

Joint Submission to the Office of the High Commissioner on Human Rights

Universal Periodic Review - Yemen 46th Session

Submission by:
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**This submission benefits from the exchanges among around 20 civil society representatives following series of capacity building opportunities organized by ANND in Yemen and several research work of ANND in the context of monitoring and advocacy on economic and social policies including the Arab Watch Report 2022 on the right to health and national report on*

civic space in Yemen. One of the Yemeni civil society organizations concerned with monitoring human rights violations is part of the joint submission.

I. Overview of the human rights situation in Yemen

1. After more than nine years of war and armed conflict in Yemen, which has led to one of the world's largest humanitarian crises, more than 24 million Yemenis are in dire need of assistance and suffer from shortages of food, health care and infrastructure. The war has included unlawful attacks against civilians and to homes, hospitals, schools, bridges, IDP camps and wedding halls, forcibly displacing nearly 4 million people from their homes.
2. Throughout the armed conflict all parties to the conflict have committed serious violations of international human rights law and international humanitarian law, including the practice of arbitrary detention, enforced disappearance, torture, ill-treatment and killing, restricting freedom of opinion and expression, the right to assembly and association, and freedom of movement, grave violations against women who are victims of sexual and gender-based violence and the restrictions imposed on humanitarian access exacerbated food insecurity, as nearly 16 million people remain without finding their next day's livelihood.
3. The impunity and lack of legal accountability continues whereas violations of civil, political, cultural and social human rights increase. High rates of poverty and unemployment and a sharp decrease in food and health security. Moreover, the war economy has deepened inequality and class disparity. Statistics indicate that 71% to 78% of Yemenis suffer from poverty, and women are the most affected groups.¹ According to the 2023 UN Yemen Humanitarian Response Plan, about 80% of the population struggles to access food, safe drinking water, and adequate health services.²

II. Freedom of association

4. During the years 2020-2022, Yemen did not witness any legislative developments related to laws regulating civil society, mainly due to the inability of parliament to convene, as it did not convene during 2014-2023, except twice.
5. Civil society organizations face systematic targeting and threats by the authorities of Sana'a and Aden, where the license is accepted or denied based on the organization's position on the current authority.
6. Imposing sums of money to renew licenses, in addition to illegal requests such as obtaining prior approvals for each activity or event and imposing pledges not to engage in any activity in the other party's areas
7. With the growing separatist tendency in Aden, many northern organizations' licenses are refused by the Ministry of Social Affairs and Labor, which is part of the Southern Transitional Council. This refusal reflects the Council's orientation to perpetuate separation on the ground, incompatible with the Prime Minister's and Presidency's orientation.

Recommendations

8. **Ensure civil society actors, including media associations and syndicates, can operate freely and independently**

¹ World Bank in Yemen, 3/21/2023, <https://www.albankaldawli.org/ar/country/yemen/overview>.

² UNFPA Humanitarian Response in Yemen 2023, February 2023, <https://arabstates.unfpa.org/ar/publications/UNFPA-Humanitarian-Response-in-Yemen-2023-0>

9. Tackle impunity for perpetrators of human rights violations against journalists through timely, effective investigations and prosecution

III. Freedom of opinion and expression

10. During its last UPR Review Yemen received 5 recommendations dedicated to press freedom calling Yemen to *adopt appropriate measures to ensure that human rights defenders and journalists are protected from acts of aggression or intimidation, and to take measures to prevent, investigate and prosecute attacks and other forms of abuse against journalists and human rights defenders* as well as a direct follow up recommendations on the freedom of press calling Yemen to fulfil previously accepted recommendations to protect freedom of expression, including through amendment and enforcement of the Press and Publications Act. Yet during the years 21-22, journalists in Yemen witnessed the worst years ever, as Yemen was ranked among the three most dangerous countries for journalists in the world due to the high level of violence against them.³ For the first time in Yemen, two journalists were assassinated by bombs planted in their cars,⁴ leading to panic among journalists and negatively affecting freedom of expression and journalistic work.

11. During the period from May 2021 to December 2022, the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Yemen documented at least 56 cases of human rights violations against freedom of expression and the media.⁵

12. On 16 April 2023, the Huthis released four Yemeni journalists (Akram Al-Walidi, Abdul Khaliq Omran, Harith Hamid and Tawfiq Al-Mansouri) who had been sentenced to death. They were arrested in June 2015 in Sana'a, the Yemeni capital, and sentenced to death in April 2020 by the Specialized Criminal Court in Sana'a and were subjected to unfair trials.

