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**DECLARATION ON SCHOOLS SAFETY AS A GUARANTEE OF
CONSTITUTIONAL RIGHTS AND FREEDOMS**

Marat Eshev (a)*, Inna Gaidareva (a), Zuriat Zhade (a), Zara Mamisheva (a), Azamat Shadzhe (a)

*Corresponding author

(a) Adygeya State University, agu-urfak@yandex.ru

Abstract

The article analyzes security issues of the civilian population during armed conflicts and scrimmages. The purpose of the article is to analyze the Declaration on the safety of schools and determine its role in the modern world. Armed conflict can adversely affect the children education. It threatens their security and can cause serious damage to schools and universities where they study. Its long-term implications are holding back post-conflict rehabilitation and frustrating attempts to achieve lasting peace and development in the future. The impact of armed conflict on education creates a whole range of acute development problems in humanistic and in the social sphere. Worldwide, schools and universities are being bombarded, fired upon and burned; children, students, teachers and scientists are killed, maimed, abducted and arbitrarily detained. Schools are used by parties in armed conflicts as bases, barracks and isolators. Because of this, students and educators are at risk. A large number of children and students are deprived of the right to education, society is deprived of the foundation for building its future. In many countries, armed conflicts continue to destroy not only school infrastructure, but also all hope and rational ambitions of a whole generation of children. The declaration on the safety of schools is a guarantee of constitutional rights and freedoms in the field of education. However, today this regulation is more advisory, not mandatory. It is concluded that it is necessary to ratify this document as soon as possible by all countries that have not signed.

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1. Introduction

Around the world, where armed conflicts occur, schools and universities are used as an element of the battlefield. Despite the fact that international law generally requires parties to armed conflicts to relieve civilians from the dangers of war as much as possible, due to the lack of clear standards and norms protecting schools and universities from being used to support military efforts, military units often use educational institutions for various purposes. Parties in armed conflict turn schools into bases, surrounding playgrounds with barbed wire and filling the classes with soldiers' beds. They arrange fortifications on the roofs of school buildings, from where they observe the surroundings, and place snipers in the windows of classes. They store rifles in the corridors, hide grenades under the desks and drive armored cars into gyms. Parties in armed conflicts not only forcefully seize schools, but also locate at universities. They also use kindergartens in their operations. As a result, students are forced to either stay at home, stop learning, or get an education, staying side by side with armed fighters and risking being in the line of fire.

2. Problem Statement

The right of every person to education is enshrined in the International Covenant on Economic, Social and Cultural Rights (United Nations, 1966). The most important recipients of this right are children, and it is additionally recorded in the Convention on the Rights of the Child (United Nations, 1989), which details the obligations imposed on states, the observance of which is necessary for the normal realization of the right to education. The right to education means little if students cannot calmly go to school or university. The law of armed conflict (known as international humanitarian law) also recognizes the importance of children learning during armed conflicts. It specifically states the protection of children and the fact that educational institutions are ordinary civilian objects that cannot be attacked unless they are turned into military objects. Using schools and universities as bases, barracks, firing positions and armories makes them from educational institutions into military facilities. It puts them at the risk of attack, which will be legitimate in terms of the law of armed conflict, and under certain conditions - even if there are students and teachers there. In addition, the presence in a school or university of military formations of parties to an armed conflict often forces students to drop out; enrollment is reduced, fewer students move to higher educational levels, the level of education as a whole falls.

3. Research Questions

The Declaration was first opened for accession at the School Security Conference held on May 29, 2015 in Oslo. At the moment, 73 states have joined the Declaration. The declaration is not legally binding but combines the already existing norms of the international law of military conflicts. However, it is designed to convince states to voluntarily commit themselves to protecting educational institutions from attacks and unauthorized use of school premises in situations of armed conflict in violation of international humanitarian law.

4. Purpose of the Study

The purpose of the article is to analyze the Declaration on the safety of schools and determine its role in the modern world.

5. Research Methods

In the work were used historical and formal legal research methods.

6. Findings

Armed conflict can adversely affect the education of children. It threatens their security and can cause serious damage to schools and universities where they study, up to complete destruction. The long-term implications of this are in holding back post-conflict rehabilitation and frustrating attempts to achieve lasting peace and development in the future. Very often, the potential long-term consequences of military use are not obvious to military commanders, who have to make difficult decisions in difficult circumstances.

The impact of armed conflict on education creates a whole range of acute development problems in the humanitarian and, more generally, in the social sphere. And, of course, represents a threat to national security.

It should be noted that the state of the political and legal system is assessed as safe if negative factors that prevent the effective realization of the interests of the individual, society, state and thereby creating a threat to the stability of the system's functioning are eliminated. At the same time, the content of the political-legal form is a set of specific social relations based on the normative systems peculiar to a given society (religion, morals, customs, traditions).

