

29<sup>th</sup> November 2018

## **Statement to UPR Pre-session**

This statement is made of the Yemeni Civil Society Alliance and international organizations is submitting as part of the stakeholder. within the UPR mechanism of human rights, The Alliance includes the organizations representing an extremely diverse coalition of organizations working in the field of humanitarian, and human rights, and development, and human settlements. In particular, The Yemeni civil society Alliance made a three meetings of consultations activities in lahj, Aldalea and Aden during August 2017 with representatives of local authorities.

Urgent need to protection of the human rights is an urgent necessity that cannot be delayed.

Likewise, we are deeply concerned the violations of the human rights are being committed with complete impunity.

The losses resulting from the military operations in Yemen were estimated at about \$ 14 billion, and left behind more than 10 thousand dead and more than 40 thousand injured, since 2015, according to recent statement by OCHA. The UN High Commissioner for Human Rights, indicated that the casualties among civilians since the start of the conflict in 2015, has reached 13,839, of which 5,144 have been killed and 8794 injured, showing that casualties among civilians are increasing in an unprecedented way since the start of the conflict in 2015.

This statement strives to achieve a group of recommendations, mainly to promoting and protecting human rights in Yemen.

The number of issues will raise and in which we will present of making the following priority statement:

1. Constitutional and Legislative Framework.
2. The establishment of the national institution for human rights.
3. Cooperation and institutionalizing the partnership with the civil society.
4. The comprehensive national plan for human rights.
5. Cooperation with the human rights mechanisms.
6. Equality and nondiscrimination (women's rights).
7. The right to life

### **Implementation of recommendations of the previous UPR**

In general, The government failed to execute and fully impalement recommendations the findings of the UPR team in the previous report, and the government also, failed to implement any actual procedure to reflect its seriousness to apply these recommendations and its commitment therein, where no clear mechanism was developed or strategy by the ministry of human rights, the line ministry in this respect, also the government did not call the parliament to study the recommendations submitted, or form a parliament rain committee to review the international conventions and protocols for the government to take necessary measures to join such conventions, also no legal reform measures were taken by the government to harmonize the national legislatures with the international human rights standards. the Alliance recommend,

- Develop a national execution and follow-up plan to ensure the implementation of the recommendations and remarks made by the UPR.

Basic information and the general framework:

1. Constitutional and Legislative Framework

- Amend the legislative and laws and harmonize them according to the international human rights conventions and agreements, noting that the ongoing conflict jeopardizes the legislative system and the conflict must stop and amend the legislative system.
- Amend punitive and procedural laws related to the penal justice
- Reform judiciary, and prosecution, and invalidate exceptional courts at all governorates and territories.
- Establish specialized courts for human rights crimes and violations during armed conflicts,
- Support and promote fair trial standards, and reform and rehabilitate the security sector in accordance with human rights standards.
- Reconstruct security institutions, including civil police stations, and involve all community members in ending the conflict and crisis efforts.
- Restructuring the army and build a national army.
- Ensure full implementation of policies and procedures to improve human rights situation.

2. Support the establishment of the national institution for human rights:

Yemeni government failed to execute the recommendations of the previous UPR round Recommendations the countries that made those (Tunisia, Republic of Congo, Uruguay, Guatemala, Denmark, Iraq, Germany, Kenya, Nicaragua, Jordan, France, Algeria, South Africa, Philippines, Poland) related to the establishment of the national institution for human rights according to Paris principles. recommend

- Establishing a national mechanism for human rights and identify the mechanism for nominating its members, and its independence.

3. Cooperation and institutionalizing the partnership with the civil society.

Yemeni government failed to execute the recommendations of the previous UPR round Recommendation, (Egypt, Jordan). Related to Enhance cooperation and consultation with civil society and work towards the promotion of civil society. The Yemeni civil society, particularly human rights organizations, are suffering from prosecution for conducting monitoring and documenting of human rights violations committed by all parties. However, there is lack of cooperation and partnership with the civil society. recommend,

- Opening of chances for the civil society to play its role in ending the conflict and crisis in Yemen through the amendment of the legislatures that allow for the establishment of societies and institutions in accordance to the international standards and to institutionalize the partnership and cooperation with the government and provide required financial assistance from the state public budget.

