

Maat for Peace's Report on the UPR of Yemen

General background

The State of Yemen underwent three cycles of the Universal Periodic Review Mechanism; in May 2009; January 2014; and January 2019. Yemen is scheduled to have its 4th UPR cycle review in May 2024. During the 3rd UPR cycle, Yemen received (252) recommendations from UN member states, of which the Yemeni government accepted (182) recommendations, and said that it would continue to consider the other (70) recommendations. Out of those 70 recommendations, the government accepted 19, bringing the total number of recommendations accepted to (201) recommendations out of (252) recommendations, and the recommendations noted to (51), which gives a good impression of the interaction of the Yemeni authorities with UPR.

Although Yemen accepted about 80% of the total recommendations submitted thereto, it is still in dire need of ending the coup, achieving peace and stability throughout the country, restoring constitutional legitimacy, activating state institutions, and implementing the outcomes of the three references. These are the Gulf Initiative (2011), the outcomes of the National Dialogue Conference (2013-2014), and the UN Security Council resolutions, especially Resolution No. (2216), which obliges the Houthis to leave the areas under their control and surrender their weapons, in addition to the necessity of establishing a new federal state with a new constitution and electoral laws. It is also necessary to maintain security in the country, put an end to terrorism and sabotage, and provide basic needs of citizens. This includes fuel, electricity, basic materials, education, health, educational services, addressing the problem of social disintegration, strengthening national unity, as well as the utmost importance of providing the necessary support to internally displaced persons; refugees; and illegal migrants, and accelerating the opening of all crossings and borders and removing obstacles to the arrival of humanitarian aid. The international community should show more cooperation with Yemen to alleviate the humanitarian situation, especially with regard to food shortages, health and social services.

Accordingly, **Maat for Peace, Development and Human Rights**; presents this report to review the position of Yemen regarding the recommendations submitted to it during the 3rd UPR cycle, and the extent of progress achieved in relation to the scope of

Yemen's international obligations and cooperation with human rights mechanisms, the national human rights framework, and concerns regarding civil and political rights. Furthermore, Maat presents reform recommendations that we hope will be reviewed and implemented by the Yemeni Government.

First: Scope of international obligations and cooperation with human rights mechanisms

Yemen is a party to seven of the nine major international human rights treaties. It includes the International Covenant on Economic, Social and Cultural Rights; International Covenant on Civil and Political Rights; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention on the Rights of Persons with Disabilities; the Convention on the Rights of the Child, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; which is also a party to all four Geneva Conventions; as well as the First and Second Additional Protocols to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons which may be deemed excessively injurious or to have indiscriminate effects. Besides, it is also a party to the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict, and on the sale and exploitation of children in prostitution and pornography¹.

In a related context, during the 3rd UPR cycle, Yemen received about 30 recommendations on the ratification of the remaining international human rights conventions and optional protocols to which it has not yet acceded; such as the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Second Optional Protocol to the International Covenant on Civil and Political Rights; and the Rome Statute of the International Criminal Court. Yemen also has not yet signed the United Nations Convention on the Prohibition of Nuclear Weapons, the Convention relating to the Status of Stateless Persons of 1954, the 1961 Convention on the Reduction of Statelessness, and the International Labor Organization Domestic Workers Convention, 2011 (No. 189), and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions².

Recommendations:

¹ Yemen, UN Treaty Body Database, Available at. <https://cutt.us/I9BE2>

² Universal Periodic Review – Yemen, OHCHR, Available at. <https://cutt.us/cErQJ>

- Studying the ratification of international agreements and protocols that Yemen has not yet acceded;
- Ensuring full cooperation with international human rights mechanisms;
- Amending and strengthening local legislation in accordance with Yemen's international obligations, within the framework of the international agreements and treaties it has joined.

Second: National Human Rights Framework

During the 3rd UPR cycle, Yemen accepted recommendations related to making further efforts to strengthen the institutional and legal framework for the protection of human rights, and accelerating the procedures for adopting the necessary legislation to establish an independent national institution for human rights in accordance with the Paris Principles. In this regard, we welcome and praise Yemen's efforts in enhancing the Ministry of Human Rights and improving the structure of the Department of Monitoring and Documentation in the field of violations in quantity and quality to confront the challenges facing the country. Additionally, the Ministry appointed 21 new experts in public sectors and administrations, including nine experts from the leaders of civil society institutions with experience in the field of human rights, and 12 coordinators to carry out ministry functions at the local level in different governorates and districts. The Yemeni government also established the National Committee to investigate allegations of human rights violations, which issues periodic reports on human rights violations in Yemen, and also participates in training with the United Nations. It issued its 11th periodic report in September 2023, in which (2997) cases of violations were documented in Yemen from 8/1/2022 to 7/31/2023, but unfortunately, it does not have any executive authority. The terrorist Houthi group prevents the National Committee from officially reaching the areas under their control³.

