



**‘KEEP AWAY FROM
SCHOOLS OR
WE’LL KILL YOU’**

RIGHT TO EDUCATION
UNDER ATTACK IN NIGERIA

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

AMNESTY
INTERNATIONAL



First published in 2013 by
Amnesty International Ltd
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom

© Amnesty International 2013

Index: AFR 44/019/2013 English
Original language: English
Printed by Amnesty International,
International Secretariat, United Kingdom

All rights reserved. This publication is copyright, but may be reproduced by any method without fee for advocacy, campaigning and teaching purposes, but not for resale. The copyright holders request that all such use be registered with them for impact assessment purposes. For copying in any other circumstances, or for reuse in other publications, or for translation or adaptation, prior written permission must be obtained from the publishers, and a fee may be payable. To request permission, or for any other inquiries, please contact copyright@amnesty.org

Cover photo: A pupil stands in a burned out classroom of a school in Maiduguri, Borno state. Many schools in north-eastern Nigeria have been destroyed and forced to close as a result of attacks on schoolchildren, teachers and buildings. May 2012.

© PIUS UTOMI EKPEI/AFP/Getty Image

amnesty.org

CONTENTS

1. Introduction	4
2. Background	5
The numbers	6
Methodology	6
3. Schoolchildren killed	7
4. Teachers unlawfully killed and targeted	9
5. Teachers threatened and intimidated	11
6. Schools destroyed	12
7. Schools closed and teaching suspended	13
8. Reduction in school attendance	15
9. National and international legal and human rights obligations	16
The right to life	16
The right to education	17
10. Recommendations	18
11. ENDNOTES	20

1. INTRODUCTION

“I saw the gunmen walking towards the school compound, two of them. I was shouting at the kids to enter their classrooms. I think he was trying to get some peanuts from the woman that sells outside the gate. All the children were there. They parked their car a few yards away and came straight to him and shot him at close range. We all ran for cover when we heard the shot. It was scary. All the children were screaming. Mallam Yusuf has been a teacher all his life. Many young men and women have passed through him in this state. I wonder why anybody would want to kill such a peaceful and quiet person. He was just doing his job as a teacher.”

A colleague who witnessed the killing of Mallam Yusuf Mohammad, a 44-year-old teacher in a primary school in Gwange III, who was shot and killed by unknown gunmen outside his school in Maiduguri in May 2013. Nobody claimed responsibility for the killing.

Education is under attack in northern Nigeria. Since the beginnings of 2012, according to Amnesty International’s research, at least 70 teachers and over 100¹ schoolchildren and students have been killed or wounded. At least 50 schools have either been burned or seriously damaged and more than 60 others have been forced to close. Thousands of children have been forced out of schools across communities in Yobe, Kaduna, Adamawa and Borno states. Many teachers have been forced to flee for their safety to other states. The highest number of attacks was in Borno state in the north-east. According to the Nigeria Teachers’ Union, more than 1,000 teachers have been forced to flee from areas in the north since 2012.

The Islamist armed group commonly known as Boko Haram has claimed responsibility for some of the attacks. As far as Amnesty International is able to ascertain, no other group or individuals have claimed responsibility for attacking schools in the north. However, it is possible other groups or individuals have also carried out attacks. In a video statement released in July 2013, the purported leader of Boko Haram Abubakarr Shekau denied that Boko Haram had carried out an attack on a school in Yobe state, although he declared his support for the attack.²

Attacks against schoolchildren, teachers and school buildings demonstrate an absolute disregard for the right to life and the right to education. Such attacks may also constitute crimes against humanity as defined in Article 7 of the Rome Statute of the International Criminal Court.

Amnesty International urges Boko Haram and any affiliate armed groups or individuals in northern Nigeria to immediately stop all attacks on schools, teachers and pupils.

The Nigerian government is obliged, as part of its obligation under Article 13 of the International Covenant on Economic Social and Cultural Rights (ICESCR), to protect everybody's right to education and to take measures that prevent third parties from interfering with the enjoyment of the right.

Amnesty International urges the Nigerian authorities to provide better protection for schools and ensure that attacks are properly investigated and suspected perpetrators brought to justice in a fair trial without recourse to the death penalty.

