

ENSURING THE RIGHT TO EDUCATION AND CREATING A SAFE EDUCATIONAL ENVIRONMENT DURING ARMED CONFLICT: INTERNATIONAL EXPERIENCE

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The purpose of the article is to analyze the international experience of ensuring the right to education and creating a safe educational environment during armed conflict. It is emphasized that international experience in creating a safe educational environment during armed conflict can alleviate the devastating consequences for students of higher education. The authors determine that subjects of children's rights protection should provide a safe space for the educational process in several locations - in the premises where children study, on the territory of an educational institution and in a shelter.

The article analyzes the negative effects of the armed conflict on the educational environment, including: deteriorating school attendance; a decrease in the number of students, as the vast majority go abroad; a decrease in the quality of education; and a reduction in teaching staff, all of which are obstacles to children receiving quality education and exercising their right to education and proper development.

The main provisions and areas of activity of public authorities in implementing the Order of the Cabinet of Ministers of Ukraine "On Approval of the Action Plan for the Implementation of the Declaration on School Safety" of August 4, 2021 are identified, and the positive aspects of the Declaration on School Safety are detailed.

Particular attention is paid to cooperation with international funds that help our country, the role and place of each. Among the latter: Education Cannot Wait (Fund), The Global Business Coalition for Education, UNICEF, Global Coalition to Protect Education from Attack, UNESCO (United Nations Educational, Scientific and Cultural Organization).

Key words: UN Safe Schools Declaration, international experience, armed conflict, educational environment.

Волошанівська Т. В., Сухарєва А. О. Забезпечення права на освіту та формування безпечного освітнього середовища у період збройного конфлікту: міжнародний досвід

Метою статті є аналіз міжнародного досвіду щодо забезпечення права на освіту та формування безпечного освітнього середовища у період збройного конфлікту. Акцентовано увагу, що міжнародний дос-

від щодо формування безпечного освітнього середовища у період збройного конфлікту може полегшити руйнівні наслідки для здобувачів освіти. Авторами визначено, що суб'єкти захисту прав дітей повинні забезпечувати безпечний простір освітнього процесу на декількох локаціях - у приміщенні де навчаються діти, на території закладу освіти та в укритті.

Проаналізовані негативні наслідки збройного конфлікту на освітнє середовище, серед яких: погіршення відвідування шкіл; зменшення кількості школярів, оскільки переважна більшість виїжджає за кордон; зниження якості освіти; скорочення викладацького складу - усе це є перешкодою для здобуття дітьми якісної освіти та реалізації свого права на освіту та належного розвитку.

Визначені основні положення та напрямки діяльності органів державної влади щодо реалізації Розпорядження Кабінету Міністрів України «Про затвердження плану заходів щодо реалізації Декларації про безпеку шкіл» від 4 серпня 2021 р., деталізовані позитивні сторони Декларації про безпеку шкіл.

Особлива увага звернута на співпрацю з міжнародними фондами, які допомагають нашій державі, роль та місце кожного. Серед останніх: Фонд Education Cannot Wait («Освіта не може чекати»), The Global Business Coalition for Education (Глобальна бізнес-коаліція з питань освіти), UNICEF, Global Coalition to Protect Education from Attack (Глобальна коаліція на захист процесу навчання від нападів), UNESCO (Організація Об'єднаних Націй з питань освіти, науки і культури).

Ключові слова: Декларація ООН про безпеку шкіл, міжнародний досвід, збройний конфлікт, освітнє середовище.

Statement of the problem and its relevance. The problem of this study is that in armed conflicts, the educational environment is always under attack. Protecting educational institutions from attacks should be one of the priorities of public authorities, as educational institutions should remain a safe place to learn. Throughout the civilized world, there are countries that are experiencing military

aggression from other countries, which exposes educational subjects to risks and dangerous activities at the national and school levels.

