

**Human Rights Watch Submission to the** **Committee on Economic, Social and Cultural Rights on Yemen**

**Review of Yemen’s periodic report for the 67th Pre-Session**

**September 2020**

We write in advance of the 67th pre-session of the Committee on Economic, Social and Cultural Rights and its review of the Republic of Yemen’s compliance with the International Covenant on Economic, Social and Cultural Rights.

1. **Protection of Education and Equal Access to Education During Armed Conflict (Article 13)**

The armed conflict in Yemen has had a grave impact on the accessibility of education for girls. UNICEF stated that before the Covid-19 pandemic, 2 million children in Yemen were out of school. Now schools have been closed around the country to protect against the spread of Covid-19, an additional 5.8 million children are out of school. Moreover, 55 schools are now being used as centers to isolate potential Covid-19 patients.[[1]](#footnote-1)

Primary education is compulsory under Yemeni Law from age 6 to 14.[[2]](#footnote-2) However, guaranteeing this has become increasingly difficult during the armed conflict. The Global Coalition to Protect Education from Attack identified at least 130 reports of attacks on schools between 2017 and 2019. The Education Cluster reported that nearly 1,800 schools were damaged or destroyed due to fighting between March 2015 and December 2018.[[3]](#footnote-3)

An estimated one in eight schools are unfit for use because of the conflict – either destroyed, used for military purposes, or taken over as a shelter for displaced people.[[4]](#footnote-4) Many public servants, including teachers, have reportedly gone over two years without regular salary payments, disrupting the school programs and schedules for millions of children.[[5]](#footnote-5) The lack of a steady source of income has made it difficult for families to afford sending their children to school, as well as provide the transportation, supplies, and other materials their children need to receive a full education.

Human Rights Watch has documented numerous incidents of parties to the conflict using schools for military purposes, as well as attacks on schoolchildren and education infrastructure, including attacks on or near school buildings and school buses.

In January 2016, the Houthis turned a school for blind students in Sanaa into a military target by basing their forces in the facility’s compound.[[6]](#footnote-6) A Saudi-coalition bomb struck the compound on January 5, 2016. Although it did not explode, the school was damaged and four civilians were injured. At the time of the attack, at least 10 children, all under the age of 12, were sleeping in the building.

On December 23, 2016, a Saudi-led coalition cluster munition attack struck an area near a girls’ school and a boys’ school in Saada city in northern Yemen, killing two civilians and wounding six, including a child. Students were told not to return to school the day after the attack, as the schools had to be checked for any explosive remnants, including unexploded submunitions.[[7]](#footnote-7)

On January 10, 2017, a Saudi-led coalition airstrike near a school in northern Yemen killed two students.[[8]](#footnote-8) Two girls, ages 8 and 12, were wounded in this airstrike. The school provided primary education for about 900 children. Students were either on their way to school, or getting ready to head there, when the airstrike occurred.

A Houthi-controlled warehouse that stored volatile material near the residential Sawan neighborhood in Sanaa caught fire and detonated on April 7, 2019. The blast destroyed two schools, killing at least 15 children, and injuring more than 100 children and adults during class time.[[9]](#footnote-9) The cause of the explosion remains unknown, but the Houthis’ decision to store volatile material near homes and schools, despite the foreseeable risk, contributed to the deaths and injuries.

The Yemeni government, under President Abdu Rabbu Mansour Hadi, became the 70th country to endorse the Safe Schools Declaration in October 2017, including by implementing the *Guidelines for Protecting Schools and Universities from Military Use During Armed Conflict*. By endorsing the declaration, Yemen committed itself to a number of measures aimed at strengthening the prevention of, and response to, attacks on students, teachers, and schools, including by: collecting reliable data on attacks and military use of schools and universities, providing assistance to victims of attacks, investigating allegations of violations of national and international law and prosecuting perpetrators when appropriate, developing and promoting “conflict sensitive” approaches to education, and seeking to continue education during armed conflict.

A report by the United Nations Office of the High Commissioner for Human Rights (OHCHR) documented in September 2019 that some Yemeni forces had begun to withdraw military personnel from some schools, in line with the commitments of the Safe Schools Declaration.[[10]](#footnote-10) However, the report found that at least 20 schools were still in use by Yemeni government armed forces, the Houthis, and forces backed by the United Arab Emirates and Sudan. A Safe Schools Committee within the Ministry of Education was also established in February 2019.[[11]](#footnote-11)

*We encourage the Committee to pose the following questions:*

* What steps are being taken to ensure children who are out of school due to the Covid-19 pandemic continue to receive appropriate educational opportunities?
* Are protections for schools and universities from military use included in any policies, rules, or trainings for Yemen’s armed forces?
* How many schools were either partially or wholly used for military purposes by government security forces during the reporting period, and for what time?
* Are there retention strategies in place to ensure that children who enroll in school are able to remain in school, in a way that protects them from violence and armed conflict if their school is used for military purposes or converted into a shelter for displaced peoples?

