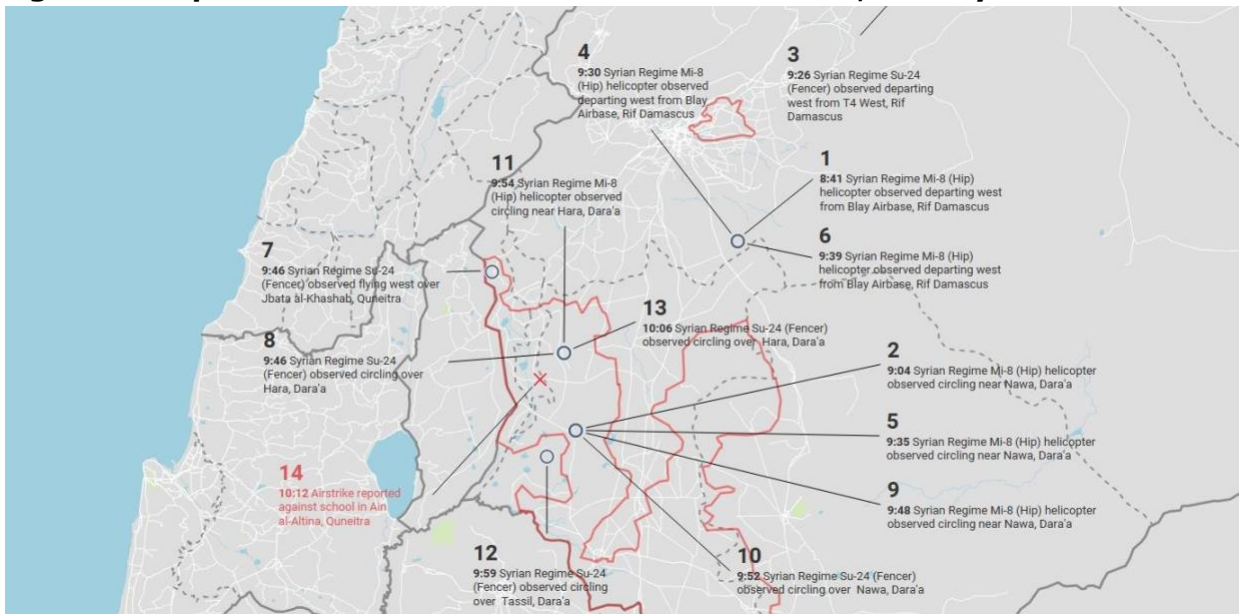


Airstrike on School in Ain al-Altina, Quneitra

8:41 - 10:12 17 July 2018

On 17 July 2018 at approximately 10:12 local time, media organizations in Syria reported an airstrike on a school in Ain al-Altina, Quneitra.¹ Initial reports indicated at least 10 civilians were killed and numerous more injured. Prior to the strike, multiple Syrian Regime Mi-8 (Hip) helicopters and at least one Su-24 (Fencer) were observed in the vicinity.

Figure 1: Reported aircraft observations and airstrikes, 17 July 2018



ID	Time	Event
1	8:41	Syrian Regime Mi-8(Hip) helicopter observed departing west from Blay Airbase, Rif Damascus
2	9:04	Syrian Regime Mi-8(Hip) helicopter observed circling near Nawa, Dara'a
3	9:26	Syrian Regime Su-24(Fencer) observed departing west from T4 West, Rif Damascus
4	9:30	Syrian Regime Mi-8(Hip) helicopter observed departing west from Blay Airbase, Rif Damascus
5	9:35	Syrian Regime Mi-8(Hip) helicopter observed circling near Nawa, Dara'a
6	9:39	Syrian Regime Mi-8(Hip) helicopter observed departing west from Blay Airbase, Rif Damascus
7	9:46	Syrian Regime Su-24(Fencer) observed flying west over Jbata al-Khashab, Quneitra
8	9:46	Syrian Regime Su-24(Fencer) observed circling over Hara, Dara'a
9	9:48	Syrian Regime Mi-8(Hip) helicopter observed circling near Nawa, Dara'a
10	9:52	Syrian Regime Su-24(Fencer) observed circling over Nawa, Dara'a
11	9:54	Syrian Regime Mi-8(Hip) helicopter observed circling near Hara, Dara'a
12	9:59	Syrian Regime Su-24(Fencer) observed circling over Tassil, Dara'a
13	10:06	Syrian Regime Su-24(Fencer) observed circling over Hara, Dara'a
14	10:12	Airstrike reported against school in Ain al-Altina, Quneitra

