

Universal Periodic Review
(18th session, January – February 2014)
Contribution of UNESCO to Compilation of UN information
(to Part I. A. and to Part III F, J, K, and P)

Yemen

I. BACKGROUND AND FRAMEWORK

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

I.1. Table:

<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>
Convention against Discrimination in Education (1960)	Not state party to this Convention	<i>Reservations to this Convention shall not be permitted</i>		Right to education
Convention on Technical and Vocational Education. (1989)	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage (1972)	Ratified 07/10/1980			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage (2003)	Ratified 08/10/2007			Right to take part in cultural life
Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)	Not state party to this Convention			Right to take part in cultural life

II. Input to Part III. Implementation of international human rights obligations, taking into account applicable international humanitarian law to items F, J, K, and P

Right to education

Normative Framework:

2. Constitutional framework: The 1994 Constitution of Yemen, as amended on 10 February 2001¹, enshrines the right to education. Article 54 provides that “Education is a right for all citizens. The state shall guarantee education in accordance with the law through building various schools and cultural and educational institutions. Basic education is obligatory. The state shall do its best to obliterate illiteracy and give special care to expanding technical and vocational education. The state shall give special attention to young people and protect them against perversions, provide them with religious, mental and physical education, and the appropriate environment to develop their aptitude in all fields.” Article 32 adds that “Education, health and social services are the basic pillars for building and developing the society. Society shall with the state take part in providing them.”

Article 41 specifies that “Citizens are all equal in rights and duties” and Article 24 adds that “The state shall guarantee equal opportunities for all citizens in the fields of political, economic, social and cultural activities and shall enact the necessary laws for the realization thereof.”

3. Legislative framework²: The General Law for education 1992³ identifies the general principles and foundations for education in the Republic of Yemen, religiously, nationally and educationally. The Law considers education as a human right and the government secures and facilitates it to all its citizens. According to the Law, education is a human and development investment for the long run. According to the Law, education systems are divided into two main branches:

- a) Formal education: it contains all stages, starting from pre-school and ending with higher education and university passing through general secondary education, technical education and vocational training.
 - b) Non formal education: it cares for providing education and training opportunities for adult and young citizens who did not get enough formal education or dropped out of schools⁴.
4. Decree No. 28/1993 is on the new organization chart of the Ministry.
 5. Ministerial Resolution No. 1319/1994 regarding the merger of the two past educational systems into one. It defines preschool education length, basic education length (*al-assassi*) and secondary education length (*al-tanawi*).

¹ <http://www.unhcr.org/refworld/publisher.NATLEGBOD.,YEM.3fc4c1e94.0.html>

² World Data on Education. 6th edition, 2006/07,

http://www.ibe.unesco.org/fileadmin/user_upload/archive/Countries/WDE/2006/ARAB_STATES/Yemen/Yemen.pdf

³ <http://www.moeyemen.net/About/DecisionsAndLaws/Laws.aspx> (Accessed 14/04/11)

⁴ National report submitted by Yemen for the International Conference on Education, 48th, Geneva, 2008,

http://www.ibe.unesco.org/National_Reports/ICE_2008/yemen_NR08_ea.pdf

6. Ministerial Resolution No. 1320/1994 provides for the merger of the past curricula in every school of the Republic. This resolution defines the subjects, schedules, programmes and textbooks as well as examination modalities and diploma graduations.

7. Compulsory education and school attendance:

- i. Pre-primary education (*riyad al atfal* or kindergartens) is optional for children aged 3 to 6 years.
- ii. Primary education (*al-assassi* or basic education) is compulsory and free, lasts 9 years, and the normal age of entry is 6 years old. Schools are generally mixed, but boys and girls are separated from the 3rd or 4th grade.
- iii. Secondary education accepts students who have successfully obtained the certificate of basic education. The course lasts three years. Students also have the opportunity to pursue secondary technical and vocational courses, which last two to three years, to obtain the equivalent of a bachelor.
- iv. The duration of graduate studies in higher education is four years in general, except for medical school where it is spread over 9 years. The Ministry also organizes study abroad through scholarships offered by friendly countries and by its own means.
- v. Private Education: in the Five-Year Plan 1996-2000, the Government encouraged the private sector to invest in the education sector at all levels and in all areas.
- vi. Special education in Yemen is still underdeveloped. Yet in the objectives of the Five Year Plan 1996-2000, it is planned to take into account the education of children with physical and mental difficulties and orphan children.