Given the realities of today, subjects of children's rights protection must ensure a safe space for the educational process in several locations - in the classroom, on the territory of the educational institution, and in a shelter. It is very important to restore a sense of security and control to children, so it is important to take care of the predictability of everything that happens in the educational space to ensure a comprehensive provision of a psychologically and physically safe educational environment and appropriate conditions for learning and teaching in educational institutions.

Creating a safe educational environment requires the efforts of all subjects involved in protecting children's rights, including governmental and non-governmental authorities at various levels. The leading role is played by the Ministry of Education and Science of Ukraine, together with the Presidential Foundation for Education Support, international organizations, and law enforcement officials. The safe educational environment in our country should be based on a thorough analysis of international experience.

Analysis of recent research and publications.

The problem of ensuring the right to education and the formation of a safe educational environment during the armed conflict is partially covered in the works of Ukrainian legal scholars. Thus, M.V. Korniienko and A.O. Sukhareva studied the role and place of the Security Specialist in the educational environment, concluding that the expediency of having a Security Specialist in the educational environment is beyond doubt, since he is an auxiliary subject for teachers and heads of educational institutions in creating such an environment [1, p. 173]. V.M. Dukhnevych in his scientific work "Creating a Safe Educational Environment: "Six Steps to Safety" came to the conclusion that a program or project on the safety of the educational environment should be developed at the level of a particular educational institution and cannot simply be 'transferred' from one educational institution to another [2, p. 266-278]. H. Vasyanovych studied the concept of "safe educational environment" and the general characteristics of teachers' tasks in order to form a safe educational environment in a higher education institution [3].

The considerations expressed in scientific works have left a corresponding imprint on the study and definition of the essence of the formation of a safe

educational environment during martial law. However, there is no comprehensive study of international experience in overcoming this phenomenon. The scientific works of the aforementioned scholars create the prerequisites for further study of this issue within the framework of this study.

The purpose of the study is to analyze the international experience of countries that have suffered from armed attacks, considerations of protective measures taken at the school level in foreign countries and their further implementation in the national context in order to adapt and improve the situation in the educational environment in our country, taking into account the needs of a particular region to ensure the security of the educational process at the proper level.

Summary of the main material. During the armed conflict, educational institutions should remain a safe place to learn. However, children's right to education and the protection of educational space is violated in countries affected by armed conflict. This is manifested in harm to children's lives and health (killings, torture, recruitment); the use of schools as barracks, weapons depots, hostage holding facilities; and the complete or partial destruction of schools and educational infrastructure.

The negative consequences include: a decline in school attendance; a decrease in the number of students, as the vast majority go abroad; a decline in the quality of education; a reduction in teaching staff - all of which are obstacles to children receiving quality education and exercising their right to education and proper development. Therefore, the state authorities, together with international organizations, local non-governmental organizations, volunteers, and law enforcement agencies, should support educators and students in protecting their rights from military use.

Unfortunately, our country has faced a full-scale military invasion, and from the first days of the attack, devastating risks in the educational environment have arisen for all subjects of educational activity. The state has faced a number of challenges in implementing protective measures to prevent and overcome conflicts. At the same time, the measures should be adapted to meet the interests and needs of a particular region in order to guarantee and create a safe educational space for learning.

The sad events of recent years in our country have led to the fact that the youngest Ukrainians do not have a full-fledged safe environment for education. The aggressor country claims that it strikes exclusively

at military targets, but its troops destroy educational institutions of all levels. Thus, the statistics are striking: since the first days of military aggression, the most destroyed and damaged educational institutions are in Kharkiv region (damaged - 733; destroyed - 99); Donetsk region (damaged - 387; destroyed - 112); Dnipropetrovsk region (damaged - 404; Kherson region (damaged - 299; destroyed - 71); Mykolaiv region (damaged - 264; destroyed - 33); Kyiv region (damaged - 233; destroyed - 15); Sumy region (damaged - 204; destroyed - 17); Luhansk region (damaged - 182; destroyed - 23). In total, 3798 educational institutions were affected by the bombing and shelling, 365 of them were completely destroyed [4].