The content of social norms determines the corresponding complex of the values inherent in a given society, the spiritual and material benefits of employees to meet the vital needs of the participants in social relations. The need to preserve, protect, enhance such traditional national values and benefits reflects the essence of national interests and their characteristics at different stages of the development of a national community. In the indicated value, the national interests of Russia are quite correctly regarded as "a successively reproduced value-ideological system" (Tkachenko, 2008, p. 131). Legally, the national interests of the Russian Federation are defined as "a set of internal and external needs of the state to ensure the security and sustainable development of the individual, society and the state" (Gaidareva, Udychak, & Shaov, 2014, p. 80)

At the same time, the legal definition of "national security" concept is absent in the legislation of Russia, which gives rise to the ambiguity of its scientific interpretations. When analyzing various definitions of national security, it is possible to identify some features that characterize this phenomenon. Moreover, some of these features with a certain degree of conditionality can be called traditional for Russian science, and some are borrowed from the Western political and legal tradition.

1. First of all, national security is a specific state which under certain conditions can be considered as a target.

2. National security is the state of normal functioning and development of the national political and legal system determined by objective and subjective factors. Based on the etymology of the word “security, it is revealed in the Russian language as “a condition in which there is no danger, there is protection from danger”. The state of national security is defined as:
 - a) objective, not dependent on human will, lack of threats to national interests (an objective factor);
 - b) purposeful protection of national interests from threats (subjective factor).
3. A common object of national security is national interest, as a set of harmoniously combined interests of the individual, society and the state, which should be considered as generic objects of national security. The direct objects are the specific interests of the individual, society, state in the economic, social, political, environmental and other spheres.
4. The phenomenon of national security has a qualitative and quantitative aspect. The qualitative aspect assumes that the security environment of the functioning of the national political and legal system is a certain quality, implying the absence of threats to this system. The quantitative aspect is the degree of security determined by a specific set of sources, threats, certain factors and conditions that create an aggressive environment for the functioning of the national political and legal system.

At the same time, schools and universities throughout the world are being bombarded, fired upon and burned; children, students, teachers and scientists are killed, maimed, abducted and arbitrarily detained. Schools are used by parties to armed conflicts, among other things, as bases, barracks and isolators. Because of this, students and educators are at risk. A large number of children and students are deprived of the right to education, and society is deprived of the foundation for building their future. In many countries, armed conflicts continue to destroy not only school infrastructure, but also all hope and rational ambitions of a whole generation of children.

Education is no longer accessible, educational institutions can no longer function, educators and students do not come there, fearing for their safety. Attacks on schools and universities are used to promote intolerance and exclusion: to strengthen gender-based discrimination, for example, when girls are prevented from studying; to maintain conflict between certain communities; to limit cultural diversity; for depriving people of academic freedom and the right to freedom of association.

If schools are used for military purposes, it increases the risk of recruitment and use of children by armed actors, and also makes children and young people vulnerable to sexual abuse and exploitation.

On the contrary, education can help protect children and young people from death, injury and exploitation; it can weaken the psychological impact of armed conflict by maintaining the established routine and stability, as well as provide links to other vital services. Education, taking into account the risk of conflict, contributes not to fueling conflict, but to peace.

Education is the basis for the development and full realization of human rights and fundamental freedoms. We believe that the places where they are taught should be safe for everyone. In this connection, in our opinion, the development and publication of the Declaration on School Safety is of paramount importance.

The Declaration was first opened for accession at the School Security Conference held on May 29, 2015 in Oslo.

The declaration is not legally binding but combines the already existing norms of the international law of military conflicts. However, it is designed to convince states to voluntarily commit themselves to protecting educational institutions from attacks and unauthorized use of school premises in situations of armed conflict in violation of international humanitarian law. For example, placing military buildings in schools may entail recognition of a military attack on a school building as legitimate. Thus, hostilities in eastern Ukraine were accompanied by the destruction of hundreds of schools, many of which were used by the parties of the conflict for military purposes. Both sides deployed military contingent and weapons in or near school buildings, thereby turning educational institutions into legitimate military targets. Because of the damage the schools received, many children were deprived of the opportunity to study, and the schools had to close down or continue to work overcrowded or in difficult conditions. I am afraid to imagine that the windows and doors in the school were broken down, furniture was damaged, and all office equipment was destroyed. But what about the children's right to receive education in such conditions?

During the meeting in 2017 in Geneva, the developers of the Declaration and the working group to disseminate the Declaration and Guidelines shared with delegations and non-governmental organizations their practical implementation in Denmark, Ecuador, New Zealand, Democratic Republic of the Congo, Afghanistan, Central African Republic, South Sudan, Yemen and other countries. The participants noted that the introduction of the Declaration into the legislation of the states takes place regardless of the presence of armed conflicts on the territory of the state.