8. Yemen is part of the **Education For All Fast Track Initiative (EFA-FTI)**. FTI focuses on increasing access of children to primary education in line with the MDG target of achieving universal primary education, and its interventions target the most remote areas in the country where no other International Development Associations (IDA) project, government intervention or donor project has gone before.⁵

9. Non-discrimination and gender equality: **Population from remote areas:** According to the EFA Global Monitoring Report 2011, in Yemen, women living in urban areas are almost three times as likely to be literate as women living in rural areas, and women from the poorest 20% of households are ten times less likely to be literate than women from the richest households.

10. In the Report of the Working Group on the Universal Periodic Review from 5 June 2009, Yemen has been recommended to “Continue efforts to promote education and combat illiteracy, particularly among rural women (Egypt).” The recommendation was accepted by Yemen.

11. **Gender equality:** Yemen has made progress towards universal primary education and gender parity. In Yemen, enrolment increased from 2.3 million in 1999 to 3.2 million in 2005 and gender disparities shrank. These achievements are all the more remarkable given Yemen’s deep poverty, rapid population growth and dispersed rural population. Girls have benefited from both the overall expansion of education and targeted interventions. Improvement in enrolment in

⁵ <http://www.yobserver.com/reports/10019701.html> (Accessed 14/04/11)

recent years can be traced to policy measures introduced in the late 1990s, including the use of low-cost standardized school designs and consultation with communities on school location. Basic education (grades 1 to 9) has been compulsory and free in principle since the early 1990s, though learners continued to pay for uniforms and textbooks. In 2006/2007 the Ministry of Education made uniforms optional and eliminated textbook fees for girls in grades 1 to 6 and for boys in grades 1 to 3. It has also taken measures to get more female teachers in rural schools.

12. However, according to the EFA Global Monitoring Report 2010, in Yemen, nearly 80% of girls out of school are unlikely ever to enroll, compared with 36% of boys. 90% of poor young women aged 17 to 22 years have fewer than four years in education compared with 30% for poor males.

13. Moreover, the GMR points out the fact that child labour patterns are also structured by gender disparities. Poverty drives both boys and girls into employment, either because of household cash needs or because parents cannot afford education fees. Children of both sexes also spend time on household chores. Around one-fifth of boys and one-quarter of girls are involved in child labour. However, while 70% of male child labourers attend school, only 52% of females do.

14. In its Concluding Observations of the 41st Session, the Committee CEDAW calls upon the State party “to ensure equal rights between women and men in the justice and penitentiary systems and to eliminate all discriminatory measures against women in those sectors. The State party should ensure that women in detention are segregated from men and under the exclusive supervision of female guards, including during pre-trial detention, and that they have access to adequate health facilities and rehabilitation programmes to reintegrate them into the community, notwithstanding the refusal of the guardian or family to receive them. Special attention should also be given to children detained with their mother with regard to food, medicine and education and girls, in particular in rural areas, which manifests patterns of indirect discrimination under article 10 of the Convention. It is also concerned about the high dropout rate of girls from schools.”

15. The Committee also “reiterates its recommendation that the State party implement measures to ensure access to girls and women to all levels of education, including access to proper and dedicated toilets facilities, which have a direct impact on the realization of their right to education, especially in rural areas. The Committee also recommends that the State party adopt temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25, to ensure the access and retention of girls in school. The Committee calls upon the State party to strengthen its efforts to improve the literacy level of girls and women through the adoption of comprehensive programmes of formal and non-formal education and training, and to increase training and employment of female teachers, the development of gender-sensitive educational materials and the monitoring and evaluation of progress achieved towards time-bound targets. The Committee urges the State party to raise general awareness of the importance of education as a human right and as a basis for the empowerment of women, and to take steps to overcome traditional attitudes that perpetuate discrimination.”

16. Concerning early marriages “The Committee is extremely concerned at the amendment to Personal Status Law No. 20 of 1992 by Law No. 24 of 1999 and its negative consequences, which legalized the marriage of girl children below 15 years of age, with the consent of their

guardian, which is a clear setback for women's rights and the implementation of the provisions of the Convention in Yemen and a serious violation of the State party's obligations under the Convention. The Committee remains deeply concerned at the "legality" of such early marriages of girl children, some as young as eight years of age, which amounts to violence against them, creates a serious health risk for those girls and also prevents them from completing their education."

17. Besides, in the Report of the Working Group on the Universal Periodic Review from 5 June 2009, Yemen has also been recommended to "Make greater efforts to protect the access of children to education and implement its new law prohibiting child marriages (Canada)." It was accepted.

