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Working Group on the Universal Periodic Review

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### **Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21**

#### **Yemen\***

The present report is a summary of 17 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the general guidelines adopted by the Human Rights Council in its decision 17/119. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. As provided for in Resolution 16/21 of the Human Rights Council, where appropriate, a separate section is provided for contributions by the national human rights institution of the State under review that is accredited in full compliance with the Paris Principles. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the periodicity of the review and developments during that period.

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\* The present document was not edited before being sent to United Nations translation services.

## Information provided by other stakeholders

### A. Background and framework

#### 1. Scope of international obligations

1. AI recommended Yemen to become a party to OP-CEDAW.<sup>2</sup> AI and JS5 recommended additionally removing reservations to Article 29(1) of CEDAW.<sup>3</sup> AI recommended ratifying CPED, and to make the declarations under Articles 31 and 32 of CPED.<sup>4</sup>

2. JS3 urged the Working Group (WG) to call upon the government to ratify the international human rights instruments including OP-ICESCR, ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, OP-CAT, ICRMW and CRPD and establish a clear mechanism for ensuring their implementation through regular monitoring and reporting to treaty bodies and in coordination with all relevant stakeholders particularly civil society organizations.<sup>5</sup>

3. HRW recommended ratifying the Rome Statute of the International Criminal Court (ICC).<sup>6</sup>

4. JS3 recommended ratification of UNESCO Convention against Discrimination in Education.<sup>7</sup>

#### 2. Constitutional and legislative framework

5. Alkarama and AI recommended that the amnesty law guaranteeing impunity for those responsible for violations committed during the 2011 adopted in 2012 be repealed.<sup>8</sup>

6. JS5 recommended amending laws regarding journalists and human rights activists.<sup>9</sup>

7. AI and JS5 observed the discriminatory provisions with respect to the full equality of men and women and recommended bringing all laws, practices, policies and procedures into conformity with international human rights law and standards.<sup>10</sup>

8. JS3 reported that Yemen prepared a draft law on transitional justice which does not abide by international transitional justice standards.<sup>11</sup>

9. JS1 recommended adopting a legislation to criminalize the practices of persecution, exclusion and discrimination against the Muhammasheen and to develop policy measures.<sup>12</sup> They also recommended the government to produce urgent legal measures and related policies to stop the cultural violence that lead to their displacement.<sup>13</sup>

10. JS6 noted that despite Yemen's acceptance of UPR recommendation to raise the age of marriage to 18, the Parliament has not yet endorsed a law to ban early marriage.<sup>14</sup>

#### 3. Institutional and human rights infrastructure and policy measures

11. HRW and JS3 noted that the process is slow and not inclusive or participatory in establishing an independent national human rights commission.<sup>15</sup> JS3 invited Yemen to ensure that the human rights bodies is built with adequate human, technical and financial resources and that they take a clear role in monitoring and evaluating progress in human rights.<sup>16</sup>

12. AI recommended establishing an independent, impartial and thorough commission of inquiry, with international experts and assistance, to investigate human rights violations committed prior to 2011.<sup>17</sup>

13. JS8 noted that the legal and institutional structure and mechanisms with the exceptional courts are the basis and sources of all human rights violations.<sup>18</sup>

## **B. Cooperation with human rights mechanisms**

14. JS8 noted that since 2009, Yemen did not take any action to achieve the implementation of the UPR recommendations.<sup>19</sup>

### **1. Cooperation with treaty bodies**

15. JS3 hoped that Yemen be invited to establish a mechanism to monitor the implementation of recommendations of treaty bodies, in coordination with all stakeholders.<sup>20</sup>

### **2. Cooperation with special procedures**

16. JS2 and JS3 urged Yemen to issue a standing invitation to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders (HRD's), Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association.<sup>21</sup>

## **C. Implementation of international human rights obligations**

### **1. Equality and non-discrimination**

17. AI and JS5 noted that women and girls face severe and widespread discrimination in law and practice. They recommended Yemen to: protect them from domestic violence and investigate all cases; ensure that forced marriages are prohibited in all circumstances; in the case of the marriage of a child under the age of 18, Yemen must establish that the child gives full, free and informed consent and has sufficient mental capacity to fully comprehend the consequences and obligations of marriage and that they are not forced to drop school.<sup>22</sup>

18. JS5 noted that women still face multiple challenges including, prejudicial cultural mindsets, absence of women's rights in the Constitution, discriminatory laws, and have lower level of awareness of their rights.<sup>23</sup> JS3 and JS5 noted that many laws deriving from Shari'a, including the personal status law, the penal code, the citizenship law and the evidence law, still contain provisions that discriminate women.<sup>24</sup> AI and JS5 recommended bringing all laws, practices, policies and procedures into full conformity with international human rights law and standards with respect to gender equality.<sup>25</sup> JS3 and JS5 recommended ensuring the full rights of women in the new constitution and in the laws which result from the National Dialogue.<sup>26</sup> JS3 urged to ensure that national policies in different areas including education and health are in line with Yemen's obligations under CEDAW.<sup>27</sup>

