



The Right to Education

A Human Rights Report Documents Cases of
Arbitrary Denial of Education Rights for
Detainees in the Prisons of the Houthi Group

Abductees' Mothers Association

January 2024



Abductees' Mothers Association

#MySon'sFreedomFirst



Who We Are

The Abductees' Mothers Association is a Yemeni human rights organization composed of mothers, wives, daughters of the abductees, and activists working in the field of rights and freedoms. Established on April 18, 2016, with the approval of the Ministry of Social Affairs and Labor, it is dedicated to defending the rights of the abductees, detainees, and those forcibly disappeared, as well as building peace and raising awareness of human rights in Yemen.



Our Vision

To lead in human rights, freedoms, and the sustainable building of peace in Yemen.



Our Mission

We strive to build peace, achieve freedom, justice, and fairness for victims of arbitrary abduction, detention, enforced disappearance, and survivors. We provide legal and psychological support to them and their families, considering social gender.



Our Values

Humanity - Justice - Neutrality - Transparency - Independence – Partnership



Our Areas of Work

Civil rights protection - Legal and psychological support - Training and rehabilitation - Monitoring and documenting violations - Building women's capacities for peacebuilding.



Our Strategic Objectives

- 1- Seek the release of the abducted, detainees, and forcibly disappeared from all parties, mobilizing local and international public opinion to advocate for their cause.
- 2- Amplify the voices of the victims' families and survivors globally, and present their demands to decision-makers locally and internationally.
- 3- Strive for justice and compensation for the victims, hold perpetrators of violations accountable, and bring them to justice.
- 4- Build a human rights memory and contribute to strengthening the rule of law and building societal awareness.
- 5- Work on integrating survivors into society and rehabilitating them.
- 6- Contribute to promoting women's participation in peacebuilding.



Scope of Our Work

The Abductees' Mothers Association operates through its main center in Taiz Governorate and its branches throughout the governorates of the Republic of Yemen, leveraging a broad team of observers, volunteers, and advocates for the cause.



"Prisoners shall be granted all possible facilities to continue their education or to engage in new studies. The education of children and young people shall be ensured, and they may attend schools, whether inside or outside places of detention."

Article 94 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War – August 1949.



The United Nations Committee on Economic, Social and Cultural Rights, the body responsible for monitoring the implementation of the International Covenant on Economic, Social, and Cultural Rights in the member states, defines the right to education in its comment No. 13 as:

"A human right in itself, and at the same time, an indispensable means to exercise other human rights. Education, as an empowering right, is the primary tool through which economically and socially marginalized adults and children can lift themselves out of poverty and fully participate in their societies. Education plays a vital role in empowering women, protecting children from hazardous and exploitative labor, as well as from sexual exploitation. It promotes human rights and democracy, environmental protection, and monitors population growth. Education is increasingly recognized as one of the best financial investments that states can make. However, the importance of education is not merely practical; an enlightened and active mind capable of thinking freely and expansively is a mind that enjoys the pleasures and rewards of existence."

<https://www.ohchr.org/ar/specialrights-human-and-education-right-education/about>



Introduction

Since the beginning of the conflict in Yemen in 2014, with the Houthi group imposing its control over the capital Sana'a, the group initiated the abduction of its opponents, placing them in secret detention facilities lacking the basic standards required for the safety and health of detainees. Among these detainees were individuals from various groups, prominently university and high school students. These students have been deprived of their right to education throughout their years of detention, some lasting for up to eight years, and they remain subjected to arbitrary imprisonment.

Despite the pleas of these detained students to provide them with books, study materials, and allow them to continue their education, the Houthi group categorically refused to permit any detainee to pursue their studies. In some instances, they even confiscated their previous certificates and academic documents after releasing them, forcing many survivors of detention to start their education anew. Unfortunately, this situation has led some surviving students to abandon their studies and engage in combat activities after their release.

This report examines the guarantees of the right to education in Yemeni law, international conventions, and highlights the clear contradiction between these laws, legislation, and the actual practices that take the form of systematic policies preventing education for detainees in prisons. This report will, hopefully, have an impact on pressuring the Houthi group to enable their captives to exercise their supposed rights, including the right to education.