14 10:12 Airstrike reported against school in Ain al-Altina, Quneitra

¹ <https://t.me/kafaranbelnews/8432>; <https://t.me/ShbabAllatamneh/27058>;
<https://twitter.com/AJABreaking/status/1019131232603422722>

CONFIDENTIAL



Istanbul, Turkey,
2019-11-06

Airstrike on SCD Center in Jisr al-Shughur, Idlib

At approximately 10:27 on 6 November 2019, local media sources and the Syrian Civil Defense (SCD) reported that an airstrike disabled the SCD Center in Jisr al-Shughur, Idlib.¹ The attack also affected a nearby school, a women’s center, and the UXO removal center. One civilian death and multiple injuries were reported. Observers tracked multiple Su-24 (Fencer) fixed-wing aircraft departing from Sin Airbase, Rif Damascus, and later circling in the vicinity shortly before the reported time of the strike. At least one Russian fixed-wing aircraft was also observed in the area at the time.

A summary of the estimated timeline for this action is provided below:



Please direct questions to Hala’s Director of Analytics (dan@halasystems.com)

¹ <https://t.me/SyrianCivilDefenceIdlib/24047>
<https://t.me/SyriaDefence/2803>
<https://t.me/IDLIBPLUS/8305>
<https://t.me/AleppoAMC/13967>
https://t.me/syria_television/29523
<https://t.me/HalabTodayTV/53391>



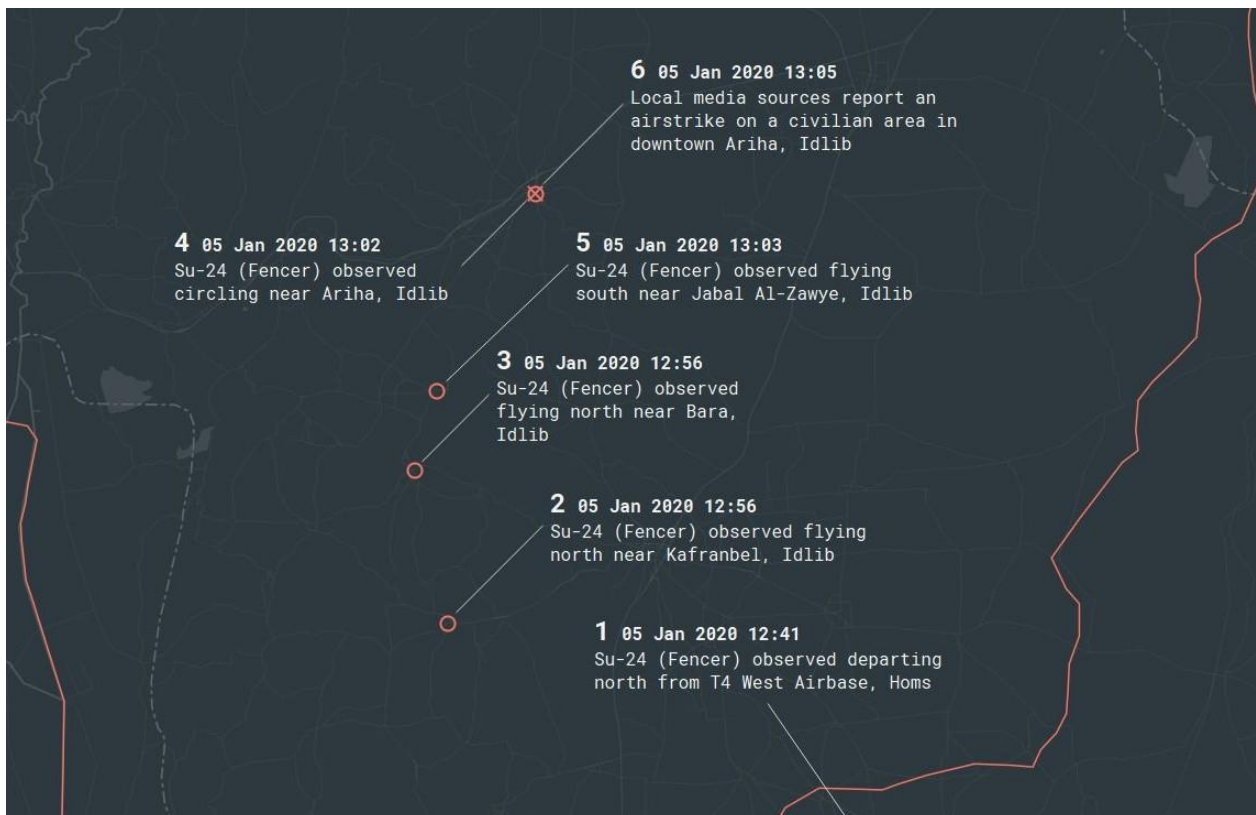
Hala
Systems
Inc.

