

Disarming schools: strategies for ending the military use of schools during armed conflict

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The past two decades have seen increased awareness, attention and action in response to the plight of children affected by armed conflict. However, one issue that has not received much attention, despite the regularity with which it occurs, is the phenomenon of military forces and other armed groups using school buildings. Of particular concern is when armed groups occupy and convert schools into military bases on a medium- or long-term basis.

This article discusses the military use of schools by armed forces, non-state armed groups and paramilitaries, and the implications such occupations have on children's safety and access to education. It begins with a discussion on the scope of the problem around the world and the negative consequences on children. The article concludes with four distinct and effective examples of strategies that local actors have used for ending the military use of schools during armed conflict.

Scope of the problem

Attracted by schools' locations, solid structures, and electrical and sanitation facilities, armed groups can take over schools to use as storage, barracks, depots and bases. In some instances security forces entirely displace students from the school, while in other cases military forces occupy only parts of a school, with classes continuing to be held in the unoccupied areas. Although some use of schools is brief and coincides with when schools are already closed for security reasons, concerns about the risk to children and their education increase when such occupations last weeks, months or even years.

Government forces and non-state armed groups used schools in most major conflicts between December 2008 and June 2011, including in Afghanistan,¹ the Central African Republic,² Colombia,³ Côte d'Ivoire,⁴ the Democratic Republic of the Congo,⁵ the Gaza Strip,⁶ India,⁷ Libya,⁸ the Philippines,⁹ Somalia,¹⁰ Sri Lanka,¹¹ Thailand¹² and Yemen.¹³

Negative consequences

Military use of schools causes two serious problems: it endangers students and teachers, and it interferes with a child's right to education.

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Endangers students and teachers

When security forces use a school, they convert it from a protected civilian building into a legal target under international humanitarian law.¹⁴ Under international humanitarian law, schools and education institutions are civilian objects that are protected from deliberate attack unless—and only for such time—they are being used by belligerent forces for a military purpose. Thus a school that serves as a military base or an ammunition depot becomes a military objective subject to attack. However, Article 58 of Protocol Additional to the Geneva Conventions of 12 August 1949 and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) states that parties to a conflict must “endeavour to remove the civilian population, individual civilians and civilian objects under their control from the vicinity of military objectives”. Furthermore, they should “take the other necessary precautions to protect the civilian population”. Since it places children, teachers, education personnel and other civilians at unnecessary risk, it is therefore unlawful to use a school simultaneously as an armed stronghold and an education centre.

When security forces occupy a school, it is common to militarize and fortify the building—regardless whether they displace the entire school population or only partly occupy the school, with teachers and students trying to continue classes. In India, for example, this has included placing sandbags and barbed wire around the school perimeter, constructing sentry towers for armed personnel, and digging trenches around the school property. Frequently, the forces occupying the school add the name of their unit to signs or added graffiti onto school buildings.¹⁵ During the civil war in Nepal, Maoists coerced students and teachers to participate in the digging of trenches inside many schools they were using to facilitate retaliation against security forces in the case of attack.¹⁶ Upon vacating a school premises, militarized fortifications and markers are often left behind—creating the risk of the school being mistakenly identified as a military target.

Endangers the right to education

When a school cannot be used for its intended purpose, the state has an obligation to ensure that those who are affected are educated by some other means. When the extended military use of a school inhibits a child’s ability to receive an education, this constitutes a violation of the right to an education guaranteed in the Convention of the Rights of the Child (CRC).¹⁷ Under Article 28 states parties are to:

- (a) Make primary education compulsory and available free to all;
 - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child,
- [..]

- (e) Take measures to encourage regular attendance at schools and the reduction in the drop-out rates.

If complete occupation prevents a building being used as a school, teachers and students must be relocated to a place where education can continue. In Yemen in 2010, for example, when rebels occupied dozens of schools in the north of the country, at least 30,000 children were reported to be unable to go to primary and secondary school.¹⁸ Should the buildings be only partially used, then the presence of heavily armed police and paramilitaries where children study has a detrimental effect on a child's education and prevents authorities ensuring children their right to education.