19. JS1 reported that for centuries the Muhammasheen have been literally forced to live outside mainstream society and suffer from persecution and a series of caste-based discrimination and violence. They cannot own land even if they have enough money. Local Sheikhs do not permit them to construct or inhabit in privately organized multiple level dwellings but only shared flat dwellings with common or no exterior doors. Muhammasheen men are strictly not allowed to wear the symbolic dagger that all other Yemeni men wear today as they may risk expulsion from their village, physical harm or even homicide because they are accused of insulting tribal honors.<sup>28</sup> JS1 also noted the multiple forms of discrimination against Muhammasheen women.<sup>29</sup> JS1 reported that they

are harassed in public and men feel free to solicit sexual favors openly, and police and other public authorities do not see these acts as violations and simply ignore them.<sup>30</sup> JS1 urged Yemen to take immediate measures to ensure access to justice and non-discriminatory treatment when detained and accused of a crime; and investigate crimes committed against Muhammasheen and be held accountable. It urged developing a national action plan to eliminate discrimination against them and improve their living conditions.<sup>31</sup>

## **2. Right to life, liberty and security of the person**

20. JS3 and AI noted that the death penalty is provided for a wide range of offences including offences not involving lethal violence such as murder, drug trafficking, rape, sexual offences and speech or action against Islam. They reported that hundreds of people, including men, women and juvenile offenders, are believed to be under sentence of death. They recommended: an official moratorium on executions with a view to abolishing the death penalty; full compliance with all international standards on the use of the death penalty, review all death penalty cases, including those accepted by the President, with the aim of commuting them to prison terms.<sup>32</sup>

21. CRIN noted that it is illegal to sentence a child offender under domestic law to death or life imprisonment. CRIN, AI, JS3 and HRW noted that State prosecutors have urged judges to impose death sentences on almost 200 other suspected juvenile offenders. Some juvenile offenders on death row informed that police had beaten and tortured them in detention to coerce confessions, and that their access to legal representation during investigations was denied.<sup>33</sup> CRIN, AI, JS3 and HRW called on ceasing juvenile executions and a halt on applying the death penalty to juveniles while reviewing all death sentences, and commute those sentences in cases where the offender's age cannot be determined.<sup>34</sup>

22. AI, HRW, JS8 and JS2 observed repeated grave incidents resulting from recent protests. In January 2011, thousands of Yemenis requested political reforms, but security forces responded with excessive force causing deaths and injuries to a large number of peaceful protesters, and arrested hundreds of them. Credible reports stated that government forces carried out extrajudicial killings and indiscriminate attacks on densely populated areas. On 18 March 2011, the government responded violently to thousands of protesters who converged in major parts of the country to commemorate the so-called "Friday of Dignity". During the protests, gunmen in civilian clothing opened fire on the crowds killing 45 people and injuring 200. Those later accused of involvement in the massacre were current and former members of the government's security forces. Armed confrontations arose in May and June 2011 between government security forces and fighters from the opposition al-Ahmar clan. Again from 29 May to 3 June 2011, security forces carried out assaults on protesters killing at least 22 in the process and injuring more than 250. In November 2011, more than a dozen people were killed by artillery shelling on Freedom Square in Taiz in the southern half of the country and in other residential areas.<sup>35</sup> AI recommended issuing orders to all security forces with immediate effect not to use live ammunition against protesters, including the use of firearms and all law enforcement personnel should be given rigorous operational training and clear rules of engagement fully consistent with international human rights standards.<sup>36</sup>

23. AI stated that hundreds, possibly thousands, of people suspected of involvement in the anti-government protests in 2011 or on-going protests in the south or of links with the Huthi armed group or armed Islamist groups have been subjected to arbitrary detention in recent years. While many were released without charge soon after their arrest, many others have been held for prolonged periods without charge or trial where they are often subject to torture or other ill-treatments. Many were arrested and detained by Political Security and National Security agents, who allegedly operate their own detention centres and rarely comply with the law; others were detained by the Central Security Forces, the Criminal

Investigation Department and the Republican Guard.<sup>37</sup> Alkarama and JS8 identified at least 266 cases of arbitrary arrests by various government forces in the year 2012 alone. During December 2012, several inmates were mutilated during a protest against the treatment to which they were being subjected, and eight prisoners died in a fire; however, no investigation has been opened.<sup>38</sup> AI, JS2, JS3 and JS8 called on releasing immediately and unconditionally all protesters; ensuring investigations of all cases of arbitrary arrest and detention and enforced disappearance, and prosecuting those responsible.<sup>39</sup>

24. AI also noted other abuses by armed groups and recommended that any tribal groups allied to the government be fully aware of and comply with their obligations under international humanitarian law.<sup>40</sup>

25. JS8 noted the practice of torture by law enforcement officials and the death of citizens because of torture in Sanaa departments.<sup>41</sup> AI reported on torture, other ill-treatment and incommunicado detention and recommended ensuring that all detainees currently held by any security force in Yemen are held in officially recognized places of detention.<sup>42</sup>

26. JS8 noted the lack of records of the names of prison inmates, overcrowding in prisons, a low level of hygiene and polluted water, lack of food or with low nutritional value, and other violations of prison standards.<sup>43</sup> JS5 reported on violence and abuses against women in prisons, including circumstances where women are detained for a long time without being charged. JS5 recommended applying human standard in treatment, security, and conditions for all inmates, especially women; enforce due process of law for all women in detention;<sup>44</sup> issue formal charges and ensure a fair trial.<sup>45</sup>

