

Submission to the Office of the High Commissioner for Human Rights

On the Occasion of the 32nd Universal Periodic Review (UPR) Session

Yemen

**Prepared by the Yemeni Coalition for Monitoring Human Rights Violations
(YCMHRV)**

(Rasd Coalition)¹

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First: Background and Framework

1. After the Arab Spring revolution in 2011, the political components in Yemen agreed on the GCC Initiative and its executive mechanism, upon which Yemen entered a transitional period that included the National Dialogue Conference (NDC) that brought together all political and social components in Yemen. Among the outcomes, NDC resulted in a federal constitution draft, and an agreement to hold parliamentary and presidential elections. But the coup led by Ansarullah (Houthi militia) in September 2014, with the support of former President Saleh and Iran, hindered the democratic process and took the country back to a totalitarian regime that exacerbated the deterioration of human rights conditions. Serious human rights violations and restrictions on public freedoms continue to be sustained by the warring parties in Yemen since September 2014, necessitating the implementation of real reforms backed by legislative amendments and effective implementation and monitoring.
2. Since September 2014, Yemen has witnessed a violent armed conflict that has long plagued the civilian population and violated their civil, political, economic, social and cultural rights. Many grave crimes and violations were committed in violation of the principles of the International Humanitarian Law and International Human Rights Law. People's humanitarian suffering multiplied as the conflict map expanded where 12308 civilians were killed including 2756 children, 611 women and 400 elderlies according to the statistics of YCMHRV field team.
3. The dialogue and peace consultations held between the Yemeni government on the one hand and the armed Houthi group and the General People's Congress on the other, for three years, failed and did not provide any positive development in ending the war.
4. Yemen is experiencing a tragic humanitarian situation. According to United Nations agencies, 17 million Yemenis suffer from food shortage and are below the poverty line and 3 million IDPs because of the war in the country.

- Scope of International Obligations

5. During the last UPR sessions held in 2009 and 2014, although Yemen has approved 165 clear recommendations to meet its international human rights obligations and commitments, the recommendations calling for Yemen's ratification of the Optional Protocols to the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the UN Convention Against Torture (UNCAT) were rejected. There has been no positive development in these issues over the next four years.
6. The dilemma we face here is the forceful seizure of power by an armed group (non-state actors) and the inability of United Nations mechanisms to deal with this group in relation to the contractual obligations of states. In this regard, a mechanism must be established for dealing with non-state actors.

We urge the Working Group and the members of the Human Rights Council to invite the Government of Yemen to:

7. The commitment to implement the recommendations (165 recommendations) approved by Yemen during the 2014 UPR session, the most important of which is the ratification of international human rights instruments, including the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR) and the two Optional Protocols to the International Covenant on Civil and Political Rights (ICCPO-OP1) (ICCPO-OP2), the Optional Protocol to the CEDAW Convention, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the development of clear mechanisms to ensure their application on the ground through regular monitoring, and the Convention on the Rights of Persons with Disabilities (CRPD) and the preparation and submission of reports to the bodies established under the conventions in coordination with all relevant actors, in particular civil society organizations.
8. Urge the government to formulate and prepare a national program in cooperation with the Office of the High Commissioner for Human Rights to build capacity in the field of human rights in Yemen.
9. Take measures to establish a national human rights body in accordance with the Paris Principles instead of the Ministry of Human Rights.

Second: Protection and Strengthening of Human Rights Obligations:

Application of Human Rights International Obligations

a- Right to life

10. The human rights situation worsened during the armed conflict in a number of Yemeni governorates. A number of violations were committed targeting civilian lives and assaults on their bodies. Armed clashes between Houthi militias on the one hand and the government forces backed by the Arab Coalition countries resulted in a number of killings and physical injuries to civilians, whether it is indiscriminate killing such as bombing or systematic methods such as sniping. A number of civilians were killed in clashes and internal conflicts between different factions and government forces or between the government forces and extremist elements or the so-called al-Qaeda elements. Several civilians were killed as a result of armed clashes between the government forces in Aden and Taiz. Others were killed as a result of clashes between the government forces and extremists or outlaws in Taiz, Abyan and Lahj, in addition to attacks by extremist elements, and other attacks carried out by US drones. There are recorded incidents of illegal death penalties or torture to death, as well as assassination and other methods that killed a number of victims. According to reliable statistics by the field team of Rasd Coalition, 12308 civilians were killed, including 2756 children, 611 women and 400 elderlies, whose death is the responsibility of Houthi Group. Arab Coalition airstrikes killed 1506 people; including 376 children, 163 women and 78 elderlies. Rasd Coalition reported also the assassination of 18 imams in Aden and 2 others in Taiz during 2017. Our organization has followed up this information and delivered it to the relevant special rapporteurs.