According to the monitoring of the Yemeni Journalists Syndicate in its annual report for 2022, 72 cases of violations against journalists by all parties to the conflict, including 37 cases of violation committed by the Houthi group. On the other hand during the first half of 2023 the Yemeni Journalists Syndicate monitored 40 cases of violations affecting press and media freedoms in ranging from deprivation of freedom, threats and incitement, trials, attacks, confiscation of journalist's property, harsh treatment of kidnappers, suspension of salaries, and refusal to implement judicial orders.⁶

13. The journalists remain targetted in Yemen. In 2022 journalist Saber Noman Al-Haidari was assassinated by blowing up his car, in 2021 Rasha al-Harazi was killed in a car in bombing and in 2020 Nabil al-Quaety was shot and killed by unidentified gunmen shot.

Recommendations

14. Stop repressive practices towards journalists, illegal regulations restricting media freedom, and the unprofessional code of conduct.

³ Yemen is the world's third most dangerous country for journalists, Reporters Without Borders, Sky News, December 19, 2021.

⁴ Yemen: Strong condemnation of the assassination of pregnant journalist Rasha Abdullah Al-Harazi in a car bomb in Aden, UN, November 11, 2021, [link](#)

⁵ <https://yemen.un.org/en/225366-un-human-rights-report-freedom-expression-yemen>

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<https://www.yemenjs.net/40-%d8%ad%d8%a7%d9%84%d8%a9-%d8%a7%d9%86%d8%aa%d9%87%d8%a7%d9%83-%d9%84%d9%84%d8%ad%d8%b1%d9%8a%d8%a7%d8%aa-%d8%a7%d9%84%d8%a5%d8%b9%d9%84%d8%a7%d9%85%d9%8a%d8%a9-%d8%ae%d9%84%d8%a7%d9%84-%d8%a7%d9%84/>

15. Undertake investigations for all crimes committed against the press and journalists, and confronting the state of impunity for all press violators.

IV. Arbitrary Detention, Enforced Disappearance and Torture

16. Yemen received 11 recommendations on arbitrary detention in its last review, calling to take various steps towards immediately stopping the practice of arbitrary detention, enforced disappearance and torture, release all individuals arbitrarily detained, provide accountability and remedies for all such human rights violations. Despite this, a group of civilians and human rights activists are still subjected to arbitrary detention and enforced disappearance, and some have been subjected to unfair trials, fabricated charges, solitary confinement, and cruel, degrading and inhuman treatment by the Houthi authorities and the legitimate government, in Taiz governorate, which falls within the authorities of the internationally recognized legitimate government,

17. Ayoub Al-Salhi and Akram Hameed have been forcibly disappeared since mid-June 2016, and some organizations claim the parties affiliated with one of the parties participating in the legitimate government have been hiding them for 7 years without disclosing their whereabouts or recognizing their fate until writing this report, and the fate of Dr. Mustafa Al-Mutawakel, a member of the Houthi Ansar Allah group, is still unknown, as he was arrested in Marib governorate of the legitimate government authorities while returning from an event in Morocco in 2017, and the International Federation for Human Rights said that enforced disappearance in Yemen was a direct result of the spread of the policy of impunity, and in Sana'a Activist Ibrahim Al-Kibsi was arrested and severely beaten by the Houthi group in September 2023 because of his Facebook tweets criticizing the Houthi group.

18. There are a large number of secret prisons or those that are not subject to the supervision of the judiciary, whether in areas under the authority of the Houthis or those located within the authorities of the legitimate government. The reasons for the arrests and enforced disappearances by all parties are due to many men and women because of their political, religious, sectarian or regional beliefs.

Recommendations

19. End the practice of arbitrary arrest and detention, enforced disappearance and torture and other ill treatment and release,

20. Investigate promptly allegations of arbitrary detention, torture and ill-treatment

V. Right to judicial remedy, extrajudicial killings and impunity

21. Although the Yemeni constitution provides for the unity of the judiciary, because of the war, the judicial system has become divided between the Houthi authorities and the legitimate government. There are two judicial councils and two public prosecutors, and because of its division, the judicial system has become fragile.

22. Impunity is one of the prevailing phenomena and because of that, the phenomenon of violating human rights and the right to life in particular is increasing

23. In Sana'a, the Specialized Criminal Court of the Houthi authority sentenced 9 citizens, one of whom was a child under eighteen years old, to death in August 2021, on charges of their involvement in the assassination of the head of the Houthi Political Council.

24. In Sana'a, a member of the Baha'i community, Hamid bin Haydara, was sentenced to death because of his religious affiliation.