27. HRW noted that the landmine incidents that have caused civilian casualties have occurred close to military camps. It recommended an immediate investigation into the deployment of antipersonnel mines and collect and destroy any remaining stockpiles, as required by the Mine Ban Treaty.<sup>46</sup>

28. JS1 reported that children from the Muhammasheen community face daily violence, exclusions and dehumanizing persecutions, and death threats. It recommended introducing legislative and policy measures for their protection.<sup>47</sup>

29. GIEACP noted that the Juvenile Welfare Act (article 14) prohibits the mistreatment of juveniles and the use of physical coercion when enforcing court rulings, though does not explicitly prohibit corporal punishment.<sup>48</sup> GIEACP and CRIN observed that the Criminal Code and the Code of Criminal Procedure allow sentences of retribution (*qisas*) and doctrinal punishment (*hadd*). The Criminal Procedure Code sets out the conditions under which doctrinal and retribution-in-kind sentences, including amputation and flogging, should be imposed.<sup>49</sup> JS6, JS7 and GIEACP hoped that recommendations be made to prohibit corporal punishment of children in all settings.<sup>50</sup>

30. JS6 reported that early marriage is widely practiced and recommended a comprehensive study at the national level.<sup>51</sup> JS5 observed that the Personal Status Law (1994) has set the minimum age for marriage at 15, but the 1999 amendments are not clear on this issue. In 2009, human rights organizations and activists organized campaigns to demand the minimum age of marriage be raised to 18. This led to a bill raising the minimum age for girls to 17. However, this bill has not yet been signed by the President of the Republic. JS5 urged the President to sign it urgently.<sup>52</sup>

31. JS8 and JS5 noted that honour crimes against women and honour killings are widespread.<sup>53</sup> JS5 recommended repealing mitigating factors, lower standards, and lessened sentences currently in the Penal Code for honour killings.<sup>54</sup> JS5 recommended passing laws to criminalize honour crimes; prosecute the perpetrators for murder and homicide without allowing extenuating conditions and providing a database.<sup>55</sup>

32. JS5 reported that despite the ratification of CRC and article 30 of the Constitution, Yemeni girls remain victims of female genital mutilation: about 97% of females in the Hodeidah district and 75.8% in Hadramout district were subject to this. This is also practiced in some inland districts like Lahg, Dhamar, and Taiz as part of prevailing customs and traditions. JS5 recommended: criminalizing this practice and enforcing articles 41 and 42 of the Penal Code.<sup>56</sup>

33. JS3 noted that although Yemen has ratified the two key ILO conventions on child labor, 17 per cent of Yemen's 7.7 million children in the 5-17 age group and 11 per cent of those aged 5-11 are involved in child labor.<sup>57</sup>

### **3. Administration of justice, including impunity and the rule of law**

34. JS8 noted that the independence of the judiciary is not guaranteed and protected. The Government controls the procedures of appointment, promotion and discipline of judges. In addition, judges and lawyers are subject to threats, physical violence and attacks, and even assassination attempts.<sup>58</sup>

35. RWB and JS2 were concerned about the existence of a Specialized Press and Publications Court tasked with trying all press offences since May 2009. In 2009, the Supreme Judicial Council clarified that the court has jurisdiction over a wide-range of security related offences. There are concerns that dissenters and critics including journalists have been tried by the Specialized Criminal Court instead of by ordinary criminal courts, and that sentences have been allegedly handed down by the court on the basis of confessions forced through torture.<sup>59</sup> JS8 reported that the Specialized Criminal Court continued to hold trials despite the lack of constitutionality of this institution.<sup>60</sup>

36. AI recommended that Yemen agree to the establishment of an international, independent and impartial investigation into human rights violations during the events of 2011, and ensure that full reparations are provided to victims and survivors, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.<sup>61</sup>

37. AI, Alkarama and JS3 urged Yemen to ensure prompt, impartial and thorough investigations, in accordance with international standards, of human rights and humanitarian law violations during recent armed conflicts; and prosecute those responsible in accordance with international standards and without recourse to the death penalty.<sup>62</sup> Alkarama recommended a full implementation of CAT, including the opening of investigations and punishment of those responsible for torture and ill-treatment.<sup>63</sup>

38. HRW reported that in January 2013, President Hadi presented a long overdue transitional justice draft law to the parliament, but it has yet to be enacted due to disagreement over the period it should cover – whether 2011 only, or the full extent of Saleh's 33-year rule.<sup>64</sup> JS3 stated that the draft limited investigations to 2011, explicitly requiring that they be subject to the immunity law and do not ensure proper indemnity for casualties and do not cover all the periods of political crisis and conflicts; they are based on the concepts of national reconciliation between political parties at the expense of citizenship, justice and peaceful transition to democracy.<sup>65</sup>

