

## I. GENERAL BACKGROUND AND FRAMEWORK

1. Although since the first-cycle UPR revision the political context has been significantly altered in Yemen, severe violations of human rights and restrictions on fundamental freedoms remain challenging and necessitate genuine reforms to be taken supported with legislative amendments and effective implementation and monitoring.

2. The uprisings in Yemen in 2011, which resulted in three-decade ruling power Ali Abdullah Saleh to leave power to his vice-president on February 21, called for a transition within Yemen highlighting several systemic human rights violations. Indeed, “Yemen’s problems are endemic: the population is being impoverished, political corruption is rife, agriculture and food production is feeble, the economy is over-dependent on oil, water resources are scarce”.<sup>1</sup>

3. The current National Dialogue bringing together different views in Yemen needs to be undertaken as inclusive and participatory in order to result in a responsive outcome that can contribute to ensure long-standing justice. The members of the National Dialogue Conference being in isolation from the Yemeni citizens results in lack of trust to the process and the future outcome of the Dialogue and threatens the success of the Conference. In addition, the lack of quality representation in the process towards inclusion of youth groups, women groups and southerners remain challenging. Some social forces boycotted the National Dialogue Conference (ex: the peoples’ movement in the south, and youth groups) in 2011. The percentage of women's participation in the national dialogue remains less than 30%-around 28% in the Dialogue Conference and only 15% in the conciliation committee-despite the 30% quota being approved by the Technical Committee during the creation of the dialogue and was accepted by political parties and formations participating in the conference. For the Dialogue to achieve a break from earlier history of Yemen, citizen engagement should be at the center, aiming at Yemeni citizens can actually contribute to national reconciliation and rebuilding process.

4. The majority of the conditions/recommendations set by the Technical Committee prior to the Conference; including an official apology to war victims and other recommendations in relation to violations that southerners face including land/work/education related have not been implemented. Moreover, the national dialogue is still ignoring transitional justice as an essential prerequisite for the success of the conference.

5. The Yemeni government prepared a draft law on transitional justice and other draft laws were also prepared by political parties. However, all these draft laws do not abide by international transitional justice standards. The draft laws do not ensure proper indemnity for casualties and do not cover all the periods of political crisis and conflicts. The draft laws are based on the concepts of national reconciliation between political parties at the expense of citizenship, justice and peaceful transition to democracy. Moreover, the draft laws did not include procedures to combat corruption and protect public money.

6. The violations by the security services, the army and the political parties affecting the right to life and the freedom of opinion and expression and freedom of movement are persistent during the transitional period, which undermines any efforts to achieve transitional justice.

7. Despite the UN Security Council Resolution (2014) calling for an independent investigation of 2011 events and despite the issuance of a presidential decision in this regard, there has been no implementation on the ground.

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

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<sup>1</sup> On the brink of a failed state, by Arafat Alroufaid-HRITC, Social Watch 2012, <http://www.socialwatch.org/node/567>

8. Modify the working mechanism of the National Dialogue Conference in order to ensure possible community participation in determining the overall themes, debates and solutions to the outstanding issues and problems of the past decades.
9. Involve all relevant stakeholders in fair representation in the Dialogue and enable them to formulate issues and visions openly and freely.
10. Consider seriously the specific recommendations made by the Technical Committee prior to the Conference and start genuine implementation including dealing with transitional justice as a prerequisite for democratic transformation.
11. Establish, in close cooperation with international community, an independent and impartial committee/commission of inquiry to investigate the human rights abuses occurred during 2011.
12. Prepare a consensual law of transitional justice to achieve justice for victims of all parties and groups, through the judicial and non-judicial mechanisms of transitional justice, and in line with the national conditions and possibilities of society, and covering all periods of wars and armed conflicts.
13. Ensure that the transitional justice law handles all the effects of wars and armed conflicts including: war crimes, looting of public money and wealth, illicit enrichment, damage to the environment, religious, territorial and ethnic discrimination.
14. Repeal the Impunity Law promulgated in January 2012 and ensure no individual is immune from persecution for human rights violations.
15. Reform judiciary system in order to achieve transitional justice and protection of human rights violations, and promotion of effective democratic transition process.

