

analysis of the findings in the field of application of linguistic methods to various legal issues can foster the development of Forensic Linguistics as a distinct field of science in Ukraine.

Список використаних джерел

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**STRENGTHENING THE RIGHT TO EDUCATION
IN ARMED CONFLICT**

The right to education [1] is enshrined in article 26 of the Universal Declaration of Human Rights, and in numerous other international human rights instruments. A clear formulation of the right to education can be found in article 13 of the International Covenant on Economic, Social and Cultural Rights. The Convention on the Rights of the Child also includes a detailed recognition of the right to education in its articles 28 and 29. The right to education is an important precondition for the meaningful exercise of most of the freedoms protected by human rights law. Education enhances freedom of expression, assembly and protest, the right to vote, the right to participate in public affairs, the right to form a family and to freely decide the number and spacing of children, the right to form and join trade unions, the right to work, the right to participate in cultural life and the right to benefit from scientific progress.

The Committee on Economic, Social and Cultural Rights in its general comment No. 13 on the right to education defined the core content of the right to education as including access to public educational institutions and programmes on a non-discriminatory basis, conformity of education to the objectives of the full development of the human personality and a sense of its dignity. It also includes free and compulsory primary education, the adoption and implementation of a national educational strategy which includes provision for secondary, higher and fundamental education, and free choice of education without interference from the State or third parties, subject to conformity with “minimum educational standards” (art. 13 (3 and 4)) of the International Covenant on Economic, Social and Cultural Rights).

When conflicts result in resource constraints, States are required to ensure the availability, accessibility and acceptability of good quality education facilities, goods and services, especially to groups rendered vulnerable by conflict [2].

In situations of considerable difficulty, including armed conflict, the burden of proof still falls on the State to demonstrate that every effort has been made to use all resources at its disposal to satisfy minimum core obligations, including through international cooperation and assistance [3]. The Committee on the Rights of the Child, considering the State party report of the Democratic Republic of the Congo, urged the Government to ensure completion of children's compulsory schooling and take action to address the reasons behind non-completion, including persisting zones of insecurity, displacement of families, lack of transport and destruction of school infrastructure [4]. When highlighting issues to the Government of Thailand, [5] the Committee asked the State to provide updated information on measures taken to guarantee the right to education in the southern border provinces in the light of attacks against teachers and schools there.

Attacks resulting in death or injury to children and educators and the destruction or military occupation of educational facilities are common during armed conflict and in situations of insecurity. A 2010 report⁵⁷ issued by UNESCO estimated that in recent years the reported number of attacks on students and education staff, as well as bombings and burnings of school buildings, had risen dramatically. The Committee on the Rights of the Child confirmed in its day of general discussion [6] on education in emergency that the States' duty to provide education remains unaffected even in times of emergency and conflict. The Committee, in addressing the question of military occupation of schools by State armed forces, recommended ceasing military occupation and ensuring compliance with humanitarian law and the principle of distinction.

The Special Rapporteur on the right to education highlighted the need to protect persons with disabilities in conflict situations, noting that persons with disabilities, whatever their sex, age or geographical origin, suffer from a pervasive and disproportionate denial of their right to education. The Special Rapporteur furthermore highlighted that in emergencies, particularly during conflicts and the post-conflict period, the right to education should be better addressed by States. In the context of insecurity and armed conflict, States must abstain from acts that disrupt the process of education, including the military occupation of schools; respect the obligation to fulfil the minimum core content of the right to education, which is nonderogable; and prevent and punish attacks against students, teachers and educational facilities.

International humanitarian law and human rights law provide complementary and mutually reinforcing protection of economic and social rights in situations of conflict. International humanitarian law imposes obligations on States engaged in a conflict to refrain from harming the civilian population and also to ensure adequate conditions of life for the

civilian population with regard to matters of health, food, relief assistance, work, employment and education. The application of human rights law, and in particular the International Covenant on Economic, Social and Cultural Rights, to conflict situations, helps in clarifying the content of the adequate conditions of life for the civilian population as guaranteed by international humanitarian law and ensures greater protection of the civilian population. States experiencing a situation of conflict must refrain from interfering with the individual's enjoyment of economic and social rights and protect the enjoyment of those rights from attacks by third parties, including by armed groups. Moreover, States cannot put aside, or postpone to peaceful times, the fulfilment of the core content of the rights to health, food, housing, access to water, or to education. Retrogressive measures in the enjoyment of the core content of economic and social rights cannot be justified exclusively on the basis of the existence of a conflict: States have to demonstrate that any retrogression was unavoidable and that all the possible measures have been taken, including seeking international cooperation and assistance, to overcome the resource constraints. States must also distribute the maximum available resources on a non-discriminatory basis. Even when conflicts result in resource constraints, States are required to prioritize the availability, accessibility and acceptability of good quality health and education facilities, goods and services to groups rendered vulnerable by conflict. A fundamental step to be taken by States to ensure availability of health care is to protect medical personnel from violence. States should also refrain from acts that disrupt the process of education, and should fulfil the minimum core content of the right to education, which is non-derogable.

Список використаних джерел

1. The right to education is also explicitly mentioned in article 5 (e) (v) of the International Convention on the Elimination of All Forms of Racial Discrimination; article 10 of the Convention on the Elimination of All Forms of Discrimination against Women; articles 30, 43 (1) (a), (b) and (c), and 45 (1) (a) and (b) of the Convention on the Protection of the Rights of All Migrant Workers and the Members of their Families; and article 24 of the Convention on the Rights of Persons with Disabilities
2. The Committee clarified the nature of those elements in its general comment No. 13, para. 57.
3. See Committee on Economic, Social and Cultural Rights, general comment No. 3, para. 10; and general comment No. 12, para. 17.
4. See CRC/C/COD/CO/2, para. 67.
5. See E/C.12/THA/Q/1-2, para. 23.
6. Committee on the Rights of the Child, «Day of General Discussion on the Right of the Child to Education in Emergency Situations: Recommendations», forty-ninth session, 19 September 2008.