The safety of the educational environment in the learning space plays a key role in creating the right conditions for the intellectual development of Ukrainian children. For effective, high-quality education of the younger generation, it is necessary to take into account external and internal factors that directly affect learning and determine the degree of security. These factors include communication between participants in the educational process, the political situation in the country, threats of martial law and active hostilities, relations between parents and the management of the educational institution, etc. A safe educational environment includes creating a favorable atmosphere where all participants in the educational process, especially students, feel safe, both physically and psychologically. But all of this can be achieved through the use of effective methods of interaction between child protection actors, taking into account their needs and socio-emotional state during learning.

In September 2024, on the occasion of the International Day for the Protection of Education from Attack, the UN Secretary-General stated that education is not only a fundamental human right in itself, but is essential for the realization of all human rights. Every developed civilized country in the world should constantly invest in education, make every effort to protect the participants of the educational process, and bring to justice those who attack educational institutions. António Guterres called on all countries to fully support and implement the Safe Schools Declaration, to support the Global Coalition to Protect Education from Attack, and to do everything possible to ensure that children and youth can continue their education, both during war and after the cessation of hostilities. The right to education of every child, regardless of where they live, must be preserved [5].

The Declaration, developed in Geneva in the first half of 2015 during intergovernmental consultations led by the governments of Norway and Argentina, provides states with an opportunity to express their broad political support for protecting education from attack [6]. The Declaration is the means by which states adopt the Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict. In addition to the obligation to adopt the Guidelines and incorporate their provisions into national legislation and practice, the signatories to the Declaration also agree to: collect data and investigate attacks on education; develop conflict-sensitive approaches to education; and ensure the continuation of education during armed conflict [7].

Along with other foreign countries, Ukraine implemented the Safe Schools Declaration and became the hundredth country to fully support the main provisions of this international document. The provisions of the Declaration were implemented through the adoption and approval by the Cabinet of Ministers of Ukraine of An action Plan on School Safety and its Subsequent Implementation.

The above-mentioned Declaration contains fundamental commitments to prevent and respond in a timely manner to attacks and military use of educational facilities during armed conflict. It is important to note that among the countries that have accepted the Declaration for implementation are states in which there are no military conflicts, but there are also states where armed aggression is taking place.

The international community has a clear statement that in the context of a military conflict, human life, psychological, moral and social well-being are constantly under destructive influence, especially affecting and negatively impacting the lives of children. Many students attend educational institutions located near the line of active hostilities, where active shelling threatens their lives and health. Therefore, our international partners hope that by taking confident steps and working together we will create a safe environment both in educational institutions and in the surrounding areas.

The Action Plan for the Implementation of the Safe Schools Declaration contains information on the main provisions that need to be implemented to ensure safety during the educational process; it sets a deadline for the implementation of such a measure, which can be approved either on a permanent basis or indicates a clear year of implementation; it must identify the responsible persons for implementation; it details the consequences of the measures

taken (expected result) and must include a separate section on material support (financing).

Analyzing the Order of the Cabinet of Ministers of Ukraine “On Approval of the Action Plan for the Implementation of the Safe Schools Declaration” of August 4, 2021, No. 898-p, we would like to dwell on each of the areas and provisions contained in the action plan in more detail. The first area is aimed at ensuring an effective system for monitoring attacks on educational institutions. Within this area, the persons responsible for implementation must provide training for representatives of local education authorities and representatives of educational institutions (educators). The peculiarity is that the representatives of such bodies are located in the territories where hostilities are (were) conducted or temporarily occupied by the Russian Federation. The exercise is aimed at monitoring and reporting on attacks on educational institutions, as well as their use for military purposes.

As part of the measure “Effective system for monitoring attacks on educational institutions”, it is necessary to implement a mechanism for monitoring, early warning, and evacuation of all participants in the educational process in the event of an attack or risk of such an attack directly on an educational institution. The Ministry of Health, the Ministry of Internal Affairs, the National Police of Ukraine, the State Emergency Service, the Security Service of Ukraine (with the consent) the Ministry of Reintegration) regional state administrations (military administrations) are responsible for the implementation of this measure.