18. In regard to rural women, the Committee CEDAW pointed out the fact that "385. In view of the fact that rural women constitute the majority of women in the State party and the workforce in the agricultural sector, the Committee is especially concerned about their situation in general and in particular their difficulty in accessing (...), education, (...). 386. The Committee recommends that the State party adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, to ensure that rural women enjoy their political, social, economic and cultural rights without any discrimination, especially with regard to access to education, (...)."

19. Concerning women in detention, "The Committee calls upon the State party to ensure equal rights between women and men in the justice and penitentiary systems and to eliminate all discriminatory measures against women in those sectors. [...] Special attention should also be given to children detained with their mother with regard to food, medicine and education."

20. In the Report of the Working Group on the Universal Periodic Review from 5 June 2009, Yemen has also been recommended to "[...] enhance women's access to education (Algeria)"; to "actively enhance respect for the rights of women, including access to education ... (Canada)" and to "intensify the efforts undertaken to make progress in the area of gender equality, especially with regard to the equality of women before the law, equal access to judicial processes and participation in the education system at all levels (Mexico)". Those three recommendations were accepted by the country.

21. In a positive step, parliament in February gave women the right to pass their nationality on to their children, and set the minimum legal age for marriage at 17. However, early marriage remains widespread, exposing young girls to domestic violence and maternal mortality, and cutting short their education.

22. **Students from low-income families:** The EFA Global Monitoring Report 2011 points out the fact that greater stress on household budgets may be pushing children out of school. In one community in Yemen, children were removed from school temporarily to earn income for their families, and because increases in food and fuel prices had pushed up school costs.

23. **Students from armed conflict areas:** The EFA Global Monitoring Report 2011 highlights the consequences of attacks on school infrastructure. In Yemen, all 725 schools in the northern governorate of Saada were closed during five months of fighting in 2009 and 2010 between government forces and Houthi rebels, and 220 schools were destroyed, damaged or

looted. Seventeen schools were destroyed and the Ministry of Education cancelled the school year in the conflict-affected areas of Saada and Harf Sufyan.

24. Moreover, in Yemen, access to education for up to 55,000 internally displaced children is very limited. Many children have missed up to two years of school.

25. Religious instruction: The constitution states that the state shall give special attention to young people and protect them against ‘perversions’, provide them with religious, mental and physical education, and the appropriate environment to develop their aptitude in all fields.”

The educational system is based on principles from the Muslim religion and the new Constitution of the Republic and the Arab-Muslim heritage (Department of Education, 1995). Besides, there are non-formal Quranic schools that are an important in Yemen because of the Muslim religion, Islam being the religion of the State.

26. Teachers: In-service qualification for teachers: the Ministry of Education works on implementing a “**National project for training teachers**” which aims generally at raising the qualifications of all in-service male and female teachers to a bachelor degree.⁶

27. According to the World Bank Group, the **lack of female teachers** is one of the factors resulting in low enrolment and retention of girls in schools, particularly in higher grades when parents tend to object to male teachers. High teacher absenteeism and insufficient teaching materials are other hurdles in the expansion of quality education in Yemen.⁷

28. Starting in 2007, authorities committed to contract and train female teachers over a three-year period. According to the Minister of Education, as quoted in Yemen Times, 1,000 new female teachers were contracted in 2008. Anecdotal evidence suggests the contracting of female teachers is indeed attracting girls to school by making girls’ education more culturally acceptable.⁸

Policy measures:

29. Major policy measures: The economic and social development of Yemen nationwide began around the 1960s in both North and South parts of the country with the movement for independence. With falling oil prices in the mid-1980s, the financial contribution of emigrants and foreign aid to Yemen has decreased significantly creating a serious imbalance in the external trade balance of the state budget. These difficulties were further exacerbated with the Gulf War in 1991 that caused the return of Yemeni immigrants in the country in a very short time. To this, the tense political crisis in Ethiopia and neighboring countries of Somalia was added, which has further aggravated the situation with an influx of refugees into the country, totaling over one million people, increasing the country's population of about 10%. Unemployment on the rise, increasing poverty, declining income: these sociopolitical and economic impacts on the education system have been mixed.

30. Following the establishment of the Republic of Yemen in 1990, it was necessary to revisit the entire philosophy and educational policy of the Republic and review all the ensuing

⁶ Yemen submitted a national report for the International Conference on Education, 48th, Geneva, 2008,

http://www.ibe.unesco.org/National_Reports/ICE_2008/yemen_NR08_ea.pdf

⁷ <http://www.yobserver.com/reports/10019701.html>

⁸ <http://www.yobserver.com/reports/10019701.html> (Accessed 14/04/11)

consequences. Today, the educational system is based on principles from the Muslim religion and the new Constitution of the Republic and the Arab-Muslim heritage (Department of Education, 1995).