25. Humanitarian relief workers were also targeted in the city of Taiz, which is under the authority of the legitimate government. In July 2023 the UN employee Muayad Hamidi, coordinator of the World Food Program in Taiz, was assassinated in the city of Al-Turbah, Taiz Governorate. Officer Adnan Al-Muhya, a member of the investigation committee into the killing of Muayad Hamidi, was assassinated, and the Red Cross employee Hanna Lahoud was previously assassinated in 2018 in the same city of Taiz.

VI. Freedom of movement and women's rights

26. Freedom of movement is still limited in the areas controlled by the Houthis, especially in light of the siege imposed on Taiz governorate, the third largest area in Yemen

27. Despite receiving several recommendations on gender equality and women's empowerment The Houthi authorities restrict women's freedom of movement, as they prevent women from moving from one governorate to another without having a first-degree relative with them. Furthermore, the Houthi authorities imposed the separation of female students, at Sana'a University, through a separation wall or specifying certain days for female students and others for teaching male students.

28. Intisar Al-Hammadi was arrested with her colleague Yusra Al-Nashiri in February 2021 in the evening in a street in the capital, Sana'a, because of her work in the fashion show. They were beaten, tortured, faced solitary confinement and other forms of degrading, cruel and inhuman treatment. Each of them were sentenced to five years in prison each in light of an unfair trial and despite the appeals of Amnesty International and human rights organizations.

29. Yemen ranked 155 out of 156 countries in the global gender gap index and 154 out of 156 in the gender economic empowerment index. In addition, the percentage of Yemeni women who suffer from poverty is 72% in rural areas and 20.1% in urban areas, and the percentage of displaced women and children is 73%.

VII. The socio-economic situation in Yemen

30. At the economic level, the conflict has caused severe damage to the national economy, and according to the Ministry of Planning and International Cooperation, the Yemeni economy lost \$90 billion during the years of war.⁷ Statistics indicate a GDP contraction of about 50% during 2012-2019.⁸ The United Nations Development Program (UNDP) estimated lost opportunities in GDP at about \$93 billion, increasing to \$126 billion in 2020. Yemen has been witnessing a steady deterioration of the national currency since the

⁷⁸ Yemeni Minister of Planning: \$90 billion in direct economic losses in 7 years of war, RT, October 21, 2021, https://arabic.rt.com/middle_east/1282764

⁸⁹ Ibid.

outbreak of hostilities, as its value has fallen by about 500% against foreign currencies⁹ in the areas of the legitimate government and more than 200% in the Houthi authorities.

31. Despite the relative cessation of hostilities in 2022, economic conditions haven't improved. They are still deteriorating noticeably in all aspects, despite the many steps taken by the government and international institutions, namely, efforts aimed at maintaining the stability of the currency and supporting commodities through a cash contribution by the KSA via the Arab Monetary Fund, amounting to one billion dollars,¹⁰ and other grants estimated at \$270 million provided by the WB to the government.¹¹

32. The Humanitarian Response Plan issued by the United Nations Development Programme in Yemen indicated that 21.6 million people are in need of humanitarian assistance, including 17.3 million of the most vulnerable people facing acute food insecurity, and waking up hungry every day, whereas donor funding has met only 30% of the required funding.

VIII. The right to health¹²

33. The health system in Yemen faces several challenges in providing health services and enabling community access to these services, albeit at a minimum level of quality. The war and blockade have also had a devastating impact on many health indicators in Yemen including; mothers and children healthcare. Furthermore, the already fragile health system's provision of routine primary healthcare services has been diminished by the urgent need to respond to the threat of food insecurity and the recent cholera epidemic. In addition, many routine services were suspended amid the COVID-19 pandemic due to mismanagement, causing a decline in the urgent response to infected cases.

34. The crisis is exacerbated by natural disasters, such as the severe torrential rains that swept the southern regions in early 2020, destroying the infrastructure of several health facilities, drinking water networks and wells, and roads and causing material losses in housing and sources of livelihood. As a direct result of these torrential rains, health services were interrupted or faltered in the affected areas, and epidemics such as cholera and other infectious diseases broke out.

35. Primary healthcare services are provided in rural and urban settings through a network of government health facilities, which are geographically distributed and vary between health units, health centers, and hospitals (rural, district, provincial, and reference hospitals) according to population size and geographical distance. However, public health facilities have historically suffered from a shortage of human resources and health workers, not to mention weak leadership, causing some health facilities in rural areas to remain closed for months.

⁹¹⁰ Ibid.