Legal Framework:

The Right to Education in the Yemeni Constitution and National Laws:

Article (54) of the Constitution of the Republic of Yemen stipulates: "Education is a right for all citizens, guaranteed by the state in accordance with the law, by establishing various schools, cultural and educational institutions. Education at the primary level is mandatory, and the state works to eradicate illiteracy. It also focuses on expanding technical and vocational education. The state, especially, cares for the upbringing of the youth, protects them from deviation, provides them with religious, mental, and physical education, and creates suitable conditions for the development of their abilities in all fields.

In the Law Regulating the Prison Service, issued by Republican Decree-Law No. (48) for the year 1991, Article (3) states that the treatment of prisoners inside prisons aims to achieve the following:

1. Reform, evaluate, and rehabilitate prisoners through the use of all educational, medical, vocational training, social services, sports, cultural, and recreational means.

Article (20) further specifies: "As much as possible, suitable means should be provided to assist prisoners in studying within the prison, primarily for illiterate individuals. Additionally, the opportunity may be granted to prisoners who have the desire and ability to continue their education, and this must be done only within the prison."



The right to education in international conventions:

Article (104) from the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) states:

1. Arrangements shall be made for the further education of all prisoners capable of benefiting from it, including religious education in countries where this is possible. Education for prisoners who are illiterate or lack education shall be compulsory and shall be given special attention by the prison administration.
2. Prisoners' education, to the extent possible, shall be made practically consistent with the general education system in the country. This ensures that, upon their release, they can continue their studies without difficulty.

The Universal Declaration of Human Rights states in Article 26:

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and vocational education shall be made generally available, and higher education shall be equally accessible to all based on their qualifications.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance, and friendship among all nations, racial, or religious groups, and shall support the activities of the United Nations for the maintenance of peace.

Article 10 of the International Covenant on Civil and Political Rights emphasizes that the prison system should aim at the rehabilitation and social reintegration of prisoners.

Article 18 of the Covenant recognizes the right to freedom of education, whether alone or in association with others.

Article 94 of the Fourth Geneva Convention, August 1946, stipulates that: "prisoners should be provided with all possible facilities to continue their education or pursue new studies. Education for children and youth shall be ensured, and they may attend schools, whether inside or outside places of detention."



Executive Summary:



Since its establishment in 2016 until the end of 2023, the Association has listened to the testimonies of (939) survivors who were detained by the Houthi group. It documented their testimonies regarding the conditions of detention they endured, including their deprivation of the right to education. Among the survivors whose cases were documented, (271) were students.

According to the documentation of the Abductees' Mothers Association, (115) students are still held in captivity by the Houthi group, and all of them are deprived of their right to education.

Report



Methodology:

In this report, we have undertaken a legal analysis of the right to education for detainees, aiming to provide a legal document that obliges the Houthi group to ensure this right for those in their custody. We selected (10) representative cases from among (271) students who are survivors, and whose testimonies were heard and documented by the Mothers of the Abductees' Association.

We adhered to the principle of non-harm and obtained informed consent from these witnesses regarding the disclosure of their names or opted for representative symbols to ensure their safety.



Prison Environment in Yemen and Places of Detention:

Most prisons in Yemen adopt a policy of depriving detainees of the right to education. Detainees are arbitrarily treated with increased restrictions, reaching the point where the mere presence of a pen in the cell justifies collective punishment through beating and restraining all individuals in the cell. Detainees in various places of detention are unable to possess books or magazines except for those publications (handouts) distributed to them in prisons, promoting the ideology of the Houthi group, which the majority of detainees' disdain and reject.

The association's team has listened to dozens of survivors, mainly students, all of whom were deprived of their right to education. We have selected some representative samples for inclusion in this report.



The Incidents:

Bilal Mashhour, one of the survivors, from Hodeida Governorate.

After completing my high school education, I enrolled in the university at the College of Healing Sciences, Pharmacy Department, in my hometown of Hodeida. One day, during my second year in the second semester, as I was getting ready to go to college, on the first day of May 2016, someone knocked on the door of my residence. When I opened the door, I saw three armed individuals. One of them told me to come with them, and though I refused due to the ominous atmosphere, one of them brandished his weapon and threatened to shoot, compelling me to go with them.