2. BACKGROUND

Since July 2009, the Islamist armed group Jamā'atu Ahlis Sunnah Lādda'awatih wal Jihad [People Committed to the Propagation of the Prophet's Teachings and Jihad], commonly referred to as Boko Haram [meaning "Western education is forbidden"], and individuals or groups claiming to be members of Boko Haram, have claimed responsibility for bombings and gun attacks across northern and central Nigeria. The group has killed Muslim and Christian clerics and worshippers, politicians, journalists and lawyers, and also police personnel and soldiers. Boko Haram has claimed responsibility for attacks on churches, prisons, police stations, school buildings, newspaper offices and the UN.

Attacks on schools increased in 2012. They were carried out mainly at night. Between 21 February and 1 March 2012, ten primary schools were attacked in locations across Maiduguri. In most attacks, the buildings were so badly damaged that they could no longer be used.³

In March 2012, the then purported spokesman for Boko Haram, Abul Qaqa, was reported in the *Daily Trust* newspaper on 6 March 2012 as saying: "*We are attacking the public schools*

at night because we don’t want to kill innocent pupils.”⁴

Since the beginning of 2013, attacks appear to have become more brutal. They frequently happen when schools are occupied, and according to reports received by Amnesty International, teachers and pupils are now being directly targeted and killed.

In some attacks, teachers have been killed on school premises in full view of children. In others, school buildings have been set on fire and school property destroyed.

In May 2013, President Goodluck Jonathan declared a state of emergency in Adamawa, Borno and Yobe states, stating that many parts of northern Borno were “under the direct control of Boko Haram.”⁵

Since June 2013, several schoolchildren have been killed and injured in attacks on schools.

In July 2013, purported leader of Boko Haram Abubakarr Shekau, in a video statement, said Boko Haram were attacking schools because they are “un-Islamic”. He also called for more teachers to be killed. In it he said: *“teachers who teach Western education, we will kill them. We will kill them. We would burn down the schools, if they are not Islamic schools. We don’t touch small children. Our religion does not allow that, but we’ll burn down the schools.”*⁶

THE NUMBERS

The precise number of teachers and pupils killed and schools burnt and destroyed is unknown. Official figures are often incomplete and lower than those reported by the media, witnesses and civil society organizations. News reports and interviews with parents, teachers and civil society organizations suggest that up to 50 schools may have been attacked, burned or destroyed in Borno state during 2013. An official of the Borno state government was only able to provide Amnesty International with information on attacks on schools within the Borno state capital Maiduguri. He told the Amnesty International that five government secondary schools and nine private schools were razed to the ground by unknown gunmen between January and April 2013.

According to parents, teachers and human rights defenders from Borno state, many of whom were forced to flee to neighbouring states such as Bauchi, Kaduna and Plateau, nearly all of the schools in the Borno state towns of Bama, Baga, Jajeri, Umarari, Garnam, Mai Malari, Mungono and Gamboru were forced to close between February 2012 and June 2013.

Another Borno state official reportedly stated that he did not know the exact number of schools that have been attacked and burned or destroyed across the state or the number of schools forced to close as a result of the violence but that at least 15,000 children have been forced out of schools in the state.⁷ According to an official in the Federal Ministry of Education poor communications with affected states make it difficult to obtain such figures.⁸

METHODOLOGY

This briefing examines the attacks on schools and education structures between February 2012 and September 2013 in north-eastern Nigeria, with a primary focus on Borno state. It draws on Amnesty International research carried out between April 2012 and September 2013, and highlights specific cases of attacks carried out by suspected members of Boko

Haram in Borno state between January and September 2013.

Many of the victims, family members and witnesses who spoke to Amnesty International, as well as some of the lawyers, human rights defenders and government authorities asked not to be named in the briefing for fear of reprisals. Consequently, names of several witnesses have been changed or omitted for their own protection.

Amnesty International requested information from the Nigeria Police Force and the Ministry of Justice about how many, if any, criminal investigations, arrests and prosecutions had been carried out in relation to attacks on students, teachers and schools in Borno and Yobe states. No response was received.⁹

The purpose of this briefing is to draw attention to the damaging effects of the ongoing violence on education in northern Nigeria. It calls on Boko Haram and other unknown gunmen to immediately cease all attacks on schools and educational facilities; and on the Nigerian authorities to take effective measures to ensure that the right to life and the right to education are adequately respected, protected and promoted in Nigeria.