39. HRW reported that in April 2013 a Yemeni court issued an order to investigate the former president and 11 other people, in connection with the "Friday of Dignity Massacre" on 18 March 2011, when security forces killed at least 45 anti-government protesters in Sanaa. The court decision sought to reopen the original investigation on grounds of political interference and failure to investigate evidence possibly implicating senior officials. In January 2013, President Hadi ordered the establishment of two commissions, one to resolve land disputes and the other to review the dismissal of southern civil, security and military personnel after their defeat in 1994 by northern forces in the civil war. Both commissions lack basic resources to compile a database of complaints and their members lack

appropriate training. HRW urged Yemen to promptly create the independent commission ordered through presidential decree in 2012 to conduct a transparent investigation into serious human rights violations during the 2011 uprising and increase technical and financial support to the two committees.<sup>66</sup>

40. JS2 reported that on 21 January 2012, the Parliament passed the law No 1 (2012) which granted impunity from legal and judicial persecution to former President Saleh, and for acts committed on political grounds to officials who served under him. JS2 and HRW recognised the fact that promises of impunity and the departure of President Saleh led to a cessation of hostilities without which the country could have descended into further chaos. They were however concerned that this sets a dangerous precedent to legitimise human rights abuses conducted by government officials.<sup>67</sup> Alkarama and AI recommended repeal of this law.<sup>68</sup>

41. HRW recommended amendment of the Juvenile Care Law to refer all cases involving defendants under 18 at the time of the crime to child courts.<sup>69</sup> It and CRIN recommended to raise the legal age of criminal responsibility to 18.<sup>70</sup>

#### **4. Right to privacy, marriage and family life**

42. JS5 observed that Law 25 in 2010 granted Yemeni nationality automatically to any child of a Yemeni mother or father married to a foreigner. However, as of 2010, if a Yemeni male wish to marry a foreigner, he must only notify the Ministry of Interior, while if a Yemeni woman wishes to marry a foreigner, she has to receive a formal approval from the Ministry. This creates uncertainty that, without this approval, her children will not be given Yemeni nationality, even if born and living in Yemen. JS5 stated that this law violates articles 25 and 41 of the Constitution, and recommended the repeal of this discriminatory provision.<sup>71</sup>

#### **5. Freedom of religion or belief, association and peaceful assembly, and right to participate in public and political life**

43. HRW noted that since President Hadi took office Yemen has experienced greater freedom of expression as the authorities have eased formal controls on the media – but the legal restrictions have not been removed.<sup>72</sup> JS2 noted the continued violence against the press in late April 2013.<sup>73</sup> RWB, HRW and JS2 raised concerns about many incidents involving attacks on and harassment of journalists, including killings, arbitrary arrest and detention, unwarranted criminal and civil prosecution, and threats and public vilification by both government authorities, non-state actors, the public and non-governmental groups.<sup>74</sup> HRW urged to: end the intimidation and threats against journalists and investigate all cases; take steps to guarantee and promote freedom of expression and amend and enforce the Press and Publication Act; enshrine freedom of the press in Yemen's new constitution.<sup>75</sup> JS5 recommended eliminating impunity for harassment and intimidation of female activists, and protecting female citizens' freedom of expression in their manner of dress and speech.<sup>76</sup>

44. JS2 was concerned about the violent repression of peaceful pro-reform demonstrations which became a common feature in Yemen in 2011.<sup>77</sup> JS4 was concerned that the Constitution does not explicitly protect the right to freedom of peaceful assembly and protest. It was concerned at the on-going persecution of HRD's who have been subjected to harassment, threats, arbitrary arrest, and threats of fabricated prosecutions, assaults, as well as restrictions to their right to freedom of expression, association and assembly.<sup>78</sup> JS4 observed that even the offices of human rights organizations have been targeted.<sup>79</sup> JS4 hoped that Yemen be urged to: carry out a prompt, independent and impartial investigation into all cases of attacks and to ensure that the new NGO Law, currently discussed in the context of the National Dialogue, is fully compliant with international standards; ensure that HRD's are not victims of reprisals for their

communication with international inter-governmental or non-governmental organizations; cease harassments when they travel to or from the country; guarantee the right of women HRD's to engage in human rights work and ensure their protection before the law and in the society; guarantee in all circumstances that all HRD's are able to carry out their activities without fear of reprisals and restrictions.<sup>80</sup>

45. JS2 were concerned about the draft Audio-Visual Media Law which, if adopted, will impose exorbitant fees for the registration of private media outlets as a deterrent to the development of the independent media.<sup>81</sup> JS2 recommended that attacks on and threats to journalists and dissenters be publicly condemned by senior government officials, and the draft Audio-Visual Media Law be reviewed to ensure compatibility with Article 19 of ICCPR.<sup>82</sup>

46. JS2 and JS4 noted that the 2001 Law on associations and institutions contains a number of restrictions and barriers to the establishment and independent functioning of associations.<sup>83</sup> JS4 reported that civil society organizations cannot be founded or acquire legal personality without approval by the competent authority. The law introduced new restrictions such as the requirement on each organization wishing to obtain a license to make a deposit a million rials (equivalent over 4500 USD). Affiliation with public service trade unions has been actively discouraged and extensive categories of public servants are prohibited from joining unions. Despite the Civil Service Law No.19 (1991) and the Trade Unions Law No.35 (2002), government harassments have been directed against unions and their members.<sup>84</sup>

47. JS5 reported that since the revolution, women's representation in public office has not improved. Only 3 women were appointed to the reconciliation government in 2012 among a total of 34 ministers.<sup>85</sup> JS5 recommended passing a law for a system of quotas to ensure that women are represented in 30% of seats in all decision-making positions, and increase the number of women in executive and judicial positions in the transitional phase.<sup>86</sup>

## **6. Right to work and to just and favourable conditions of work**

48. JS3 reported that all unions are required under the law to belong to the General Federation of Worker's Trade Unions of Yemen (GFWTUY).<sup>87</sup> It and JS5 urged the Government to strengthen the enforcement of labour law with a view to enhancing gender equality at work.