Lisbon,
Portugal
2020-01-05

Multiple Airstrikes on Civilian Areas of Ariha, Idlib

At approximately 13:05 on 5 January 2020, local media sources and the Syrian Civil Defense reported multiple airstrikes in and around Ariha, Idlib.¹ These attacks damaged a school, a kindergarten, a mosque, and multiple residences. SCD reported 9 civilian deaths and at least 20 injuries as a result of this action. Observers tracked an Su-24 (Fencer) departing from T4 West Airbase and then flying en route to the town prior to the time of the strike.

A summary of the estimated timeline for this action is provided below:



Please direct questions to Hala's Director of Analytics (dan@halasystems.com).

¹ <https://www.facebook.com/SyrianCivilDefenceDlibWhiteHelmets/posts/2631458770286496>;
<https://t.me/NewsEdlep/4119>; <https://t.me/zaitunagency/12110>; <https://t.me/maaramc/16051>

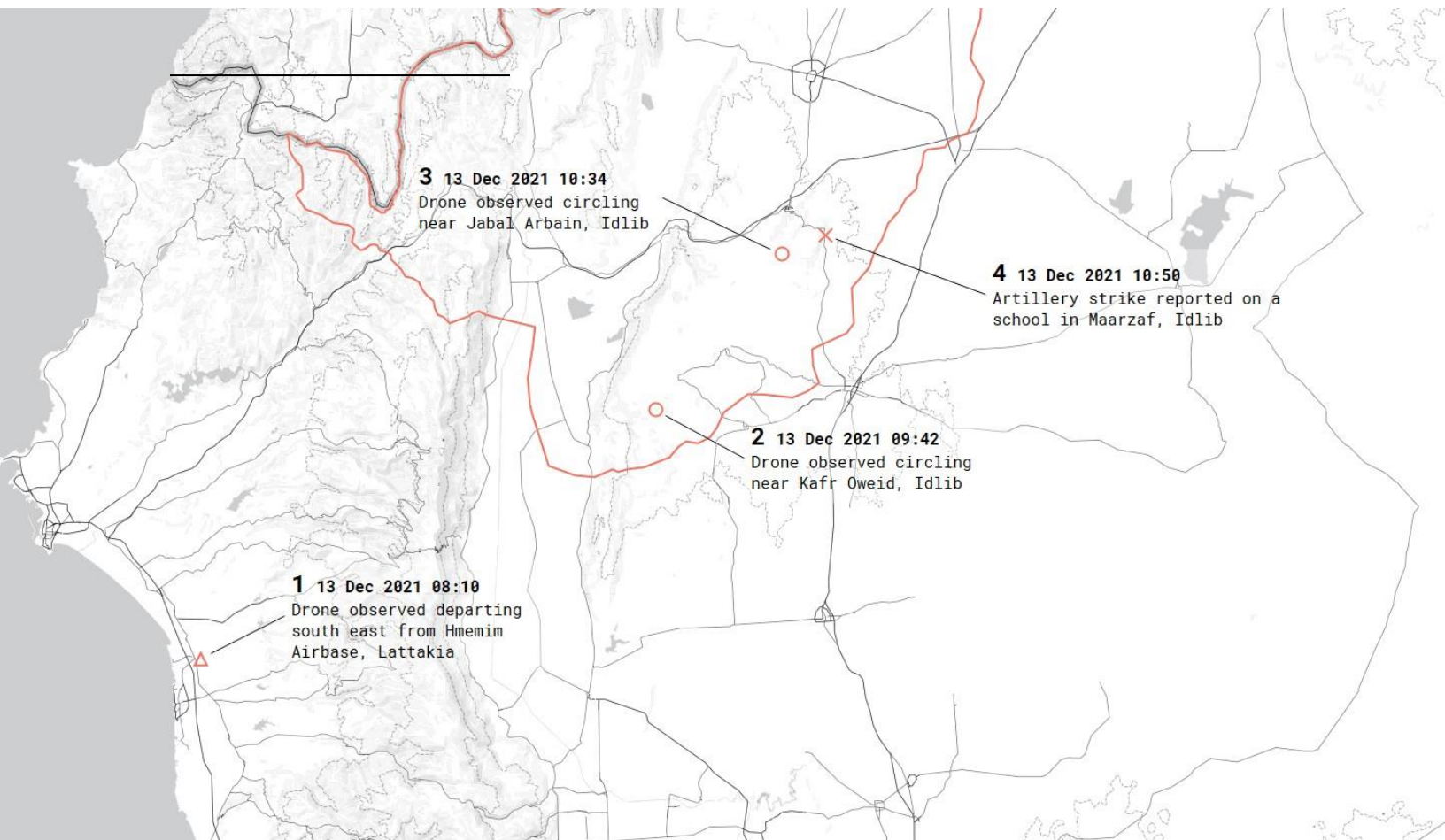


Lisbon, Portugal
2021-12-13

Artillery Attack on School in Maarzaf, Idlib

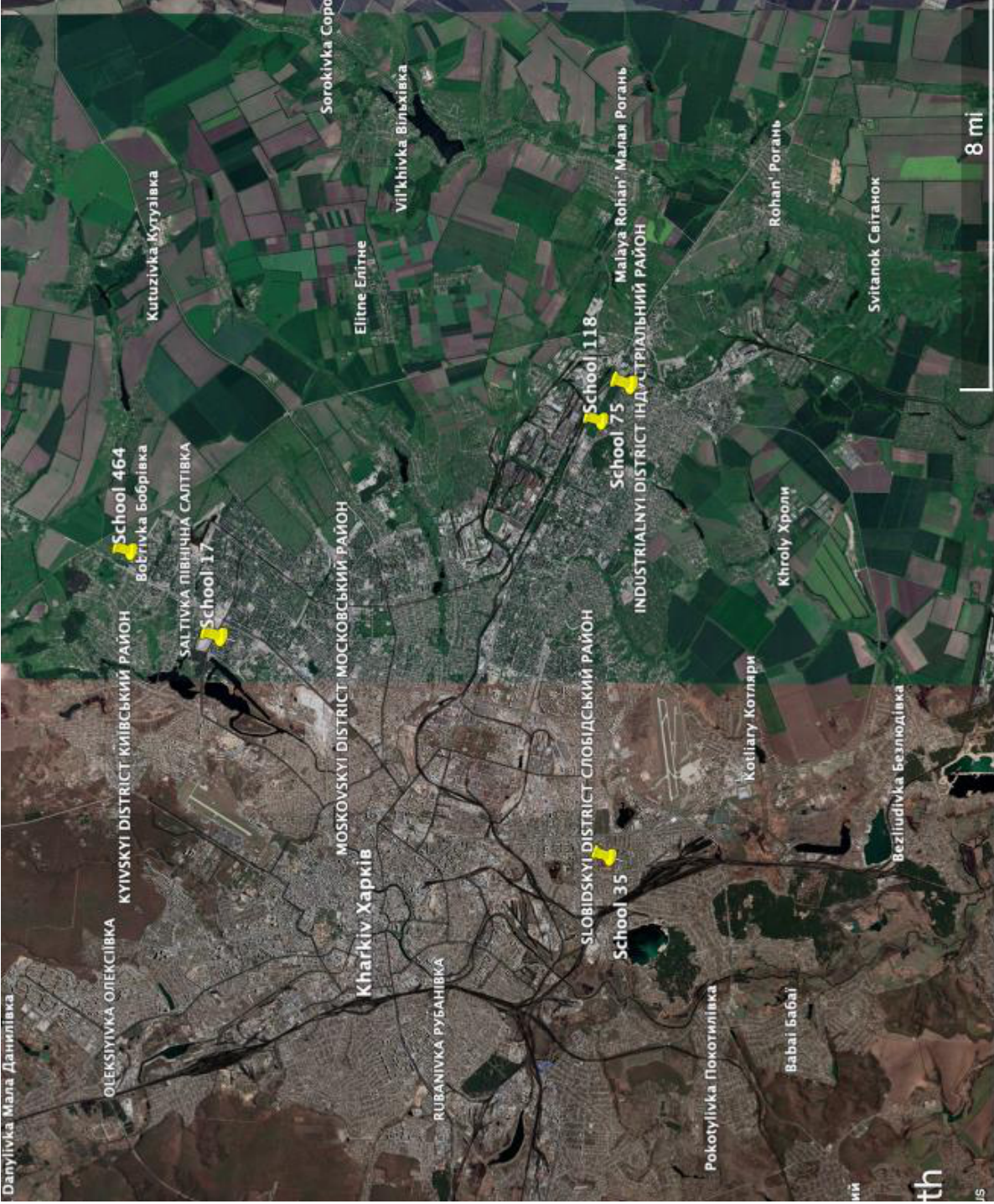
At approximately 10:50 on 13 December 2021, local media sources and the Syrian Civil Defense reported an artillery strike on a school in Maarzaf, Idlib. Though the school was in use at the time of the attack, no casualties were reported.¹ At least one drone aircraft was observed circling in the vicinity of the school at approximately the same time as the attack.

