

Universal Periodic Review (32nd session, January-February 2019)
Contribution of UNESCO

Yemen

I. Background and framework

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO.

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	Not a State Party to this Convention	Reservation to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not a State Party to this Convention			Right to education
<i>Convention concerning the Protection of the World Cultural and Natural Heritage 1972</i>	07/10/1980 Ratification			Right to take part in cultural life
<i>Convention for the Safeguarding of the Intangible Cultural Heritage 2003</i>	08/10/2007 Ratification			Right to take part in cultural life
<i>Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2005</i>	Not ratified			Right to take part in cultural life

Right to Education

II. Promotion and protection of human rights on the ground

1. The **Constitution of Yemen, as amended in 2001**¹, enshrines the right to education. **Article 54** provides that basic education is obligatory and that the state shall do its best to obliterate illiteracy and give special care to expanding technical and vocational education. **Article 41** provides that “citizens are all equal in rights and duties” and **Article 24** specifies that “the state shall guarantee equal opportunities for all citizens”. **The General Law for Education of 1992** reasserts that education is a basic human right, free at all stages and ensured by the state².
2. In terms of reporting to UNESCO, Yemen did not submit national reports within the framework of the **8th** (2011-2013) and **9th** (2016-2017) Consultations of Member States on the measures taken to implement the UNESCO 1960 Recommendation against Discrimination in Education. Similarly, Yemen did not report on the measures taken to implement the UNESCO 1974 Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms for the **4th** (2005-2008) and **5th** (2012-2013) and **6th** (2016-2017) Consultations.

Freedom of opinion and expression

➤ Constitutional and Legislative Framework:

3. The current political climate in Yemen is highly volatile and restrictive of freedom of expression. Many of the provisions of the legal system provided for journalists’ rights were effectively unenforceable during 2015- 17 due to the breakdown of government functions and armed groups’ occupation of various parts of the country.
4. Article 42 of the Constitution guarantees “freedom of thought and expression of opinion in speech, writing and photography within the limits of the law.”³
5. A Freedom of Information Law was adopted in 2012 in Yemen.⁴ The information agency authorized to implement the law has yet to be established.
6. The 1990 Press and Publications Law granted every citizen the right to publish their own publication, yet the law also prohibits criticism against the ruling authorities, unless it is deemed ‘constructive’.⁵
7. Defamation remains criminalized under the Criminal Code; journalists considered endangering “the interests of national security” face persecution and detention.⁶

¹ <http://www.unesco.org/education/edurights/media/docs/fef790b5bcabda9c1e23b564f9f71511dfba9af33.pdf>

² http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Yemen.pdf

³ <https://www.constituteproject.org/>

⁴ <http://www.rti-rating.org/wp-content/themes/twentytwelve/files/pdf/Yemen.pdf>

⁵ <http://www.wipo.int/wipolex/en/details.jsp?id=10417>

⁶ <http://www.ilo.org/dyn/natlex/docs/ELECTRONIC/83557/92354/F1549605860/YEM83557.pdf>

➤ Implementation of legislation:

8. The 1990 Press and Publications Law requires news outlets and journalists to obtain licenses annually from the Ministry of Information.⁷
9. Radio and television broadcasting remained state-owned and is licensed by the Ministry of Telecommunications and Information Technology.⁸

➤ Safety of journalists

10. Since 2008, UNESCO has condemned the killing of 27 journalists in Yemen. The Government has not responded to UNESCO's requests, with no cases resolved according to UNESCO records.

III. UPR Recommendations

Right to education

11. **Below are the recommendations made within the framework of the 2nd cycle of the Working Group on the Universal Periodic Review (January 2014)⁹:**

115.97 *Continue efforts to eradicate early marriage and take necessary measures to further promote girls' education, including through enhancement of the educational system*

115.124 *Continue efforts by the Government to ensure the enjoyment of economic, social and cultural rights, especially medical care and education, despite the difficulties and challenges identified in its national report*

115.141 *Continue its efforts to strengthen the educational and health sectors and raise awareness regarding human rights issues*

115.142 *Further secure girls' access to education, particularly in rural areas; as well as facilitate women's participation in the political, economic and social processes*

115.144 *Take necessary measures to promote girls' access to education, particularly in rural areas*

115.145 *Continue the efforts of reforming the educational sector and reducing illiteracy, especially among women*

115.146 *Strengthen the access to primary education for all segments, particularly women*

115.147 *Continue the efforts to enhance women's education through the effective programmes adopted by the Yemeni Government*

115.148 *Continue actions to improve the quality of education*

115.149 *Continue its efforts in improving access, enrolment and quality of education in the country, including through the allocation of adequate financial resources*

115.150 *Place additional efforts and attention to primary education, especially in rural areas*

⁷ http://www.wipo.int/wipolex/en/text.jsp?file_id=237501

⁸ <http://www.yemen.gov.ye/portal/>

⁹ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/YEIndex.aspx>

- 115.151** Continue to implement the National Basic Education Development Strategy, especially in the areas of enrolment and improvement of quality of education
- 115.152** Speed up the process of implementing the Compulsory Education Law