31. Education is mostly provided within public institutions, the State holding both the financing and provision of educational services. The education sector is structured in a three-tier system: The Ministry of Education itself, the provincial education office, and the district education office.

32. The Ministry of Education is responsible for administering the education system at the central level. He is responsible for implementing the education policy of the government.

33. The provincial education office is responsible for overseeing education in each province of the 17 provinces of the country.

34. With regard to technical education, it is directly under the Ministry of Education, such as the Centre for Research and Development of Education. As for training, it is coordinated by the Ministry of Technical and Vocational Education.

35. Human Rights Education: In the Report of the Working Group on the Universal Periodic Review from 5 June 2009, Yemen has been recommended to “Strengthen the implementation of educational and awareness-raising programmes on human rights (Japan)” and to “Include in the school system at all levels, appropriate measures in the field of human rights education, in accordance with the Plan of Action of the World Programme for Human Rights Education (Italy).” Both recommendations were accepted by the country.

36. Vocational and technical education: Pursuing its efforts for vocational and technical education, Yemen adopted the **National Strategy of Vocational Training and Technical Education**, which aims to promote the programs and curricula of vocational training and technical education and improve its effectiveness.⁹

37. Cooperation: Yemen is not party to the 1960 UNESCO Convention against Discrimination in Education. It did not report on the implementation of the Recommendation against Discrimination in Education within the framework of the:

- i. Sixth Consultation of Member States (covering the period 1994-1999)
- ii. Seventh Consultation of Member States (covering the period 2000-2005)
- iii. Eight Consultation of Member States (covering the period 2006-2011)

38. In the Report of the Working Group on the Universal Periodic Review from 5 June 2009 Azerbaijan recommended Yemen to “Ratify the UNESCO Convention against Discrimination in Education”.¹⁰ This was accepted by the country.

39. Yemen did not report within the framework of the Fourth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation

⁹ National report submitted by Yemen for the International Conference on Education, 48th, Geneva, 2008, http://www.ibe.unesco.org/National_Reports/ICE_2008/yemen_NR08_ea.pdf

¹⁰ Report of the Working Group on the Universal Periodic Review, 5 June 2009, Recommendation 2, http://www.upr-epu.com/files/133/A_HRC_1_1_YEM_E.pdf

concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms (covering the period 2005-2008). It has not yet reported within the framework of the Fifth Consultation of Member States on the measures taken for the implementation of the 1974 UNESCO Recommendation (2013).

40. Yemen reported within the framework of the Second Consultation (2011) on the measures taken for the implementation of the 1976 Recommendation on the Development of Adult Education. However, it did not report for the First Consultation (1993).

41. Yemen is not party to the 1989 UNESCO Convention on Technical and Vocational Education.

Freedom of opinion and expression

42. Constitutional and Legislative Framework: The Constitution of Yemeni guarantees freedom of expression in its Article 42.

43. A law on freedom of information was adopted in 2012. The adoption of this law demonstrates progress towards implementing the recommendations of the first Yemen's UPR related to the promotion and implementation of the right to free access to information.

44. Article 103 of the 1990 Press Law imposes restrictions on freedom of expression that are not in accordance with the provisions of Article 19 of the Universal Declaration on Human Rights (UDHR).

45. Defamation remains criminalized under the Yemeni Penal Code, despite recommendations accepted by Yemen in the first UPR cycle that laws restricting freedom of expression be brought in line with Yemen's obligations under the ICCPR and the UDHR. The 2009 Presidential decree prevents imprisonment of any journalist for any issue connected with publications or freedom of opinion and speech. However, journalists continued to be imprisoned throughout the past four-and-a-half years.

46. Journalists who may be considered to have endangered "the interests of national security" could face persecution and detention under Article 104 of the Press Law.

47. Journalists must be licensed by the Ministry of Information. The requirements for obtaining the license are contained in the Press and Publications Law (law n.25 of 1990). Foreign journalists must obtain accreditation, and can face legal charges if they do not, as was the case of two journalists of Al Jazeera who were charged by the Press and Publications Court of covering the 2011 uprising without proper accreditation. Foreign journalists face difficulty gaining access to the country.

48. Media Self-Regulation: There are no media self-regulatory mechanisms in Yemen. The authorities may control press content. All newspapers must obtain licenses from the Ministry of Information, and must renew them once a year.

