



Submission on the Fourth Periodic Report of Yemen to the Committee on the Rights of the Child

January 13, 2014

The Global Coalition to Protect Education from Attack¹ writes in advance of the Committee on the Rights of the Child's review of the periodic report of Yemen to highlight areas of concern regarding attacks on schools and teachers, and the use of schools by government armed forces and non-state armed groups. We hope our submission will inform your consideration of Yemen's compliance with the Convention on the Rights of the Child.

More than half of Yemen's 24 million people are under the age of 18. Even in times of peace, Yemeni children face multiple challenges in realizing their right to education. They have the lowest levels of literacy in the Middle East and fall into the bottom third of countries worldwide for school enrolment rates. In 2011, more than a quarter of Yemen's school-aged children did not attend school, according to UNICEF. Only 75 percent of school-age boys and 64 percent of school-age girls attend primary school. Girls' attendance drops by more than half by the time they get to secondary school, with only 27 percent of girls attending secondary school, as compared to 48 percent of boys, UNICEF reported.¹ It is against this backdrop that the problems of attacks on schools and teachers, and the occupation and use of schools by the armed forces and armed groups has made an already bad situation worse.

During times of conflict and insecurity, maintaining ongoing access to education is of vital importance for children. Schools, if they remain safe and protective environments, can provide an important sense of normalcy that is crucial to a child's development and psychological well-being. Schools can also help provide important safety information and services. For example, in Yemen, where landmines killed 28 children in 2011 and 13 in just the first three months of 2012, schools can provide important points of mine awareness education. When armed groups attack and destroy or damage schools, or use schools for military purposes, they jeopardize all of this.

Context

Attacks on students, teachers, and schools occurred against a background of political tension, violence, and armed conflict. In 2009, the country witnessed renewed fighting between government forces and Houthi rebels in the far north; escalating protests by supporters of

¹ UNESCO Institute for Statistics, "Education (all levels) Profile - Yemen," UIS Statistics in Brief (2011).

independence or greater autonomy for southern Yemen; and the emergence of Al-Qaeda in the Arabian Peninsula (AQAP), linked to Al-Qaeda. In the same year, a political crisis between the ruling General People's Congress party and the main opposition bloc led to the postponement of parliamentary elections.

Inspired by the Arab Spring, student groups took a prominent role in a political uprising from February 2011, peacefully occupying 'Change Square' in front of Sana'a University, which became a focal point for protesters. Following a military crackdown on civilian protests in April, pro- and anti-government forces fought each other sporadically in 2011. AQAP militants, meanwhile, took over key areas of the south. However, a US-backed offensive in April and May 2012 drove the militants out of their strongholds in Zinjibar and Jaar city, Abyan governorate, and the Azzan area in Shabwa governorate. Meanwhile, a comprehensive political transition agreement that went into effect in February 2012 eased the civil unrest.

1. Attacks on schools

The Global Coalition to Protect Education from Attack appreciates the details that the government of Yemen provided in its "Replies" regarding efforts to respond to the challenges that stopped children from accessing education during the crises of 2011 and 2012.

In its "Replies," the government notes that it conducted a survey that indicated that 810 schools and 20 libraries were destroyed in 12 governorates, and that the government renovated 146 schools destroyed in fighting in Aden, Lahj, and Abyan.² The government of Yemen also detailed their efforts to restart schools and encourage attendance.³

The Global Coalition to Protect Education from Attack notes that in addition to schools damaged or destroyed during the 2011 and 2012 crises, in the period from August 2009 to February 2010, attacks on and damage to schools increased in Sa'ada governorate during the armed conflict between the government and Houthi rebels. Mohammed al-Shamiri, head of the Sa'ada education office, reported that 220 of the governorate's 725 schools, which were all closed during the fighting, were completely or partially destroyed or looted. Up to 75 were almost completely destroyed.⁴ In separate incidents, unexploded ordnance was sighted in schools in Malaheed in Sa'ada governorate.⁵

According to Ahmed Al-Qurashi, director of the children's rights organization Seyaj, schools in Sa'ada were being deliberately targeted as well as other places used to teach children, such as tents, mosques and houses, while schools were closed.⁶

² Replies of the Republic of Yemen to the list of subjects that are to be taken into account regarding the fourth periodic report. It was unclear from the "Replies," however, during which period these schools were destroyed; whether the 146 schools in Aden, Lahj, and Abyan were included in the total of 810 schools; and when the survey was conducted.

³ Replies of the Republic of Yemen to the list of subjects that are to be taken into account regarding the fourth periodic report.