3. SCHOOLCHILDREN KILLED

“I was in my class when all of a sudden I heard a big blast. My sister (in class 3) was killed by the bomb attack. I wanted to see what was happening...we ran away from Maiduguri and came to Kangere (Bauchi state) and I’m now living with my sister in Jos...I have not been able to go to school ever since. I miss a lot of my friends in school. I’d be happy to go back to school in Kangere where my father lives, but not in Maiduguri.” S.A., a 13-year-old former pupil of Janjeri primary school in Maiduguri, Borno state who

witnessed a bomb attack on his school that killed his younger sister.

8 *"Keep away from schools or we'll kill you."*
Education under attack in Nigeria

Scores of schoolchildren and students have been reportedly killed and injured during attacks on schools.

Human rights defenders told Amnesty International that on 24 June 2013, gunmen had attacked and killed nine students in the town of Gamboru, Borno state on their way to take their exams.

In a press statement issued on 6 July 2013, UNICEF disclosed that in June 2013 alone, "a total of 48 students and seven teachers have been killed in four attacks in the region."¹⁰

Between July and September 2013 alone, up to 80 schoolchildren and students have been reportedly killed by unknown gunmen in two separate attacks in Yobe state.

On 6 July 2013, up to 30 people, including at least 25 schoolchildren, were killed in their dormitories in Mamudo town, Yobe state. Shekau, Boko Haram's purported leader said that the group did not carry out the attacks, but declared his support for the attacks.¹¹

On 28 September 2013, gunmen reportedly killed at least 50 students during an attack on a college in the town of Gujba in Yobe state. The attack took place at around 1:00 am on Sunday when gunmen entered the compound of the College of Agriculture in Yobe state and opened fire on students. Several individuals told Amnesty International the attackers ordered students to assemble and then opened fire on them. One resident of Damaturu said that on Sunday they counted 62 bodies at the Sani Abacha General Hospital mortuary in Damaturu, Yobe state. At the time of publication, no one had claimed responsibility for the attack.

4. TEACHERS UNLAWFULLY KILLED AND TARGETED

"In February this year, they attacked the school. The gunmen opened fire on everyone around. Two staff teachers were shot. One died on the spot and the other was seriously wounded. We were all devastated. But in March again, four gunmen with masks on their faces attacked the school and went straight to the exams office. They opened fire and shot at everyone in the room. Three people were killed instantly. One was injured. It's dreadful. We were forced to close the school immediately and asked the children to go home. We remained closed for that entire period."

Principal of a government secondary school in Maiduguri that was attacked three times between November 2012 and March 2013.¹²

Since January 2013, 30 teachers have been reportedly shot and killed, sometimes while lessons were in session.

The President of the Nigerian Union of Teachers told Amnesty International that according to reports from their branch in Borno state, many attacks are carried out against teachers in remote communities and often these attacks are not reported in the media.

On 18 March 2013, unknown gunmen reportedly shot and killed three teachers and wounded four other people, including three students, in a simultaneous attack on four public schools in Maiduguri, Borno state. Among the teachers killed, Assistant Headmaster Alhaji Balla Modu, bursar Alhaji Iliyasu Zakariya, and class teacher Mohammad Ahmed, all from the same school, were reportedly killed while on duty during school hours. Nobody is known to have been arrested or prosecuted for the killings. The state governor reportedly donated N2,000,000 [approx. US\$12,500] to each bereaved family.¹³

10 *"Keep away from schools or we'll kill you."*
Education under attack in Nigeria

On 7 April 2013, a teacher in Gwange III Primary school in Maiduguri was shot and killed at his home by unknown gunmen. A neighbour told Amnesty International: *"They came to his house in the morning when he was having breakfast with his family and shot him twice. He died instantly."*

On 9 April 2013, two teachers and other officials from Borno state's programme to provide food to schools were reportedly shot and killed during an inspection tour in Dikwa local government area. The state's Commissioner of Education confirmed the incident but denied that they were killed on duty, telling Amnesty International that the officials were killed on their way to visit a bereaved family. Amnesty International is not aware of any one having been arrested or prosecuted for the killings.

The Director of Basic and Secondary Education in the Federal Ministry of Education told Amnesty International that two officials of the West African Examinations Council were killed by unknown gunmen in May 2013 on their way from Yola, Adamawa state, to conduct an examination in Maiduguri, Borno state.