IV. Review and specific recommendations

12. A number of recommendations was addressed to Yemen during the previous UPR cycle on the necessity to promote girls' access to education, particularly in rural areas, and reduce illiteracy, especially among women. Other recommendations encouraged Yemen to carry on with its efforts to strengthen the educational sector and to raise awareness on human rights issues.
13. In the context of Sustainable Development Goal 4 on education, it should be noted that ratifying the Convention would provide Yemen with a supportive legal environment for all efforts made towards providing and ensuring "inclusive and equitable quality education and lifelong learning opportunities for all". In this respect, Yemen should be encouraged to engage actively in the process of ratification of UNESCO's Convention against Discrimination in Education and, if needed, to seek UNESCO's assistance.
14. Yemen's **political instability** and **humanitarian crisis**, especially since the conflict escalated in 2015, has had disastrous effects on the education sector. "Due to the conflict, students missed the last three months of the 2014-2015 school year and later another 3 months of the new 2015/2016 school year."¹⁰ Since then, due to the destruction or closure of thousands of schools, about 2 million of children are estimated to be out of school¹¹.
15. In this context, the Ministry of Education and Yemen Education Cluster developed and endorsed an **Education Cluster Strategy for the period 2016-2017**¹². In addition to this, Yemen signed in 2017 the **Safe Schools Declaration**¹³ to protect education in conflict. In doing so, the government committed to using the Guidelines for Protection Schools and Universities from Military Use during Armed Conflict¹⁴ as a practical tool to avoid military use of schools during operations.
16. More generally, the **Constitution of Yemen**, as amended in 2001¹⁵, enshrines the right to education for all, including state's commitment to obliterate illiteracy under article 54. Provisions on **discrimination** appear under article 41 and 24. To ensure an **equal access to education** for all, the **General Education Law No.45** guarantees the principle of free and compulsory education until age 15¹⁶. Thus, progress was made over years.
17. Despite such improvements, the law however remains **poorly implemented**. Yemen continues to struggle with low education indicators both in terms of access and quality and with considerable disparities across gender, social status and geographical location.¹⁷ Moreover, illiteracy remains extremely widespread with 47% of adult

¹⁰ Education Cluster Joint Education Needs Assessment, Aden, 2015 in

https://reliefweb.int/sites/reliefweb.int/files/resources/yemen_education_cluster_strategy2016-2017_eng.pdf (last accessed 07/04/18), p12. The Education Cluster is led by UNICEF, Save the Children International and government partners.

¹¹ <https://www.unicef.org/mena/press-releases/yemen-children%E2%80%99s-education-devastated-after-three-years-escalating-conflict> (last accessed 07/04/2018).

¹² Education Cluster Strategy 2016-2017,

https://reliefweb.int/sites/reliefweb.int/files/resources/yemen_education_cluster_strategy2016-2017_eng.pdf

¹³ http://www.protectingeducation.org/sites/default/files/documents/safe_schools_declaration-final.pdf

¹⁴ http://protectingeducation.org/sites/default/files/documents/guidelines_en.pdf

¹⁵ <http://www.unesco.org/education/edurights/media/docs/fef790b5bcbda9c1e23b564f9f71511dfba9af33.pdf>

¹⁶ http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Yemen.pdf

¹⁷ Education Cluster Strategy 2016-2017, p3.

women and 16% of men who are illiterate¹⁸. In this respect, Yemen should be strongly encouraged to take all the necessary measures to ensure the enforcement of its compulsory education law and reduce the very high number of Yemeni children out of school. It should equally seek to continue its efforts to reduce illiteracy, especially among woman.

18. To achieve this, Yemen's **low budgetary allocations** to the education sector, which amounted to less than 12% in 2014¹⁹, alongside the government's overall budget constraints due to the conflict, represent an important challenge. One of the factors that currently put the most stress on the educational system is the salary crisis, with teachers laying down their work to protest unpaid salaries. The Yemeni government should therefore be encouraged to increase substantially the allocations in the field of education and to look for ways of overcoming the reduction of its national budget.
19. Low financial resources inherently have an impact on **infrastructures** and the **quality** of education. Yemen should therefore be encouraged to increase its efforts to promote quality education, by revising curricula, using interactive learning methods, employing an increasing number of qualified teachers and incorporating vocational and technical education.
20. Regarding **gender equality and access to education in remote areas**, Yemen is one of the countries with the highest disparity at the expense of girls²⁰. Challenges to access school are especially important in rural areas. Among the root causes of such disparities, **early entry into marriage and pregnancy**²¹, alongside **traditional attitudes and beliefs** that girls should not be educated, especially in rural areas²², greatly limit adolescent girls' access to and continuation in education. In 2014, a draft law set Yemen's minimum marriage age at 18 and criminalized marriage under that age²³. Unfortunately, the law was never adopted and child marriage has remained legal since. Yemen should be strongly encouraged to pursue its efforts to revise the law and finally establish a minimum marriage age in compliance with international human rights standards. More generally, Yemen should be encouraged to develop all necessary legal, political and concrete measures to strengthen girls' and women's educational opportunities. To further counter gender-based discriminations, Yemen should be encouraged to intensify both its efforts to review curricula and textbooks at all levels of education and its advocacy activities to address stereotyped and patriarchal attitudes within classrooms and communities.
21. In terms of **access to education to vulnerable groups**, Yemen also has to manage a large number of **refugees and IDPs** due to the ongoing conflict and its geographical location. While acknowledging the considerable instability of the situation, Yemen should be encouraged to ensure protection and assistance to refugees and IDPs and to

¹⁸ Global Education Monitoring Report "Gender Review – Creating sustainable futures for all" 2016, p27.
<http://unesdoc.unesco.org/images/0024/002460/246045e.pdf>

¹⁹ Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15(b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, p10.