⁴ "YEMEN: Saada Schools Reopen: 220 Destroyed, Damaged or Looted," IRIN, February 28, 2010; and Muhammad Al-Shamiri, Director of Saada Education Office, interviewed by GCPEA consultant, March 9, 2013.

⁵ UN Secretary-General, *Children and Armed Conflict*, A/65/820-S/2011/250, April 23, 2011, para 200.

⁶ Ahmed Al-Qurashi, CEO of Seyaj, interviewed by GCPEA consultant, March 4, 2013.

Away from the conflict in Sa'ada, three bombs were found in a girls' school in southern Aden governorate during 2010.⁷

As implied by the government of Yemen's "Replies," there was a spike in attacks destroying or damaging schools in 2011, following the general increase in unrest after the reform protests. According to the UN Secretary-General, the Sana'a region was particularly affected with at least 77 schools coming under attack in 130 incidents, mostly by armed groups such as the First Armoured Division—a breakaway army division supporting anti-government protesters, that since has been dissolved—and militias associated with the Al-Ahmar tribe.⁸ Both government and anti-government forces used schools for military purposes, contributing to the reasons why schools came under attack.⁹

Staff from a Yemeni children's rights organization visited most of the 64 schools that their organisation had documented being damaged or destroyed in 2011 immediately after the incidents, including in Sana'a, Sa'ada, Hajja, Taiz, Abyan and Aden. They gathered reports of improvised explosive devices planted in schools, detonators on school doors, and rocket damage. They also saw nine schools in Abyan which had been struck directly by government warplanes after militants used them for military purposes.¹⁰

In 2012, attacks striking schools peaked between May and June, according to UNICEF.¹¹ These attacks were again concentrated in Sana'a, where the government continued to fight anti-government forces intermittently. In 2012, Abyan's schools came under attack as the military conducted operations against AQAP fighters in the area.¹² Armed groups that attacked or deployed in schools included the Republican Guards, anti-government tribal groups, and Ansar Al-Sharia (a militant Islamic group connected to AQAP).¹³

Suggested Questions to the Government of Yemen:

- How many schools currently remain closed for repair? How many children are currently out of schools as a result? Of children who are still out of school, are boys and girls equally affected, and what proportion of them are children with disabilities?
- What has been the average time to repair a school damaged in areas affected by conflict with Houthi rebels, during the 2011 uprising, and in Abyan?
- How many individuals have been prosecuted and convicted for unlawful attacks on schools since 2009?

⁷ UN Secretary-General, *Children and Armed Conflict*, A/65/820-S/2011/250, April 23, 2011, para 200.

⁸ UN Secretary-General, *Children and Armed Conflict*, A/66/782-S/2012/261, April 26, 2012, para 168.

⁹ Human Rights Watch, *Classrooms in the Crosshairs: Military Use of Schools in Yemen's Capital*, September 11, 2012.

¹⁰ Ahmed Al-Qurashi, CEO of Seyaj, interviewed by GCPEA consultant, March 4, 2013.

¹¹ Information supplied by UNICEF, April 23, 2013.

¹² Information supplied by UNICEF, April 23, 2013.

¹³ Information supplied by UNICEF, April 23, 2013.

Suggested Recommendations to the Government of Yemen:

- Ensure that domestic criminal law explicitly criminalizes attacks on buildings dedicated to education, including during periods of armed conflict, provided they are not military objectives. Government forces should consider all feasible alternative measures before attacking a school or university that has become a military objective as a result of rebel action.¹⁴
- Ensure that those responsible for unlawful attacks on schools and other buildings dedicated to education are investigated and appropriately prosecuted. Where appropriate, ensure that victims receive reparations.¹⁵
- Create an advance rapid response system so that whenever there are attacks on educational institutions, temporary facilities can be obtained, damaged facilities can be quickly repaired or rebuilt, and destroyed educational material can be replaced, so students can return to school as soon as possible.

2. Military use of schools

Between 2009 and 2012, at least 52 schools were used for military purposes by the Yemeni armed forces and non-state armed groups, including as bases, for storage of weapons and munitions, and to detain individuals.¹⁶ Most of the incidents documented were related to either the Houthi conflict or the activities of various military forces during the anti-government protests.

In fighting between Houthi forces and Yemeni forces in Sa'ada governorate and neighbouring areas in 2009, there were reports that dozens of schools were being used by combatants from each side.¹⁷ Schools often then became targets for attack, resulting in the complete destruction of 17 schools. Most schools in these areas were affected and the education of 30,000 primary and secondary school children was halted.¹⁸ The Ministry of Education had to cancel the school year in the affected areas, particularly in Sa'ada and Harf Sufyan.¹⁹ There were reports in December

¹⁴ See Draft Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, 2013, guidelines 3 & 4.