**a) SCOPE OF INTERNATIONAL OBLIGATIONS**

16. During the first cycle revision in 2009, although Yemen accepted the broader recommendation calling for fulfilling its international human rights commitments and obligations, specific recommendations calling for ratification of Optional Protocols to ICCPR, CEDAW and Convention Against Torture were merely rejected. During the four years there has been no positive development in this regard.

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

17. 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 the implementation on the ground through regular monitoring and reporting to treaty bodies and in coordination with all relevant stakeholders particularly civil society organizations.

**b) INSTITUTIONAL AND HUMAN RIGHTS INFRASTRUCTURE**

18. Although Yemen is committed to proceed with the establishment of an independent national commission for human rights, and that in this regard since the beginning of 2012, the Ministry of Human Rights held a number of events and conferences for the establishment of the Authority, all of these actions remain too slow and complicated. Moreover, the process is not inclusive and participatory; the debates remaining limited to government parties and selected civil society organizations.

19. The performance of Ministry of Human Rights in Yemen towards protection and promotion of the rights and freedoms remains limited. The ministry played little role towards human rights violations during the past years, especially in the events of 2011. For instance, with regard to the human rights violations practiced by the security forces and the army against peaceful demonstrators in the city of Aden the Ministry remained silent, not taking proper actions to push government to stop violations nor for holding the perpetrators of such violations accountable.

20. The Ministry remains inadequate given the lack of contribution to establishing a normative framework for human rights in Yemen in line with international human right treaties. This requires Ministry to be active in amending laws that violate human rights and to undertake a national process to harmonize legislation with international human rights obligations. Moreover, even though the Ministry is led by a woman, there has been no significant development for the status of women and towards ending discrimination against women.

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

21. Ensure that the Yemeni human rights infrastructure is built with adequate human, technical and financial resources and that these bodies take a clear role in monitoring and evaluating progress with regard to the human rights obligations of Yemen.

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS OBLIGATIONS**

### **A. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

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

22. The 2009 revision shed light on gender inequality, with around one third of the recommendations received relating to women's rights and the discriminative practices in Yemen. Despite to national practices, Yemen showed an encouraging stance accepting several of them including those related to equality before law, equal access to justice, economic empowerment and political participation. However many laws-deriving from Shari'a- remain with articles that discriminate against women, including the personal status law, the penal code, the citizenship law and the evidence law<sup>2</sup>. This is in stark contrast to Yemen's obligations deriving from being party to CEDAW, for which Yemen has no reservations.

23. Although Yemen has institutional structures with regard to protection of women's rights including the Higher Council on Women, National Commission on Women and the Higher Council on Mother and Child Affairs and adopted the National Strategy for Women's Development covering 2006-2015, lack of sound legislative reforms and accurate monitoring tools and availability of data, contribute to continuation of several discriminative practices in Yemen. Within the Gender Inequality Index<sup>3</sup> Yemen rank at 148<sup>th</sup> and is "the worst" according to Global Gender Gap Report 2012<sup>4</sup>.

24. It is estimated that 50% of women<sup>5</sup> continue to suffer from violence in Yemen. This necessitates urgent actions to tackle the lack of legislation against domestic and sexual violence towards girls and women, the lack of access to means of protection, including shelters, and the difficulty for women to file complaints for acts of violence committed against them.

25. Honor killing practices at around 500 per year<sup>6</sup> and the law providing only "soft" punishment for the husband who murders or injures his wife having caught her in committing adultery, with only a maximum prison sentence of a year or a fine, as stated in Article 232 of Penal Code violate women's basic right to life.

26. Despite the given 30% quota in the National Dialogue and the important role played by women within the demonstrations toppling down President Saleh, the exclusion of women from public life still persist in Yemen.

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

<sup>2</sup> <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf>

<sup>3</sup> <http://hdrstats.undp.org/en/indicators/68606.html>

<sup>4</sup> [http://www3.weforum.org/docs/WEF\\_GenderGap\\_Report\\_2012.pdf](http://www3.weforum.org/docs/WEF_GenderGap_Report_2012.pdf)

<sup>5</sup> <http://www.yemen-women.org/reports/CEDAW%20-%20EN.pdf>

<sup>6</sup> The UNFPA (United Nations Population Fund) estimates <http://www.internationalreporters.org/node/276>

27. Ensure that women are well represented within the National Dialogue process undertaken in Yemen leading to a new constitution and elections; their demands are respected and guaranteed.
28. Ensure that national policies implemented at different areas including education and health and related legislation are in line with Yemen's obligations under the CEDAW.
29. Reform the school curricula to regularly emphasize information about gender equality and to ensure that human rights awareness and general information about anti-discrimination is included in the school curricula.
30. Enable the availability and accessibility of disaggregated data to ensure effective monitoring of the gender equality in the country for all relevant sectors, including political, social and economic.

