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Technical assistance and capacity-building

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), the Arab Organization for Human Rights, non-governmental organizations in special consultative status, the International Educational Development, Inc., the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 May 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Yemen: Denial of the right to education*

Following the escalation of the conflict in September 2014, the humanitarian situation in Yemen keeps deteriorating and the efforts of the international community to ensure the protection of civilians and to promote resolution of the political crisis have proved ineffective. Moreover, the Yemeni government is unable and incapable of ensuring the observance of international humanitarian law. Consequently, we continue to witness widespread indiscriminate killings, attacks on civilians and civilian objects, use of cluster munitions and landmines, drone attacks, sieges and blockades, arbitrary deprivation of liberty, torture and ill-treatment, enforced disappearance, sexual and gender-based violence, forced displacement and evictions.

The number of civilians in need of humanitarian aid and protection grows continuously. The UN Office for the Coordination of Humanitarian Affairs reported an increase of nearly 20 percent since late 2014, and half of the population affected by the armed conflict comprises children under the age of 18 (estimated 9,6 million).¹ Children, the most vulnerable group disproportionately affected by the armed conflict, pay the highest toll. Armed hostilities led to widespread and systematic violations and abuses against children, including indiscriminate killings, maiming, recruitment and use of children by armed forces and armed groups, attacks on schools and use of schools for military purposes. Children are used as human shields, are raped and subjected to other forms of sexual and gender-based violence. Moreover, destroyed infrastructure, shortage of basics such as water, food, sanitation and lack of safety contributes to hardship and prevents children from attending schools. Yemeni children are denied of their right to education and are deprived of their future.

KILLINGS AND RECRUITMENT OF CHILD SOLDIERS

We express our strong concerns about the indiscriminate killings and recruitment of children by the armed forces of all parties. The Monitoring and Reporting Mechanism (MRM) verified 1,309 cases of child death as a result of the conflict between January 2015 and September 2016, in addition to 1,950 cases of child injury. Further 1,275 cases of child recruitment by armed groups were verified in the same period. The numbers continue to increase in 2017 as the armed hostilities intensify in Yemen in complete disregard of international humanitarian law. Mr Hamzah Al-Kamaly, former member of the Yemen National Dialogue Conference, and speaker at the side event co-organised by Geneva International Centre for Justice (GICJ) and the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) during the 33rd session of the Human Rights Council, gave a comprehensive overview on the impact of the armed conflict on the educational system in Yemen. Mr Al-Kamaly emphasised that children in Yemen are abused by the militia groups who enrol students straight from their school benches oftentimes using force.² It should be stressed that Yemen has ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict that explicitly prohibits compulsory recruitment of persons who have not reached the age of 18 years into armed forces.

ATTACKS ON SCHOOLS

The frequent reports on aerial attacks on schools, teachers and students and on the use of schools for military purposes by armed forces are very disturbing. In January 2017, the UNICEF Representative in Yemen stated that the UN verified the death of 1,400 children and over 2,140 injured since the escalation of the conflict and noted that the actual numbers are likely to be much higher.³ Saudi Arabia-led forces are conducting attacks against the Islamic Republic of Iran-allied Houthis; such indiscriminate shelling often hit civilian-inhabited areas, including schools and education buildings.

¹ Office for the Coordination of Humanitarian Affairs, '2017 Yemen Humanitarian Needs Overview', OCHA, November 2016.

² "Yemen: a Humanitarian Catastrophe", GICJ, EAFORD with the participation of International Lawyers and The BRussels Tribunals at <http://www.gicj.org/conferences-meetings/side-events/983-side-event-at-the-human-rights-council-yemen-2>

³ UNICEF Statement on deadly attacks near school in Yemen; Sana'a, 11 January 2017 at <https://www.unicef.org/press-releases/unicef-statement-deadly-attacks-near-school-yemen/>

Moreover, the US drone strikes on Al-Qaeda militants at times hit schools and result in numerous death and injuries of civilians, mostly children. Moreover, Houthi militias and troops loyal to the ousted President Ali Abdullah Saleh continue deliberate bombing of schools and place children at grave risk. Intentional attacks on schools and misuse of educational buildings for military purposes are grave breaches of international humanitarian law and amount to war crimes. The airstrikes on civilian objects used by armed groups is unacceptable. Different techniques of warfare should be employed to minimise the collateral damage on civilians.