¹⁰ Saudi Arabia deposits \$1 billion in Yemen's Central Bank, February 21, 2023, CNN, <https://arabic.cnn.com/middle-east/article/2023/02/21/saudi-arabia-deposits-billion-dollars-central-bank-of-yemen>

¹¹ World Bank Grants \$207 Million in Aid to Yemen, 27/March/2023, Euronews, <https://arabic.euronews.com/2023/03/27/yemen-world-bank-aid-help-food-security-war-conflict-howthis>

¹² The session benefits from ANND Arab Watch Report available at <https://www.annd.org/en/publications/details/2023-arab-watch-report-right-to-health>

36. National health strategies are in line with achieving national and international health goals. However, progress remains weak, particularly regarding maternal and child health. In addition, although ensuring access and use of healthcare services is mentioned in all national health policies, the term “how” is missing, and its factors are not addressed.

37. Although the rate of stunting as an indicator of chronic malnutrition in children is stable, it remains high at 46.5%. On the other hand, acute malnutrition continues to accelerate among children under five and pregnant and lactating women, adding to acute food insecurity. Surveys and reports have shown that preventive and curative interventions, programs, and food aid are insufficient to cover needs and have deteriorated due to the disruption of health services during the COVID-19 pandemic. Food insecurity worsened with the outbreak of the war in Ukraine, as food aid reached less than half of those in need. There was a sharp decline in providing preventive and therapeutic nutritional items for children under five and pregnant and lactating women. Nearly 2.2 million children between 6 and 59 months were expected to suffer from acute malnutrition throughout 2022, with an additional 1.3 million cases of pregnant and lactating women.

Recommendations

38. **Strengthening the health system through improving the quality of health programs and interventions is required to achieve the Sustainable Development Goals. Therefore, calling on all conflicting parties in Yemen to stop the war and strengthening state building are an urgent necessity for realizing the right to health.**

39. **Study the population’s health needs by region and develop a clear vision to work on health priorities by decision-makers in the MoPHP, the Ministry of Higher Education, research centers, authorities in the governorates and local councils, partners, and donors.**

40. **Strengthen the role of the statistical system in monitoring health indicators through the commitment of all parties, whether leaders at the country level, partners, or donors, to use a unified methodology and mechanism for collecting data and monitoring indicators and numbers.**

41. **Form advisory committees with expertise in multiple sectors (Ministry of Public Health and Population, Ministry of Finance, Ministry of Planning and International Cooperation) to develop a clear strategic vision for the next governance transitional stage. Set actionable goals by decision-makers in the short and long term.**

42. **Strengthen the role of oversight, supervision, evaluation, follow-up, and impact measurement by the MoPHP.**

43. **Implement legal regulations and controls for hospitals in the governmental and private sectors, and limit trading in medical work.**

44. Children in armed conflict and the right to education

45. The ongoing armed conflict since 2015 has severely affected children in Yemen, which has led to economic devastation and the collapse of health services, in addition to a weak UN response that has made the humanitarian crisis in Yemen a darker situation, with more than 2 million children out of school and more than four million children at risk of leaving it.

46. The recruitment of children has also witnessed a significant increase since the Houthi coup against the legitimate government, and according to the report of the eminent experts of the United Nations the Houthis have set up camps to recruit children, and forces affiliated with the legitimate government.

47. Despite supporting the recommendations addressing children in armed conflict including the recommendation calling Yemen to Ensure full compliance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, according to UNICEF, between March 2015 and 30 September 2022 11,019 children have been either killed or maimed, 3,774 children killed (2,742 boys; 983 girls; 49 unknown), 7,245 children injured (5,299 boys; 1,946 girls), 3,995 (3,904 boys recruited into the fighting, and 91 girls are participating on the events or on the checkpoints), 672 attacks and military use of education facilities, 228 attacks and military use of health facilities, 445 children (all boys) detained, 152 children abducted (140 boys and 12 girls.) and 47 children exposed to conflict-related sexual violence (29 boys and 18 girls).

48. Many reports indicate that the education indicator has been declining since 2014 as an inevitable result of the ongoing conflict. The level of illiteracy in rural areas has reached about 70%, compared to 40% in urban cities. The number of school dropouts has reached two million, in addition to 4 million affected by the war, bringing the total number to 6 million students, including dropouts and those involved.¹³

49. Over the last eight years, at least one out of every four educational facilities has been destroyed, damaged, or used for non-educational purposes.¹⁴

Recommendation

50. Continue all possible efforts to adopt legislation and implement operational frameworks focusing on the protection of women and children from violence,

51. End recruitment of children in armed forces and reintegrate them into society through foster access for all children to education

¹³ 70% suffer from illiteracy. UNESCO launches a plan to develop education in Yemen, Al-Masry Al-Youm, October 29, 2022, <https://www.almasryalyoum.com/news/details/2727675>.

¹⁴ <https://reliefweb.int/report/yemen/yemen-conflict-leaves-millions-children-without-proper-education-enar>