They assured me that my detention would not last more than half an hour and that they would release me. However, this did not happen. I was restrained and transferred from one prison to another until I was released in the international exchange deal in mid-October 2020. According to the agreement between the parties, I was released to Sayoun city and then moved to Ma'rib. In Ma'rib, I intended to resume my studies, which had been interrupted for about five years. As is customary, those who resume their education are entitled to continue from the point where they left off.

To seize this opportunity, I requested my family to retrieve my file from the College of Healing Sciences in Hodeida and complete some procedures proving that I had studied during these years, as required by the authorities in Sana'a, to continue my education here in Ma'rib. However, I was surprised when I was informed that my file had been taken by the Higher Education Office in Sana'a. They refused to take any action, rejected returning it to my relative, and demanded my personal appearance, claiming that I was wanted for security reasons. They threatened my relative with imprisonment if he attempted to retrieve the file.



As a result, I lost a year and a half of my education, in addition to the five years I was unjustly detained. Furthermore, I lost the original high school certificate, which I haven't been able to replace until today, despite its urgent need. Nevertheless, I did not give up. I started my studies again here in Ma'rib, and this year I completed a diploma in Pharmacy, which, in my view, was not achieved in just three years but represents over nine years of my life, from the first day I entered the university in Hodeida until the last day of my studies here in Ma'rib.



(M.A.) - A Survivor - Sana'a:

I was in the second year of my major in Radio and Television in the field of media, and I was the top student in my batch. I repeatedly requested permission to bring in books and educational materials to continue my university education, but to no avail. Even owning a pen was considered a crime; the Houthis restrained my legs for two weeks when they found one during their frequent inspections. I spent over four years in detention, and a collective sentence, including 30 detainees, condemned me to death. I was released in an international exchange deal in October 2020 under UN auspices, which forced me into forced displacement to Ma'rib province, permanently preventing my return to Sana'a and thus depriving me of completing my university education.

(A.H.) - A Survivor - Taiz:

I intended to join the university in 2017, but my abduction by the Houthi group disrupted my plans. I remained in detention until 2020. Upon my release, I found that my father, who was a teacher, had his salary suspended. I had to take on the responsibility of supporting my family, making it impossible for me to balance both study and work. I chose to work as a laborer to provide for myself and my siblings.



Abdu Hasan Osaibah - A Survivor - Hodeida Governorate:

I was arrested on August 2, 2015, while still in high school, specifically in the third year. I was only two weeks away from my final exams at that time. I was forcibly hidden for seven months during the exam period. My classmates, with whom I shared the same class, took the exams, succeeded, proceeded to university studies, and graduated in various majors. Throughout this period, I languished behind bars, deprived of all these opportunities.

I spent six academic years in my prison, during which I diligently tried with the Houthis to allow me to take the high school exams in prison as a legitimate right guaranteed by the law. However, all those attempts were met with absolute and categorical rejection.

After serving my entire sentence, I emerged to witness my classmates, whom I had studied with from elementary to preparatory to high school. It was our final stage together. They graduated in various fields, including doctors, teachers, and officers. Nevertheless, I didn't give up. I took the high school exams, succeeded, and then enrolled in the College of Administrative and Financial Sciences. Soon, I will celebrate my graduation and receive my bachelor's degree.



(M. A.) - A Survivor - Raymah Governorate:

I was abducted from the school where I worked as a teacher on November 22, 2015. Alongside my job at the school, I was enrolled in postgraduate studies and was about to take the second-semester exam for a Master's in Business Administration. I was transferred to secret detention locations and deprived of communication with my family for months. However, I requested the Houthis to allow me to attend the exam, but they refused. My appeals continued when I was transferred to the Security and Intelligence Detention Center, and they also refused. When I appeared for trial, I asked the court to allow me to bring in books and study materials to continue my education, but this request was also rejected by the prison authorities.

My seven-year detention period exceeded, and I was released in a UN-brokered exchange deal in 2023. When I met my classmates, some had completed their doctoral studies and secured good jobs, while I had to move from one doctor to another for treatment due to the torture and mistreatment I endured during my detention.