CLOSED SCHOOLS AND EDUCATIONAL FACILITIES UNFIT FOR USE

Yemeni children are denied their right to education. About 2 million school-age children are out of school and need support to fulfil their right to education; more than 1,600 schools are currently unfit for use due to conflict-related damages, hosting of internally displaced persons or occupation by armed groups.⁴ The Coordinator of National Organization for Defending Human Rights estimates that 70% of schools have been closed before the end of the academic year of 2015-2016 and that more than 350,000 children are unable to attend school because of closures. Moreover, the Coordinator added that the militia imposed budget cut on education in Yemen by 10 million dollars in 2016.⁵ Furthermore, parents are afraid to send their children to school for obvious security reasons. All parties to the conflict should prioritise the protection of civilians, especially children who are disproportionately affected by armed hostilities. Already deeply traumatised by man-made catastrophe, Yemeni children should be given the chance to continue their normal life without having to renounce their education.

EDUCATION OF DISPLACED CHILDREN

It is well known that more than half of the world's refugees are children and Yemen is not an exception. Getting children away from zones of conflict should be the first step. Secondly, children should be provided with education in the place of displacement. Yemen is party to all four 1949 Geneva Conventions and 1977 Additional Protocols I and II. The Fourth Geneva Convention and the Additional Protocol on non-international conflicts obliges the duty-bearers, i.e. the State as well as armed and warring groups "to protect civilians and ensure that children who are orphaned or separated from their families as a result of war have access to education and that their education shall, as far as possible, be entrusted to persons of similar cultural tradition." Moreover, the Guiding Principles on Internal Displacement (1998), a non-binding set of principles, provides for legal protection offered to internally displaced children as well as for those living in conflict zones: "it is children who are nationals of the State on which territory they are residing and thus enjoy the same rights and entitlements as before, even if displaced from their home".

GIRLS AND EDUCATION

The dire consequences of the civil war added up to chronic challenges in the education of Yemeni girls. The initiatives on the fight against discrimination and women's empowerment, including the implementation of CEDAW recommendations, were disregarded by the Houthi-Saleh groups since the beginning of the armed conflict. Gender parity in primary and secondary education was low and decreased even further. In addition to hardship faced by children, from overall insecure environment to famine and discrimination against women, Yemeni girls are disproportionately exposed to conflict-related sexual abuse and abduction.

RECOMMENDATIONS

- All violations in Yemen should be investigated by a neutral and independent mechanism and all perpetrators should be brought to justice;
- All parties to the conflict should comply with international humanitarian law and ensure protection of children and cease actions that impede children's safe access to education. The members of the Coalition should reconsider their techniques of combat and means of warfare to prevent attacks on civilians and civilian objects,

⁴ Ibid 1.

⁵ Ibid 2.

schools in particular. The Houthi militias and other armed groups should immediately cease acts of intimidation and threats against teachers and students, and the use of schools for military purposes;

- The ongoing recruitment and use of children in armed conflict by all parties should stop immediately and all children should be released from their ranks. Released children should be provided with rehabilitation and re-integration programs;
- The Yemeni government should ensure that children have access to basics as food, shelter, water and opportunity to study;
- The Government should work with the relevant UN agencies and special-mandate procedures to coordinate strategies to address the current situation and prevent future mass atrocities;
- The international community should provide more funding support for programs on education of children in Yemen in order to empower them and prevent their recruitment and abuse by all parties.

*Geneva International Centre for Justice (GICJ), The Arab Lawyers Association- UK, Human Rights Defenders (HRD), The Brussels Tribunal, Euro-Mediterranean Human Rights Monitor, Association of Humanitarian Lawyers (AHL), The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), Alliance to Renew Co-operation among Humankind, General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Women Will Association (WWA), The Iraqi Centre for Human Rights, The International League of Iraqi Academics (ILIA), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), NGOs without consultative status, also share the views expressed in this statement.