Special Representative of the UN Secretary-General for Children in Armed Conflict, spoke about the negative effect of military use of schools on the full realization of everyone's right to education. The expert proposed to include the rehabilitation of schools in international humanitarian first-response programs with the goal of immediately restoring every child's access to education, the need for which is just as important as the need for food, water, medicines and other forms of humanitarian aid to victims of armed conflict.

The School Safety Declaration outlines specific measures that countries and their armed forces can take to make education safer for children.

Turning to the history of the issue, we see that there is very little in striving to protect education from military intervention by the new (Sheppard, 2016).

Back at 333, the Roman emperor Constantine I expressed one important truth: education is of great importance, and therefore it is necessary to protect educational institutions from interference that occurs when they are held up or billeted in the army.

Humanitarian workers still have to remind the armed forces of this truth, although for Constantine (about 1685 years ago) it was basic. Noting that he acts only "in confirmation of the favors bestowed upon the previous blessed memory of the emperors," Constantine declared that all language teachers are exempt from the obligation to "accept quartered persons." This privilege was granted to them, "so that they could, with greater convenience, instruct many in the free arts".

In the next century, several emperors, both in Western and Eastern Roman empires, issued similar statutory acts that freed teachers from a permanent residence. In 427, the Byzantine emperor Theodosius the Younger and the emperor of the Western Roman Empire, Valentinian III, explained that such exemption

from teachers was justified, since their teaching "should be freed for the whole period of their life from interference caused by the provision of premises for accommodation".

There is evidence that the emperors Theodosius and Valentinian also forbade blacksmiths to work near the schools and dwellings of teachers, so as not to interfere with the classes. Even if such artisans produced weapons for the state — and, therefore, as well as teachers, worked for the good of society — education was put above military necessity. The local magistrate had to appoint another convenient place for the blacksmith work so that they did not create any inconvenience for the teacher.

More than a thousand years later, King Gustav Adolf, who led Sweden to military superiority during the Thirty Years War, also took measures to protect education. For example, he made sure that in each of his regiments there were schools for children who accompanied their warrior fathers on campaigns throughout Europe.

In 1631, when King Gustav Adolf seized the city of Erfurt (in the territory of modern Germany), he freed schoolteachers and university professors from the "unpleasant duty" of standing and took them under his personal patronage.

In the same year, perhaps fulfilling the promise made to the Elector of Brandenburg, who gave him free access to Potsdam, the king added a new position to his military article, which determined the behavior of the Swedish troops: "Every soldier ... convicted of any disorder in ... schools are subjected to the death penalty."

A year later, he found it necessary to add one more norm: "No soldier is allowed to harm any ... schools ... nor to annoy them, standing up or quartering in them."

Despite these prohibitions, Protestant soldiers from the army of Gustav Adolf, apparently, willingly occupied Catholic schools, when in taverns and public buildings people did not have enough space.

The idea of protecting schools during the war spread throughout Europe. The Danish king Christian V in 1683 issued a decree according to which "children ... and schools are protected, those guilty of violating this situation are subject to severe corporal punishment."

Although today such harsh penalties for offenses committed during a war are prohibited, the protection of civilian objects — including schools and universities — as well as children and their right to education is provided for by modern laws of war, enshrined in international law. Moreover, the practice of using school buildings for military purposes as such is rarely seen in modern military charters and military documents. However, there are still some examples, and this practice seems to be becoming more common.

The decree of Emperor Constantine followed an unprecedentedly widespread primary education in the third century in cities and rural settlements throughout the Roman Empire. Today, there are schools in almost every inhabited corner of the world, but they are still threatened by military intervention. In 2005-2015 schools and universities were used for military purposes — as bases, for quartering personnel, or as ammunition depots — in at least 26 countries where armed conflicts took place.

This was one of the reasons that prompted a group of like-minded countries to hold a meeting in Oslo on May 29, 2015, to commit them to making more efforts to protect students, teachers, schools and universities in modern wars. The follow-up meeting of the "Declaration on School Safety" outlined specific measures that countries — and their armed forces — can take so that children can go to school in safer conditions. One of them is the use of the Guide for Armed Forces in order to minimize the use of school or

university buildings as military bases or barracks. Since military use of a school can turn it into an object of attack, minimizing such use will reduce the number of schools damaged or destroyed during the war and allow more children to study in safe conditions.

To date, since the final wording of the Declaration on School Safety was adopted, 73 countries have endorsed it, supporting its call to provide schools and universities with more reliable protection against military use.

7. Conclusion

The practice of public and international life dictates the need for early ratification of the Declaration by its non-signatory countries; they should be asked when they will oblige their modern armed forces to comply with the standards of protection that the schools presented to them as Roman emperors. After all, all children want to gain knowledge in schools and universities, not being under fire or in destroyed buildings, but in cozy and comfortable conditions.

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