



NEGLECTED NATION: The Humanitarian Crisis in Yemen

April 2018



Table of Contents

| | | | |
|---|----|---|----|
| Executive Summary | 2 | - | 8 |
| Yemen's Humanitarian Crisis | 9 | - | 26 |
| Violations of International Humanitarian Law | 27 | - | 41 |
| Violations of the Rights of the Child | 42 | - | 48 |
| Neglected Nation: The Humanitarian Crisis in Yemen | 49 | - | 50 |

Executive Summary

“Yemen, as a State, has all but ceased to exist.”¹

The humanitarian crisis in Yemen is catastrophic. 22.2 million people are in need of humanitarian assistance, with 11.3 million needing urgent emergency assistance. The poorest country in the Arab world was already politically and economically fragile before conflict erupted in March 2015.² This conflict has almost destroyed the economy, has severely damaged the country’s infrastructure and has created spaces ruled and governed by non-state political factions with little or no accountability. The parties to the conflict continue to contravene international humanitarian law with impunity, in turn, facilitating widespread violations of international human rights law throughout the on-going conflict and growing humanitarian crisis in Yemen.



This report will outline the on-going humanitarian crisis caused by the conflict in Yemen. Secondly, the widespread violations of human rights will be examined up to December 2017.

Inception of Conflict

The conflict in Yemen involves a diverse group of actors: the Saudi-led coalition, Yemeni Government forces, the Iranian-backed Houthi movement, and Al-Qaeda in the Arabian Peninsula (AQAP) all engage in violence on Yemeni territory. The root origins of the conflict in Yemen had been existent from the unification of the Yemen Arab Republic (northern portion) and the People’s Democratic Republic of Yemen (southern portion) in 1990.³

¹ United Nations Security Council, *Letter dated 26 January 2018 from Panel of Experts on Yemen addressed to*

² Salisbury, P, *Yemen and the Saudi-Iranian ‘Cold War’*, 2015, Chatham House p.2

³ Durac, V, *Yemen’s Arab Spring’*, 2012, Mediterranean Politics, p.163

The local actors – the Houthi movement and AQAP – engaged in political violence from the early 2000s as a consequence of President Saleh’s authoritarian excesses.⁴ Despite the legacy of amicable inter-religious relations, the demographic divide between Shafi-Sunni communities (65%) and Zaydi-Shi’ite (35%) in Yemen have been exploited by armed factions to pursue their political objectives and sustain the conflict.⁵

There were intermittent periods of unrest and conflict between Government troops and Houthi forces between 2004-2010.⁶ In January 2011, protests erupted across the country, which led to a renewal in violence. The uprisings were spearheaded by youth-orchestrated movements operating outside the political mainstream in response to nationwide socioeconomic distress. Unemployment was approximately at 40%, whilst 43% of the population lived below the poverty line. The initial revolts saw the Islamist party *Islah*, as well as apolitical youth groups, occupy a crossroads in Al-Tahrir Square in Sana’a.⁷

This protracted period of unrest featured outbreaks of violence between the anti-Saleh factions and Saleh loyalists.

The revolts culminated in the official deposition of President Ali Abdullah Saleh on 27 February 2012. Abdrabbuh Mansour Hadi, Saleh’s deputy, had assumed presidency when Saleh was seeking medical treatment abroad in 2011. Hadi was instated as President of Yemen, being the only candidate to run in the elections on 21 February.⁸

In March 2013, the UN-sanctioned National Dialogue Conference (NDC) was initiated. It was a negotiation process involving representatives of various political movements, including the Houthis. In January 2014, the NDC agreed to renew Abdrabbuh Mansour Hadi’s presidency for another year and to suspend all acts of violence. This peace did not last long however.