Many teachers in Borno state told Amnesty International they are not getting adequate protection from the authorities. This is despite the fact that the government has a duty to lawfully protect its population against abuse of their fundamental human rights by others.

The Director of Basic and Secondary Education at the Federal Ministry of Education expressed the government's concerns about the situation in north-eastern Nigeria and informed Amnesty International that recommendations have been made for federal schools in the north to be fenced and for the federal government to provide more support to state schools after the affected towns and communities in the north are restored to normal.

5. TEACHERS THREATENED AND INTIMIDATED

“Last month [March 2013], two members of the group came to my house in the middle of the night, with a machete and a gun. They put a gun on my head in front of my children. My wife was crying. They told me to either stop teaching English and start teaching Arabic or close the school... I told them I can’t. I don’t know how to teach Arabic. They said if I don’t, they’ll kill me and my entire family.”

H.H. aged 44, a community schoolteacher in one of the towns in northern Borno state

In addition to the deliberate targeting and killing of teachers, many more have reportedly been threatened and intimidated by suspected members of the group.

H.H., a community schoolteacher in one of the towns in northern Borno state, like many other teachers, was forced to leave his community when it came under the control of Boko Haram and was staying with relatives in Maiduguri. He went into hiding because of the increasing threats from the group. He told Amnesty International that many teachers are afraid to return to teach after they hear reports of their colleagues being killed and wounded or threatened. According to H.H, many of his colleagues now live in constant fear. He told Amnesty International:

“Teachers in northern Borno were particularly at risk because many of the towns and communities were completely outside the control of the government. Even when some teachers continued to teach, they were constantly being monitored by the group. Members of the group will stand outside the classrooms to listen to the lessons. It was like teaching under gunpoint. The situation is worse for us who have received Western education and teach English in the public schools in northern Borno.”

Teachers in Borno state told Amnesty International that the attacks on their colleagues have deeply affected the teaching community in the state. They said the general insecurity has compromised the ability of teachers to perform their jobs well and has affected morale.

Similarly, attacks where teachers are killed in broad daylight, in some cases in full view of pupils, are likely to expose the children and other teachers to shock, distress and severe psychological trauma.

6. SCHOOLS DESTROYED

“[S]ecurity in schools, meaning not only physical, psychological and emotional safety but also an uninterrupted education in conditions conducive to knowledge acquisition and character development, form part of the right to education. This means that States have a responsibility to punish perpetrators and devise effective methods of protection.” Report of the UN Special Rapporteur on the right to education, A/HRC/8/10, 20 May 2008

Human rights defenders and non-governmental organisations in Nigeria told Amnesty International that the attacks in Borno state have seriously damaged the state’s education sector and have undermined the right to education for thousands of children.

Many school buildings remain destroyed, damaged and unused. When schools are burned down, it is not only the classrooms that are lost, leaving children with nowhere to learn, but also all the teaching materials, equipment and school records. Some schools have been burned two or three times since 2012.

The destruction of and damage to school infrastructure and facilities grossly reduces the availability of and access to education for many children in Borno state. Access to basic education requires that sufficient and proper facilities and services are in place and that students can access adequate books and materials. When education institutions are targeted or attacked, the damage and its consequences can be major and far-reaching.

Between 8 and 20 March 2013, unknown gunmen attacked six different schools including Maiduguri Metropolitan Primary school, Gwange III Primary School, Mafa Central Primary School, Umarari Primary School, Mai Malari Day Secondary and Ali Aliskiri Primary school in locations around Maiduguri city in Borno state.

A teacher from Mai Malari Federal Low Cost area in Maiduguri told Amnesty International that teaching was suspended in his school and in others in the area after unknown gunmen attacked the local secondary school on 20 March 2013:

"I was in the classroom and suddenly I heard people screaming and shouting. I was confused. My students started shouting and screaming. Suddenly I heard gunshots. I ran out of the classroom for safety. All the students were running helter-skelter. I ran to my house, which was closer to the school... later, I learned that the attackers burned some of the classrooms. The school was closed after the attack and all teaching was suspended."

According to a government official in Borno state, teaching is temporarily suspended after an attack while the authorities look for alternative arrangements. He said that in some cases, teaching arrangements will be made for students preparing for public exams and the rest will be asked to stay at home until a safer school is identified. Some teachers and parents told Amnesty International that many schools remain closed and un-renovated for long periods after an attack.