We urge the Working Group and the members of the Human Rights Council to invite the Yemeni government and the Houthi militias to:

11. Apply all United Nations resolutions relating to Yemen, in particular resolutions 2216 and 2140.
12. Implement all resolutions adopted by the Human Rights Council relating to the situation in Yemen, in particular resolutions 19/29, 27/19 and 30/18.
13. Increase the education of the army and security personnel and the commanders present and supervising the battles and areas of military operations on International Humanitarian Law and International Human Rights Law.
14. Enable the special rapporteurs to visit Yemen as the Human Rights Rapporteur of the Yemeni Coalition talked, during the 38th session of the Human Rights Council, about the inability of the rapporteurs to visit Yemen since 2003.
15. Demand the Arab Coalition to account for those who caused disproportionate strikes and to disclose military targets in advance and not to target residential areas and demand compensation for civilian victims.

b- Killing and injury caused by mine-laying

16. Yemen is one of the countries facing the scourge of mines and the devastation caused to civilian lives and the environment. The threats made by these mines are not matched by parallel efforts to eradicate them. In three years of armed conflict, YCMHRV has recorded the planting of hundreds of minefields and thousands of IEDs and booby traps on the residential roads, neighborhoods, farms, fields, and on the slopes of the hills where these militias were present. The efforts to remove these mines are small and almost non-existent in a number of areas. The governmental authorities and other concerned organizations did not take the proper efforts to remove them, which multiplied the suffering of the Yemenis by these planted mines. Between July 2014 and March 2018, YCMHRV verified the killing of 540 people, including 95 children and 39 women, in addition to 466 injured, including 124 children and 33 women, while the number of military casualties did not exceed (104) killed, including two recruited children and (244) wounded.

According to figures and statistics documented by Rasd Coalition, 318 of the wounded and wounded, including 33 children, and 13 women, had all or some of their limbs amputated by landmines and are suffering from permanent disabilities, while other (16) children lost their sight as a result of shrapnel wounds in the eyes. Another 297 injured, including 77 children and 15 women, are suffering from physical deformities because of landmines, mostly in the face and upper and lower limbs.

We urge the Working Group and the members of the Human Rights Council to invite the Yemeni government and the Houthi militias to:

17. Enable the National Independent Commission to investigate human rights claims, and the international team of experts of the Higher Commission to carry out their duties as mandated in all Yemeni territories.
18. Support psychological and physical rehabilitation efforts for mine victims.
19. Take concrete measures and actions for mine clearance in cooperation with the international community and relevant international organizations.
20. Pressure the Houthi group to uncover maps and fields of mines, stop planting mines in residential areas and cooperate with the international and local agencies to remove them.

c- Enforced disappearance and arbitrary detention

21. The abduction, detention and enforced disappearance of children and women, as well as sexual abuse, constitute a flagrant violation of the rights of children, women and their families during the armed conflict in Yemen.
22. These violations are continuing and increasing, which is a matter of concern for YCMHRV. This is due to the increasing number of abductees and disappeared during the last four years, as well as the fear of victims and their families to disclose these violations, especially sexual assaults. According to Rasd Coalition's statistics for the period from September 2015 to March 2018, Houthi militias are responsible for the kidnapping of 18,302 people, including 349 children and 92 women.
23. During the first five months of 2018, Rasd Coalition recorded the arrest and abduction of 637 civilians, including 10 children and 19 women. It was also recorded the arrest and abduction of 590 people by Houthi militias in the areas under its control. On the other hand, 11 civilians were detained by government forces. YCMHRV recorded the arrest and abduction of 27 civilians by the security belt forces in Aden and the elite forces in Hadramout, and the arrest and abduction of 7 civilians by the Abu Abbas Brigades in Taiz, and two civilians abducted by an unknown group before being released. During HRC sessions 37 and 38, our organization presented several case files to the Special Rapporteur on Enforced Disappearance, including the case of Ayoub Al Salehi abducted by an armed militia in Taiz and the political leader Mohammed Qahtan abducted by Houthi militias.

We urge the Working Group and the members of the Human Rights Council to invite the Yemeni government and the Houthi militias to:

24. Immediately and unconditionally release all persons detained solely on the basis of their sectarian or political affiliation or the peaceful exercise of their right to freedom of conscience, freedom of expression or assembly.
25. End the practices of enforced disappearance and disclose information regarding the whereabouts of all detainees and ensure that immediate notices are given to their families and lawyers in cases of detention.