**b. The right to adequate standard of living**

31. The "contentious politics in Yemen and its lack of institutional development that constitute the main obstacle to surmounting present economic difficulties"<sup>7</sup> together with the growth model adopted based on oil revenues rather than supporting productive sectors resulted in instability and unsustainable economic achievements in Yemen. These policy implementations resulted in increasing poverty rate.
32. During 2009 revisions the government presented success stories on poverty reduction policies in Yemen. Indeed, Yemeni government has committed to continue its efforts to combat poverty and continue to apply measures to mitigate the impact of the economic and financial crisis on the Yemeni people and to share its "pioneering" experience in this regard with other concerned States. Yet, it is important to note that these policies simply do not meet the realities and necessities of Yemeni people and are limited in addressing root causes of poverty.
33. The 2013 Yemen Human Development Report issued by the Ministry of Planning in cooperation with the UN Development Program highlights the poverty problematic in Yemen, with the proportion of the population living below the poverty line as 33.2%, which is in urban areas 18.9% and rural 38.5%, and the proportion of people who suffer from "extreme poverty" as 16.1%, which is 5.7% in urban areas and in the countryside 20%.
34. Yemen has started the process of World Trade Organization (WTO) accession during the year 2000, with an aim to deepen its integration into the international economy. A significant part of its accession negotiations revolved around liberalization of services sector inter alia, which constituted 36% of GDP, yet employed 32% of the Yemeni labor force. Services liberalization includes liberalizing the financial, telecommunications, health and social services, transportation, distribution, environmental services, construction etc. However, the worsened humanitarian situation in the country with around 12 million people lacking access to clean water, 10 million with no sufficient access to food, more than 6 million people lacking access to basic health care and around 1 million children suffering from acute malnutrition, signals the lack of access to basic services in Yemen. In this regard, Yemen should be cautious as a country in accession to WTO, as the extra demands from WTO to open up services sectors regardless of Yemen's development level would cause harm and further violations for Yemeni citizens.

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

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<sup>7</sup> [carnegieendowment.org/2012/04/03/building-better-yemen](http://carnegieendowment.org/2012/04/03/building-better-yemen)

35. Address the root causes of poverty through adopting a diversification of economy from dependence on oil revenues and supporting productive sectors and ensuring adequate access to basic necessities such as land, safe water, health care and education.
36. Formulate and implement coordinated policies for poverty eradication at local, regional and national levels supported with disaggregated data.
37. Ensure decent and quality employment generation policies as fundamental first step in raising income levels and combating widespread poverty.
38. Undertake a critical assessment of the reform-liberalization-development nexus in the Services sector under the framework its WTO accession and the further commitments this accession entails.
39. Undertake substantial domestic regulatory and administrative reforms related to the services sector before, or at least associating, the liberalization process, so as to avert the potential negative consequences of liberalization.
40. Develop a clear understanding of the development aspects of the liberalization of trade in services in Yemen.
41. Work toward developing the Yemeni services sectors, in order to enhance their efficiency and competitiveness, to strengthen their contribution to the country's development on various dimensions (including economic and social), and to enable them to stand foreign competition after accession is completed.

