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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-sixth session**  
29 April–10 May 2024

## **Summary of stakeholders' submissions on Yemen\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.<sup>1</sup> It is a summary of 30 stakeholders' submissions<sup>2</sup> for the universal periodic review, presented in a summarized manner owing to word-limit constraints.

#### **II. Information provided by stakeholders**

##### **A. Scope of international obligations<sup>3</sup> and cooperation with human rights mechanisms**

2. Amnesty International, HRF, Alkarama, AC, MAAT, Yemen NGOs Coalition, HRW, JS2, JS8, JS7, JS4, JS10 recommended Yemen to ratify different conventions, among them: the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW), the Rome Statute, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OP-CAT), the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, the Convention for the Protection of All Persons from Enforced Disappearance, International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR).<sup>4</sup>

3. HRITC, HRW, NPWJ, JS1 and JS8 called on the government to ratify the Rome Statute and implement the statute in national legislation, including by incorporating provisions to cooperate promptly and fully with the International Criminal.<sup>5</sup>

4. Alkarama and AC Foundation recommended Yemen to accept the individual complaints procedures under the Convention against Torture and under OP1 ICCPR and article 22 UNCAT.<sup>6</sup>

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\* The present document is being issued without formal editing.



5. AI urged the Government to review and withdraw all reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>7</sup>
6. HRW recommended incorporating its obligations under the 1951 Refugee Convention into national legislation and establish a national asylum system.<sup>8</sup>
7. HRITC encouraged the government to issue a standing invitation to special procedures mandate holders, in particular the Special Rapporteurs on human rights defenders and freedom of expression.<sup>9</sup>
8. HRW called on the government to accede to the Convention on Cluster Munitions and ensure that it is implemented through national legislation.<sup>10</sup>
9. ICAN urged Yemen to sign and ratify the Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.<sup>11</sup>
10. ECLJ called on Yemen to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.<sup>12</sup>
11. JS8 called on the government to request the re-establishment by the UN Human Rights Council of the Group of Eminent International and Regional Experts with the mandate to, inter alia, monitor and report on the situation of human rights in Yemen and to carry out comprehensive investigations into all alleged violations and abuses of international human rights law and all alleged violations of international humanitarian law committed by all parties to the conflict since September 2014, including possible gender dimensions of such violations and focusing on crimes committed against children.<sup>13</sup>

## **B. National human rights framework**

12. AC Foundation and HRITC recommended the government to establish an independent national human rights institution.<sup>14</sup>
13. MAAT recommended granting the National Human Rights Commission more extensive powers to investigate all allegations of human rights violations; and accelerating the establishment of a national human rights institution in accordance with the Paris Principles.<sup>15</sup>
14. JS2 and JS6 urged Yemen to abolish the death penalty for people who were under the age of 18 at the time of the alleged crime, and immediately commute the death sentences of any person not proven to have been at least 18 years old at the time of the alleged offense.<sup>16</sup>

### **1. Constitutional and legislative framework**

15. AI urged the government to amend the Personal Status Law to ensure it is aligned with international human rights law and standards and does not contain any discriminatory provisions against women, including by repealing provisions on “immoral” behaviour.<sup>17</sup>
16. AI recommended the government to ensure that forced marriages are prohibited in all cases; and in the case of early marriage whereby one of the parties is under the age of 18, the state must establish that the marriage is conducted with their full, free and informed consent including that they have sufficient level of maturity to fully comprehend the consequences and obligations of marriage. The state must also ensure that adolescents under the age of 18 in early marriages are not forced to withdraw from school.<sup>18</sup>
17. AI called on Yemen to amend Article 232 of the Penal Code to include aggravating circumstances in sentencing perpetrators found guilty of femicide including so-called “honour killings”; and to adopt a law on online violence against women, prohibiting cybercrime, including digital harassment, defamation, bullying and blackmail.<sup>19</sup>
18. AI called on Yemen to bring national legislation curtailing the right to freedom of expression into line with international standards.<sup>20</sup>

19. JS1 stated that the laws pertaining to journalism should be revised and amended to ensure the protection of the right to freedom of expression and opinion, and access to information.<sup>21</sup>

20. Alkarama recommended the government to accelerate legislative reforms in order to align the domestic legal framework with international human rights standards; accelerate the adoption of the new Constitution and ensure that its provisions comply with international human rights standards; and adopt transitional justice and national reconciliation laws ensuring that violations of international humanitarian and human rights law are investigated, perpetrators are prosecuted, and victims receive adequate and effective remedy.<sup>22</sup>