If a school is completely occupied by armed forces, classes may take place out of doors or in makeshift classrooms. For students this can mean attending classes in inferior and inadequate alternative sites such as under trees, in disused buildings, outside on the verandas of occupied school buildings and halls, and community health centres. When classes take place outside, increased distractions for students can lead to more truancy and higher rates of dropouts. Due to a lack of shelter, students are subject to any harsh weather conditions, leading them to attend irregularly if, in the end, at all. In makeshift classrooms, teachers often lack basic tools such as chalkboards. There may be an absence of proper toilets—a contributory factor of lower school attendance by girls.¹⁹ In India, where a midday meal at schools is required, moving to a temporary schooling building can mean this service is terminated for lack of cooking facilities.

For some students, displacement either due to complete occupation, or because parents have withdrawn children out of safety concerns, means attending another school altogether. In such cases these students sometimes attend schools further away from their home towns, placing them in further danger as they travel long distances, and putting an increased financial burden on families who have to pay for extra transportation for their children to attend another school. High rates of student withdrawals and school transfers following an occupation can result in overcrowding at the schools receiving transferred students—broadening the sphere of the damage caused by the occupation.

Of course, partial occupation of schools can also result in space constraints and increased overcrowding of classrooms. Unpleasant and overcrowded school conditions make learning extremely difficult and can cause students to drop out as a result of their frustration.

Exposure to abuse

Attending a school being used by armed forces can expose children to sexual harassment and cause them to witness drinking, drug-taking and acts of violence. There is often an almost immediate exodus of some students in response to an occupation by armed forces. The fear of harassment or actually cases of it mean that girls are the most likely to drop out. Even before any specific harassment takes place, parents are hesitant in sending their girls to a school

under occupation for fear of attack or sexual harassment from male police officers or troops stationed there. At a school partially occupied in the Central African Republic, several families withdrew their girls because they feared sexual violence or abuse by the rebels. Children were also routinely taken out of classes to run errands for the rebels, such as buying cigarettes, food and drink.²⁰

Using a school as a base for armed forces or police means students may be exposed to all of the operations of a normal base or police station. This may include witnessing acts of violence and living in close proximity to weapons and munitions. According to a report of the Secretary-General,²¹ nine schools in Sri Lanka in 2009 were being used by the Sri Lankan Armed Forces (SLAF) to detain “surrendees” (adults identified by the government of Sri Lanka as formerly associated with the Liberation Tigers of Tamil Eelam). The report stated that: “Despite the separation by barbed wire between the school and the ‘surrendee’ site, adult ‘surrendees’ are seen walking around the schools”. The SLAF had also established barracks within school compounds and classrooms, and other school facilities were “being used by the forces, causing high levels of disruption to the schools’ normal routine”. Over 5,700 children had their schooling disrupted as a result.

Getting troops out: Nepal

The Schools as Zones of Peace (SZOP) programme in Nepal demonstrates a programmatic response to attacks on education which developed community-based infrastructures to prevent the military use of schools by armed forces.

From 1996 through 2006 a civil war between Maoist rebels and government forces wracked Nepal. Both the Maoist People’s Liberation Army (PLA) and the government Royal Nepal Army (RNA) attacked schools, used them for political purposes, and held rallies and political meetings on school grounds. The PLA also threatened teachers, forced the closure of schools and recruited children into their forces from school grounds. Both the PLA and the RNA occupied schools and used them as barracks.²²

The concept of children as zones of peace (CZOP) emerged at an international level in 1983, following the recommendation of a United Nations Children’s Fund (UNICEF) Executive Board member, Nils Thedin. The concept is based on three principles²³:

- children do not instigate armed conflicts
- children suffer disproportionately from the consequences of armed conflicts
- children need protection