7. SCHOOLS CLOSED AND TEACHING SUSPENDED

"There were no schools operating in the town before I left. One was burned by unknown gunmen. All the pupils were transferred to the other school. Now that school has stopped functioning. It's a government school. The other teachers said they can't continue to teach because they are afraid. The children just stay at home now. In fact, many of my colleagues have run away and come to Maiduguri."

A teacher from a government primary school in a town in Borno state, north-eastern Nigeria, April 2013.

14 *"Keep away from schools or we'll kill you."*
Education under attack in Nigeria

In some cases schools that have not been attacked have been closed, teaching has been suspended and teachers forced to abandon their classrooms.

Amnesty International spoke to people from locations across Borno state who said all or most of the schools in towns and communities such as Umarari, Bama, Baga, Mungono, Zabarmari and Gwange have been forced to close.

Former residents of Borno state, now seeking refuge in neighbouring states, told Amnesty International that around the time the state of emergency was declared by President Goodluck Jonathan on 14 May 2013, school authorities in many parts of Borno state had advised parents not to send their children to school until further notice because of the restriction of movements within and around the towns and communities.

A parent from Karsula Ward in Borno state told Amnesty International, the school authorities had asked parents to stop sending their children to school for safety reasons. He said, "Three months ago [May 2013], the school authorities in Karsula asked us to take our kids away and return in six months because they could not guarantee their safety. I feel bad about my children not going to school."

A 28-year-old former class teacher from Bama told Amnesty International that following the increasing levels of insecurity and threats to schools, the State Universal Basic Education Board of Borno state *"issued a directive to all their staff assigned to the area to stop going to school for a period of six months until things calm down."* Another teacher said: *"We all stayed home because we did not know what will come next and when we'll be attacked."*

According to one teacher from Bama: *"[t]here were about 15 schools in Bama. All of them are closed because of the insecurity. The pupils have either fled or are staying home with their parents, doing nothing."*

A human rights defender based in Maiduguri told Amnesty International in May 2013 that *"...the situation is so bad that nearly all schools in some local government areas in northern Borno were completely closed for two terms. Even within Maiduguri metropolis, many primary and junior secondary schools have remained closed since February. The futures of many final year students have been jeopardized because they could not sit their final examinations."*

According to representatives of civil society organizations in Borno state many teachers in some areas now go to school for just two days in a week. Others avoid going at all for security reasons.

8. REDUCTION IN SCHOOL ATTENDANCE

"At least 80% of the pupils in my school were taken away by their parents... In June 2013, Boko Haram warned students not to go to the schools to take the National Examinations Council exams in Bama town. The number of candidates who took the exams reduced drastically."

Former teacher from Borno currently hiding in Kaduna.¹⁴

Between 2012 and 2013, the insecurity generated by the constant attacks and fighting in Borno and other states in north-eastern Nigeria led many parents to send their children away or leave the state, disrupting their education.

School enrolment was already lower in Borno state - 28% in total - than in any other state, according to the Nigeria Education Data Survey 2010. The recent attacks on schools, according to government officials, are making it even harder for teachers and government authorities to persuade parents to allow their children to continue their schooling.

According to documents provided by the Director of Basic and Secondary Education in the Federal Ministry of Education, in 2013, schools in the north-east recorded the lowest number in recent years of pupils who applied and were admitted into junior secondary schools in the country. In one school in Mungono, out of 160 eligible pupils, only 60 applied for admission into junior secondary school in 2013.

In May 2013, an official in the Ministry of Education in Borno state reportedly stated that *"around 15,000 children in Borno state have stopped attending classes"*¹⁵ following the increased insecurity in the state, including the attacks on schools. The President of the Nigerian Union of Teachers told Amnesty International in August 2013 that the figures could be higher but he could not be precise. He said, *"because of the insurgency, you'll hardly find schools functioning in the affected states. And where they manage to operate, the fear of the unknown keeps schoolchildren away."*

A teacher from one village in northern Borno state, hiding in Maiduguri in fear for his safety, told Amnesty International that there is no opportunity for children in the village to continue their education after the schools were forced to close. He said, *"None of the children go to school now. Those who were taking exams had to hide their school uniforms in a plastic bag"*

before they leave home. They [Boko Haram] even tear the uniforms off students who travel to Maiduguri to attend school from the village. They warned all the students to stop attending school, except Islamic schools.”