A summary of the estimated timeline for this action is provided below



Annex C: Photographs and Videos: Attacks against Educational Facilities in Ukraine

Geolocations of Attacks against Educational Facilities in Ukraine



Photographs: School 17

Photo No. 1

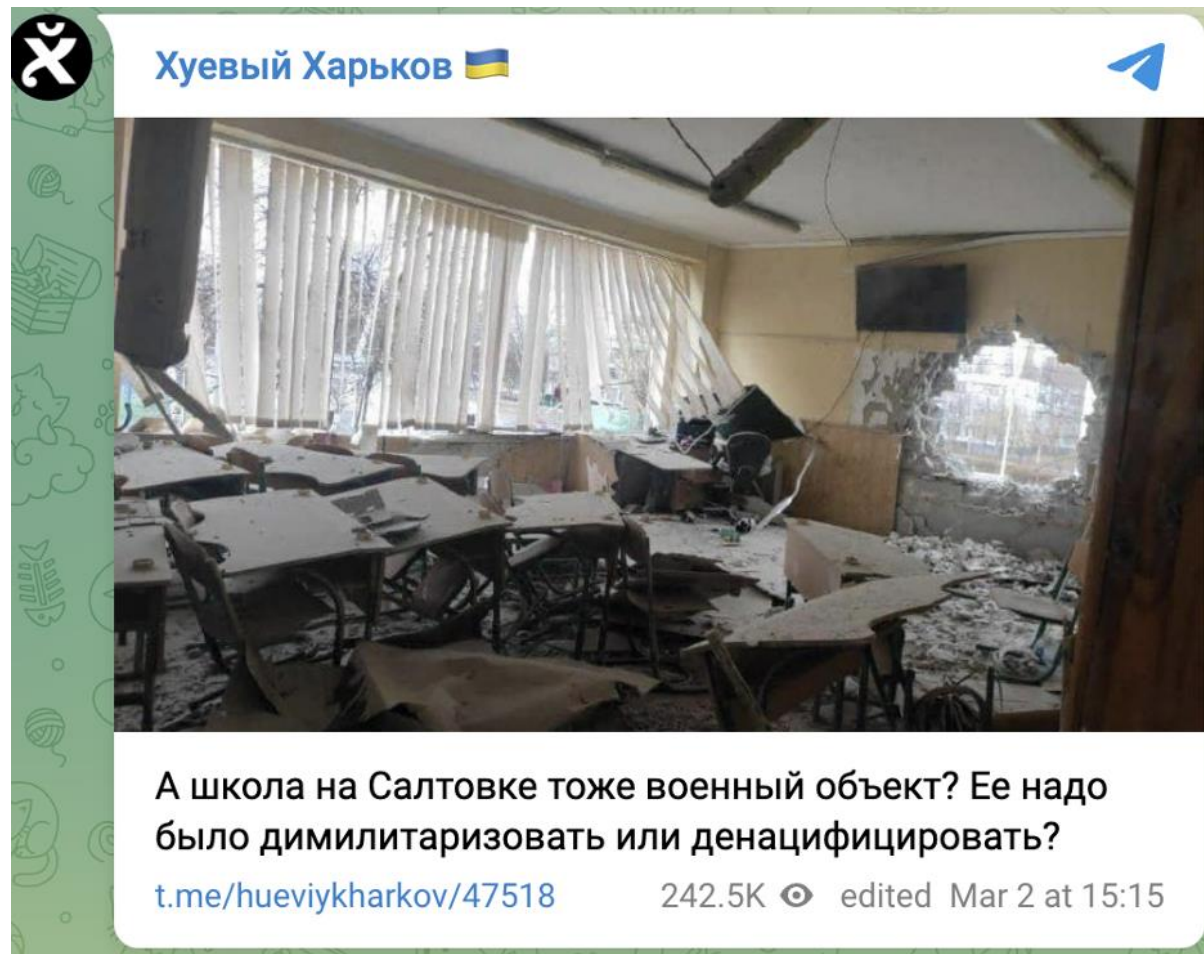


Photo No. 2



Photo No. 3



Photo No. 4



Photo No. 5



Photo No. 6



Photo No. 7



Photographs and Videos: School 35

The incident is a recording of three videos, which can be found [here](#).

Photographs

Photo No. 1



Photo No. 2



Photo No. 3



Photographs and Video: School 75

The incident is a recording of one video, which can be found [here](#).