21. HRF called on the government to ensure that the state's internal legislation, specifically about the treatment of women, fully adheres to the commitments made with international human rights instruments it has signed or ratified.<sup>23</sup>

22. WEA called on the government to repeal the apostasy laws and enshrine in legislation the right to freedom of religion or belief.<sup>24</sup>

23. JS1 urged the government to enact legislation that criminalizes all forms of enforced disappearance, aligning with international standards.<sup>25</sup>

24. JS5 urged working on issuing a law to combat information technology crimes; and implementing the law on the right to obtain information and accountability of parties that refrain from disclosing information and practice deliberate withholding from the public.<sup>26</sup>

25. JS6 called on the government to revise the death penalty legislation so that it complies with the ICCPR and particularly to ensure that the death penalty is not a sanction for apostasy, by the next reporting period.<sup>27</sup>

26. JS7 and JS9 recommended passing legislation establishing a minimum age for marriage at 18 years old and protecting the right of women to refuse marriage and get divorced; and adopting a comprehensive national strategy and a draft law to combat all forms of violence against women, including women's rights defenders, at the public and domestic levels.<sup>28</sup>

## **2. Institutional infrastructure and policy measures**

27. AI called on the government to establish an official moratorium on executions with a view to abolishing the death penalty for all crimes; and review the cases of all persons currently under the sentence of death with the aim of commuting their sentences or retrying them in fair proceedings without recourse to the death penalty.<sup>29</sup>

## **C. Promotion and protection of human rights**

### **1. Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### *Equality and non-discrimination*

28. ECLJ recommended that Yemen act in greater congruence to the numerous international agreements that prohibit religious discrimination and persecution and pursue greater religious liberty for its non-Muslim citizens especially Christians who face the worst treatment.<sup>30</sup>

#### *Right to life, liberty and security of person, and freedom from torture*

29. HRW, JS7 and AC Foundation called on Yemen to end the practices of arbitrary arrest and detention, enforced disappearance, and torture and other ill-treatment and release all those arbitrarily detained; and ensure that detention center staff act in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners ("Mandela Rules"), particularly with respect to humane treatment and the use of force against detainees.<sup>31</sup>

30. JS7 and HRW also advised publishing the official lists of all individuals currently in held in any detention center and those who have died in detention and provide immediate and

unhindered access to independent humanitarian agencies to all detention facilities, official and unofficial, without prior notification.<sup>32</sup>

31. HRF recommended Yemen to protect the rights of all detainees and their families against torture, physical and verbal abuse, sexual exploitation, as well as to ensure uninterrupted access to familial contact, while safeguarding the rights of Yemenis to due process of the law.<sup>33</sup>

32. HRITC urged Yemen to ensure that all those deprived of their liberty are treated in accordance with the standards of international human rights law and the minimum rules for the treatment of prisoners, and allow human rights organizations to visit them, and enable the International Committee of the Red Cross to visit them and inspect their detention centres.<sup>34</sup>

33. MAAT called on Yemen to stop the implementation of death sentences and gradually phase out the death penalty by replacing current death sentences with more lenient sentences such as life imprisonment or aggravated imprisonment should be prioritized.<sup>35</sup>

34. JS7 urged the government to investigate all reported incidents of torture in accordance with international standards; take immediate measures to hold those responsible accountable and provide remedies to victims.<sup>36</sup>

#### *International humanitarian law*

35. During the period covered by the 4th cycle of the UPR, Yemen continued to experience a non-international armed conflict between the Government of Yemen and the Houthis, to which article 3 common to the Geneva Conventions of 12 August 1949, the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), and relevant customary international humanitarian law apply. All parties to the conflict, including members of the coalition, are bound by these norms, in addition to obligations under other treaties they have ratified. The legal framework governing non-international armed conflict applies equally to other such conflicts occurring in Yemen, between the Government of Yemen and other non-State armed groups and among different armed groups. AHRF, AI and JS4 recommended Yemen to ensure that all armed forces comply with international humanitarian law and international human rights law; and immediately halt all military operations which are indiscriminate, disproportionate, and impact civilian infrastructure or objects essential for the survival of the civilian population, including to meet their rights to water and food.<sup>37</sup>

36. JS4 specifically recommended to immediately cease the placement of military targets, including the positioning of forces, in densely populated areas or neighbourhoods, as well as the storage of weapons in these locations or nearby; and to immediately halt the use of indiscriminate weapons.<sup>38</sup>

37. JS7 called on Yemen to facilitate immediate, safe, and unimpeded delivery of humanitarian aid to children and other civilians in need; identify and remove landmines and unexploded remnants of war; and avoid using educational facilities as military barracks or weapons depots and ensure these spaces are dedicated to education.<sup>39</sup>