### **c. The right to education**

42. The 2009 revision recommendations focused on access to basic education and combating illiteracy particularly among rural women highlighting the core problem in Yemen; that getting access to education - even a primary school education – is one of the biggest challenges especially for girls. The situation is worse for rural communities given the lack of awareness on the importance of education.
43. Whereas “nearly half of primary school age girls do not go to school and thus two out of three women in Yemen are illiterate,<sup>8</sup> one of the root causes of this problem- child marriages- remain not tackled in Yemen.
44. Despite the normative framework in Yemen with regard to right to education that covers several strategies coordinated by Ministry of Education, including the National Basic Education Development Strategy, the National Secondary Education Development Strategy, Illiteracy and Adult Education Strategy, the Draft of Early Childhood strategy and commitment of the government with several initiatives and instruments to improve the enjoyment of right to education, the situation still remains bleak with illiteracy rate standing at 62.1%. For females illiteracy rate stands at 70.2% whereas the proportion of illiterate male is 29.8%<sup>9</sup>.
45. The recent crisis in Yemen had as well an impacted negatively the right to education of many children, resulting in “sporadic schooling”<sup>10</sup>. Moreover, the educational infrastructure was used for other purposes than education such as hosting internally displaced people and being used as bases by combatants, and many other- around 300 -have been destroyed by armed conflict<sup>11</sup>.

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

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<sup>8</sup> [http://www.unicef.org/infobycountry/yemen\\_25167.html](http://www.unicef.org/infobycountry/yemen_25167.html)

<sup>9</sup> Yemen Development Report issued by Ministry of Planning and UNDP

<sup>10</sup> <http://nationalyemen.com/2012/01/13/children-in-yemen-denied-rights-to-education-and-protection/>

<sup>11</sup> <http://nationalyemen.com/2012/01/13/children-in-yemen-denied-rights-to-education-and-protection/>

46. Tackle lack of accessibility, socio-cultural factors and institutional factors<sup>12</sup> as core factors in high illiteracy rate for girls in Yemen.
47. Ratify UNESCO Convention against Discrimination in Education.
48. Adopt and implement the Law on the minimum age of marriage and set it at 18 years of age in accordance with recommendations by relevant international bodies and develop illiteracy initiatives to raise awareness on the negative effects of child marriages

**d. The right to work**

49. The crisis of unemployment, particularly among young people in Yemen, remains high as 40 percent.<sup>13</sup> The inability of economic growth to contribute immediately and automatically in job creation, the scarcity of sustainable financing necessary to implement microfinance programs and the poor coordination between education and the labor market needs exacerbate the situation for the full enjoyment of the right to work.<sup>14</sup>
50. During the uprising and political conflict, several sectors in Yemen dried up including construction, “leaving many of the estimated one million day laborers in dire poverty due to the lack of work and no social security. These workers had been employed on a daily basis without a written contract or legal protection”.<sup>15</sup>
51. In Yemen, all unions are required to belong to the General Federation of Worker’s Trade Unions of Yemen (GFWTUY). Such single trade union system imposed by law, restricts on workers' right to form and join organizations of their own choices.<sup>16</sup>
52. Although during 2009, Yemen committed to promotion and protection of the rights of migrants, refugees and internally displaced persons, as well as persons with disabilities almost all domestic workers continue to work without legal contracts. Since the uprisings, several families left the capital resulting in laying-off their foreign domestic workers. Many of those laid off have not received any compensation since they are unable to produce an employment contract as required for them to be entitled to severance pay under Yemeni law<sup>17</sup>.

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

53. Revise its trade, investment, industrial and agricultural policies with the aim of increasing these sectors’ competitiveness, productivity and capacity for high quality employment creation for the Yemeni labor force.
54. Prioritize diversification of economy from oil dependence to other sectors including fishing, tourism and manufacturing.
55. Improve the employability and job prospects, particularly of the young, educated, female and poor sections of the labor.
56. Strengthen the link between employment laws and their enforcement in a way that safeguards the rights of both women and men as employees in the different sectors (i.e. health, education) and ensure enjoyment of equal opportunities with respect to recruitment and wages

**e. The right to health**

57. Despite the government’s commitment to health care as central to national development in Yemen and acceptance of all recommendations calling for health care reform in Yemen, the budget allocations to health sector remain limited, total health expenditure

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<sup>12</sup> UNICEF policy paper <http://www.ungei.org/resources/files/Policy-Paper-Girls-education-Yemen.pdf>

<sup>13</sup> <http://www.worldbank.org/en/news/press-release/2013/04/02/world-bank-grant-supports-employment-creation-yemens-neediest-youth-women>

<sup>14</sup> Yemen Development Report issued by Ministry of Planning and UNDP

<sup>15</sup> <http://survey.ituc-csi.org/Yemen.html#tabs-2>

<sup>16</sup> <http://survey.ituc-csi.org/Yemen.html#tabs-3>

<sup>17</sup> *ibid.*

standing at 5% of GDP.<sup>18</sup> Indeed, in his recent speech in May 2013, the Health Minister himself focused on the seriousness of health situation in Yemen, highlighting problems of limited financial and human resources in the sector.