49. Safety of Journalists: UNESCO recorded three killings of journalists and media workers in Yemen between 2008 and 2012¹¹. Journalists Hassan al-Wahhad, Jamal al-Sharaabi and Fuad

¹¹ Based on the UNESCO Director-General's Report on the Safety of Journalists and the Danger of Impunity 2012 (available at

al-Shamri were killed in 2011. The Director-General of UNESCO condemned these three killings and called on the country to inform UNESCO, on a voluntary basis, of the actions taken to prevent the impunity of the perpetrators and to notify the Director-General of the status of the judicial inquiries conducted on each of the killings condemned by UNESCO¹².

50. Media outlets also face threats from different types of actors (non-state but also state) and interference in their editorial independence. On 9 February 2012, for example, two state-run newspapers were forced to publish former President Ali Abdullah al-Saleh's picture on their front pages after armed supporters of Saleh surrounded their offices and staff. The private radio station FM Shabab was forced to suspend broadcasting during the 2011 uprising and was unable to resume until September 2012.

Right to development and environmental issues

51. Integrated water and environmental resources management and natural disaster reduction are key issues in Yemen, where there many seismic hazards occur. UNESCO co-operates with Yemen in different areas of science for sustainable development. In Yemen, there is the Natural Biosphere Reserve - Socotra Archipelago which is located off the Horn of Africa, at the crossroads between the Red Sea and the Indian Ocean. It is recognised as a regional centre of biodiversity, with spectacular endemic species such as the Dragon Blood Tree (*Dracaena cinnabari*). Socotra has a rich cultural heritage, including the unique Soqotri language. Isolated from the rest of the world, traditional land and sea uses remained little changed until the 1970s. The challenge of the Biosphere Reserve is to ensure better living conditions for its 30,000 inhabitants based on the sustainable use of natural resources.¹³

Cultural rights

52. Normative Framework: constitutional and legislative frameworks: Article 18 of the Constitution of Yemen provides that “The state shall guarantee the freedom of scientific research and achievements in the fields of literature, arts and culture, which conform with the spirit and objectives of the constitution. The state shall provide the means conducive to such achievements and shall provide support and encouragement for progress in the sciences and arts, and shall protect achievements thereof.” And Article 19 provides that “The state shall guarantee equal opportunities for all citizens in the fields of political, economic, social and cultural activities and shall enact the necessary laws for the realization thereof.”¹⁴

<http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/FED/Safety%20Report%20by%20DG%202012.pdf>) and the UNESCO's Director-General's public statements of killings of journalists (www.unesco.org/webworld/condemnation)

¹² Decision on the Safety of Journalists and the Issue of Impunity. Adopted by the IPDC Intergovernmental Council at its 27th Session (available at http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/ipdc2010_safety_decision_final.pdf)

¹³ <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?code=YEM+01&mode=all>.

¹⁴ <http://www.al-bab.com/yemen/gov/off2.htm>

III. RECOMMENDATIONS

Right to education

53. Yemen should be encouraged to ratify the 1960 UNESCO Convention against Discrimination in Education.
54. Yemen should be encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments.
55. Yemen could be encouraged to strengthen its efforts to promote education and combat illiteracy, particularly among rural girls and women.
56. Yemen should be encouraged to implement measures to ensure access to all levels of education for girls and women.
57. Yemen should be encouraged to implement measures to address the phenomenon of school dropouts.
58. Yemen could be encouraged to intensify its efforts to raise general awareness of the importance of education as a human right and as a basis for the empowerment of women.

Freedom of opinion and expression

59. Yemen is encouraged to decriminalize defamation in accordance with international standards and revise the Press and Publications Law and the Penal Code to remove restrictions of free expression.
60. Yemen is encouraged to implement fully existing laws protecting freedom of information and of the press, including the law on freedom of information.
61. UNESCO recommends development of self-regulatory mechanisms for the media in Yemen.
62. Yemen must ensure that journalists and media workers are able to practice their profession in a free and safe environment as part of their fundamental human rights.

Right to development and environmental issues

63. With regard to contribution of science and technology to development, Yemen is encouraged to report to UNESCO within the framework of the on-going consultations with Member States on the monitoring of the implementation and a possible revision of the 1974 Recommendation on the Status of Scientific Researchers, in particular on the measures undertaken in the country to implement such principles of the Recommendation as the obligation of state authorities to ensure that scientific researchers have the responsibility and the right to work in a spirit of intellectual freedom; to participate in the determination of the aims, content and methods of research, which should be compatible with respect for universal human rights and fundamental freedoms, as well as ecological and social responsibility; to creativity, occupational mobility, international cooperation for furtherance of international peace, cooperation and understanding, etc.