38. JS7, JS5, YEMEN NGOs Coalition and HRW called on the government to hold perpetrators accountable for all violations and abuses, including through timely, independent, and systematic investigations, prosecution, and, as appropriate, prosecution and conviction.<sup>40</sup>

39. JS1 called on all parties involved in the Yemeni conflict to immediately release all individuals who have been arbitrarily detained and share lists of detainees with ICRC, specifying the status and location of each detainee in all regions. Restrictions on freedom based on affiliation, region, opinion, gender, belief, or any other grounds without legal justification must cease. The rights and dignity of detainees, prisoners, and those deprived of their liberty should be fully respected, consistent with international law and standards. The government should also establish safe centres where families can request information.<sup>41</sup>

40. JS1 urged all parties to the conflict to cooperate with ICRC to transmit information on the fate and whereabouts of those in custody to their families or to their next of kin in the event of the death of a family member.<sup>42</sup>

41. AHFR called on the parties to take the necessary measures to clear the areas under their control of landmines and other explosive remnants of war and to provide the necessary support and services to persons with disabilities caused by such unexploded ordnance.<sup>43</sup>
42. AI recommended the government to reform the mandate of the National Commission to Investigate Alleged Violations of Human Rights (NCIAVHR) to ensure it can effectively, independently and impartially investigate cases where there is credible information that violations of international humanitarian and human rights law have been committed, make the findings public, and prosecute those suspected of criminal responsibility in fair trials.<sup>44</sup>
43. JS8 called on the government to ensure the independence of the National Commission of Inquiry and establish mechanisms to guarantee close and full cooperation with international instruments such as the ICC and any future United Nations independent entity investigating and issuing detailed public reports on human rights violations on Yemen.<sup>45</sup>
44. HRITC also urged the government to support the work of the NCIAVHR.<sup>46</sup>
45. SCSS recommended the government to provide reparative measures for victims and survivors must not be confused or conflated with humanitarian assistance. Reparations imply the acknowledgment of violations and abuses, including through judicial proceedings.<sup>47</sup>
46. SCSS also recommended establishing a trust fund for the benefit of victims of human rights violations and other abuses committed during the conflict in Yemen.<sup>48</sup>
47. AI recommended Yemen to ensure access to remedies is provided to victims of unlawful attacks and their families, including compensation, restitution, rehabilitation, satisfaction and guarantees of non-repetition across Yemen.<sup>49</sup>
48. AI called on the authorities must ensure greater cooperation of the parties to the conflict with NCIVHR and implement its recommendations.<sup>50</sup>
49. Broken Chalk called on the involved parties to cease all attacks against schools and universities and their use for military purposes and implement the commitments set out in the Safe Schools Declaration and the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.<sup>51</sup>
50. HRW recommended the government to adhere to the Mine Ban Treaty's strict prohibition on antipersonnel landmines and clear mined areas as quickly as possible in accordance with international standards; and to grant and facilitate the free passage of humanitarian assistance and grant persons engaged in the provision of such assistance rapid and unimpeded access to all populations at risk.<sup>52</sup>
51. JS1 called on the government to establish an independent national body with a humanitarian mandate to ensure effective search for missing persons and information about the whereabouts of missing persons as well as to support the families of missing persons in a way that meets their psychological, legal, administrative and economic needs.<sup>53</sup>
52. JS7 and JS3 recommended ensuring that all armed groups immediately cease recruiting child soldiers, release from duty all children who are under 18, and ensure they have access to rehabilitation programs.<sup>54</sup>

*Administration of justice, including impunity, and the rule of law*

53. HRITC, HRW and AI called on Yemen to initiate prompt, impartial and effective investigations into allegations of torture and other ill-treatment, including rape and other sexual violence, by security forces even if specific complaints were not formally filed.<sup>55</sup>
54. JS2 called on the government to conduct credible, independent, and impartial investigations into all allegations of torture, prioritizing allegations raised by persons who are charged with crimes that are eligible for the death penalty.<sup>56</sup>
55. MAAT recommended the government to consider the establishment of specialized courts for the handling of cases of human rights violations and allocating a budget for the preparation of specialized workshops and training programs for their judges because of the special nature of that type of case.<sup>57</sup>

56. SCSS called on the government to support documentation efforts for the purposes of memorialization, reparations, and holding perpetrators accountable.<sup>58</sup>

57. SCSS urged Yemen to plan and initiate consultations with victims and affected communities to identify and give voice to their needs and establish their priorities for transitional justice initiatives, including measures to help repair the harm caused by human rights violations and other types of violence and abuse.<sup>59</sup>