¹⁵ See Protect Education in Insecurity and Conflict & British Institute of International and Comparative Law, *Education and the Law of Reparations in Insecurity and Armed Conflict*, 2013: "States should provide for the individual right to a remedy for both violations of the right to education *per se* and for all other forms of education-related violations, including violations of international law. The implementation should also be prompt and efficient, as delays in implementing reparations awards lead to discontent among victims, which may lead to additional trauma to already suffering individuals."

¹⁶ Sixteen cases were reported in UN Secretary-General, *Children and Armed Conflict*, A/64/742 S/2010/81, April 13, 2010, para 163; and 36 cases were reported in UN Secretary-General, *Children and Armed Conflict*, A/67/845-S/2013/245, May 15, 2013, para 168.

¹⁷ UN Secretary-General, *Children and Armed Conflict*, A/64/742 S/2010/81, April 1, 3 2010, para 163.

¹⁸ "Yemen: Rebel Occupation of Schools Threatens Northern Ceasefire," IRIN News, May 10, 2010, <http://www.irinnews.org/report/89079/yemen-rebel-occupation-of-schools-threatens-northern-ceasefire>

¹⁹ UN Secretary-General, *Children and Armed Conflict*, A/64/742 S/2010/81, 13 April 2010, para 163.

2012 of Houthi forces taking over an unknown number of schools in al-Saif and Haja for use as detention facilities.²⁰

Human Rights Watch documented the situation of 12 schools among those occupied by combatants in the capital, Sana'a, in 2011 and 2012: six had been taken over by First Armoured Division rebels, five by government forces and one by the Presidential Guard.²¹ Armed men took over parts of school buildings while classes were in session to use them as barracks, bases, surveillance and firing positions, and in at least two cases, used classrooms to detain people. In another three instances investigated by Human Rights Watch, armed groups completely took over schools. At least one more school was closed for at least seven months because of a significant military presence directly outside of the school's gates. In October 2011, UNICEF reported that at least 50 schools in Sana'a had closed because of the unrest that followed protests for reform. Of these, it said that the majority were seized by armed gunmen.²²

Although armed forces and non-state armed groups who deployed in Sanaa schools frequently tried to justify their presence as being there "to protect" the schools, investigations by Human Rights Watch found that schools came under attack precisely because combatants lived in or deployed in them.²³ Instead, armed groups appeared to use schools because of their locations near strategic points; the ease with which they could be initially infiltrated; the defensive advantages of thick walls, perimeter walls, electricity and water; and height for surveillance and situating firing positions.

When the armed forces or armed groups took over a school, they frequently militarized and fortified the school buildings. This occurred both when they displaced the entire school population and when they occupied part of the school building while placing teachers and students at risk by allowing them to hold classes in the remaining space. Troops built fortified concrete and sandbag bunkers on school roofs to shelter lookouts and armed troops. Some added additional fortifications to school balconies. In most instances, the military or armed group posted armed sentries at school gates. Troops carried and sometimes fired assault rifles and other weapons while on the school premises. They stored weapons and munitions within the school grounds and buildings. Even after the security forces vacated school premises, they sometimes left behind the militarized fortifications, creating a risk that the school would be mistaken as a military target.²⁴

In addition to endangering students' and teachers' safety, the military use of schools also hinders children's access to education and lowers the quality of their studies. At schools used by armed

²⁰ "Houthi Militias Arrest 14 Persons in Saada," AlSahwa-Yemen.net, December 1, 2012, <http://www.alsahwa-yemen.net/arabic/subjects/5/2012/12/1/24893.htm>.

²¹ Human Rights Watch, *Classrooms in the Crosshairs: Military Use of Schools in Yemen's Capital*, September 11, 2012.

²² "In Yemen, Schools become Hostages of Uprising," Thomson Reuters, October 19, 2011, <http://www.trust.org/alertnet/news/feature-in-yemen-schools-become-hostages-of-rising>.

²³ Human Rights Watch, *Classrooms in the Crosshairs: Military Use of Schools in Yemen's Capital*, September 11, 2012.