Photographs: School 118

Photo No. 1

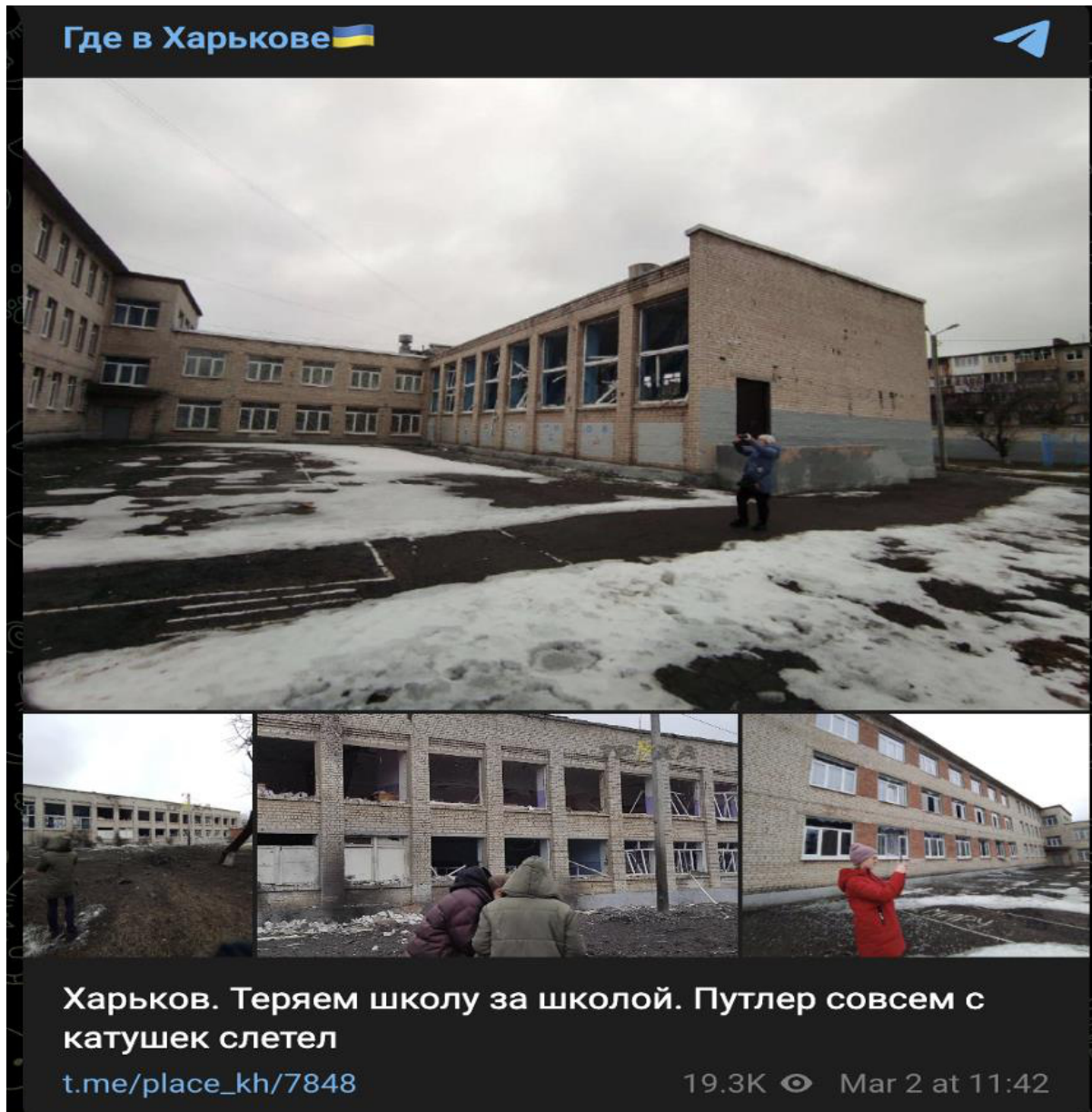