58. Yemen NGOs Coalition called on the government to close all secret and unofficial detention centres and ensure the existence of records of all detainees' names, the dates of their arrest, and the charges against them, under the direct supervision of the Public Prosecution.<sup>60</sup>

59. HRW urged the government to release individuals who have been arbitrarily detained and forcibly disappeared; and provide effective and adequate reparations for the victims of arbitrary detention, torture and enforced disappearance and their relatives.<sup>61</sup>

60. JS2 urged Yemen to provide all judges with sentencing authority with comprehensive gender-sensitization training, including with respect to women and girls in conflict with the law who have experienced gender-based violence, focusing on gender-based discrimination, domestic violence, and tactics of coercive control that may lead women to commit death-eligible offenses.<sup>62</sup>

61. JS2 called on the government to commute the death sentence of any person sentenced to death for a crime that did not entail an intentional killing carried out by the person under sentence of death.<sup>63</sup>

#### *Fundamental freedoms and the right to participate in public and political life*

62. Yemen NGOs Coalition called on the government to guarantee freedom of expression, peaceful assembly and association, and put an end to harassment, intimidation, persecution and arbitrary detention of human rights activists and journalists.<sup>64</sup>

63. AI and JS10 recommended Yemen to immediately and unconditionally release all those imprisoned solely for peacefully exercising their right to freedom of expression.<sup>65</sup>

64. AI, MAAT and HRF urged the Government to end the harassment and prosecution of activists and journalists and respect their right to freedom of expression, end the practice of summoning activists and journalists to security and military agencies and end the abuse of laws on criminal defamation and national security to suppress dissent.<sup>66</sup>

65. HRITC called on the Government to stop illegal and arbitrary detention and quickly release all detainees on the grounds of their media and political activities or because of their defence of human rights, or their expression of their political and social opinions, especially those people detained in Sanaa and areas controlled by the Houthi militias.<sup>67</sup>

66. JS5 called on the government to ensure the safety of journalists in accordance with international standards and stop the policy of intimidation to prevent them from carrying out their professional duties.<sup>68</sup>

67. JS6 urged Yemen to ensure the freedom of persons to choose a religion or belief including the right to change one's current religion or belief.<sup>69</sup>

68. JS5 urged the government to immediately and unconditionally release all journalists who have been detained or convicted solely for exercising their profession and their rights to freedom of expression and access to information.<sup>70</sup>

#### *Prohibition of all forms of slavery, including trafficking in persons*

69. ECLJ urged Yemen to take steps to end the rampant human trafficking taking place within its borders by more robust anti-trafficking legislation as well as greater enforcement of the laws currently in force.<sup>71</sup>

70. ECLJ also urged the government to direct towards the Ras Al-Arah area which is known to be a major hub for human trafficking.<sup>72</sup>

71. Additionally, Yemen should prohibit the act of child soldier recruitment and immediately cease their use of child soldiers in their own military to protect children from the horrors of war and attempt to raise up a thriving generation free from such tragedies.

#### *Right to health*

72. JS3 called on the government to strengthen the health system through improving the quality of health programs and interventions is required to achieve the Sustainable Development Goals. Therefore, calling on all conflicting parties in Yemen to stop the war and strengthening state building are an urgent necessity for realizing the right to health.<sup>73</sup> MDC provided figures relating to the destruction of hospitals and schools, among others.<sup>74</sup>

73. JS3 recommended carrying out a study of the population's health needs by region and develop a clear vision to work on health priorities by decision-makers in the MoPHP, the Ministry of Higher Education, research centres, authorities in the governorates and local councils, partners, and donors.<sup>75</sup>

74. JS3 urged the government to strengthen the role of the statistical system in monitoring health indicators through the commitment of all parties, whether leaders at the country level, partners, or donors, to use a unified methodology and mechanism for collecting data and monitoring indicators and numbers.<sup>76</sup>

75. JS3 recommended forming advisory committees with expertise in multiple sectors (Ministry of Public Health and Population, Ministry of Finance, Ministry of Planning and International Cooperation) to develop a clear strategic vision for the next governance transitional stage.<sup>77</sup>

76. JS3 recommended to implement legal regulations and controls for hospitals in the governmental and private sectors, and limit trading in medical work.<sup>78</sup>

#### *Right to education*

77. Broken Chalk recommended fully funding appeals for Education in the Yemen Humanitarian Response Plan to ensure that critical education needs are met.<sup>79</sup>

78. Broken Chalk encouraged investing in school construction, rehabilitation and expansion, and WASH facilities to ensure schools are safe and protective learning spaces for all girls and boys in Yemen.<sup>80</sup>