The SZOP programme in Nepal built on this CZOP concept. It was introduced by Save the Children Norway in 2001 and launched by Save the Children, UNICEF, numerous Nepali non-governmental organizations and other international groups. The SZOP programme came to life at a time when the right to education for children in Nepal was being severely thwarted

by the use of schools in the conflict. The groups brought their different perspectives and priorities to the table, but agreed on the programme's philosophy that children should have access to education in school without any disturbances and that the use of school premises and schoolchildren for political and armed related activities should stop.²⁴

The programme instituted a negotiation model for:

- engaging armed forces on both sides of the conflict as well as local stakeholders to cease the targeting of schools and develop a code of conduct for school property
- mobilizing civil society and media to monitor threats
- ensuring provision of psychological and other support services for students and teachers affected by the conflict
- raising awareness of landmines

The objectives of the SZOP programme also included reducing the presence of armed forces in and around schools. However, perhaps the most influential item of the programme was the development of a model for negotiating and developing codes of conduct to safeguard schools, together with the UNICEF Quality Education Resource Package (QERP)—“a ‘toolkit’ of materials and activities designed to empower parents, teachers and students to address various issues in their schools related to improving the quality of education.”²⁵ For a school to be designated an official zone of peace, it has to develop a school code of conduct. The negotiation of these codes involves local governments and civil society stakeholders, police, education officials and representatives from the PLA and the RNA. According to a United Nations Educational, Scientific and Cultural Organization (UNESCO) report,²⁶ community facilitators trained by SZOP staff encouraged all parties to take part in the negotiations, which gave the groups an opportunity to be seen in a positive light in the communities. The approach was based on the premise that the manner in which opposing groups treat children ought to be used as an important indicator of their credibility. The report also contains a sample school code of conduct developed for the SZOP module that can be used as a starting point for negotiations. The sample code contained eight provisions, including no weapons in the perimeter, no interference with the normal development of education activities and no use of school as an armed base.

SZOP programmes succeeded in negotiating codes of conduct in nearly 450 schools. An evaluation of SZOP schools conducted by Save the Children found that there was a reduction of political interference and school closures and an increase in learning time and sense of security. The attendance of both students and teachers in such schools has also improved.²⁷

Getting troops out: India

The courts have played an important role in trying to return schools to students in India, where government security forces have frequently converted schools into military bases—particularly

in states affected by the conflict with Maoist forces, but also in the north-east of the country. Two Supreme Court cases, still ongoing, have passed important rulings on ending the use of schools by security forces.

The first case is related to the conflict in Chhattisgarh state between government forces, the government-backed militia, known as the Salwa Judum, and the Maoists. In May 2007 three individuals led by a professor of sociology at Delhi University, Nandini Sundar, filed a petition to the Supreme Court based on four fact-finding reports conducted in Chhattisgarh, one of which Mr. Sundar had co-authored.²⁸ A second petition was filed in August 2007 by three residents of one of the most violence-affected districts in the state who had been victims of arson, beatings and looting by the Salwa Judum.²⁹ The Supreme Court reviewed the two cases together.

The petitioners asked the court to order the state government to stop supporting the Salwa Judum movement and requested an independent inquiry into the abuses committed by government security forces and the Salwa Judum and into killings by the Maoists. The Chhattisgarh government denied any violation by the Salwa Judum or the state.

In April 2008 the court ordered the National Human Rights Commission (NHRC) to investigate allegations of human rights abuses by both sides. The NHRC report, among other many findings, noted that: "Instead of providing alternate accommodation, the State Government has in many instances allowed the security forces to occupy school and ashram [government rural residential school] buildings which were being utilized for imparting education".³⁰ The court ordered the Chhattisgarh government to implement the NHRC recommendations and file a progress report by January 2009. The parties have since disputed the government's compliance with this order. In a hearing on 18 January 2011 the court gave a clear deadline on the issue of the schools: "There shall be a direction to the Union of India and the State of Chhattisgarh to ensure that the security forces vacate all the educational institutions, school buildings and hostels within a period of four months from today".³¹ The Chhattisgarh government failed to meet this deadline and requested an extension of time to comply with the court's order. At the time of writing, the Supreme Court continued to monitor the state's efforts to vacate all schools.³²