The second equally important area is aimed at protecting educational institutions from attacks and restoring them in case of damage. The regional state (military) administrations and local self-government bodies (with their consent) must take all measures aimed at creating and ensuring safe conditions in general secondary education institutions, including the creation of civil defense structures or their repair; ensuring compliance with the requirements of the legislation in the field of fire and industrial safety.

The third major area of the Action Plan to Implement the Safe Schools Declaration is to ensure continuity of education. Given the realities of today, teachers of general secondary education institutions need to be provided with technical means to conduct classes online. It is very important to provide psychological support for the educational process, psycho-emotional support for all participants in the educational process, taking into account the current

problems of the armed conflict and its devastating consequences. Given the continuation of the armed conflict, these activities should be carried out on an ongoing basis.

We consider it necessary to draw attention to the fourth area of the action plan - ensuring systematic approaches to the protection of education in the context of armed conflict. The state should not only pay attention to the mechanisms for protecting the right to education of all participants in the educational process, but also ensure and monitor these processes on a systematic basis. The implementation of the Safe Schools Declaration is important in this regard, with the Ministry of Education and Science as the main implementing entity, with the participation of interested bodies and institutions. The developed proposals and recommendations are sent to executive authorities and local governments. These activities are carried out throughout the year and do not require additional funding.

Information support during military aggression is an extremely important area, so within the framework of the Declaration, information support for the implementation of the provisions of the Safe Schools Declaration is one of the main areas in the action plan. The main areas of information support include informing educational institutions about the fundamental principles and requirements of the Declaration; taking measures to cooperate with international organizations, including the UN (on the protection of children's rights in armed conflict); informing our country's foreign partners at international platforms of the UN, EU, NATO, OSCE, Council of Europe about the measures taken at the national level to ensure that Ukraine complies with its obligations under the Safe Schools Declaration. The result of such cooperation should primarily ensure the sustainability of international cooperation in protecting children's rights; compliance with the Declaration's obligations; and proper information and awareness-raising activities on the realization of the right to safe education.

Thus, the Safe Schools Declaration is an intergovernmental political commitment to protect students, lecturers, schools and universities from the worst effects of armed conflict. The Safe Schools Declaration sets out a number of commitments to strengthen the protection of education from attack and to limit the military use of schools and universities. It aims to ensure the continuity of safe education during armed conflict. To date, 121 countries have joined this international political agreement.

To elaborate on the positive aspects of the Declaration, it does indeed create and unite a community of nations whose duty is to respect the nature of the origin of schools, mutual assistance, development and exchange of experience in protecting education during armed conflict. The Declaration contains specific proposals for concrete measures to be taken to deter military aggression aimed at the use of educational facilities, to radically reduce the risk of attacks on education and the destruction of infrastructure, and to mitigate the consequences of such attacks. Countries that have ratified this Declaration are obliged to collect information on military attacks on education, facilitate the investigation of war crimes related to education, and provide necessary assistance to victims. By endorsing the Declaration, states also commit to restoring access to safe education and developing conflict-sensitive education systems that promote respect between social and ethnic groups.

In many countries, armed conflicts continue to destroy not only school infrastructure, but also the hopes and aspirations of entire generations. The war has had a significant impact on the education sector. Between February 2022 and December 31, 2023, educational infrastructure was damaged at a cost of approximately \$5.6 billion, including damage to 3 583 educational facilities and the destruction of 394 145. 38 out of 301 youth centers were damaged or destroyed 146. The displacement of children and the closure of schools have severely disrupted the continuity of education in the Ukrainian education and training system. The war has severely affected the education system in Ukraine, especially in frontline regions such as the east and south, where schools have switched to online learning or underground shelters. The number of Ukrainian children studying online or through blended learning has reached almost 2 million, which is almost half of all Ukrainian schoolchildren [8].

