

Submission to the UN Universal Periodic Review
46th Session of the UPR Working Group



UNIVERSAL PERIODIC REVIEW: YEMEN

**PROTECTING WOMEN'S AND CHILDREN'S HUMAN RIGHTS TO ENABLE
TRANSITIONAL JUSTICE IN YEMEN**

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Table of contents

A. Introduction

B. Being a child in Yemen

i. Access to education

ii. Recruitment of child-soldier and child-marriage

C. Women in times of war

i. Sexual and Gender-Based Violence

ii. Women's health and Human Rights deterioration

D. Recommendations

A. Introduction

1. No Peace Without Justice (NPWJ) is an international non-profit organisation established in 1994 that works for the protection and promotion of human rights, democracy, the rule of law and international justice. NPWJ aims to address situations where fundamental and universal principles are often set aside in the name of political stability and presumed cultural incompatibility. NPWJ raises awareness, fosters public debate, and spurs mobilisation among democracy advocates; decision-makers and governments to promote human rights, democracy, the rule of law and international criminal justice. NPWJ is in special consultative status with the Economic and Social Council since July 2022.
2. In this document NPWJ outlines urgent concerns on Yemen's current Human Rights condition and offers recommendations that should be implemented in the country.
3. Part B underlines how the persisting conflict situation disproportionately affects the more vulnerable parts of the population, with particular attention to children's ever restricting safe access to schooling, their involvement in the conflict as child soldiers and the issue of child and forced marriages.
4. Part C focuses on the overall degradation of women's rights, tackling the issues of domestic sexual and gender-based violence (SGBV), and also access to health and freedom of movement. It also highlights the potential role of Transitional Justice as an important unifying tool to mend the fracture created by the ongoing conflict and offer recommendations to ensure accountability, justice and reconciliation for the people of Yemen.

B. Being a child in Yemen

i. Access to education

5. The humanitarian situation in Yemen remains among the worst human-made crisis of this century, with approximately two-thirds of the population being in dire need of humanitarian assistance.¹ The ongoing conflict disproportionately affects the more vulnerable sectors of the population, with a staggering 51% of the people in need being children, 24% being women and 15% being people with disabilities.²
6. During the previous Universal Periodic Review of 2019 the Government of Yemen expressed its willingness to develop new strategies and programs in several key areas that required action including, but not limited to, children's education (Programs to support girls' education, The National Secondary Education Strategy). However, the reality ended up being quite different. In 2020, Yemen was considered the fourth most dangerous country for a child to live in.³
7. Since 2015, all sides in the conflict have been targeting or mis-using educational facilities throughout the country in one way or another: either attacking them directly causing mass casualties and infrastructural damage, or indirectly, by utilising schools as makeshift bases of operation, refugee camps and field hospitals. Since 2015 more than 2,783 schools have been rendered non-functional in this very manner, which constitutes a grave violation of children's rights, with a further estimated 368 schools being damaged by the 2022 floods. This led to more than 2 million children being out of school in 2021,⁴ with a further 1.5 million having their education disrupted in 2022.⁵

¹ OCHA, "Group of Experts on Yemen to the Human Rights Council: Impunity continues largely unabated for those who perpetrate serious violations in Yemen", 14 September 2021

² OCHA, "Humanitarian Needs Overview Yemen", December 2022

³ Save the Children International, "Stop the War on Children, A crisis of Recruitment", 2021

⁴ UNICEF, Yemen, "Education Disrupted, Impact of the Conflict on Children's Education in Yemen", July 2021

⁵ OCHA, "Humanitarian Needs Overview Yemen", December 2022

8. Most internally displaced children are unlikely to return to school any time soon. Poverty, lack of school personnel and lack of safe access to infrastructures are all leading causes in undermining children's education in Yemen. This will be an incredible detriment for the future of Yemen as around 84.5% of children in the country live in monetary poverty, making it harder to complete their education and recover from a self-perpetuating cycle of poverty.⁶ Even when children can return to school, many families lack the necessary resources to purchase textbooks and other educational supplies. Furthermore, children are not receiving the necessary time and support to recover from the long absences caused by the conflict and the economic downturn, leading to discriminations, diminished dignity and additional school dropouts.⁷

ii. Child soldiers and child-marriage

9. An ever-increasing number of children under the age of 18 are forced to work to survive and provide basic needs to their family, with 89% of them being at risk of enlistment, conscription or use as child soldiers by all parties.⁸ In 2021, at least 195 children were forced to become child soldiers, which again constitutes a grave violation against children's rights.⁹ This is in stark contrast with prior statements by the Government of Yemen in the 2019 UPR, when it claimed to be striving for the demobilisation of child soldiers in the country.¹⁰

10. The ongoing conflict is also the culprit for the increased frequency of child marriages as a coping mechanism for impoverished households lacking income, by moving members of the family away. During the third UPR cycle, the Government of Yemen accepted recommendations to prohibit child, early and forced marriage, while also reaffirming the intention to set the minimum marriage age at 18, thus also preventing the forceful and premature withdrawal of girls from schools. No concrete action has ever been taken in this regard. A staggering 72.5% of girls under the age of 18 still got married in 2021, preventing them from completing their education;¹¹ it is unlikely that this situation will change any time soon.