79. Broken Chalk advocated for an extensive school feeding program in the country to prevent malnutrition and support the education of children, including the ones living in hard-to-reach areas.<sup>81</sup>

80. Broken Chalk recommended giving more attention to those in charge of education, as there were currently volunteers working in teaching without compensation. Where international organisations can educate and train educational staff, Broken Chalk advised paying \$50 to each teacher monthly to help cover part of their expenses.<sup>82</sup>

81. JS4 recommended Yemen to guarantee the right to education and comply with the Safe Schools Declaration, endorsed by Yemen in October 2017, ensure the protection of educational facilities as civilian objects, prioritize the rebuilding of schools; and, ensure that schools are not used for military purposes, mobilization, and recruitment.<sup>83</sup>

## **2. Rights of specific persons or groups**

### *Women*

82. AC Foundation urged Yemen to implement the recommendation during the third UPR cycle concerning amending national laws that discriminate against women, particularly regarding male guardianship over females, their control over their fate, and their alignment with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.<sup>84</sup>

83. AC Foundation recommended taking the necessary measures to protect women and girls from sexual and gender-based violence, including implementing programs cooperating

with international bodies.<sup>85</sup> JS10 also called for the strengthening measures to prevent and address gender-based violence, including domestic violence, through implementing and enforcing laws, providing support services to survivors.<sup>86</sup>

84. AI recommended Yemen to immediately release all women detained beyond the completion of their prison sentence in accordance with Yemen's Penal Code, the constitution, and international human rights law obligations.<sup>87</sup>

85. AI urged ending any discriminatory restrictions on women's rights in law and practice such as the male guardianship.<sup>88</sup>

86. HRF recommended Yemen to protect, respect, and promote, without reservation, the rights of all women in the country to exercise their freedom of movement, right to work, and right to adequate healthcare, and to ensure that they are not subjected to extended detention on account of the absence of a male family member, while also abolishing the mahram practice.<sup>89</sup>

87. JS7 recommended Yemen to implement policies and quotas to increase women's representation in political and decision-making roles, including government, parliament, and local councils.<sup>90</sup>

88. JS7 urged the government to strengthen measures to prevent and address gender-based violence, including domestic violence, by implementing and enforcing laws, providing support services for survivors, and conducting awareness campaigns.<sup>91</sup>

89. HRW called on the government to pursue efforts to ensure the representation of women at all levels of the political process and their participation in public life without discrimination, including in any peace and transitional processes.<sup>92</sup>

90. HRW urged the government to take measures to protect women and girls from domestic violence, female genital mutilation, and other forms of violence, and to ensure that such acts are fully investigated and those responsible are held accountable; and enact laws to end the practice of forced and child marriage, including by setting a minimum marriage age of 18 years for both genders.<sup>93</sup>

91. NPWJ recommended Yemen to Adopt and enforce laws to protect women from domestic, sexual and gender-based violence (SGBV).<sup>94</sup>

92. JS6 called on the government to ensure women enjoy freedom of movement and non-discrimination in the distribution of aid.<sup>95</sup>

93. JS7 recommended ensuring full access to justice for women, including by ensuring that victims of sexual violence receive protection and support to access justice, and ending impunity for military and militias and law enforcement including for SGBV.<sup>96</sup>

94. JS9 called on Yemen to immediately stop violations against women and immediately release women detained during the war in Yemen; and implement policies and quotas to increase women's representation in political and decision-making roles, including government, parliament, and local councils.<sup>97</sup>

95. JS9 urged strengthening measures to prevent and address gender-based violence, including domestic violence, through implementing and enforcing laws, providing support services to survivors, and conducting awareness-raising campaigns.<sup>98</sup>

#### *Children*

96. ECLJ, AC, JS10 and HRW urged Yemen to prohibit the recruitment of child soldiers and immediately cease the use of child soldiers in their own military to protect children from the horrors of war and attempt to raise up a thriving generation free from such tragedies.<sup>99</sup>

97. NPWJ urged Yemen to 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.<sup>100</sup>



98. HRW recommended providing former child soldiers all appropriate assistance for their physical and psychological recovery and social reintegration; and refraining from using schools for military purposes by Yemeni government and allied forces.<sup>101</sup>

99. ECLJ called on Yemen to prohibit child marriage as well as set a minimum age requirement for marriage in order to help protect its young girls from the many negative side effects of early marriage and put a stop to the stifling of education for these young kids.<sup>102</sup>

100. ECP stated that, in Yemen, corporal punishment of children was lawful, despite repeated recommendations to prohibit it by the Committee on the Rights of the Child, the Human Rights Committee, and other human rights treaty bodies.<sup>103</sup>