²⁴ Human Rights Watch, *Classrooms in the Crosshairs: Military Use of Schools in Yemen's Capital*, September 11, 2012.

forces and armed groups in Sana'a, Human Rights Watch documented disruptions to studies, lower school enrolment, decreased school attendance, and damage to school infrastructure.²⁵

Military use of schools was particularly harmful to girls' education. Girls, who already lag behind boys in education in Yemen's highly gender-segregated and traditional society, dropped out in disproportionately higher numbers or missed greater portions of the school year, according to teachers and principals interviewed. They said parents preferred to remove daughters from class rather than allow them to study alongside armed men or at temporary study locations where they would be mixed with boy students.²⁶

Where security forces occupied only part of a school building, students often studied in overcrowded classrooms in the remaining parts of the school. Sometimes administrators combined students from different grades into one classroom, leading to greater disruption for students and hindering their ability to study. Some schools that Human Rights Watch visited dealt with overcrowding by running shifts and reducing the number of hours of instruction each student received per week.²⁷

Asma'a School, Sana'a

When Human Rights Watch visited Asma'a School, a girls' school near Change Square in March 2012, approximately 70 to 100 soldiers from the First Armored Division were using two buildings within the school's campus, and living on the campus. Soldiers did not leave the school until August, and left the buildings they had used in a state of disrepair.

During the period of the First Armored Division's occupation, soldiers' use of school buildings caused severe overcrowding. "They are in two buildings," an administrator told Human Rights Watch. "One is the library, so students can't go there anymore. Our school has only three buildings."²⁸ Another building used by soldiers contained classrooms for 300 girl students.

The troops first moved onto the school campus in July 2011 during the school vacation, and moved into the two buildings sometime before the beginning of the new school year in September.²⁹ Outside the school gate, several armed sentries were deployed inside a small sandbag fortification.³⁰ When Human Rights Watch visited Asma'a School, it found that girl students continued to attend school while soldiers lived there.

Students, teachers, and administrators told Human Rights Watch that the soldiers harassed and frightened them, and disrupted schooling. "A week or two ago, we went out for gym class," one

²⁵ Human Rights Watch, *Classrooms in the Crosshairs: Military Use of Schools in Yemen's Capital*, September 11, 2012.

²⁶ Human Rights Watch, *Classrooms in the Crosshairs: Military Use of Schools in Yemen's Capital*, September 11, 2012.

²⁷ Human Rights Watch, *Classrooms in the Crosshairs: Military Use of Schools in Yemen's Capital*, September 11, 2012.

²⁸ Human Rights Watch interview with school administrators, Asma'a School, Sanaa, March 31, 2012.

²⁹ Human Rights Watch interview with school official, Asma'a School, Sanaa, March 19, 2012.

³⁰ Human Rights Watch site visit to Asma'a School, March 19 and 21, 2012.

teacher said. “The sixth grade girls were playing, and the soldiers shot [in the air] twice just for fun. The girls got very scared. One fainted. Now we don’t have gym class anymore.”³¹ A school administrator told Human Rights Watch that soldiers regularly fired in the air, and that when they did so in March 2012, girls ran in fear from the sound.³² One high school student told Human Rights Watch how, during the rush, she slipped and fractured her leg.

School administrators and students also told Human Rights Watch that the troops detained and beat men in their custody on the school grounds. In at least one incident, troops beat a detainee in the school courtyard during the students’ break period, as students and teachers looked on.

“Twenty days ago, they brought some detainees to the school and beat them here,” one administrator said. “We heard arguments and screams. . . . In the courtyard they beat a guy really severely.”³³ Ahlam, a 13-year-old girl student, told Human Rights Watch, “When they tortured the old man here, we got very scared. They beat him [and] electrocuted him right in the courtyard of the school. It was during recess.”³⁴

Human Rights Watch also interviewed a 14-year-old boy whose school in Jaar, in Abyan governorate had been taken over by Islamist militants. “Qais” told Human Rights Watch that around December 2011 teachers at his school were replaced by members of what he referred to as “Al-Qaida,” who trained him and his classmates to operate automatic weapons, landmines, and other explosive devices. He said that about half of the new “teachers” were Yemeni, and half were from other countries, including Afghanistan. These trainings took place both at the school and at the October 7 weapons factory.³⁵

Suggested Questions to the Government of Yemen:

- How many schools were fully occupied or used by government forces since 2009? How many schools were fully occupied or used by non-government armed groups since 2009?
- How many schools were partially occupied or used by government forces, with students continuing studies alongside the troops since 2009? How many schools were partially occupied or used by non-government forces, with students continuing studies alongside the troops since 2009?
- How many schools have been attacked since 2009 while being used by government forces?
- What is the Government’s assessment of the impact of these actions on girls’ education in particular, and what special measures is the Government considering to assist girls who have been affected to resume their education?
- What does the government do to rehabilitate schools after armed forces vacate them?

³¹ Human Rights Watch interview with teachers, Asma’a school, March 31, 2012.