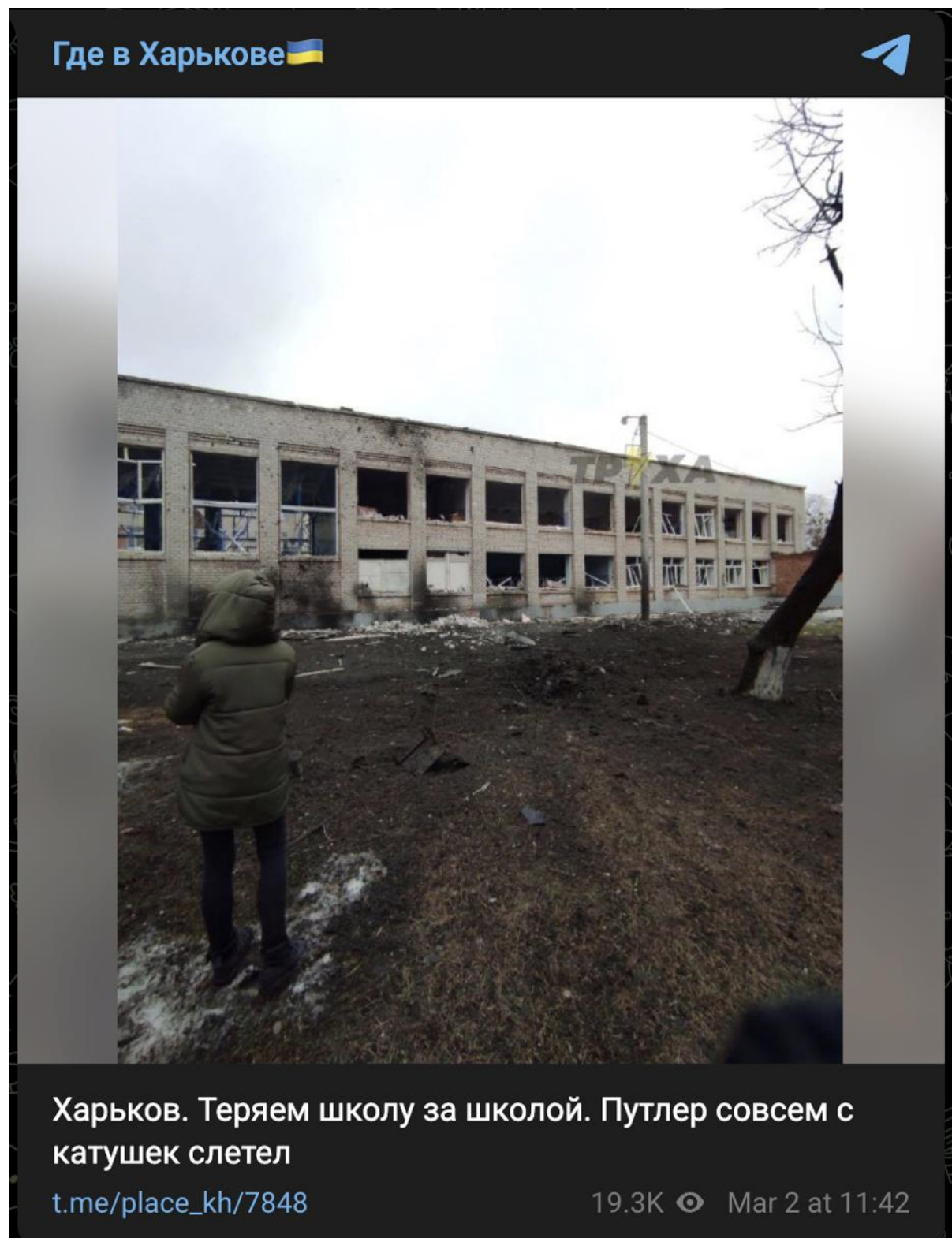