In September 2014, violent clashes broke out once more between Houthi forces and government troops. Sana’a was overrun by the Houthi authorities by late September 2014, forcing President Hadi to relocate from his private residence there to Aden. By March 2015, the various anti-Hadi factions had stormed the presidential

⁴ Salisbury, P, *Yemen and the Saudi-Iranian ‘Cold War’*, 2015, Chatham House p.5

⁵ Carter, B, *Social Capital in Yemen*, 2017, K4D HelpDesk Report, UK: Institute of Development Studies, p.5

⁶ Freeman, J, *The al Houthi insurgency in the North of Yemen: An Analysis of the Shabab al Moumineen*, *Studies in Conflict & Terrorism* 32 (11), p.1010

⁷ Durac, V, *Yemen’s Arab Spring*, 2012, *Mediterranean Politics*, pp. 165-67

⁸ *Ibid*, p.168



palace in Aden and forced President Hadi to flee to Riyadh.⁹ The dissolution of Yemen's parliament was followed by the establishment of a Houthi ruling de facto council in Sana'a, which would act as government over Houthi-controlled areas in Yemen's northwest region.

The menacing expansion of the Houthi force in post-Saleh Yemen triggered the mobilisation of a Saudi-led coalition at an unprecedented speed in March 2015. This coalition included Qatar, Bahrain, Kuwait, the UAE, Egypt, Jordan, Morocco, Pakistan, and Sudan. From 26 March 2015, the coalition began carrying out airstrikes over Houthi-controlled areas as part of 'Operation Decisive Storm'.¹⁰

The three years of fighting has fluctuated frequently between periods of destructive intensity to periods of protracted sieges and blockades. Consequently, the levels of human security and standards of living in Yemen have been drastically reduced and the conflict threatens to exacerbate the situation further.

Despite engagements in potential peace processes in 2015 and 2016, the universal right to life for many civilians in Yemen is not being safeguarded, but instead threatened, on a daily basis. The UN Security Council very recently re-emphasised the need for all warring parties to allow access to and to ensure the delivery of humanitarian aid reaches the affected areas.¹¹

The International Observatory of Human Rights reiterates the demands of the United Nations (UN) Security Council, whose most recent discussion on Yemen (26 February 2018) reaffirmed:

"The need for all parties to comply with their obligations under international law, including international humanitarian law and international human rights law as applicable."¹²

On top of this, IOHR emphasises the underlying need to provide victims of human rights violations with full and effective reparation. In order to achieve this, the conflict in Yemen requires the establishment of an international, independent

⁹ Ricotta, J, p.149

¹⁰ Shabaneh, G, 'Operation Decisive Storm', 2015, Al-Jazeera Centre for Studies

¹¹ https://www.washingtonpost.com/world/middle_east/un-urges-warring-parties-in-yemen-to-facilitate-aid/2018/03/15/9a1d48f4-2885-11e8-a227-fd2b009466bc_story.html?utm_term=.8bafd6714ca3

¹² *United Nations Security Council, Resolution 2402 (2018): Adopted by the Security Council at its 8190th meeting, 26 February 2018, p.1*



investigative body to conduct thorough investigations into violations of international humanitarian law and human rights law.

Unhindered humanitarian access is essential to provide assistance and combat an unprecedented cholera outbreak, as well as prevent the risk of a nationwide famine. Parties to the conflict must not impede or restrict the delivery of humanitarian aid. The future of Yemen is dependent on the cessation of conflict and the negotiation of a sustainable peace process.

The Humanitarian Crisis in Yemen in Numbers

The most recent UN Security Council discussion on 26 February 2018 expressed concern over:

*“The continued deterioration of the devastating humanitarian situation in Yemen, expressing serious concern at all instances of hindrances to the effective delivery of humanitarian assistance, including limitations on the delivery of vital goods to the civilian population of Yemen”.*¹³

The 2018 Humanitarian Needs Overview for Yemen, coordinated by the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), has officially published the following statistics on Yemen’s humanitarian crisis.

At the start of 2018:

- ◆ 17.8 million people are food insecure in Yemen - 8.4 million of those are severely food insecure and at risk of starvation.
- ◆ 16.4 million people require some form of assistance to ensure access to healthcare - 9.3 million Yemeni civilians are in acute need.
- ◆ 16 million Yemenis need assistance to access safe water and hygiene facilities - 11.6 million are in severe need of WASH (water, sanitation and hygiene) facilities.