49. JS1 described that in the northern parts, the government forces and limits Muhammasheen to exclusively carry out tasks culturally perceived to be polluting. JS1 recommended respect of international labour laws and lift the illegal exclusionary practice of employment of Al-Akdham and provide them with legal contracts, equal and dignified working conditions.

50. JS6 noted that child labor has increased significantly after the Gulf War. It noted that among the factors behind this increase is the economic deterioration, the shift towards a market economy, the privatization of the public sector institutions, rapid population growth, poverty, lack of employment opportunities and political instability and insecurity in the last three years. A National Survey in 2010 showed that 21% of the children (1,614,000) are working children. Labor Law No. 5 1995 did not specify the minimum age for child work. Moreover, in the last decade, many related issues, such as child exploitation in forced begging and cross border trafficking, have become aggravated by the unstable political situations. Many children are either separated from their parents, or sent away to find food, or even involved in acting as messengers or bring food to opposition armed forces in order to earn a living.<sup>88</sup> JS6 recommended the review of labor law to eliminate child exploitation and provide strict penalties for offenders, increase the minimum age for work to 18 years.<sup>89</sup>

## 7. Right to social security and to an adequate standard of living

51. JS7 noted that the 42% poverty rate (2009) is estimated to have risen to 54.5% at the end of 2011. Food security, water and sanitation are chronic problems that affect particularly small –scaled farm owners.<sup>90</sup>

52. JS8 noted that conflicts over land ownership claimed the lives of 12 men and 8 security persons.<sup>91</sup> JS7 noted that at least 63 prominent military and political figures of the former regime have been identified among those responsible for dispossessing lands of southern Yemen since 1994. Land management laws provide loopholes that enable the State and influential people to appropriate the landed property, and lack sufficient protections to guarantee the property rights for vulnerable and marginalized persons.<sup>92</sup> HIC-HLRN recommended that the government, local communities and tribal leadership must systemically investigate and adjudicate this backlog of conflicts with a view to transitional justice options, including prosecution of violators, one-off compensation payments, amnesties, reparations, rehabilitation schemes, and convening courts and special chambers where appropriate.<sup>93</sup>

53. JS1 reported that for centuries the Muhammasheen in northern Yemen have been forbidden from owning or leasing land for agricultural purposes or for constructing their home dwellings, even in rural areas. It recommended criminalizing any cultural practices that interfere with the practice and enjoyment of their right to adequate housing.<sup>94</sup>

54. JS3 hoped that Yemen was invited to formulate and implement coordinated policies for poverty eradication at all levels supported with disaggregated data.<sup>95</sup> It also urged the recognition of the inalienable right to access to safe drinking water.<sup>96</sup>

## 8. Right to health

55. JS6 noted that the budget allocated for health sector in 2010 was only 1.7% of the national gross expenditure. Moreover, there is an absence for equitable distribution of medical services between provinces and the concentration of most services is in main cities with a lack of health insurance in general.<sup>97</sup>

56. JS3 noted that the number of primary health care services and centers per 10000 population stands at the rate of 1.2.<sup>98</sup> JS6 and JS3 recommended expanding the provision of primary health care services in remote/rural areas and redeploy health staff from main cities into rural areas.<sup>99</sup>

57. JS3 and JS6 noted that stunting remains a critical problem in Yemen. 58 per cent of children under 5 are suffering from stunting. Malnutrition is one of the prevailing health problems, nearly one million child under five suffer from severe malnutrition and 250,000 children are at risk of death due to absence of medication and the under-five mortality rate stands 77 per 1000 live births.<sup>100</sup> JS3 hoped that Yemen be urged to allocate more managed resources to the health sector to increase the quality of the services and ensure availability and accessibility for all citizens; and tackle access to water and malnutrition as core problems of the right to health.<sup>101</sup>

## 9. Right to education

58. JS3 noted that nearly half of primary school age girls do not go to school and thus two out of three women in Yemen are illiterate, with child marriages as a root cause. It urged resolving the lack of accessibility, socio-cultural factors and institutional factors.<sup>102</sup>

59. JS5 noted that the illiteracy rate among women in Yemen is 60.1% versus 27.3% of males and in rural areas estimated to be 80.56%, while in urban areas, 40.25%. It noted that the lack of a compulsory education low especially for girls in rural areas contributes significantly to women's lack of opportunity in the labor market overall.<sup>103</sup> JS5

recommended finding the appropriate mechanisms to ensure the activation of the Compulsory Education Law.<sup>104</sup>

60. JS1 reported that children from Muhammashen cannot attend public schools due to common violent and de-humiliating practices, in addition to economic difficulties.<sup>105</sup> About 98% of them never graduate but mostly drop out way before completing 3<sup>rd</sup> grade. JS1 recommended providing free education to them at least in the elementary stage; restoring the freedom of movement for this community so they can choose to live close to schools; and building schools close to the areas where they live.<sup>106</sup>