**58.** Given the limited access to maternal health care, including access to skilled birth attendants and Emergency Obstetric and Newborn Care services, Yemen's Maternal Mortality rate, while witnessing a downward trend, remains very high, with 365 maternal deaths per 100,000.<sup>19</sup>

**59.** With core challenges including early marriage, high female illiteracy and lack of awareness on family planning, the high population growth in Yemen stands as a critical problem for sustainable development. At the current growth rate the population of Yemen will reach 34 million by 2025<sup>20</sup>. Yet, given the endemic problems of Yemen, the population remains pessimistic about the life quality in Yemen, as the proportion of individuals who do not expect to live until the age of 40 stands at 15.4% of the total population<sup>21</sup>.

**60.** Stunting remains a critical problem in Yemen; with 58 per cent of children under 5 are suffering from stunting Yemen remains with the second highest rate worldwide after Afghanistan<sup>22</sup>. Malnutrition together with insufficient health services is indeed the main reason behind most of the child deaths. In Yemen under-five mortality rate stands 77 per 1000 live births.<sup>23</sup>

**61.** The quality of health services in Yemen is poor for ensuring full enjoyment. Indeed the current situation violates both availability and quality of health services, with around 14,000 beds in the country's hospitals and health centers, which works out at one bed per 1,600 persons.<sup>24</sup> The number of primary health care services and centers per 10000 population stands at the rate of 1.2<sup>25</sup>.

**62.** Given the poor quality of health services, several epidemic diseases that have been eliminated globally still prevail in Yemen. Furthermore spread of cancerous tumors is severe, as leukemia accounts for 9.8%, followed by cancers of the digestive tract by 8.13%, and cancer of the mouth and gums by 7.10%.<sup>26</sup>

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

**63.** Allocate more and effectively managed resources for economic and social development, particularly for health sector to increase the quality of the services and to ensure availability and accessibility for all Yemeni citizens.

**64.** In implementation of National Health Strategy centralize ensuring sustainable preventive, curative and rehabilitative health services for all in Yemen.

**65.** Tackle access to water and malnutrition as core problems of right to health.

**66.** Adopt measures aiming at increasing the qualifications of health personnel including curriculum development, trainings in medical education and upgrading teaching methodologies.

## **f. The right to water**

<sup>18</sup> <http://www.emro.who.int/yem/programmes/health-systems-development.html>

<sup>19</sup> <http://yemen.unfpa.org/sub.php?module=pages&lang=en&id=17>

<sup>20</sup> <http://yemen.unfpa.org/sub.php?module=pages&lang=en&id=4>

<sup>21</sup> Yemen Development Report issued by Ministry of Planning and UNDP

<sup>22</sup> [http://www.unicef.org/infobycountry/yemen\\_69318.html](http://www.unicef.org/infobycountry/yemen_69318.html)

<sup>23</sup> [www.unicef.org/mena/mena\\_child\\_survival\\_factsheet\\_march2012.docx](http://www.unicef.org/mena/mena_child_survival_factsheet_march2012.docx)

<sup>24</sup> <http://www.socialwatch.org/node/12118>

<sup>25</sup> <http://www.emro.who.int/yem/programmes/health-systems-development.html>

<sup>26</sup> Report issued by the Ministry of Public Health and Population

67. While 2009 revision recommendations made no reference to, Yemen stands as one of the most water-deficient Arab countries.

68. The proportion of the population who do not have access to safe water is estimated at 50% and the proportion of the population who do not have access to sewerage network is 75%.<sup>27</sup> High population growth and increased per capita water consumption together with the declining freshwater resources alerts a violation on right to water for Yemeni people.

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

69. Adopt in its water policy that access to safe drinking water is an inalienable right of all human beings and ensure a cooperative work among Ministry of Water and Environment and Ministry of Agriculture, as agriculture accounts for the most water usage and among Ministry of Water and Environment and Ministry of Education in order to raise awareness about the severity of the situation through education at schools.