The other Supreme Court case, which also began in 2007, alleged that a large number of children had been illegally transported from India's north-east states to the southern state of Tamil Nadu. The Supreme Court ordered an inquiry by the National Commission for Protection of Child Rights (NCPCR), which conducted a 13-day visit to Assam, Manipur and Tamil Nadu. The NCPCR recommended that the Supreme Court call on the Home Ministry to vacate all schools occupied by government security forces, a recommendation that the court embraced, adding that "the school buildings are not allowed to be occupied by the armed or security forces in future for whatsoever purpose".³³

It should be noted that both Supreme Court cases had been filed prior to the Right of Children to Free and Compulsory Education Act (2009), which came into effect in April 2010—a development likely only to strengthen legal arguments to remove troops from schools.³⁴

However, it is not only the Indian Supreme Court that has addressed this issue. An early case was brought in Bihar state during the 1990s, when security forces' use of schools as part of their counter-insurgency efforts against the Maoist forces was common. A ruling in the high court of Patna, the capital of Bihar, in 1999 has been credited by local activists for removing troops out of the schools.³⁵ In 2008 Shashi Bhushan Pathak, General Secretary of the Jharkhand state office of the People's Union for Civil Liberties, an Indian human rights organization, brought a case against the state to oppose the presence of troops in schools in that state, and won an order for the vacation of all schools (although troops have yet to withdraw fully).³⁶ A case brought in 2009 in West Bengal alleging the use of 22 schools by government security forces resulted in an order from the Calcutta High Court for the security forces to withdraw from the schools, which later complied with this directive.³⁷

Getting troops out: the Philippines

In the years following the ousting of authoritarian President Ferdinand Marcos in 1986, the effect on children of the civil conflicts between the Philippine government, the communist New People's Army and the separatist Moro Islamic Liberation Front became an issue of considerable concern across political parties and civil society groups.

One element of concern was that government armed forces were establishing bases in schools. Often these occupations of schools were driven by the school's strategic location or were a response to certain sectors in the communities, including school principals, who would request police or military presence for protection. Nonetheless, parents often worried about the risk to their children following the occupation of a school building.

Civil society organizations working on disaster and emergency management were also concerned that a military presence could hamper the use of schools for shelters for evacuated civilians. They were also concerned that an occupied school was not a safe place to house displaced individuals because of the potential for the troops and the school to become a target for attack.

In 1992 Congress passed the Special Protection of Children Against Abuse, Exploitation and Discrimination Act (1992).³⁸ Section 22 declares that children are "Zones of Peace" and prohibits the use of schools "for military purposes such as command posts, barracks, detachments, and supply depots".

The act is a broad-ranging child protection law. The concepts underlying the law were developed through a series of meetings of intergovernment committees organized by the government and funded by UNICEF to attend to a variety of concerns of children in especially

difficult circumstances. These committees were focused on different children's issues and proposed policies through legislation, programmes and other executive issuances.

Subsequent to the banning of the use of school for military purposes in the national legislation, a number of provincial and municipal entities issued local ordinances that reiterated the absolute ban.³⁹ Unfortunately, instances of school occupations by the Armed Forces of the Philippines continue to be reported.⁴⁰ In July 2011 the House of Representatives passed a bill that provided more expansive protections for children in armed conflict—including criminal penalties for the military occupation of schools.⁴¹

Getting troops out: New Zealand

The New Zealand Defence Forces (NZDF) consist of around 10,000 regular force personnel who, as of May 2011, were deployed on 16 peacekeeping operations, UN missions and defence exercises in 10 countries. New Zealand is due to release the updated *Manual of Armed Force Law*. The new manual takes a considered approach to the issue of using schools that does three important things:

- affirms the NZDF obligation to respect children's rights to education, and how this could be imperiled by the use of school buildings
- emphasizes the importance of appropriate logistics planning before operations in order to minimize the necessity of using schools
- provides concrete directions on how to minimize and mitigate the possible negative impact of the use of schools

The manual states that "all feasible steps" are to be taken to ensure that:

Civilians and, in particular, children are protected from the effects of attack upon the [education] institutions by opposing forces—including where necessary the removal of such persons from the vicinity.