61. JS6 observed that the Constitution and the General Education Law No. 45 guarantee the right to education for all and the principle of free and compulsory education until age of 15. Nevertheless, the law is not implemented. Less than 12% of the government budget goes to education, of which 70% goes to wages and salaries. Reportedly, 2 million school-age children (46%) do not attend schools. JS6 noted concerns regarding teachers' training and qualification, lack of textbooks and school equipment, teaching methodology, and overcrowding in classes. Moreover, the political crisis and armed conflicts have greatly undermined the educational process and schooling.<sup>107</sup> JS6 recommended implementation of free fees education decree in 50 districts as first phase by 2016.<sup>108</sup>

#### **10. Minorities**

62. JS8 noted that Houthis and affiliates of the doctrine of al-Zaidi raise several problems and concerns, including threats on the media, religious confrontation and sectarianism and risks of instability.<sup>109</sup>

63. JS8 noted that the populations on the outskirts suffer from marginalization and abuses and they do not have right to own land.<sup>110</sup>

#### **11. Migrants, refugees and asylum-seekers**

64. JS8 noted that Yemen, due to its location, has to manage a large number of refugees and passageway seekers from Africa to the Gulf and, more recently from several neighbouring countries.<sup>111</sup>

#### **12. Internally displaced persons**

65. JS3 reported that as of March 2013, there are 344,019 IDPs in Yemen. JS3 urged the calling upon Yemen take proper actions to implement the UNHCR recommendations including: formulate a national policy to address and resolve this issues consistently with international human rights and international humanitarian law and standards; criminalize forced displacement; find resolution mechanisms to resolve conflicts with the participation of all parties and civilians as an alternative to war; improve the procedures of determining beneficiaries of humanitarian aid.<sup>112</sup>

66. AI recommended implementation of the UN Guiding Principles on Internal Displacement and take all other necessary measures to respect IDPs rights, including safe return to their home, and the provision of accommodation and other vital services.<sup>113</sup>

#### **13. Human rights and counter-terrorism**

67. Alkarama and JS8 noted that the extrajudicial execution policy carried out in Yemen was adopted in the context of the 'war against terrorism'. Despite the government's acceptance of related recommendations in the first UPR cycle, there has still been a disturbing increase in cases of extrajudicial executions since 2009. Alkarama recommended immediate ending this policy and stopping granting authorization to foreign forces to

commit such executions on Yemeni territory using air forces, drone strikes, as well as cruise missiles.<sup>114115</sup>

68. AI and JS8 reported that since 2009 Yemeni armed forces and security forces have killed scores of people, which amounted to extrajudicial executions, on suspicions of links to al-Qa'ida or other armed groups outside of armed conflict situations, and that hundreds, possibly thousands, of civilians were killed during the conflict in the northern Sa'da region in late 2009 and early 2010.<sup>116</sup>

## Notes

<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org).

*Civil society*

AI	Amnesty International, London, United Kingdom of Great Britain and Northern Ireland;
Alkarama	Alkarama, Geneva, Switzerland;
CRIN	Child Rights International Network, London, , United Kingdom of Great Britain and Northern Ireland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, , United Kingdom of Great Britain and Northern Ireland;
HRW	Human Rights Watch, Geneva, Switzerland;
RWB	Reporters Without Borders, Paris, France;
JS1	Joint submission No. 1 of International Dalit Solidarity Network (IDSN), Copenhagen, Denmark, and the All Youth Network for Society Development (AYD), Taiz, Yemen;
JS2	Joint submission No. 2 of Arab NGO Network for Development (ANND) Beirut, Lebanon, and World Alliance for Citizen Participation (CIVICUS) Johannesburg (South Africa);
JS3	Joint Submission No. 3 of Arab NGO Network for Development (ANND) Beirut, Lebanon, and the Human Rights Information and Training Center (HRITC), Yemen;
JS4	Joint submission No. 4 of Front Line Defenders, Dublin, Ireland, and the Yemeni Organization for Defending Rights and Democratic Freedoms (Yemeni Organization), Yemen;
JS5	Joint submission No. 5 of Yemen Organization for Defending Rights and Democratic Freedoms, Yemen, in collaboration with Karama, Cairo, Egypt;
JS6	Joint Submission No. 6 of Yemeni National NGOs Coalition for Child Rights Care, YNGO-CRC, Yemen;
JS7	Joint Submission No. 7 of Habitat International Coalition's Housing and Land Rights Network HIC-HLRN, Santiago, Chile, in cooperation with Youth Development Organization, Yemen;
JS8	Joint submission No. 8 of Middle East Foundation for Social Development and Youth Development Foundation (YDO) Giza, Egypt, and Youth Without Borders for Development (YWBD), Giza, Egypt.

<sup>2</sup> Amnesty International (AI), p. 5.

<sup>3</sup> Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 2 and Amnesty International (AI), p. 5.

<sup>4</sup> Amnesty International (AI), p. 4-5.

<sup>5</sup> Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p.1-2.

<sup>6</sup> Human Rights Watch (HRW), p. 1.

<sup>7</sup> Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 5.