**g. The rights of the child**

70. Although Yemen accepted the recommendation with regard to raising the legal age of criminal responsibility, developing a system of alternative sentencing for juvenile offenders and ensuring that prison sentences for offenders below the age of 18 are only used as a last resort, since 2009 revision, Yemen witnessed offenders below the age of 18 being punished with the same penalties given to elderly.

71. In clear violation of International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which specifically prohibit capital punishment of anyone who was under 18 at the time of the offense, and which Yemen is a party to, at least 22 people have been sentenced to death despite evidence that they were under the age of 18 years old at the time of the crimes which they held accountable.<sup>28</sup> In Yemen the death penalty is provided for a wide range of offences including murder, drug trafficking, rape, sexual offences and speech or action against Islam. In 2012 more than 29 executions have been reported, in 2011 at least 41 and in 2010 at least 62 people were executed<sup>29</sup>.

72. Although, Yemen has ratified the two key ILO conventions on child labor (Convention No. 138 on Minimum Age and Convention No. 182 on the Worst Forms of Child Labor) accepting that 14 is the minimum age for employment and recognizing that children under the age of 18 cannot be employed in hazardous work, 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>30</sup>

73. Given that Yemen is party to the Convention on the Rights of the Child (CRC) and CEDAW, both of which contain provisions against child marriage, the lack of legislative measures in Yemen to end child marriages is problematic. In Yemen 14% of girls are married before age 15 and 52% before 18<sup>31</sup>.

74. The 2009 revision made no reference to use of child soldiers in Yemen but the current instability and conflict continue to generate more child soldiers in Yemen. Such practices are clear violations of rights of child given the Optional Protocol to the

<sup>27</sup> Yemen Development Report issued by Ministry of Planning and UNDP

<sup>28</sup> <http://www.hrw.org/reports/2013/03/04/look-us-merciful-eye>

<sup>29</sup> Amnesty International and Hands Off Cain statistics  
<http://www.handsoffcain.info/bancadati/schedastato.php?idstato=17000475&idcontinente=23>

<sup>30</sup> According to Yemen's first-ever national child labor survey, which was carried out with support from the ILO, the Social Development Fund and UNICEF, available at [http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_201431/lang-en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_201431/lang-en/index.htm)

<sup>31</sup> <http://www.hrw.org/news/2013/05/13/trials-child-marriage>

Convention on the Rights of the Child on the involvement of children in armed conflict, which Yemen ratified in 2007 and that establishes 18 as the minimum age for any conscription, forced recruitment, or direct participation in hostilities.

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

**75.** End executions of juvenile offenders as a clear and straightforward way for Yemen's government to show it honors its human rights commitments.

**76.** Establish an independent review committee that is tasked to develop clear procedures and guidelines for determining a defendant's age and to ensure that all juveniles accused of murder and other offenses have access to an independent impartial age determination process that considers medical evidence, impartial records, and interviews<sup>32</sup>.

**77.** Ensure effective abolition of child labor in Yemen, providing every girl and boy the opportunity to develop physically and mentally to her or his full potential.

**78.** Strengthen awareness activities and adopt appropriate legislative and policy measures to address and prevent violence against children and to reintegrate former child soldiers in society in accordance with the Convention on the Rights of the Child.

#### **h. Freedom of opinion and expression**

**79.** Although Yemen during the first cycle revision accepted recommendations calling to examine the laws and measures to ensure that the restrictions imposed on freedom of expression are in line with the ICCPR, since 2009 no clear steps are taken to meet this obligation, national laws remain restrictive on the freedom of opinion and expression.

**80.** Although the law with regard to the right to access to information has been issued by the end of 2012; there has been no further steps towards its entry into force.

**81.** The government practices of prosecuting journalists and writers on the background of expression of opinion or publications on political issues and corruption prevails in Yemen. The practices include as well threatening the right to life of journalists and writers. During 2011 protests, two journalists and a cameraman were killed while they were covering the events<sup>33</sup>. The government took no action to investigate the killing of journalists.