The Global Coalition to Protect Education from Attack (GCPEA) notes on its official website that attacks on education are frequent and widespread. From Palestine to Colombia, from the Democratic Republic of Congo to Ukraine, students and teachers are killed, raped and kidnapped, and schools and universities are bombed, burned and used for military purposes. The most affected countries in 2022 and 2023 with the highest number of attacks on educational institutions were Palestine, Ukraine, and the Democratic Republic of Congo. In each country, hundreds of schools were threatened, robbed, set on fire, attacked with improvised explosive devices, or

subjected to aerial bombardment. Meanwhile, India, Pakistan, Palestine, and Afghanistan have reported high numbers of people injured or killed in attacks on education. In some cases, students or lecturers have been injured or killed in attacks on schools and universities. Explosive weapons were used in one-third of all reported attacks on education in 2022 and 2023. Attacks included airstrikes, rocket and artillery fire, and the use of improvised explosive devices and landmines in countries such as Colombia, Palestine, Sudan, Syria, Ukraine, and Yemen [9].

During the armed aggression of the Russian Federation against Ukraine, international foundations have been helping our country, including:

Education Cannot Wait (Fund) - meetings were held with boys and girls affected by the brutal war to better understand how the educational process was disrupted; tens of millions of dollars in material assistance was provided to support educational programs in Ukraine; the foundation is working to create greater joint political, operational and financial commitments to meet the educational needs of millions of children and adolescents affected by the crises [10];

The Global Business Coalition for Education (GBCE) - Education Can't Wait Fund - in partnership with GBCE, Their World, HP and Microsoft, \$39 million has already been mobilized in partnership support and ECW devices; more than 70,000 laptops have been distributed to schools, teachers and others in need in Ukraine and neighboring countries [11];

UNICEF - support for parents and children in times of war (psychosocial support, health and nutrition, education and development, safety during hostilities); meets the humanitarian needs of children; provides children and their families with social services and protection; creates a safe environment for every child; protects children in the implementation of UNICEF programs [12];

Global Coalition to Protect Education from Attack - focuses on higher education, international humanitarian law and human rights protection at the international level, especially the issues of constant attacks on educational institutions, students, pupils and teachers in countries affected by armed conflict and instability [13];

UNESCO (United Nations Educational, Scientific and Cultural Organization) is implementing a comprehensive initiative aimed at ensuring the physical and psychological safety of educational spaces attended by young Ukrainians. Thanks to UNESCO's support, Ukrainian educational institutions

are becoming better prepared to create a safe and supportive learning environment for every child [14];

Almost all international organizations direct their activities and develop strategies to protect education from attacks. For example, the Global Coalition to Protect Education from Attack has developed and is implementing measures at the school level to protect education from attack, including the following:

unarmed physical protection measures - protection of educational institutions from military aggression without the use of weapons or force. This is done through the use of unarmed guards, security presence, and strengthening the infrastructure of the educational institution (bomb shelters, protective walls). For example, according to the Ministry of Education of Afghanistan, the country has implemented several programs to finance unarmed guards, including the donor-supported School Guard Program and the Ministry of Education project "Night Watch" (presentation by Wahidullah Sultani, GCPEA, 2011);

armed physical protection measures - the use of armed guards and patrols to protect educational subjects and school infrastructure. These measures are carried out jointly with the police, local governments, and other government agencies. For example, according to a Pakistani official, in Khyber Pakhtunkhwa province, school guards check everyone who enters the school (search and bag check) (*Presentation "Protective Measures for Schools in Khyber Pakhtunkhwa, Pakistan", Rafiq Khattak*);

early warning/alert systems - introduce early warning/alert systems in schools to provide early warning of threats or actual attacks on educational facilities. This can be done through the use of mobile phones and other IT devices. Notifications of a real threat can be sent to parents, police and other security forces who are authorized to provide assistance;