²⁰ Global Education Monitoring Report "Gender Review – Creating sustainable futures for all" 2016, p14.

²¹ Global Monitoring Report 2015 - Education for All 2000-2015: Achievements and Challenges, p169,
<http://unesdoc.unesco.org/images/0023/002322/232205e.pdf>.

²² Concluding Observations on the fourth period report of Yemen, Committee on the Rights of the Child, p14.
http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fYEM%2fCO%2f4&Lang=en

²³ Yemen: End Child Marriage, Human Rights Watch, <https://www.hrw.org/news/2014/04/27/yemen-end-child-marriage>

ensure that no child is deprived of education services. Regarding the **access to education of persons with disabilities**, the 1999 Law on the Care and Rehabilitation of People with Disabilities and the 2002 Child Rights Law protect the rights of persons with disabilities. However, given the lack of data available surrounding the issue, Yemen should be strongly encouraged to develop mechanisms to ensure the collection of reliable data in order to guide relevant stakeholders in decision making processes. **Minority groups** such as the muhamasheen also suffer from discriminatory practices in education²⁴. In this respect, Yemen should be encouraged to take adequate measures to ensure to provision of education for all and respect the principle of non-discrimination enshrined in its Constitution.

22. Finally, in terms of **human rights education**, Yemen should be encouraged to develop special trainings and awareness raising campaigns regarding fundamental rights of the child. Yemen should be encouraged to include human rights education in the curricula more strongly. More generally, Yemen should be encouraged to resort to education as a mean to counter the issue of **child labour**, a significant challenge in the context of the conflict.

➤ **Specific recommendations:**

1. Yemen should be strongly encouraged to ratify UNESCO 1960 Convention against Discrimination in Education and eventually to seek UNESCO's support in this process.
2. Yemen could be encouraged to increase its budgetary allocations aimed at strengthening its educational system.
3. Yemen should be encouraged to pursue its efforts to reduce the number of out of school children and ensure that no child is deprived of education services. In the context of the conflict, Yemen should take all necessary measures to ensure a safe and conducive learning environment for all children.
4. Yemen should be strongly encouraged to promote access and opportunities to education to women and girls, especially in rural areas, and to develop appropriate and concrete measures to eliminate stereotyped and patriarchal attitudes.
5. Yemen could be encouraged to pursue its efforts to establish a minimum marriage age.
6. Yemen should be encouraged to develop programmes to strengthen the integration of children with disabilities, refugees and IDPs and minority groups into its school system.
7. Yemen should be encouraged to submit more regularly national reports for the periodic consultations on UNESCO's education-related standard-setting instruments.
8. Yemen should be encouraged to share with UNESCO any relevant information to update its country profile on UNESCO's Observatory on the Right to Education²⁵.

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²⁴ Yemen's marginalized children caught in the middle of conflict, UNICEF website, https://www.unicef.org/infobycountry/yemen_82502.html

²⁵ <http://www.unesco.org/education/edurights/index.php?action=home&lng=en>

Freedom of opinion and expression

23. The Government is encouraged to foster a more pluralistic and independent media environment in accordance with international standards.
24. The Government is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.
25. The Government is encouraged to implement a freedom of information law by establishing an implementing agency.
26. The Government is encouraged to introduce an independent broadcast regulator to award and administer broadcast licenses.
27. The Government is urged to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.”

Right to culture

28. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)²⁶ and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)²⁷, Yemen is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and creative expressions and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Yemen is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.
29. Yemen is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)²⁸, as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life

Freedom of scientific research and the right to benefit from scientific progress and its applications

30. Yemen has not submitted its National Report on the implementation of the Recommendation on the Status of Scientific Researchers (1974) for the Second

²⁶ Periodic Report available at: <http://whc.unesco.org/en/activities/851>

²⁷ Periodic Report not available

²⁸ Periodic Report not available

Consultation covering the period from 2013 to 2016 (<http://unesdoc.unesco.org/images/0025/002592/259256e.pdf>). Therefore Yemen is encouraged to report to UNESCO in future on the implementation of the revised 1974 Recommendation, which is now entitled Recommendation on Science and Scientific Researchers (2017), on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument, paying particular attention to the legal provisions and regulatory frameworks which ensure the implementation of human rights of scientific researchers, as well as human rights obligations related to the Right to Science, the principle of non-discrimination, including urging active promotion of women and girls entering scientific careers, as well as scientists' rights of autonomy, freedom of research, expression and publication.