According to some parents, in many cases state governments provide no alternative options for children to continue their education.

Teachers and parents from Borno state told Amnesty International that the state of emergency declared in May 2013 had not helped to improve the situation for education in the state. They said that life is more difficult for ordinary people as a result of the restrictions posed by the state of emergency. They described no longer being able to carry on with their normal activities.

A 25-year-old teacher from Old Bama primary school who fled Bama in May 2013 and is currently seeking refuge in Kaduna, told Amnesty International, “*The entire town was locked down. No movement is allowed in or out. The army has banned the use of all forms of transportation even within the town. So teachers cannot go to school; parents cannot send their children to school because you have to walk, regardless of the distance.*”

The state government said they are doing their best to address the problem of low school attendance by initiating a number of programmes, including the conversion of day schools to boarding schools and the renovation of destroyed schools. The impact of the state government’s measures is yet to be seen. Several parents told Amnesty International the state government has not provided adequate alternative options for their children to continue their education.

9. NATIONAL AND INTERNATIONAL LEGAL AND HUMAN RIGHTS OBLIGATIONS

THE RIGHT TO LIFE

The Constitution of the Federal Republic of Nigeria (1999) recognizes the right to life (section 33).

All of the violent acts perpetrated by Boko Haram and other unknown groups constitute crimes under Nigerian law that the authorities should prevent and prosecute through the ordinary systems of law enforcement and criminal justice, in a manner compliant with Nigeria’s international human rights obligations.

The right to life is recognized and protected under the African Charter on Human and Peoples' Rights, which Nigeria ratified in June 1983 and domesticated in 1983 in the African Charter on Human and Peoples' Rights (ratification and enforcement) Act Cap 10 Laws of the Federation of Nigeria.

The same right is recognized and protected under the International Covenant on Civil and Political Rights (ICCPR), to which Nigeria acceded in October 1993. These rights must be respected and ensured even "in time of public emergency which threatens the life of the nation.

THE RIGHT TO EDUCATION

Children's right to education in north-eastern Nigeria has been severely restricted or, in many cases, completely eradicated because of the frequent attacks, constant insecurity and direct attacks on schools, education personnel and pupils by suspected members of Boko Haram.

The right to education is not justiciable under the Nigerian 1999 Constitution (as amended) as Chapter 2 only outlines the fundamental objectives and directive principles of state policy. Section 18(1) states that the government "shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels."

The right to education in Nigeria is provided for by the Universal Basic Education Act 2004. Section 2(1) states that "every Government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age.

In November 2011, the Court of Justice of the Economic Community of West African States (ECOWAS) declared that the right to education for every Nigerian is a legally enforceable human right as guaranteed in Articles 1, 2, 17, 21 and 22 of the African Charter on Human and Peoples' Rights (African Charter), which Nigeria has ratified and is legally binding on the government. The declaration was made following a suit filed by the Nigerian NGO Socio-Economic Rights and Accountability Project (SERAP), alleging violation of the right to education by the federal government of Nigeria as guaranteed by the African Charter.

In 2003, the Federal government of Nigeria passed the Child Rights Act to domesticate the Convention on the Rights of the Child (CRC). Although this law was passed at the Federal level, it also had to be passed at state level; however, many State Houses of Assembly, particularly northern states, failed to enact it. By the end of 2012, 26 states out of 36 had passed the bill into law. Only eight states in the north have passed the Child Rights Act into law. Borno state is yet to pass the bill into law.

There are also specific provisions in Nigeria's laws that seek to deter individuals or groups from destroying or damaging public or private properties, including education buildings and facilities. Section 443 of the Criminal Code Act 77 prohibits the unlawful destruction and damage of public or private property, including school buildings and structures. It states that "any person who wilfully or unlawfully sets fire to (a) any building or structure whatever, whether completed or not... is guilty of a felony, and is liable to imprisonment for life."

Amnesty International is not aware of any prosecutions under the above criminal provisions against alleged perpetrators of attacks on schools.