alternative ways of providing education - during military aggression, there are risks of destruction and damage to educational institutions, seizure of school buildings for military purposes, so the availability of alternative methods of education is a necessary measure to ensure that children can continuously realize their right to education and have opportunities to learn. Such measures include the establishment of community-based schools, changes in schedules, distance learning, and relocation of education sites;

psychosocial support - such support helps children and parents overcome the crisis caused by

military aggression by creating a friendly learning environment for children, providing psychological services to victims of gender-based violence, and other means of assistance to teachers, which subsequently leads to the strengthening and restoration of healthy psychosocial development;

comprehensive school-wide safety and security plans - initiated by school administrators with the active involvement of parents and community organizations. Such safety and security measures are implemented at the school level, taking into account and implementing the content and directions of the above measures (*Anna Seeger and Luke Pye, Paris: UNESCO International Institute for Educational Planning*).

Conclusions. We would like to highlight the following recommendations and suggestions for improving the safety of schools during armed conflicts (bombings, shelling, arson, attacks):

to implement, without fail, the norms of international law that regulate legal relations in the field of ensuring the rights of persons to education during armed conflicts;

to implement measures at the state and school levels to protect education from attacks, taking into account the best international instruments and practices (unarmed physical protection measures, armed physical protection measures, negotiations as a strategy for protecting educational institutions, early warning/alert systems, alternative ways of providing education, psychosocial support);

to provide financial support for school activities on an ongoing basis to develop and implement comprehensive school-wide security plans in accordance with the needs of educational institutions, and to attract resources from local government agencies and international organizations;

cooperation with international organizations (foundations) that specialize and have experience in overcoming crisis situations in schools during armed aggression;

to involve innovative measures, know-how, and technology that will contribute to the early warning of threats of armed attacks, and the use of innovative distance learning technologies.

Bibliography

1. Korniienko M.V. Sukhareva A.O. Security Specialist in the Educational Environment - Implementation of an Experimental Project. *South Ukrainian Law Journal*, №1, 2024 P. 170-176.
2. Dukhnevych V.M. Creating a safe educational environment: «Six Steps to Safety». *Problems of*

political psychology. Collection of scientific papers. Issue 12 (26). С. 266-278.

3. Vasianovych G. The role of the teacher in the formation of a safe educational environment in a higher education institution. *Bulletin of the National Academy of the State Border Guard Service of Ukraine*, 2017. Issue 4. URL: <https://sci.ldubgd.edu.ua/bitstream/123456789/6794/1/%D1%80%D0%BE%D0%BB%D1%8C%20%D0%BF%D0%B5%D0%B4%D0%B0%D0%B3%D0%BE%D0%B3%D0%B0.pdf>

4. Ministry of Education and Science of Ukraine. *Official website*. URL: <https://saveschools.in.ua/>

5. Statement by the Secretary-General on the occasion of the International Day for the Protection of Education from Attack. URL: <https://ukraine.un.org/uk/278190%D0%B7%D0%B0%D1%8F%D0%B2%D0%B0%D0%B3%D0%B5%D0%BD%D>

6. Safe Schools Declaration

7. Developed by education policymakers and ministry-level planners, conflict - sensitive and risk-informed strategies and programs are designed to address grievances and resentments that fuel conflict. For more information on such strategies, policies and programs, see the INEE Guidance Note on Conflict Sensitive Education (INEE, 2013). URL: <http://www.ineesite.org/en/resources/inee-guidance-note-on-conflict-sensitive-education>.

8. UNICEF. Situational analysis of the situation of children in Ukraine: 2024. URL: https://www.unicef.org/ukraine/media/49196/file/UNICEF_SitAn_2024_UKR.pdf.pdf.

9. Education under attack in 2024. GCPEA report

10. Education Cannot Wait. URL: <https://www.educationcannotwait.org/about-us/who-we-are>

11. The Global Business Coalition for Education

12. UNICEF. *Official website*. URL: <https://www.unicef.org/ukraine/protection-and-safeguarding-children>.

13. Global Coalition to Protect Education from Attack

14. UNESCO. *Official website*. URL: <https://www.unesco.org/en>.

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