101. HRW recommended prioritizing demining and rehabilitation of damaged and destroyed schools.<sup>104</sup>

102. NPWJ urged the government to 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.<sup>105</sup>

#### *Persons with disabilities*

103. AI recommended ensuring that persons with disabilities have equal access to humanitarian aid, quality health services, education and employment opportunities, and are protected from violence.<sup>106</sup>

104. AHRF urged the government to continue its efforts to realize the Sustainable Development Goals and ensure that its goals and targets are achieved for persons with disabilities. Currently the most urgent SDGs in Yemen from a disability perspective are goals 3, 5, 10 and 11.<sup>107</sup>

105. AHRF noted that, given how significantly impacted persons with disabilities have been in the context of the conflict in Yemen and the large percentage of persons with disabilities amongst the victims and survivors of this conflict, all stakeholders in Yemen have been urged to ensure that all transitional justice discussions and any such measures adopted are inclusive of persons with disabilities.<sup>108</sup>

#### *Indigenous peoples and minorities*

106. BIC noted that there have been a large number of arrests of Bahá'í persons, and stressed that the arbitrary arrest of Bahá'ís in Yemen represented a blatant case of religious persecution, in direct violation of the Universal Declaration of Human Rights.<sup>109</sup>

107. BIC stated that the Houthi authorities not only failed to implement the release order of a number of Bahá'ís in Sana'a, but had also neglected to provide them with essential medical care, particularly during the COVID-19 pandemic.<sup>110</sup>

108. BIC stated that Houthi authorities had consistently accused the Bahá'í community of sensationalized moral and financial transgressions, despite the absence of any substantiating evidence. Human rights officials had noted that demonization and "othering" vulnerable minority groups are key elements in spreading disinformation and inciting unsuspecting populations against them.<sup>111</sup>

109. WEA called on Yemen to integrate the protection of religious minorities and the right to freedom of religion in political settlements and peace agreements; and to acknowledge the challenges Yemeni Christians face and respect their rights as integral members of Yemeni society.<sup>112</sup>

110. JS6 urged the government to counter violent hate speech by armed groups, by the next reporting period, by giving platforms for the Minority Council of Yemen and other civil society groups that can lift the diversity of Yemen; and to register the Minority Council of Yemen.<sup>113</sup>

#### *Lesbian, gay, bisexual, transgender and intersex persons*

111. AI called on the Government to immediately release all those arbitrarily detained on the grounds of their SOGIESC and enact laws and policies to end the persecution of people

and arbitrary arrest by security forces on these grounds. In the meantime, such detainees must be treated humanely, and effective safeguards must be put in place against further discriminatory treatment in detention, in accordance with international human rights law and standards, including the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules) and the Yogyakarta Principles.<sup>114</sup>

112. AI urged decriminalizing same-sex sexual relations by repealing articles 264, 268, and 270 of the Yemeni Penal Code.<sup>115</sup>

113. JS2 called on Yemen to remove all prohibitions against consensual same-sex sexual activity between adults from the jurisdiction of traditional, Sharia, or other parallel criminal systems and prosecute such charges only under codified criminal law.<sup>116</sup>

114. JS2 urged to repeal all laws that criminalize consensual same-sex sexual activity between adults; commute the sentences of all individuals convicted of these crimes; release any individual detained under these laws; instruct prosecutors and police to cease prosecutions and arrests on these charges.<sup>117</sup>

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

115. AI called on the government to investigate alleged killings of migrants, including asylum seekers, and other violations and abuses at the Saudi/Yemen border, identify all those responsible including state officials and non-state actors, and hold them accountable in fair trials without recourse to the death penalty.<sup>118</sup>

116. HRW urged the government to ensure that migrant detention centres meet international standards, including the Mandela Rules; and to stop detaining children and their families for immigration violations, and work with UN and other humanitarian organizations to identify children in detention and facilitate their safe release. In the interim, the authorities should ensure that detained children are kept separate from unrelated adults, and have appropriate food and medical care, and can communicate with their families.<sup>119</sup>

117. HRW called on the government to ensure that detained migrants who may be facing deportation have the opportunity to make asylum claims or otherwise challenge their forced removal. Detaining asylum seekers should be a last resort.<sup>120</sup>

#### *Internally displaced persons*

118. AI called on Yemen to fully implement the UN Guiding Principles on Internal Displacement and take all other necessary measures to fulfil the rights of internally displaced people in Yemen, including people with disabilities, for instance by taking appropriate measures to ensure the safe return of people who have been displaced to their homes if they so wish, including rebuilding homes and infrastructure, and providing education, health, employment opportunities and other vital services.<sup>121</sup>

#### *Notes*

<sup>1</sup> A/HRC/40/4, A/HRC/40/4/Add.1, and A/HRC/40/2.