*We encourage the Committee to recommend that the government:*

* Once it is safe for children to return to school, the government should ensure that schools are following up individually with children who do not show up for classes and try to reengage them. This should include support to girls who married or became pregnant or parents during the school closure. Any governmental and nongovernmental efforts to encourage children to return to school when schools reopen should be inclusive—that is, should also be directed at children who were excluded from education due to other causes prior to the pandemic.
* Before schools physically reopen, those offering remote learning should track which students participate, reach out to those not participating, and try to help them reengage.
* Provide remedial education for children who were unable to follow distance education and for children who were out of school due to other causes prior to the pandemic. Governments should especially focus on children most excluded or at risk: including children with disabilities, children living in poverty, refugee and migrant children, and children who work, children in rural areas, paying particular attention to girls within these groups.
* Ensure that students deprived of educational facilities as a result of hostilities, the military use of their school, or the need for their school to be repaired or reconstructed, are promptly provided access to nearby alternative schools.
* Collect data on military use of schools by government forces and armed groups. Data should include the names and locations of the school; the purpose for which they are being used; the duration of the use; the specific security force unit or armed group using the school; impact on students unable to attend school; actions taken by the authorities to end military use of the school; and the damages sustained during the military use of the school.
* Continue to develop and share examples of its implementation of the declaration’s commitments—including ensuring the continuation of education during armed conflict, and concrete measures to deter the military use of schools—with this Committee and other countries that have endorsed the Safe Schools Declaration.
1. **Child Marriage (Article 10)**

Current trends suggest that child marriage is on the rise in Yemen. According to the UN Population Fund, the average age for girls to get married is about 15 years old.[[12]](#footnote-12) More precise estimates are difficult to ascertain in this context.

Economic instability and poverty in Yemen are among the prevailing reasons for children to enter marriages. Girls who enter marriages at a young age face greater risks in pregnancy, including difficulties during childbirth that can result in death. Child marriage also often ends a girl’s education and can expose her to domestic violence.

Yemen currently has no minimum age for marriage. Attempts have been made in Parliament to raise the minimum age of marriage to 18; for example, one of the outcomes of the National Dialogue Conference (2013-2014) was a draft constitution that included a ban on child marriage.[[13]](#footnote-13) In April 2014, the then-minister of social affairs and labor and the minister of legal affairs presented for adoption a draft Child Rights Law to the then-Cabinet establishing 18 as Yemen’s minimum marriage age.[[14]](#footnote-14) The Parliament is currently “expired,” as its six-year term has ended and authority remains split among the internationally recognized Yemeni government, the Houthis, and other forces.[[15]](#footnote-15)

*We encourage the Committee to pose the following questions:*

* What steps are being taken by the authorities in Yemen to protect children from child marriage as a survival mechanism amidst the conflict?
* What mechanisms are in place to ensure accurate registration of births, deaths, marriages, and divorce?
* How is the government working to change the cultural acceptance of child marriage and promote education for girls and women?
* Do children currently in marriages have access to legal redress and child protection services?
* Do schools have systems in place to monitor and identify children most vulnerable to child marriage?
1. **Protection of the Right to Work and a Safe Working Environment During Armed Conflict (Article 7)**

Human Rights Watch has documented more than 90 apparently unlawful Saudi-led coalition airstrikes that have impeded many Yemenis’ ability to earn their living by destroying their place of work or source of income, killing the primary earners of families, and deterring others from continuing at their place of work.[[16]](#footnote-16) According to the Yemen Data Project, the Saudi-led coalition has conducted more than 20,100 airstrikes on Yemen since the war began, an average of 12 attacks a day. The coalition has bombed hospitals, schools, markets, mosques, farms, bridges, civilian factories, and detention centers. All are significant places of employment necessary for civilian life.

Saudi-led coalition naval forces have carried out at least five deadly attacks on Yemeni fishing boats since 2018 that killed 47 Yemeni fishermen, including seven children, which appeared to be deliberate attacks on civilians and civilian objects in violation of the laws of war.[[17]](#footnote-17) In three attacks, coalition forces did not attempt to rescue survivors adrift at sea, and many drowned.

The attacks and detentions severely affected remote fishing communities that lost the primary earners for dozens of families. They have also deterred other fishermen from going to sea.
Houthi forces have been using antipersonnel mines, improvised explosive devices (IED), and anti-vehicle mines along the western coast of Yemen, resulting in hundreds of civilian deaths and injuries.[[18]](#footnote-18) The landmines have impeded aid workers’ abilities to reach vulnerable communities. Landmine use has been documented in six governorates in Yemen since 2015.[[19]](#footnote-19) Since January 2018, at least 140 civilians, including 19 children, have been killed by landmines in just the Hodeidah and Taizz governorates.

Landmines emplaced in farmland, villages, wells, and roads prevent civilians from going about their daily life, especially farmers whose crops and clean water supply are affected. Demining efforts suffer from poor coordination, misinformation, and inadequate training, and do not comply with International Mine Action Standards (IMAS).

Houthi forces have imposed onerous restrictions on aid workers and interfered with aid delivery. Aid workers have been kidnapped, arbitrarily detained, and killed while conducting humanitarian operations in Yemen.[[20]](#footnote-20)

Human Rights Watch has documented 16 cases in which Houthi authorities held people unlawfully, in large part to extort money from relatives or to exchange them for people held by opposing forces.[[21]](#footnote-21) Yemeni rights groups have documented hundreds more cases. Hostage-taking is a serious violation of the laws of war and a war crime. Houthi officials have treated detainees brutally, often committing torture and other ill-treatment. Former detainees, family members, and Yemeni rights activists told Human Rights Watch that Houthi officials regularly extort those detained and their relatives. In some cases, the Houthis ultimately released the detainee – often they have not. Hostage-taking has the potential to deprive families of their primary earners. Extorting money from family members in exchange for hostages can further deprive families of their savings.

*We encourage the Committee to pose the following questions:*

* How many Yemenis are currently out of work because their place of employment or source of income was damaged or destroyed by the armed conflict?
* What forms of support, financial or otherwise, has the Yemeni government offered individuals whose place of work was damaged or destroyed?
* What efforts are being made to improve demining efforts?
* What efforts are being made to protect farmland and surrounding water sources from the impact of landmines?
* What efforts are being made to ensure that aid workers are able to deliver aid safely, and that their safety is not threatened while conducting humanitarian operations?
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