Photo No. 2

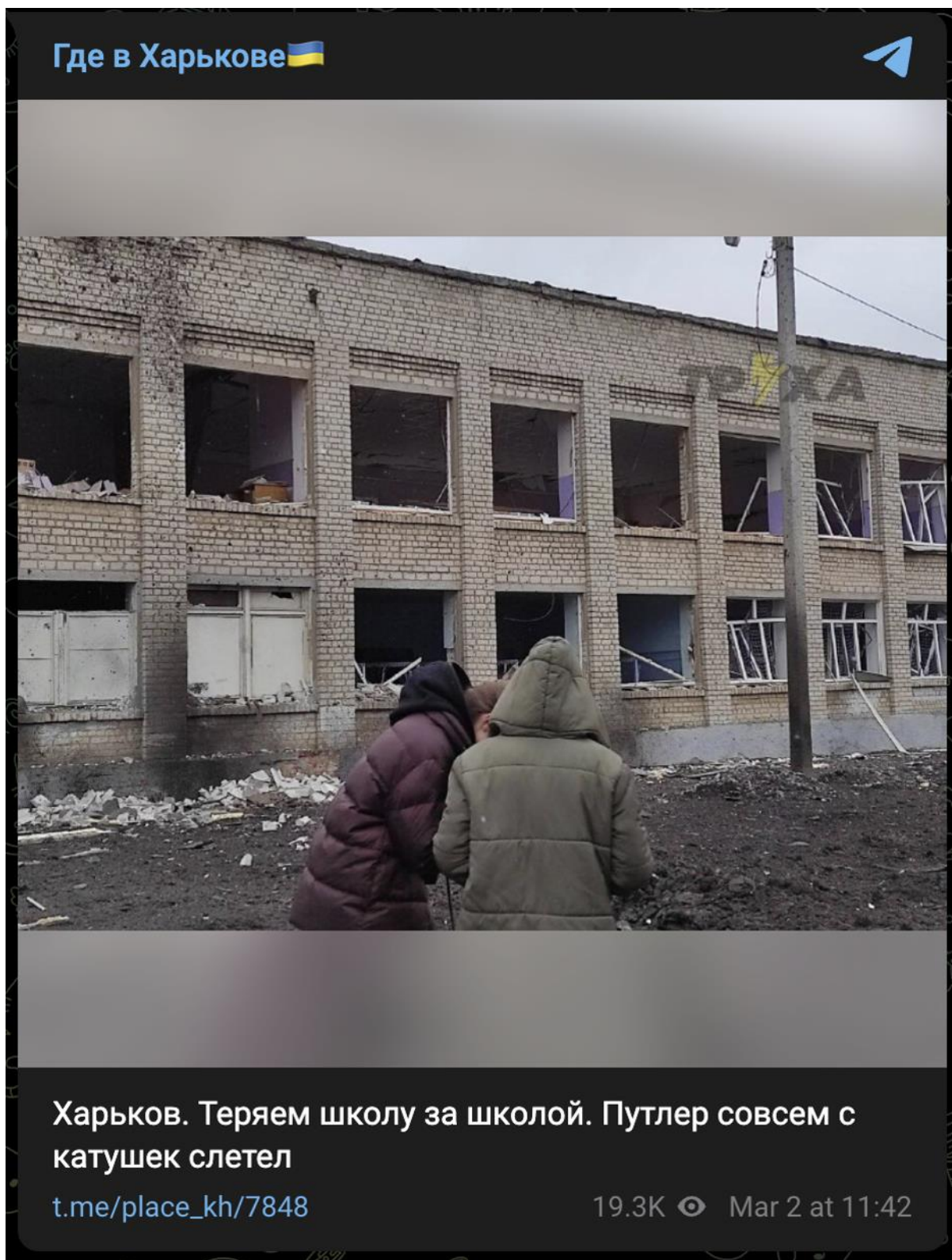


Харьков. Теряем школу за школой. Путлер совсем с катушек слетел

t.me/place_kh/7848

19.3K  Mar 2 at 11:42

Photo No. 3



Video: School 464

The incident is a recording of one video, which can be found [here](#).