In addition, Nigeria is a state party to a number of international human rights instruments, which contain human rights provisions that the authorities are bound to respect, protect and fulfil. By ratifying the International Covenant on Economic, Social and Cultural Rights (ICESCR, Articles 13-14) and the Convention on the Rights of the Child (CRC, Articles 28 and 29), Nigeria is under an obligation to protect pupils’ right to education against interference by third parties. At the same time Nigeria is under a duty to progressively realize the right to education for all. This can be achieved through a range of measures including the encouragement of regular attendance at schools, reduction in dropout rates, and continual improvement in the material conditions of teaching staff (Article 28(e) of the CRC and Article 13(2)(e) of the ICESCR). In this respect, the UN Committee on Economic, Social and Cultural Rights has also made clear that education has to be within safe physical reach through attendance at a reasonably convenient location.

In its General Comment 13 on the right to education, the UN Committee on Economic, Social and Cultural Rights – the authoritative body that interprets the ICESCR - stated, “Education is both a human right in itself and a means of realizing other human rights. As an empowerment right, education is the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities. Education has a vital role in empowering women, safeguarding children from exploitative and hazardous labour and sexual exploitation, promoting human rights and democracy.” (Para. 1)

10. RECOMMENDATIONS

The unlawful killing of teachers or pupils by non-state actors is both a serious crime and an abuse of their right to life as well as a broader attack against education in northern Nigeria. As part of its obligations to protect the right to life and the right to education, the Nigerian government should bring perpetrators of such criminal acts to justice in a fair trial without recourse to the death penalty.

To the Federal Government:

- Take effective and lawful measures to prevent unlawful killings, particularly those of teachers and students, as well as attacks on schools by Boko Haram and other armed groups in northern Nigeria.
- Initiate prompt, effective and impartial investigations into all human rights abuses, and bring those responsible to justice in fair trials without application of the death penalty.
- Provide adequate support to the affected state governments including Borno state, to expeditiously rebuild and renovate all school buildings and facilities destroyed and damaged as a result of the sectarian violence in order to ensure that children’s access to education can be resumed as quickly as possible.
- Ensure that all law enforcement operations are conducted in full accordance with

international human rights standards.

- Fully and effectively implement the ECOWAS Court judgment declaring that every Nigerian child is entitled to a legally enforceable right to education.

To Boko Haram and other armed groups:

- Cease all unlawful killings, including targeted attacks on teachers, schoolchildren, and other human rights abuses against civilians and immediately stop all attacks on schools and other educational facilities, and
- Publicly order all members of the armed group to act consistent with international human rights standards and fundamental principles of humanity as reflected in international humanitarian law.

To state governments:

- Provide adequate security to prevent attacks on school buildings, teachers and school children in the state. If police or armed forces are engaged for security, their presence within the grounds or buildings of the school should be avoided to avoid further endangering the students and disrupting the learning environment.
- Immediately renovate and rebuild all schools damaged or destroyed in the state as a result of the violence and ensure that they are provided with adequate teaching staff and other resources in order that children's access to education can be resumed as quickly and smoothly as possible.
- Ensure that re-opened schools are subject to regular inspection to ensure that standards are being maintained.
- Work closely with State House of Assembly to pass into law, the Child Rights Act 2003 as a matter of urgency.
- Provide all necessary support to all those, including teachers and students, who have been affected by the violence in Borno state. This should include rehabilitation and resettlement for those who have been forced to flee the violence.

To the international community:

- Put pressure on the Nigerian authorities to conduct an independent investigation and prosecution of suspected perpetrators of human rights abuses including the abuse of the right to education
- Urge the Nigerian authorities to fully and effectively implement the ECOWAS Court judgment declaring that every Nigerian child is entitled to a legally enforceable right to education.