(M. H.) - A Survivor - Hodeida Governorate:

On November 3, 2015, a Tuesday afternoon, I was arrested by the Houthi militias at the age of 25 while studying at the National Institute for Administrative Sciences in Hodeida Governorate, pursuing a two-year computer diploma. I had one remaining exam, but my certificate was denied due to the arrest. I pleaded with the authorities that detained me to allow me to continue my studies, but they refused multiple times. Once, I was punished with solitary confinement in a one-meter by half-meter cell with no light, visits, food, or clothing entry. I remained in this cell for a month for a minor violation. I continued to be imprisoned for 5 and a half years until I was released on October 15, 2020, in a UN-brokered deal. After my release, for about a year, I couldn't afford to continue my education due to the inability to pay registration fees. Later, I pushed myself to resume my studies and managed to enroll in the University of Sayoun in Hadramout, specializing in Information Security, and I am still a student there.

**(M. J) - A Survivor - Hodeida Governorate:**

I was arrested before receiving my high school diploma, and I only saw it after four years. When I got out, I was shocked by the situation. The family was displaced, and the war had devastated everything. I no longer thought about university education but rather about any job that would help me survive.

(A. SH) - A Survivor - Hajjah Governorate:

I was arrested and tortured by the Houthis for two and a half years, deprived of university studies. After my release, I couldn't continue my university education due to the deteriorating conditions and the difficult living situation we were in.

(A. H) - A Survivor - Hodeida Governorate:

I was taken from my shop while I was in the second year of high school on April 4, 2018. I remained in prison for four years until I was released on April 1, 2022. They [Houthis] deprived me of completing my high school and university education, and because of them, I would have finished university by now. In prison, I told them that they deprived me of completing my education, and their response was: "We consider the pen more dangerous than the sword."



Omar Abdul Rahman - A Survivor - Sana'a:

I was abducted in 2017, and this abduction lasted for about five years, causing me psychological harm and depriving me of education. I was studying the first level in the College of Commerce at Sana'a University. I was prevented from bringing in books and continuing university education from inside prison. After my release from prison at the end of 2021, I applied for university studies. However, the effects of imprisonment persist because it was the reason for my delay in studying compared to my peers. Those I used to study with before the abduction are now graduates, and some have completed their master's degrees. Additionally, there is the struggle to provide tuition fees because I am forced to study and work to cover personal and household expenses. Furthermore, the Houthi authorities refused to allow me to withdraw my file from Sana'a University. These are some of my struggles as a former hostage in the hands of the Houthis, along with the suffering of dozens of other hostages who are prevented by the Houthi group from completing their education.



Parents' Suffering:

(S. Q) - My son told me that he was going to get some study materials, but he was delayed for a long time. We became worried and started asking his friends about him, but we didn't get an answer until we received a call from him saying that he was detained by the Houthis and held in political security. He wasn't allowed to visit us until several months later. My son was a second-year student in the College of Media, and I imagined him sometimes becoming a distinguished media professional presenting news reports on television. However, those dreams evaporated after more than eight years as he remained under arrest. It was so heavy for me when his colleagues celebrated their graduation from college while my son languished in a prison without a pen or a book.

(A. K) My son's ambition and first dream were to study in the College of Engineering. We were delighted when he achieved a good GPA in the general secondary education, qualifying him to enroll in the College of Engineering. He indeed joined the Civil Engineering department but did not complete even his first year at the university. The Houthis abducted him while he was still a first-year student, and until now, more than seven years have passed with him behind prison walls.



Recommendations



To the Houthi Group:

Based on legal texts affirming everyone's right to education, we recommend the following:

- 1. Ensure access to education for all detainees within detention centers, including basic, vocational, university education, and postgraduate studies where possible.**
- 2. Provide necessary educational resources for detainees, such as books and educational materials.**
- 3. Activate vocational training programs and life skills in detention centers.**

To the Internationally Recognized Government:

- 1. Facilitate obtaining educational documents for survivors and process solutions for those who have lost their documents or have been prevented from accessing them by the detaining authority.**
- 2. Implement vocational rehabilitation programs for survivors of detention, including acquiring skills necessary for the job market, enhancing their chances of obtaining work or positions that ensure financial independence.**

To United Nations Organizations:

- 1. Pressurize the Houthi group to implement the United Nations Standard Minimum Rules for the Treatment of Prisoners in its detention centers.**
- 2. Target detainees and survivors in educational and training programs implemented by UN agencies.**



Abductees' Mothers Association