<sup>2</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) (one asterisk denotes a national human rights institution with A status).

#### *Civil society*

##### *Individual submissions:*

AC Foundation	Arab Council Foundation, Geneva (Switzerland);
AHRF	Arab Human Rights Foundation, Sanaa (Yemen);
AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
Alkarama	Alkarama, Geneva (Switzerland);
BIC	Bahá'í International Community, Grand Saconnex (Switzerland);
Broken Chalk	The Stichting Broken Chalk, Amsterdam (Netherlands);
ECLJ	European Centre for Law and Justice, Strasbourg (France);

ECP	End Corporal Punishment, Geneva (Switzerland);
HRF	Human Rights Foundation, New York (United States of America);
HRITC	Human Rights Information and Training Center, Taiz (Yemen);
HRW	Human Rights Watch, Geneva (Switzerland);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
MAAT	Maat Foundation for Peace, Development and Human Rights, Cairo (Egypt);
MDC	Monitoring and Documentation Center, Taiz (Yemen);
NPWJ	Non c'è pace senza giustizia – No Peace Without Justice, Rome (Italy);
SCSS	Sana'a Center for Strategic Studies, Sana'a (Yemen);
WEA	World Evangelical Alliance, Geneva (Switzerland);
NGOs Coalition	Coalition of NGOs for UPR-Yemen, Taiz (Yemen).
<i>Joint submissions:</i>	
JS1	<b>Joint submission 1 submitted by:</b> YNV, Yemeni Network for Victims Associations, Aden (Yemen);
JS2	<b>Joint submission 2 submitted by:</b> AHR, Advocates for Human Rights, Minneapolis, (United States of America);
JS3	<b>Joint submission 3 submitted by:</b> ANND, Arab NGO Network for Development, Beirut (Lebanon);
JS4	<b>Joint submission 4 submitted by:</b> CLS Human Rights Clinic, Columbia Law School Human Rights Clinic, New York (United States of America);
JS5	<b>Joint submission 5 submitted by:</b> JSC, Journalist Support Committee, Beirut (Lebanon);
JS6	<b>Joint submission 6 submitted by:</b> JUBILEE, Jubilee Campaign, Fairfax, VA, (United States of America);
JS7	<b>Joint submission 7 submitted by:</b> Justice4yemen Coalition, Justice4Yemen Pact, Aden (Yemen);
JS8	<b>Joint submission 8 submitted by:</b> Justice4Yemen Pact, DT Institute and Justice 4 Yemen Pact Coalition of NGOs for UPR-Yemen, Virginia (United States of America);
JS9	<b>Joint submission 9 submitted by:</b> NPWJ, Non c'è pace senza giustizia – No Peace Without Justice, Rome (Italy);
JS10	<b>Joint submission 10 submitted by:</b> YCMHRV, The Yemeni coalition monitoring human rights violations, Taiz (Yemen).

<sup>3</sup> *The following abbreviations are used in UPR documents:*

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
OP-CRC-IC	Optional Protocol to CRC on a communications procedure

ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance

- <sup>4</sup> AI, p. 4; HRF, para. 33; Alkarama, para. 6; AC Foundation, p. 6; MAAT, p. 2; Yemen NGOs Coalition, p. 14; HRW, p. 3; JS1, p. 4; JS8; JS7, p. 11; JS4, p. 12; JS10, para. 27.
- <sup>5</sup> HRW, p. 3; HRITC, p. 8; NPWJ, p. 6; JS1, p. 4; JS2, p. 6; JS8, p. 5.
- <sup>6</sup> Alkarama, para. 6; AC Foundation, p. 6.
- <sup>7</sup> AI, p. 4.
- <sup>8</sup> HRW, p. 6.
- <sup>9</sup> HRITC, p. 9.
- <sup>10</sup> HRW, p. 3.
- <sup>11</sup> ICAN, p. 1.
- <sup>12</sup> ECLJ, p. 5.
- <sup>13</sup> JS8, p. 5.
- <sup>14</sup> AC Foundation, p. 6; HRITC, p. 8.
- <sup>15</sup> MAAT, p. 3.
- <sup>16</sup> JS2, p. 6; JS6, p. 4.
- <sup>17</sup> AI, p. 4.
- <sup>18</sup> AI, p. 4.
- <sup>19</sup> AI, p. 4.
- <sup>20</sup> AI, p. 5.
- <sup>21</sup> JS1, p. 6.
- <sup>22</sup> Alkarama, para. 6.
- <sup>23</sup> HRF, para. 33.
- <sup>24</sup> WEA, p. 2.
- <sup>25</sup> JS1, p. 4.
- <sup>26</sup> JS5, p. 7.
- <sup>27</sup> JS6, p. 4.
- <sup>28</sup> JS6, p. 4; JS9, p. 9.
- <sup>29</sup> AI, p. 4.
- <sup>30</sup> ECLJ, p. 5.
- <sup>31</sup> HRW, p. 4; AC Foundation, p. 6; JS7, p. 11.
- <sup>32</sup> JS7, p. 11; HRW, p. 4.
- <sup>33</sup> HRF, para. 33.
- <sup>34</sup> HRITC, p. 10.
- <sup>35</sup> MAAT, p. 5.
- <sup>36</sup> JS7, p. 11.
- <sup>37</sup> AHRF, p. 5; AI, p. 5; JS4, p. 12.
- <sup>38</sup> JS4, p. 12.
- <sup>39</sup> JS7, p. 11.
- <sup>40</sup> JS7, p. 11; JS5, p. 7; Yemen NGOs Coalition, p. 14; HRW, p. 3.
- <sup>41</sup> JS1, p. 4.
- <sup>42</sup> JS1, p. 4.
- <sup>43</sup> AHRF, p. 5.
- <sup>44</sup> AI, p. 5.
- <sup>45</sup> JS8, p. 5.
- <sup>46</sup> HRITC, p. 9.
- <sup>47</sup> SCSS, p. 5.
- <sup>48</sup> SCSS, p. 5.
- <sup>49</sup> AI, p. 5.
- <sup>50</sup> AI, p. 5.
- <sup>51</sup> Broken Chalk, p. 6.
- <sup>52</sup> HRW, p. 3.
- <sup>53</sup> JS1, p. 4.
- <sup>54</sup> JS7, p. 11; JS3, p. 7.
- <sup>55</sup> HRITC, p. 9; HRW, p. 4; AI, p. 4.
- <sup>56</sup> JS2, p. 6.
- <sup>57</sup> MAAT, p. 3.
- <sup>58</sup> SCSS, p. 5.

- 59 SCSS, p. 5.  
60 Yemen NGOs Coalition, p. 14.  
61 HRW, p. 4.  
62 JS2, p. 6.  
63 JS2, p. 6.  
64 Yemen NGOs Coalition, p. 14.  
65 AI, p. 5; JS10, para. 24.  
66 AI, p. 5; MAAT, p. 5; HRF, para. 33.  
67 HRITC, p. 10.  
68 JS5, p. 7.  
69 JS6, p. 4.  
70 JS5, p. 7.  
71 ECLJ, p. 5.  
72 ECLJ, p. 5.  
73 JS3, p. 6.  
74 MDC, p. 3.  
75 JS3, p. 6.  
76 JS3, p. 6.  
77 JS3, p. 6.  
78 JS3, p. 7.  
79 Broken Chalk, p. 6.  
80 Broken Chalk, p. 6.  
81 Broken Chalk, p. 6.  
82 Broken Chalk, p. 6.  
83 JS4, p. 12.  
84 AC Foundation, p. 6.  
85 AC Foundation, p. 6.  
86 JS10, para. 55.  
87 AI, p. 4.  
88 AI, p. 4.  
89 HRF, para. 33.  
90 JS7, p. 11.  
91 JS7, p. 11.  
92 HRW, p. 5.  
93 HRW, p. 5.  
94 NPWJ, p. 6.  
95 JS6, p. 4.  
96 JS6, p. 4.  
97 JS9, p. 9.  
98 JS9, p. 9.  
99 ECLJ, p. 5; AC Foundation, p. 6; HRW, para. 6; JS10, para. 42.  
100 NPWJ, p. 6.  
101 HRW, para. 6.  
102 ECLJ, p. 5.  
103 ECP, pp. 4, 5.  
104 HRW, para. 6.  
105 NPWJ, p. 6.  
106 AI, p. 5.  
107 AHRF, p. 6.  
108 AHRF, p. 6.  
109 BIC, p. 3.  
110 BIC, p. 5.  
111 BIC, p. 7.  
112 WEA, p. 2.  
113 JS6, p. 4.  
114 AI, p. 4.  
115 AI, p. 4.  
116 JS2, p. 6.  
117 JS2, p. 6.  
118 AI, p. 5.  
119 HRW, p. 6.  
120 HRW, p. 6.

<sup>121</sup> AI, p. 5.

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