4. The comprehensive national plan for human rights: Recommend,

- Developing and implement a comprehensive national plan in human rights, that to be developed with the participation of all stakeholders, involved in promoting human rights

in Yemen, to ensure the implementation of the recommendations and remarks made by the contractual mechanisms and special procedures.

5. Cooperation with the human rights mechanisms:

Yemeni government failed to execute the recommendations of the previous UPR round Recommendation the countries that made those (Belgium, Slovakia, Thailand, Australia, France, Algeria, Norway, Portugal, Czechia, Argentina, Tunisia, Austria, Australia, Slovenia, Mexico, Israel, Nigeria, Netherlands, Azerbaijan, Uruguay) related to International instruments. (Italy, Eritrea, Slovenia, United States, Botswana) related to International humanitarian law. (Montenegro, Tunisia, Latvia, Germany) related to Special procedures, (Argentina, Latvia, Montenegro) related to Cooperation with the human rights mechanisms. recommend:

- Join the basic international human rights conventions that it has not joined yet.
- Join the optional protocols attached to the basic conventions that it has not joined yet.
- Extend an open invitation to the special procedures.

6. Equality and nondiscrimination (women's rights).

Yemeni government failed to execute the recommendations of the previous UPR round Recommendations. Related to Women Rights and Bolster the investigation of cases of gender-based violence.

Women and girls are suffering gender-based discrimination and violence, during peace and war time in Yemeni. However, the state of conflict and war has escalated and deepened the violence in all its forms and expanded it widely and exposed women and girls to violations, risks, killing, injuring, abduction, detention, rape, homelessness and enforced displacement, domestic violence, girls, and minor enforced marriage. Such situation has deteriorated further with the wide spread of extremist groups that target women and girls' rights. Noting that the social norms allow men to act freely on women's life, determine their fate and affairs, it allow practices of domestic violence against women and girls, with impunity, and there is no law that incriminate domestic violence. recommend:

1. Draft a law on protecting women from violence and domestic violence.
2. Obligate all groups involved in the conflict and crisis to protect women and to draft laws that protect women during and post conflict, and to harmonize them with the international conventions, and to set needed mechanisms to implement these conventions.
3. Review policies and procedures that perpetuate discrimination and gender-based violence.
4. Addressing inequitable inequalities in equal citizenship rights.
5. Develop protection programs for women and girls' victims of violence, for labor women and law enforcement personnel.
6. Combining humanitarian approach at emergencies with development and human rights approach, to address the root causes of violations to the right of food and adequate nutrition,

through the support of using the framework for food security and nutrition at extended crisis, that have been approved in the 42nd session of the International Food Security Committee, including specific arrangements to implement the right of food and nutrition for women.

7. The right to life, recommend:

- Harmonize national legislatures with Yemeni international obligations in human rights filed.
- Include a clear definition of war crimes, crimes against humanity and genocide crimes in the Yemeni legislatures and in accordance with Rome Statute of the ICC.
- Establish specialized courts on war crimes, and crimes against humanity committed during the armed conflicts.
- Enact new law on the crimes of the armed conflicts according to the international humanitarian law.
- End impunity of the perpetrators of human rights violations in Yemen.
- Provide legal protection mechanisms for the human rights defenders and take necessary measures to that effect.
- Amend military penalties law, crimes, and punishment law, to cope with Yemen obligations according to the IHL and international standards.
- The legitimate government shall ensure the role of law and assume its responsibility in protecting the civilians, particularly the IDPs, and forcibly displaced due to the military operations.
- Implement the national dialogue outcomes, particularly that related to the transitional justice, reparation of victims of the armed conflict.

Thank you.

Signed by: Alliance includes the following organizations:

1. Wogoud Foundation for Humanitarian Security
2. Raidaat Foundation for Rights and Liberties
3. Tomouh Foundation for Creative Thought
4. Al-Wadhah Foundation for Dialogue and Development
5. Rouad Foundation for Development and Human Rights
6. Al-Manara Foundation
7. Habitat International Coalition-Housing and Land Rights (HIC-HLRN)
8. Food First Information and Action Network (FIAN)