Such use is for the minimum time possible.

The adverse effects upon children, in particular in respect to their right to education, are minimized to the maximum extent possible.⁴²

The commentary to these provisions in the draft manual states that "schools and other educational institutions are entitled to particular protection from the effects of war as the destruction or endangerment of such facilities is unequivocally an attack upon the learning and development of future generations, who bear no responsibility for the armed conflict from which the damage arises".

The commentary also acknowledges that although in many cases the fact that a building is an educational institution will be easily apparent to troops, it cannot be taken for granted that it will always be self-evident. The manual therefore puts a particular responsibility on

commanders and other members of the NZDF responsible for the planning and execution of operations to identify such places and ensure that this information is passed to those involved in operations.

Importantly, the commentary to the new manual explicitly states that New Zealand recognizes that children have a right to education, and that the use and occupation of schools and other educational institutions clearly inhibits the exercise of this right.

Where for military reasons it is necessary for a force to use such an institution all feasible steps must be taken, in consultation with local authorities, to ensure that the disruption to the education of children is reduced to as low as reasonably practicable. This may include the need to identify and facilitate the use of other suitable facilities for such purposes.

Conclusion

The issue of the scope and consequences of the use and occupation of schools by armed groups needs further research as it has so far received little attention. Nonetheless, this article attempts to demonstrate that in a few instances there have already been some small efforts to find strategies by local actors to end this practice. Learning from these lessons and sharing their positive examples would be to the benefit of children eager to make their way each day to school—no matter the wars raging on around them.

Notes

1. In Afghanistan pro-government forces, including international armed forces, occupied schools during 2010. For further information on the states listed here see General Assembly and Security Council, *Children and armed conflict: Report of the Secretary-General*, UN document A/65/820–S/2011/250, 23 April 2011.
2. In the Central African Republic government armed forces and the two rebel groups—the Convention des patriotes pour la justice et la paix (CPJP) and the Armée populaire pour la restauration de la République et la démocratie (APRD)—used schools in 2009 and 2010. See Watchlist on Children and Armed Conflict, *An Uncertain Future? Children and Armed Conflict in the Central African Republic*, 2011.
3. Both national security forces and armed groups occupied schools in various departments of Colombia, including Antioquia, Arauca, Cauca, Córdoba and Norte de Santander.
4. During the fighting in Côte d'Ivoire, young men received military training from the Ivorian security forces in schools and university housing units in Abidjan, Duékoué and Yamoussoukro. At least 25 schools were occupied by armed groups in Abidjan, Guiglo, San Pédro and Zouan Hounien. For further information see: HRW, "Côte d'Ivoire: AU should press Gbagbo to halt abuses", press release, 23 February 2011; and United Nations Office for the Coordination of Humanitarian Affairs, *Côte d'Ivoire Situation Report #8*, 2011, and *Côte d'Ivoire Situation Report #9*, 2011.
5. Some schools in the Democratic Republic of the Congo were occupied by armed forces during 2010.
6. During Operation Cast Lead in Gaza in December 2008 and January 2009, Israel Defense Forces "forcibly entered school compounds and used schools as interrogation centres". See General Assembly and Security Council, *Children and armed conflict: Report of the Secretary-General*, UN document A/64/742–S/2010/181, 13 April 2010, p. 27.