³² Human Rights Watch interview with school administrators, Asma’a School, March 31, 2012.

³³ Ibid.

³⁴ Human Rights Watch interview with Ahlam, 13, student at Asma’a School, March 31, 2012.

³⁵ Human Rights Watch interview with Qais, not his real name, 14, Aden, March 2012.

Suggested Recommendations to the Government of Yemen:

- Enact domestic legislation and institute military policies explicitly prohibiting armed forces from using or occupying functioning schools, school grounds, or other education facilities, either for immediate tactical advantage or for longer term purposes. Abandoned schools should also not be used for military purposes except only when, and for as long as, no choice is possible between such use of the education facility and another feasible method for obtaining a similar military advantage.³⁶
- Expeditiously rehabilitate and repair schools damaged through use by military forces or non-state armed groups, removing any evidence of militarization or fortification and any munitions, ordnance or other remnants of war.³⁷
- Encourage non-state armed groups to also adopt and publish policies banning the military use of schools, school grounds, or other education facilities.

3. Attacks on teachers and other education personnel

From 2009 to 2012, teachers and other education staff were victims of deliberate attacks, killings, torture and other ill-treatment, arbitrary arrest and detention, and threats of violence.

Overall, 122 teachers were killed and 300 more were injured, according to the Yemeni Teachers' Syndicate (YTS).³⁸ Almost all of the killings took place in 2011. The YTS also documented a further 80 crimes against teachers during this period, mostly committed by the Houthi rebels in Sa'ada governorate.³⁹ The documented violations included: unlawful detention of 29 teachers, torture of 11 teachers, kidnapping of 11 teachers, and physical assaults on 6 teachers. Sixteen more were arbitrarily detained or harassed. Houthis also threatened five teachers with death, illegal imprisonment and permanent banishment from their home areas. Human rights organisations said Houthi abuses were carried out for sectarian reasons. Media sources said that teachers and students were among the groups being targeted for arrest by Houthi forces and that some had been arrested for refusing to chant their slogans. In some cases, Houthis entered schools, held students and forced them to chant slogans.⁴⁰

Houthis continued to commit abuses against leading education figures in 2012. Ebrahim Dhaiban, the YTS chairman in Sa'ada, was abducted Houthi militia members as he was on his way home from work on December 1, 2012.⁴¹ The director of the Education Office in Sa'ada,

³⁶ See Draft Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, 2013, guidelines 1, 2, & 6.

³⁷ See Draft Lucens Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict, 2013, guideline 2(c).

³⁸ Yahya Al-Yanai, spokesman for Yemen Teachers' Syndicate, interviewed by GCPEA consultant, March 7, 2013.

³⁹ Yemeni Teachers' Syndicate officials, and former Head Fuad Dahaba, interviewed by GCPEA consultant, March 2013.

⁴⁰ "Houthi Militias Arrest 14 Persons in Saada," *Alsahwa-Yemen.net*, December 1, 2012, <http://www.alsahwa-yemen.net/arabic/subjects/5/2012/12/1/24893.htm>.

⁴¹ "Houthi Militias Arrest 14 Persons in Saada," *Alsahwa-Yemen.net*, December 1, 2012, <http://www.alsahwa-yemen.net/arabic/subjects/5/2012/12/1/24893.htm>.

Muhammad Abdul Rahim Al-Shamiri, received death threats and was forced to flee the city in February 2012. A threat received by text message stated: “Your death is very close.” He said he knew of no reason why he was threatened other than as a teacher who managed and supervised other teachers, at a time when teachers were being targeted.⁴² Al-Shamiri understood the threats to have come from Houthis, who had threatened him before.

Suggested Questions to the Government of Yemen:

- How many teachers and other school administrators have been injured or killed in violent attacks related to their profession since 2009?
- How many individuals have been prosecuted and convicted for attacks and other abuses against teachers since 2009?

Suggested Recommendations to the Government of Yemen:

- Ensure that those responsible for attacks against teachers and other school administrators are promptly and impartially investigated and appropriately prosecuted. Where appropriate, ensure that victims receive reparations.
- If the requested data is not currently available, establish a national database to track attacks on teachers, and the result of investigations and prosecutions of such attacks.

ⁱ The **Global Coalition to Protect Education from Attack** (GCPEA) was established in 2010 by organizations from the fields of education in emergencies and conflict-affected fragile states, higher education, protection, international human rights, and international humanitarian law who were concerned about ongoing attacks on educational institutions, their students, and staff in countries affected by conflict and insecurity.

⁴² Muhammad Al-Shamiri, Director of Saada Education Office, interviewed by GCPEA consultant, March 9, 2013.