

Statement UPR Pre-session on Yemen

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Delivered by the Gulf Centre for Human Rights (GCHR)





Introduction



This statement addresses attacks on human rights defenders and journalists, the importance of holding perpetrators accountable, and protecting the right to freedom of expression.

In a joint submission, **CIVICUS, GCHR and Front Line Defenders** examined the government of Yemen's compliance with its international human rights obligations to create and maintain a safe and enabling environment for civil society.

During the 2nd UPR cycle of the UPR of Yemen in January 2014, the government received a total of **316** recommendations, yet none of the **316** recommendations have been fully implemented.

i. Protection of HRDs and civil society activists



Under Yemen's 2nd UPR, the government accepted 15 recommendations on the protection of HRDs and CSOs and the establishment of structures and processes that will enable them to carry out their activities without fear, intimidation, or obstruction.

The government committed to take appropriate measures to ensure that the lives of HRDs are protected, and to ensure full observance of the UN Declaration on HRDs. None of the recommendations have been implemented.

Human rights defenders are:

- Abducted, kidnapped and detained in undisclosed locations.
- Subjected to smear campaigns, threats and judicial persecution, and the perpetrators typically enjoy impunity.
- Threatened and forced to close their offices.

Recommendations for Yemen's 3rd UPR in 2019

Regarding the protection of HRDs and civil society activists

- Release all HRDs and representatives of civil society who are currently detained, and stop the practice of abducting and detaining HRDs in undisclosed locations without access to their families and or lawyers.
- End the harassment, attacks and intimidation of HRDs, civil society activists and CSOs; publicly condemn those incidents; and conduct impartial, thorough and effective investigations into all actions that affect the work of HRDs and civil society members and bring the perpetrators of offences to justice.
- Systematically apply legal provisions that promote and protect human rights and establish mechanisms that protect HRDs and civil society members by adopting a specific law on the protection of HRDs, in accordance with Human Rights Council resolution 27/31.
- Extend an invitation to visit Yemen to the UN Special Rapporteur on the situation of human rights defenders.

ii. Freedom of expression, independence of the media, access to information and attacks on journalists



During its 2nd UPR, Yemen accepted 15 recommendations on freedom of expression, media independence and preventing attacks on journalists. The government pledged to bolster the investigation of violence against journalists and to amend the Press and Publications Act by repealing provisions that curtail journalists' rights and prescribe excessive penalties. However, none of the recommendations have been fully implemented.

Yet the media continues to be subject to:

- Arbitrary Detention
- Threats and slander
- Alleged Murders or targeted attacks
- Raids on their offices
- Media shutdowns

Recommendations for Yemen's 3rd UPR in 2019 Regarding Freedom of expression, independence of the media, access to information and attacks on journalists

- Ensure the freedom of expression and media freedom by bringing all national legislation into line with international standards, including by repealing all restrictive provisions of the Press and Publications Law that impose unwarranted fines and penalties on journalists and media houses and that provide the authorities with powers to interfere in the work of journalists.
- Stop the use of violence against journalists and representatives of the media, including by carrying out independent investigations into all cases of alleged murders of journalists since 2014 and ensure that perpetrators are brought to justice.
- Completely review or close down the Specialised Criminal Court and the Specialised Press and Publications Court.
- Immediately and unconditionally release all journalists currently detained by the government or armed factions.
- Carry out investigations into raids carried out on the premises of media agencies and ensure that all those that have been closed down are re-opened.
- Extend a standing invitation to all UN Special Procedure mandate holders especially the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Working Group on Arbitrary Detention.

iii. Freedoms of Association and Assembly

Yemen received four recommendations on the right to the freedom of peaceful assembly, of which the government accepted three and noted one. The government committed to publishing clear instructions on the use of force during protests in compliance with international human rights standards and ensuring that the training of law enforcement personnel incorporates best human rights practices. No recommendations have been fully implemented. Yemen also received five recommendations on the right to the freedom of association and creating an enabling environment for CSOs, of which it supported all five but has yet to fully implement any.

Laws

- The Law on Associations and Foundations (Law 1 of 2001) contains several restrictive provisions that inhibit the ability of CSOs to carry out their activities and receive funding.
- Public assemblies are regulated by Law 29 of 2003 on marches and assemblies. Article 16 of the Law forbids demonstrations against the state, and requires 72 hours notice.

Attacks

- In March 2015, 6 were killed by Houthi forces using live bullets & teargas to disperse protest.
- In January 2015, Houthi forces violently dispersed peaceful protests in Sana'a.
- In September 2014, six protesters were killed by government security forces in Sana'a.

Recommendations for Yemen's 3rd UPR in 2019

Regarding Freedom of Association and Assembly

- Adopt best practices on the freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association in his 2012 annual report, which calls for procedures in which there is simple notification of assemblies being held, rather than explicit permission being needed to assemble.
- Amend restrictive provisions in Law 29 of 2003 in the organisation of marches and assemblies, and the Law on Associations and Foundations (Law 1 of 2001).
- Publicly condemn the use of excessive and brutal force by security forces in the dispersal of protests, launch a formal investigation into such instances and bring the perpetrators of abuses to justice, particularly those responsible for extrajudicial killings and excessive force.
- Review and update existing human rights training for police and security forces, with the assistance of independent CSOs, to foster the more consistent application of international human rights standards, including the UN Basic Principles on the Use of Force and Firearms.
- Carry out independent investigations into all raids carried out on the premises of CSOs and threats against their staff and members of their families.
- Refrain from acts leading to the closure of CSOs or the suspension of their peaceful activities, and instead promote a meaningful political dialogue that allows and embraces diverging views, including those of HRDs, CSOs, journalists, activists and others.