11. ENDNOTES

- 1 According to information received by Amnesty International, 50+ students in September, 25-30 in July all reportedly killed by unknown gunmen in northern Nigeria. and 48 reportedly killed across the northern Nigeria in June 2013, according to UNICEF press release issued on 6 July 2013, accessed online via http://www.unicef.org/media/media_69782.html
- 2 Boko Haram leader 'supports' Nigeria school massacre; The Nation newspaper, 14 July 2013 (accessed 16 July 2013) via: <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/international/14-Jul-2013/boko-haram-leader-supports-nigeria-school-massacre>
- 3 Interview with human rights defender and resident of Maiduguri, Borno state, May/June 2012
- 4 Nigeria: Why we attacked schools-Boko Haram, Daily Trust Newspaper, 6 March 2012 (accessed June 2013) via <http://allafrica.com/stories/201203060707.html>
- 5 Presidential Address By President Goodluck Jonathan On The Declaration Of A State Of Emergency In Borno, Yobe and Adamawa States, full transcript on Sahara Reporters, 14 May 2013 (accessed 15 May 2013) via: <http://saharareporters.com/video/video-presidential-address-president-goodluck-jonathan-declaration-state-emergency-borno-yobe->
- 6 Boko Haram leader 'supports' Nigeria school massacre; The Nation newspaper, 14 July 2013 (accessed 16 July 2013) via: <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/international/14-Jul-2013/boko-haram-leader-supports-nigeria-school-massacre>
- 7 Boko Haram attacks hit school attendance in Borno state; IRIN News, 14 May 2013 (accessed July 2013) via: <http://www.irinnews.org/report/98032/boko-haram-attacks-hit-school-attendance-in-borno-state>
- 8 In a meeting with Amnesty International delegate in Abuja, August 2013
- 9 Amnesty International delegates made verbal requests in meetings in August and sent official letters in September 2013
- 10 UNICEF Condemns killings in school attacks in northeast Nigeria; 6 July 2013 (accessed July 2013) via http://www.unicef.org/media/media_69782.html
- 11 Boko Haram leader 'supports' Nigeria school massacre; The Nation newspaper, 14 July 2013 (accessed 16 July 2013) via: <http://www.nation.com.pk/pakistan-news-newspaper-daily-english-online/international/14-Jul-2013/boko-haram-leader-supports-nigeria-school-massacre>
- 12 In an interview with Amnesty International on 26 April 2013
- 13 The headmaster of the school told Amnesty International in an interview in April 2013 in Maiduguri, Borno state. Also reported in The Nigerian Voice on 19 March 2013 (accessed 2 October 2013) via <http://www.thenigerianvoice.com/nvnews/110257/1/maiduguri-shettima-pledges-n2m-each-to-families-of-.html>
- 14 In an interview with Amnesty International on 27 July 2013
- 15 Boko Haram attacks hit school attendance in Borno state; IRIN News, 14 May 2013 (accessed July 2013) via: <http://www.irinnews.org/report/98032/boko-haram-attacks-hit-school-attendance-in-borno-state>



**I WANT
TO HELP**

WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

WHAT CAN YOU DO?

Activists around the world have shown that it is possible to resist the dangerous forces that are undermining human rights. Be part of this movement. Combat those who peddle fear and hate.

- Join Amnesty International and become part of a worldwide movement campaigning for an end to human rights violations. Help us make a difference.
- Make a donation to support Amnesty International's work.

Together we can make our voices heard.

I am interested in receiving further information on becoming a member of Amnesty International

name

address

country

email

I wish to make a donation to Amnesty International (donations will be taken in UK£, US\$ or €)

amount

please debit my

Visa

Mastercard

number

expiry date

signature

Please return this form to the Amnesty International office in your country.

For Amnesty International offices worldwide: www.amnesty.org/en/worldwide-sites
If there is not an Amnesty International office in your country, please return this form to:

Amnesty International, International Secretariat, Peter Benenson House,
1 Easton Street, London WC1X 0DW, United Kingdom

amnesty.org



'KEEP AWAY FROM SCHOOLS OR WE'LL KILL YOU'

RIGHT TO EDUCATION UNDER ATTACK IN NIGERIA

Education in northern Nigeria is under attack. At least 70 teachers and over 100 schoolchildren and students have been killed or wounded across the region between 2012 and 2013. The highest number of attacks was in Borno state.

Up to 50 schools have been burned or badly damaged and at least 15,000 children have been forced out of schools in Borno state alone. The Islamist armed group commonly known as Boko Haram has claimed responsibility for some, but not all, of the attacks.

Attacks against schoolchildren, teachers and school buildings demonstrate an absolute disregard for the right to life and the right to education. They may also constitute crimes against humanity as defined in Article 7 of the Rome Statute of the International Criminal Court.

Amnesty International calls on Boko Haram and any affiliate individuals or armed groups to immediately stop all attacks on schools, teachers and pupils. It also urges the Nigerian authorities to provide better protection for schools and ensure that attacks are properly investigated and the perpetrators brought to justice in a fair trial, and without recourse to the death penalty.

amnesty.org

Index: AFR 44/019/2013
October 2013

**AMNESTY
INTERNATIONAL**