26. Pressure the Houthi group to release all political prisoners, journalists and activists, and disclose information about the forcibly disappeared, release them and stop the torture of prisoners.
27. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.

d- The right to an adequate standard of living

28. The dire deterioration in the living conditions in Yemen due to the four-year war and Yemen's lack of institutional development, which is the main obstacle to overcome the current economic difficulties and the need of 17 million Yemenis for urgent food and the increase in the poverty rate puts Yemen on the verge of a state of extreme impoverishment, where 3 million children suffer from malnutrition, unless the government takes measures and actions necessary to mitigate the impact of the economic crisis experienced by Yemen.

29. We Urge the Working Group and the members of the Human Rights Council to invite the Government of Yemen to:

30. Continue to support the State's efforts to adopt programs and projects to combat poverty and unemployment.
31. Continue to support the State's efforts to promote and protect economic and social rights.
32. Pay salaries of all employees of the Republic of Yemen since the period of interruption and ensure regular payment of salaries to improve the standard of living of citizens.
33. Ensure the access of humanitarian assistance and to take control measures to prevent the control of assistance by corrupt groups.

e- Right to education

34. Education is a major problem in Yemen. The recommendations of the 2014 UPR focused on access to basic education and combating illiteracy, especially among women in rural areas. Access to education and even primary education is one of the major challenges, especially for girls as the situation is very poor in rural communities due to lack of awareness on the importance of education.

35. The latest war exacerbated the situation of education, where YCMHRV team recorded (341) attacks on schools, most of which were receiving children and women or were open to serve them before the attack. These attacks completely or partially destroyed or detonated those schools and deprived nearly half of the girls in the age of primary education from education. Two out of three women in Yemen are illiterate.

36. The recent war and crisis over the past four years has negatively affected the right to education of many children, resulting in intermittent education. In addition, education infrastructure has been used for purposes other than education, such as hosting displaced

persons and using schools to store weapons by the Houthi group and also used as military barracks.

We urge the Working Group and the members of the Human Rights Council to invite the Government of Yemen to:

37. Continue efforts to reform the education sector.
38. Oblige the parties to the conflict to neutralize educational institutions and establishments and to avoid them in military operations.

f- Child Recruitment

39. One of the six most serious violations committed against Yemeni children during the armed conflict since September 2014 is the recruitment and use of children in hostilities in violation of all IHL rules, human rights conventions and Yemen's commitment to the provisions of the Convention on the Rights of the Child. In addition to the use under 17-year children by the Houthi-Sale militia, and later the Houthis alone, YCMHRV team recorded the recruitment of 4,760 child soldiers during the current war by the Houthi group. The 2014 UPR did not include any reference to the recruitment of children in Yemen, but the ongoing conflict continues to produce more child soldiers in a clear violation of children's rights. The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, ratified by Yemen in 2007, sets 18 as the minimum age for recruitment.

We urge the Working Group and the members of the Human Rights Council to invite the Yemeni Government and the Houthi Group to:

40. Increase efforts to eliminate the recruitment or use of children by the armed forces and other armed groups.
41. Implementation of the Government's Plan of Action for the Recruitment of Children into the Armed Forces, taking into account the recommendations of the Secretary-General of the United Nations in his annual report on children and armed conflicts.
42. Eliminate the recruitment of children and work on the formulation of programs for the rehabilitation of children and pressure on the party recruiting them to withdraw them from the fronts of fighting.
43. Pressure the Houthi militia to stop calls for the recruitment of children, and demobilize those recruited immediately.

g- Displacement

44. One of the worst abuses committed against women and children that has been a source of psychological concern, fear and instability documented by Rasd Coalition, is homelessness, either through voluntary displacement due to violence and armed conflict (indiscriminate shelling and disproportionate air strikes) or forced displacement due to coercion and

commission of crimes. Rasd Coalition recorded a number of accompanying crimes related to murder, mine-planting or arrest, where 3,300,000 Yemenis have displaced due to the ongoing conflict in the country.

We urge the Working Group and the members of the Human Rights Council to invite the Government of Yemen to:

45. Make more government efforts to shelter and care for IDPs and provide them with health and education services.
46. Facilitate the passage of humanitarian relief convoys of food and medicine to civilians and ensure the existence of safe roads and routes in the distribution of food assistance to civilians.
47. Provide humanitarian assistance of food and medicine and ensure access to the needy civilians.
48. Take actions to respect International Humanitarian Law in their operations and take serious steps to restore the political process and build a peace plan to put an end to war.