<sup>8</sup> Alkarama, p. 3-4 and Amnesty International (AI), p. 4, 5.

<sup>9</sup> Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 8-9

<sup>10</sup> Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 2

<sup>11</sup> Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 1.

<sup>12</sup> International Dalit Solidarity Network (IDSN) and the All Youth Network for Society Development (AYN) (JS1), p. 2.

<sup>13</sup> International Dalit Solidarity Network (IDSN) and the All Youth Network for Society Development (AYN) (JS1), p. 6.

- <sup>14</sup> Yemeni National NGOs Coalition for Child Rights Care (YNGOs), JS6, p. 7.
- <sup>15</sup> Human Rights Watch (HRW), p. 1 and Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 2.
- <sup>16</sup> Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 2.
- <sup>17</sup> Amnesty International (AI), p. 4.
- <sup>18</sup> Middle East Foundation for Social Development and Youth Development Foundation (YDO) and Youth Without Borders for Development (YWBD), (JS8), p. 1.
- <sup>19</sup> Middle East Foundation for Social Development and Youth Development Foundation (YDO) and Youth Without Borders for Development (YWBD), (JS8), p. 2.
- <sup>20</sup> Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p.1-2.
- <sup>21</sup> CIVICUS: World Alliance for Citizen Participation and Arab NGO Network for Development (ANND), (JS2), p. 4; Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 9.
- <sup>22</sup> Amnesty International (AI), pp. 3 and 5; Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 2.
- <sup>23</sup> Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 1
- <sup>24</sup> Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 2.
- <sup>25</sup> Amnesty International (AI), p. 3-5 and Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 2.
- <sup>26</sup> Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 2; Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 3.
- <sup>27</sup> Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 3.
- <sup>28</sup> International Dalit Solidarity Network (IDSN) and the All Youth Network for Society Development (AYN) (JS1), p. 1.
- <sup>29</sup> International Dalit Solidarity Network (IDSN) and the All Youth Network for Society Development (AYN) (JS1), p. 3.
- <sup>30</sup> International Dalit Solidarity Network (IDSN) and the All Youth Network for Society Development (AYN) (JS1), p. 1-2.
- <sup>31</sup> International Dalit Solidarity Network (IDSN) and the All Youth Network for Society Development (AYN) (JS1), p. 5-6.
- <sup>32</sup> Amnesty International (AI), p. 3, 5 and Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 7-8.
- <sup>33</sup> Child Rights International Network, p. 1.
- <sup>34</sup> Human Rights Watch (HRW), p. 3 and Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 8.
- <sup>35</sup> CIVICUS: World Alliance for Citizen Participation and Arab NGO Network for Development (ANND), (JS2), p.1-2, Human Rights Watch (HRW), p. 1, Amnesty International (AI), p. 2-4, Middle East Foundation for Social Development and Youth Development Foundation (YDO) and Youth Without Borders for Development (YWBD), (JS8), p. 1-2.
- <sup>36</sup> Amnesty International (AI), p. 2, 4.
- <sup>37</sup> Amnesty International (AI), p. 2-3.
- <sup>38</sup> Alkarama, p. 2-3.
- <sup>39</sup> Amnesty International (AI), p. 2-3; CIVICUS: World Alliance for Citizen Participation and Arab NGO Network for Development (ANND), (JS2), p. 4 and Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 9; Middle East Foundation for Social Development and Youth Development Foundation (YDO) and Youth Without Borders for Development (YWBD), (JS8), p. 3.
- <sup>40</sup> Amnesty International (AI), p. 4.

- 41 Middle East Foundation for Social Development and Youth Development Foundation (YDO) and Youth Without Borders for Development (YWBD), (JS8), p. 1-2.
- 42 Amnesty International (AI), p. 4-5.
- 43 Middle East Foundation for Social Development and Youth Development Foundation (YDO) and Youth Without Borders for Development (YWBD), (JS8), p. 3.
- 44 Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 7-8
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- 46 Human Rights Watch (HRW), p. 3.
- 47 International Dalit Solidarity Network (IDSN) and the All Youth Network for Society Development (AYN) (JS1), p. 2, 3.
- 48 Global Initiative to End All Corporal Punishment of Children, p.2
- 49 Global Initiative to End All Corporal Punishment of Children, p.2 and Child Rights International Network, p. 2, 3.
- 50 Global Initiative to End All Corporal Punishment of Children, p.1-2 and Yemeni National NGOs Coalition for Child Rights Care (YNGOs), JS6, p. 3, 4, 6, 7.
- 51 Yemeni National NGOs Coalition for Child Rights Care (YNGOs), JS6, p. 6.
- 52 Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 8
- 53 Middle East Foundation for Social Development and Youth Development Foundation (YDO) and Youth Without Borders for Development (YWBD), (JS8), p. 5 and Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 6.
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- 57 Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 8.
- 58 Middle East Foundation for Social Development and Youth Development Foundation (YDO) and Youth Without Borders for Development (YWBD), (JS8), p. 4.
- 59 Reporters Without Borders (RWB), p. 1 and CIVICUS: World Alliance for Citizen Participation and Arab NGO Network for Development (ANND), (JS2), p.2-3.
- 60 Middle East Foundation for Social Development and Youth Development Foundation (YDO) and Youth without Borders for Development (YWBD), (JS8), p. 4.
- 61 Amnesty International (AI), p. 4.
- 62 Amnesty International (AI), p. 4, Alkarama, p. 3-4; Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 9.
- 63 Alkarama, p. 3-4.
- 64 Human Rights Watch (HRW), p. 2.
- 65 Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 1.
- 66 Human Rights Watch (HRW), p. 2.
- 67 CIVICUS: World Alliance for Citizen Participation and Arab NGO Network for Development (ANND), (JS2), p.1-2., Human Rights Watch (HRW), p.2.
- 68 Alkarama, p. 3-4 and Amnesty International (AI), p. 4, 5.
- 69 Human Rights Watch (HRW), p. 1.
- 70 Human Rights Watch (HRW), p. 1; Child Rights International Network, p. 5.
- 71 Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 5
- 72 Human Rights Watch (HRW), p. 2-3.