7. Approximately 100 schools were occupied by government paramilitary police for many months, and sometimes even years, across India, particularly in the states most affected by the Maoist insurgency—Bihar, Chhattisgarh and Jharkhand—but also in the north-east, in Assam and Tripura. HRW site visits in December 2010 to two occupied schools in Bihar not included on that list were Kasma Middle School, in the Aurangabad district, and Tankuppa High School, in the Gaya district. For further information see: the affidavit of Chhattisgarh government to the Supreme Court of India on 6 January 2011, cited by J. Venkatesan, “Chhattisgarh government pulled up for misleading court”, *The Hindu*, 8 January 2011; and “SC asks Jharkhand, Tripura to free schools from security forces”, *The Times of India*, 7 March 2011.
8. In Libya rebels used a school courtyard for renovating weapons and weapons training. See T. Birtley, “Libya rebels use discards to make own weapons”, *Al-Jazeera*, 14 June 2011.
9. In the Philippines in 2010 there was an increase in the Armed Forces of the Philippines and the Citizen’s Armed Force Geographical Unit using functioning state schools as barracks and command centres and for storing weapons and ammunition.
10. In Somalia in 2009 more than 10 schools in Mogadishu were “temporarily occupied by armed forces”. See General Assembly and Security Council, *Children and armed conflict: Report of the Secretary-General*, UN document A/64/742–S/2010/181, 13 April 2010, p. 29.
11. Schools in Sri Lanka were used in 2009 and 2010 for a variety of purposes, such as barracks for the Sri Lankan security forces, as transit sites for displaced persons, or to detain adults identified by the Sri Lankan security forces as having been associated with the Liberation Tigers of Tamil Eelam but not formally charged.
12. As part of its counter-insurgency operations in southern Thailand, the government has increased the number of military and paramilitary forces deployed in the provinces of Narathiwat, Pattani and Yala. To accommodate these troops the government has frequently established camps inside school buildings and school compounds—security forces occupied at least 79 schools in 2010. Such occupations, which often are not in response to a direct threat on a specific school, may last for several years. For further information see: HRW, *Thailand—“Targets of Both Sides”: Violence Against Students, Teachers, and Schools in Thailand’s Southern Border Provinces*, 2010; and Z. Coursen-Neff and B. Sheppard, “Schools as Battlegrounds: Protecting Students, Teachers, and Schools from Attack”, in *World Report: 2011*, HRW, 2011, pp. 37–50.
13. Both government security forces and Houthi-led Shia rebels took over at least 16 schools during fighting in the Saada governorate in the north of Yemen in 2009. Even following a ceasefire agreement between the warring parties in February 2010, forces continued to occupy dozens of schools. See Integrated Regional Information Network, “Yemen: Children hit hardest by northern conflict”, 23 February 2010; and Seyaj Organization for Childhood Protection, *Situation of Children in Armed Conflict: Sa’dah War and Harf Sofian North Yemen, 2009, 2009*.
14. A fundamental principle of international humanitarian law is the distinction between civilian and military objectives, and the clear stipulation that attacks may only be directed at military objectives. International humanitarian law forbids attacks directed at civilian objects, such as schools. See the following for further information: the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Geneva Convention IV); and the Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I).
15. For further information see HRW, *India—Sabotaged Schooling: Naxalite Attacks and Police Occupation of Schools in India’s Bihar and Jharkhand States*, 2009.
16. Watchlist on Children and Armed Conflict, *Caught in the Middle: Mounting Violations Against Children in Nepal’s Armed Conflict*, 2005.
17. General Assembly, *Resolution 44/25: Convention on the Rights of the Child*, UN document A/RES/44/25, 20 November 1989.
18. Integrated Regional Information Networks, “Yemen: Rebel occupation of schools threatens northern ceasefire”, 10 May 2010.