In a related context, Yemen has established a number of mechanisms in the context of developing the local human rights system, including setting up a ministerial committee to coordinate between different ministries and interact with institutions, unions, and chambers of commerce. It has also established specialized public departments for human rights within ministries and government agencies, as well as formed an Advisory Board for the Ministry of Human Rights⁴. We commend the initiatives implemented by the Ministry of Human Rights in cooperation with the United Nations Development Programme and organizing various workshops on human rights and preparing a national report. We also welcome the first dialogue human rights

³ 2,997 Violations in Yemen Documented in NCIHVHR's 11th Periodic Report, NCIHVHR, Tue, September 05, 2023.

<https://cutt.us/MbTwb>

⁴ Conclusion of First Human Rights Dialogue Conference "Yemen.. prospects, challenges", Saba.Ya, 23 Aug 2023.

<https://cutt.us/orrJG>

conference organized by the Ministry of Human Rights in August 2023, which aimed to identify priorities in the humanitarian and human rights field. In addition, the Yemeni Government has taken a number of measures to establish an independent national human rights body in accordance with the Paris Principles and the issuance of Prime Minister's Order No. 35 of 2015 on the preparation of a draft law to establish an independent national human rights body, but on the other hand, the authority has not been established yet⁵.

Recommendations:

- Granting the National Human Rights Commission more extensive powers to investigate all allegations of human rights violations;
- Studying the establishment of specialized courts for the handling of cases of human rights violations, and allocating a budget for the preparation of specialized workshops and training programs for their judges because of the special nature of that type of case;
- Accelerating the establishment of a national human rights institution in accordance with the Paris Principles.

Third: Civil and Political Rights

1- Individual's right to life, liberty, and security

Yemen has not yet ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims to abolish the death penalty. It has also taken note of the recommendations aimed at joining the Protocol and declaring a moratorium on the implementation of death sentences (3 recommendations), within the 3rd UPR cycle of Yemen in 2019. However, we are concerned about 323 people - sentenced to death - are awaiting execution⁶. In addition to the Houthi group's continued issuance of death sentences against opponents under the pretext of "collaborating with the coalition." According to experts, the number of sentences reached the Houthi courts issued up to 500 sentences, including death, confiscation, and imprisonment. In September 2021, the Houthi group executed 9 Yemenis from one family; and recently in February 2023, a Houthi court in Sana'a issued a death sentence for five Yemenis kidnapped from their homes, after assaulting them with beatings and physical and psychological torture for eight years, before charging them with spying for the

⁵ Universal Periodic Review – Yemen, OHCHR, Available at: <https://cutt.us/cErQJ>

⁶ Yemen, World Coalition, Available at: <https://worldcoalition.org/pays/yemen/>

⁷ Houthi sentenced 6 Yemenis to death and imprisoned others, including a woman, Arab News Agency, February 24, 2023 <https://cutt.us/ctWxA>

coalition⁷.

We also have serious concerns about the Houthi group's continuation of its military operations, which are causing losses to the Yemenis. According to statistics, 11,000 children were injured or killed since the escalation of fighting in 2015, until mid-December 2022; and about 1.25% of the total population have been killed due to war-related violence since 2015, while many died due to hunger and diseases in the country⁸. Specifically, from 2020 to 2022 witnessed a smaller number of civilian casualties, as in 2022, about 861 civilians were killed while 432 were injured. In 2021, 714 civilians were killed, mainly women and children, while 235 other civilians were injured. In 2020, about 751 civilians were killed while 4,040 others were injured. It is worth noting that the number of victims may be significantly higher than those figures and statistics, but the lack of reporting and documentation leaves us with little information about the victims killed as a result of the military operations in Yemen⁹.