- <sup>73</sup> CIVICUS: World Alliance for Citizen Participation and Arab NGO Network for Development (ANND), (JS2), p.2-3.
- <sup>74</sup> Reporters Without Borders (RWB), p. 1 and Human Rights Watch (HRW), p. 2-3; CIVICUS: World Alliance for Citizen Participation and Arab NGO Network for Development (ANND), (JS2), p.2-3.
- <sup>75</sup> Human Rights Watch (HRW), p. 2-3.
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- <sup>77</sup> CIVICUS: World Alliance for Citizen Participation and Arab NGO Network for Development (ANND), (JS2), p.2-3.
- <sup>78</sup> Joint Submission presented by Front Line Defenders and the Yemen Organization for Defending Rights and Democratic Freedoms (Yemen Organization), (JS4), p. 1-2.
- <sup>79</sup> Joint Submission presented by Front Line Defenders and the Yemen Organization for Defending Rights and Democratic Freedoms (Yemen Organization), (JS4), p. 2.
- <sup>80</sup> Joint Submission presented by Front Line Defenders and the Yemen Organization for Defending Rights and Democratic Freedoms (Yemen Organization), (JS4), p. 4.
- <sup>81</sup> CIVICUS: World Alliance for Citizen Participation and Arab NGO Network for Development (ANND), (JS2), p.2-3.
- <sup>82</sup> CIVICUS: World Alliance for Citizen Participation and Arab NGO Network for Development (ANND), (JS2), p. 4.
- <sup>83</sup> CIVICUS: World Alliance for Citizen Participation and Arab NGO Network for Development (ANND), (JS2), p. 4 and Joint Submission presented by Front Line Defenders and the Yemen Organization for Defending Rights and Democratic Freedoms (Yemen Organization), (JS4), p. 1.
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- <sup>88</sup> Yemeni National NGOs Coalition for Child Rights Care (YNGOs), JS6, p. 5.
- <sup>89</sup> Yemeni National NGOs Coalition for Child Rights Care (YNGOs), JS6, p. 5-6.
- <sup>90</sup> Habitat International Coalition's Housing and Land Rights Network HIC-HLRN in cooperation with Youth Development Organization (Yemen), JS7, p. 6.
- <sup>91</sup> JS8. p.2.
- <sup>92</sup> Habitat International Coalition's Housing and Land Rights Network HIC-HLRN in cooperation with Youth Development Organization (Yemen), JS7, p. 1.
- <sup>93</sup> Habitat International Coalition's Housing and Land Rights Network HIC-HLRN in cooperation with Youth Development Organization (Yemen), JS7, p. 2.
- <sup>94</sup> International Dalit Solidarity Network (IDSN) and the All Youth Network for Society Development (AYN) (JS1), p. 5, 6.
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- <sup>96</sup> Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 7.
- <sup>97</sup> Yemeni National NGOs Coalition for Child Rights Care (YNGOs), JS6, p. 2-3.
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- <sup>99</sup> Yemeni National NGOs Coalition for Child Rights Care (YNGOs), JS6, p. 3; and Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 7.
- <sup>100</sup> Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 6 and Yemeni National NGOs Coalition for Child Rights Care (YNGOs), JS6, p. 2-3.
- <sup>101</sup> Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 7.

- <sup>102</sup> Joint Submission presented by the Arab NGO Network for Development (ANND) and the Human Rights Information and Training Center (HRITC), (JS3), p. 5.
- <sup>103</sup> Joint Submission presented by Yemen Organization for Defending Rights and Democratic Freedoms (YODRDF) and Karama, (JS5), p. 4.
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- <sup>105</sup> International Dalit Solidarity Network (IDSN) and the All Youth Network for Society Development (AYN) (JS1), p. 2.
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- <sup>107</sup> Yemeni National NGOs Coalition for Child Rights Care (YNGOs), (JS6), p.1-2.
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- <sup>113</sup> Amnesty International (AI), p. 4.
- <sup>114</sup> Alkarama, p. 1-4.
- <sup>115</sup> Middle East Foundation for Social Development and Youth Development Foundation (YDO) and Youth Without Borders for Development (YWBD), (JS8), p. 1-2.
- <sup>116</sup> Amnesty International (AI), p. 2, 4; Middle East Foundation for Social Development and Youth Development Foundation (YDO) and Youth Without Borders for Development (YWBD), (JS8), p. 1-2.
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