19. For further information see: B. Herz and G. Sperling, "What Works in Girls' Education: Evidence and Policies from the Developing World", *Council on Foreign Relations*, 2004, pp. 63–64; and Inter-Agency Network for Education in Emergencies, *Minimum Standards for Education in Emergencies, Chronic Crises and Early Reconstruction*, 2004, pp. 47–48.
20. For further information see Watchlist on Children and Armed Conflict, *An Uncertain Future? Children and Armed Conflict in the Central African Republic*, 2011.
21. General Assembly and Security Council, *Children and armed conflict: Report of the Secretary-General*, UN document A/64/742–S/2010/181, 13 April 2010, pp. 37–38.
22. Watchlist on Children and Armed Conflict, *Caught in the Middle: Mounting Violations Against Children in Nepal's Armed Conflict*, 2005.
23. J. Gulaid and L. Gulaid, "Children as a Zone of Peace: A Framework for Promoting Child Health and Welfare in Developing Countries", *Global Public Health*, vol. 4, no. 4, 2009, pp. 338–49.
24. B. Shrestha, *A Mapping of SZoP Programs in Nepal*, Partnership Nepal, 2008.
25. For more information on QERP see <www.worlded.org>.
26. For more information on the SZOP programme see M. Smith, "Schools as Zones of Peace: Nepal Case Study in Access to Education During Armed Conflict and Civil Unrest", in *Protecting Education from Attack: A State-of-the-Art Review*, UNESCO, 2010, pp. 261–78.
27. Save the Children, *The Future is Now: Education for Children in Countries Affected by Conflict*, 2010.
28. Nandini Sundar, Ramachandra Guha and E.A.S. Sarma versus State of Chhattisgarh, Writ Petition (Civil) No. 250 of 2007. See also: N. Sundar, *Pleading for Justice*, 2010; and Independent Citizens' Initiative, *War in the Heart of India: An Enquiry into the Ground Situation in Dantewara District, Chhattisgarh*, 2006.
29. Kartam Joga and others versus State of Chhattisgarh and Union of India, Writ Petition (Criminal) No. 119 of 2007.
30. NHRC (Investigation Division), *Chhattisgarh Enquiry Report*, no date, p. 38.
31. Nandini Sundar and others versus State of Chhattisgarh, Writ Petition (Civil) No. 250 of 2007, Supreme Court Order of 18 January 2011.
32. Nandini Sundar and others versus State of Chhattisgarh, Writ Petition (Civil) No. 250 of 2007, Supreme Court Order of 5 July 2011.
33. *Exploitation of Children in Orphanages in the State of Tamil Nadu versus Union of India and ORS*, Writ Petition (Criminal) No. 102 of 2007, Supreme Court Order of 1 September 2010.
34. This act followed the Eighty-sixth Amendment to the Constitution of India on 12 December 2002.
35. *Inqalabi Nauzwan Sabha and another versus State of Bihar and others*, Case No. CWJC–4787/1999, High Court of Judicature at Patna.
36. *Shashi Bhusan Pathak versus State of Jharkhand and others*, W.P.(PIL) No. 4652 of 2008, High Court of Jharkhand at Ranchi.
37. *Paschim Medinipur Bhumij Kalyan Samiti v. State of West Bengal*, W.P. No. 16442(W) of 2009, High Court of Calcutta.
38. The Philippines, *An act providing for stronger deterrence and special protection against child abuse, exploitation and discrimination, and for other purposes*, Republic Act No. 7610, 17 June 1992.
39. For further information on the ordinances see Save the Children, *Philippine Laws Related to the Discipline and Punishment of Children*, 2006.
40. General Assembly and Security Council, *Children and armed conflict: Report of the Secretary-General*, UN document A/65/820–S/2011/250, 23 April 2011.
41. Senate of the Philippines, *An act providing for the special protection of children in situations of armed conflict and providing penalties for violations thereof*, House Bill No. 4480, 7 June 2011.
42. *Draft Manual of Armed Force Law (2nd Ed)*, vol. 4, draft para. 14.35.8, as cited in a letter to HRW from Brigadier Kevin Riordan, Director General of Defence Legal Services, NZDF, 21 April 2011.