**82.** The Yemeni Journalists' Syndicate recently released a report indicating 330 violations were committed against Yemeni journalists in 2011. According to the report, some of those violations include the 93 assaults on journalists, 76 confiscated newspapers, 47 threats, 25 journalists illegally arrested and 17 kidnappings.<sup>34</sup> These reflect clear violations of the Yemeni government, not abiding by its obligations under international law and in regard to UN Security Council Resolution 1738 that condemns attacks against journalists in conflict.

**83.** The peaceful demonstrations of 2011 faced violent crackdown, particularly on the south of the country and has witnessed killing of peaceful demonstrators. Yet there has been no investigation on the perpetrators of such violations nor anyone was held accountable for the violations.

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

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<sup>32</sup> *ibid*

<sup>33</sup> Journalist Jamal Al-Sharabi, Hassan Al-Wadhaf and journalist Abdulmajeed Al-Samawi and a cameraman of Al-Hurra TV channel.

<sup>34</sup> <http://www.yementimes.com/en/1628/report/1664/Efforts-continue-to-seek-justice-for-journalists-who-died-in-2011.htm>

**84.** End the culture of impunity surrounding cases of retaliation for dissent, attacks on human rights defenders and journalists, the excessive use of force during peaceful demonstrations, abuses of force by state actors

**85.** Issue a standing invitation to UN Special Procedures mandate holders, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association and ensure that civil society in Yemen can freely engage in dialogue with the mandate holders

**i. Enforced Disappearances and Arbitrary Detention**

**86.** During 2011 events, Yemen witnessed hundreds of people being subjected to arbitrary detention and in some cases enforced disappearance or torture and other ill-treatment. These acts were carried out by a range of security and military forces, as well as armed government supporters.<sup>35</sup>

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

**87.** Immediately and unconditionally release anyone held solely for the peaceful exercise of their rights to freedom of conscience, expression, association or assembly

**88.** Give an end to enforced disappearance practices by disclosure of information on whereabouts of all those detained and ensure that immediate notification to families and lawyers is delivered in cases of detention

**j. Internally Displaced Persons and refugees**

**89.** Although during the first-cycle revision, Yemen received no recommendation with regard to the issue of Internally displaced persons (IDPs), addressing internal displacement is a key component of promoting stability in Yemen. This necessitates ensuring protection, assistance and solutions for IDPs as an integral component of the Government's transition, stabilization and development plan<sup>36</sup>. As of March 2013, there are 344,019 IDPs in Yemen.<sup>37</sup>

**90.** The Yemeni government continues to hold a poor record of protecting Eritreans arriving in Yemen, where they face the threat of indefinite detention and deportation to persecution. Such deportation acts are in stark contrast to the international convention relating to the status of Refugees (1951) that Yemen acceded in 1980.

**We urge the Working Group and the members of the Human Rights Council to call upon the government of Yemen to:**

**91.** Take proper actions to implement the recommendations listed in the UNHCR latest report entitled "Engaging the voices and views of internally displaced people in the national dialogue conference"<sup>38</sup> including: a) to formulate a national policy to address and resolve issues of internal displacement consistent with the standards of international human rights law and international humanitarian law taking into account the Guiding Principles on Internal Displacement, b) to criminalize forced displacement c) to find resolution mechanisms to resolve conflicts with the participation of all parties to the conflict and civilians as an alternative to war d) Improve the procedures that will determine the beneficiaries of humanitarian aid taking into account any special needs and the specific risks facing certain categories of displaced people.

<sup>35</sup> Amnesty International 2012, <https://www.amnesty.org/en/library/asset/MDE31/012/2012/en/85db44f3-b00f-4998-a363-4b5a61177b72/mde310122012en.pdf>

<sup>36</sup> <http://www.unhcr.org/516fe10a9.pdf>

<sup>37</sup> [http://reliefweb.int/sites/reliefweb.int/files/resources/Yemen%20Humanitarian%20Snapshot%2030%20-%20April%202013\\_0.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Yemen%20Humanitarian%20Snapshot%2030%20-%20April%202013_0.pdf)

<sup>38</sup> <http://www.unhcr.org/516fe10a9.pdf>

**92.** Provide security protection to refugees and ensure that they are not subjected to any violation or exploitation, in relation to this monitor the conditions of women and children refugees in particular, and ensure that all those responsible for any violations are exposed to the judiciary.