In a related context, the Houthi group, which controls large parts of Yemen, including Sanaa, is still using Iranian-made explosive weapons to bomb civilians, which exacerbated the number of casualties. The Houthi attacks included the use of heavy artillery and missiles alongside drones, landmines, explosive devices, small arms and light weapons. The Houthis also resorted to using cluster munitions, which are weapons prohibited under international agreements and customary law. Unfortunately, most of the civilians who were victims of indiscriminate bombing are still suffering from serious injuries, some of them had their legs amputated, and others lost their eyes. Moreover, the Houthi group's blockade on the city of Taiz is one of the most prolonged sieges in history, causing immense distress to the inhabitants of Taiz. This siege has led to severe damage to infrastructure and public services, destruction of buildings and facilities, road closures, and loss of life due to continuous bombing, sniper attacks, and landmines. Additionally, the obstacles of obtaining living services, travel, and transporting patients¹⁰.

2- Basic freedoms and the right to participate in public and political life

Although the Yemeni constitution provides for freedom of expression, the Houthi group has significantly restricted freedom of expression in areas under their control using violence and intimidation. Women human rights defenders, journalists, and activists faced specific repression based on gender, and they faced harassment, threats, and

⁷ Houthi sentenced 6 Yemenis to death and imprisoned others, including a woman, Arab News Agency, February 24, 2023 <https://cutt.us/ctWxA>

⁸ Yemen in 2023...little hope awaits the wounded country! Deutsche Welle, December 30, 2022. <https://cutt.us/ctWxA>

⁹ Ali Al-Jamal/Sharif Abdel Hamid, Blood on the Trigger, violations of the Houthi militia in Yemen after 8 years of conflict, Maat for Peace, Development and Human Rights, available through the following link <https://cutt.us/LNwI2>

¹⁰ Ibid

smear campaigns. According to statistics, the number of journalist killings increased to 50 between 2011 and 2022, and 92 cases of violations against media outlets, journalists, photographers, and their belongings in 2022. In addition, On January 25, Houthi forces closed at least five radio stations in Sana'a. The Houthis also controlled the activities of several former state ministries responsible for press and communications and prevented many news websites from operating, online messaging platforms, social media, and satellite broadcasting. In addition, according to reports, The Houthis restricted academic freedom and suppressed student demonstrations on campus at Sanaa University, beating and arresting an unknown number of student demonstrators¹¹.

In the same previous context, civil law has been reduced by the Houthis. The Houthis use the media and social media to distort the reputation of female activists and civil society organizations, which limits the work of Yemeni women in peacemaking processes. If they do so, they are at risk of imprisonment or the closure of their organizations¹². We also have concerns about the brutally attacked Majili Al-Samadi, head of Voice of Yemen radio, outside his home in Sanaa on August 24, 2023. In addition the Houthis target Yemeni activists advocating for public salaries of state employees¹³. Additionally, we condemn the Houthi group's kidnapping of a number of activists. And social media celebrities in the city of Sana'a, such as the kidnapping of activist "Ahmed Allaw" from a street in the capital, Sana'a, and taking him to an unknown destination in early 2023; Days after she kidnapped YouTuber Mustafa al-Mumri, activists Ahmed Hajar and Hamoud Al-Mesbahi for exposing the corruption and crimes of Al-Houthi¹⁴.

Recommendations:

- Stopping the implementation of death sentences and gradually phasing out the death penalty by replacing current death sentences with more lenient sentences such as life imprisonment or aggravated imprisonment should be prioritized. Additionally, it must be ensured that the death penalty is only imposed for "most serious crimes" and after trials that fully comply with international fair trial standards;
- Joining the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims to abolish the death penalty;
- Joining the Optional Protocol Additional to the Convention against Torture;

¹¹ 2022 Country Reports on Human Rights Practices: Yemen, U>S Department of State, Mar 2023. <https://cutt.us/KGxIj>

¹² How to Engage Yemeni Civil Society and Women in Peace, DawnMena, 15 Mar 2023. <https://cutt.us/6u7r6>

¹³ Houthis target Yemeni activists advocating for public salaries, Arab News, 30 Aug 2023. <https://cutt.us/W9WBs>

¹⁴ 120 Yemeni organizations: Houthi kidnapping of media figures and celebrities is a crime, Okaz, January 5, 2023 <https://cutt.us/LtuBP>

- Guaranteeing and promoting the right to freedom of opinion and expression and the right to peaceful assembly and association, in accordance with international human rights standards and conventions;
- Taking more legislative and policy measures to create a safe environment and a broader scope for the work of civil society organizations;
- Stopping reprisals against journalists, human rights defenders, peaceful activists and political opponents, and holding accountable those who committed human rights violations against them is essential;
- Immediately releasing all detainees and forcibly kidnapped people for expressing their opinions, and provide more basic freedoms.