11. In the same UPR cycle, the Government of Yemen accepted the recommendation to continue all possible efforts to adopt functional legislation and implement an operational framework focusing on the protection of women and children from violence, including female genital mutilation. All this was designed to avoid the tragedy of Yemen witnessing another lost generation, which is a concerning consequence from the conflict considering that 46% of the population are under 15.¹² However, once again, there has not been sufficient progress towards fulfilling this recommendation.

C. Women in times of war

i. Sexual and Gender-Based Violence

12. In general, women are considered extremely vulnerable during war time. Due to the conflict, inequalities, discrimination in society and the spread of violence are exacerbated. There are reports from local and international organisations highlighting the fact that sexual and gender-based crimes are taking place within Yemen under the flags of all parties involved.

⁶ UNICEF, Yemen, "Education Disrupted, Impact of the Conflict on Children's Education in Yemen", July 2021

⁷ Save the Children International, "Will I see my Children Again? A brief on attacks on education in Yemen", 2021

⁸ Save the Children International, "Stop the War on Children, A crisis of Recruitment", 2021

⁹ OCHA, "Human Rights Overview Yemen", 2023

¹⁰ <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/335/77/PDF/G1833577.pdf?OpenElement>

¹¹ UNICEF, Yemen, "Education Disrupted, Impact of the Conflict on Children's Education in Yemen", July 2021

¹² "World Population Prospects 2022: Demographic indicators by region, subregion and country, annually for 1950-2100"

13. Yemen is a party to several treaties and conventions including the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which has been interpreted to require state authorities to prevent and protect victims from domestic violence. However, the Government has only partially implemented its legal obligations under these international treaties in Yemeni domestic law.

14. Indicators of domestic violence available for Yemen, while scarce, were already high even before to the conflict. The security situation and societal chaos arising from the conflict has further weakened opportunities for accountability, which in turn embolden the commission of crimes such as homicide or honour killings, inter-family rape and deprivation of rights and resources,¹³ thus encouraging a culture of impunity. During its third UPR process in 2019, the Government of Yemen accepted the recommendation to adopt legislative measures to prevent and combat harassment and violence, including domestic and sexual and gender-based violence (SGBV) also in detention centres. However, we do not see any concrete evidence that there has been a positive movement towards this yet.

ii. Women health and Human Rights deterioration

15. Women in Yemen are at severe risk of maternal and newborn mortality, which is one of the highest among all countries in the MENA region. Women living in rural areas are particularly exposed, often dying from preventable causes if only health services had been available and functional.¹⁴ However, most of the health infrastructures have been damaged or mis-used by all parties to the conflict.

16. The conflict restricted women's freedom of movement even more, which is very problematic since women account for 80% of displaced people in Yemen and often risk harassment and arrest when travelling alone.¹⁵

17. All parties to the conflict have been responsible for various crimes committed against women. Rape or the threat of sexual and physical violence have been utilised as weapons of war as a means to inflict torture, to obtain information, or simply as a way of humiliating and punishing the victims. This is something particularly heinous considering Yemen's cultural context of stigmatisation for women who have suffered sexual violence.¹⁶

18. The targeted discrimination and deliberate limitation of basic freedoms for women in Yemen have diminished their dignity and basic human status, depriving them of their ability to be active participants in Yemen's society.

19. Yemen is not a party to the Rome Statute of the International Criminal Court, meaning the ICC does not have jurisdiction over the crimes committed in the country. We see no evidence that there has been accountability for the crimes described above.

20. NPWJ supports the promotion of democracy and human rights protection and believes that Transitional Justice mechanisms could be an effective tool for the country. By fostering civil society's involvement in Transitional Justice initiatives, promoting accountability for the crimes committed, providing redress to victims, and promoting reconciliation, stability, and democratic development in the context of a reconstruction plan, Yemen could begin to mend its fractured state.

¹³ Mwatana for Human Rights, "Fragile Walls, A study of domestic violence against women during the war in Yemen (2014-2021)", August 2022

¹⁴ OCHA, Human Rights Overview, Yemen, 2023

¹⁵ Mwatana for Human Rights, "It's time to say Women are tired of all this", 13 March 2023,

¹⁶ OCHA, Human Rights Overview, Yemen, 2023

D. Recommendations

22. Considering the above, NPWJ recommends that the Government of Yemen:
23. Develop a robust legal framework for the promotion and protection of human rights by ensuring that constitutional and national legislation are fully compliant with international human rights standards, especially regarding children and women's rights, access to education, the right of peaceful assembly, freedom of the press and freedom of expression.
24. Ratify the Rome Statute of the International Criminal Court and enact implementing legislation to incorporate Rome Statute crimes in Yemeni law and provide for cooperation with the ICC.
25. Ratify all human rights treaties, particularly, ICCPR and ICESCR.
26. Enact effective legislation that effectively addresses the scourge of Child and Forced Marriages (CFM).
27. Ensure the application of The Yemeni Child Rights Law and immediately stop the conscription, enlistment or use of children as child soldiers, noting that this means any person under 18 given Yemen's ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.
28. Fully implement UNGA Resolution 67/146 on "Intensifying global efforts for the elimination of female genital mutilation".
29. Cease damaging schools, educational and health facilities or all civilian objects and ensure accountability for the perpetrators of these crimes, particularly where they constitute a grave violation of children's rights.
30. Adopt and enforce laws to protect women from domestic, sexual and gender-based violence (SGBV).