¹³ *United Nations Security Council, Resolution 2402 (2018): Adopted by the Security Council at its 8190th meeting, 26 February 2018, p.2*



- ◆ 7.5 million need nutritional assistance with 2.9 of those requiring immediate assistance to combat Severe Acute Malnutrition (SAM). 1.8 million children & 1.1 million pregnant or lactating women are acutely malnourished, including 400,000 children under 5 who suffer from SAM.
- ◆ 12.9 million people need assistance to protect their rights, dignity and safety - 4.9 million people are in acute need of protection from conflict and the negative coping mechanisms that conflict reproduces.
- ◆ 4.1 million children require assistance to continue their education.

Violations of international human rights law and international humanitarian law in Yemen

All parties to the conflict are damaging the future of Yemen for ordinary citizens. Due to the indiscriminate nature of violence in Yemen, human rights violations are widespread.

“Impunity is both a cause and consequence of the current conflict in Yemen.”¹⁴

The Office of the UN High Commissioner of Human Rights (OHCHR) believes “the unwillingness of the parties in Yemen and the international community to pursue accountability for past crimes and human rights violations and abuses” was a contributing factor to the long-term failure of the National Dialogue Conference from 2013 to 2014.¹⁵

International humanitarian law (IHL) and international human rights law are simultaneously complementary and distinct bodies of law. Whilst human rights law is applicable in periods of peace and war, IHL is specifically related to human rights protection throughout periods of armed conflict.¹⁶ Frequently referred to as ‘laws of war’, IHL governs armed conflict with the primary focus of protecting the human rights of civilians, children, prisoners of war and politically-neutral individuals, from negative effects of warfare.¹⁷

¹⁴ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.15

¹⁵ *Ibid*, p.15

¹⁶ *IHL and human rights law*, International Committee of the Red Cross, 29 October 2010

¹⁷ *Yemen in Focus: International Humanitarian Law*, Adalah Yemen, June 2017, pp. 1-27



The most prominent, widespread violations of IHL and human rights law in Yemen's conflict include:

Violations of international humanitarian law

- ◆ Indiscriminate airstrikes, shelling and sniper fire that do not adhere to IHL's principles of proportionality and distinction.
- ◆ Denial of access of humanitarian aid and/or workers to affected areas and delaying the delivery of humanitarian aid
- ◆ Targeting of schools and hospitals and/or targeting of non-combatants such as children and person hors de combat.

Violations of international human rights law

- ◆ Deprivation of liberty/arbitrary detention
- ◆ Engagement in torture and mistreatment whilst in detention
- ◆ Intolerance and discrimination against religious minorities (notably the Baha'i religious sect)
- ◆ Intolerance and discrimination against internally displaced persons (IDPs), migrants and socially marginalised groups such as the Muhamasheen and Somali migrants.

Violations of children's rights:

- ◆ Maiming and killing of children
- ◆ Recruitment and use of children in armed conflict
- ◆ Denial of right to education

Future for Yemen

The attempts at mediation have failed so far. Peace talks coordinated in Switzerland, in June and December 2015, and negotiations conducted in Kuwait, from April to July 2016 were unsuccessful.¹⁸

As of January 2018, the UN Security Council's Panel of Experts deduced that after nearly three years of war in Yemen, it is no longer a realistic outcome that any one party to the conflict will attain an outright military victory over the other parties.¹⁹

¹⁸ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.4

¹⁹ United Nations Security Council, *Letter dated 26 January 2018 from Panel of Experts on Yemen addressed to the President of the Security Council*, 26 January 2018, p.2



In an interview with IOHR in London on 22nd March 2018, MP Graham Jones, who is Vice Chair of the All-Party Parliamentary Group on Yemen in the UK, stated:

“The people, resources and potential of Yemen have been ravaged by near constant war for years. A durable solution to the conflict is needed to preserve Yemen as a united country.

“Many parties are needed around the table, whether they are regional actors or internal bodies and groups. A sustainable peace in a united country cannot be secured without the whole array of Yemini life being represented.

“The international community needs to let the new UN envoy get on with his new role and act upon his recommendations when he reports back.

“It does seem unlikely however that the Houthis will come to the table anytime soon. A point made very clear by outgoing UN Special Envoy Ismail Ahmed to the UN Assembly a few weeks ago. A choice has to be made by allies on how they get the Houthis to engage in the peace process, or encourage them to come to the table as a party that holds considerable power over the country right now. The international community and UN need to approach this with the most open mind possible in the aim to achieve a sustainable peace. No outright military victory can be achieved by any side.”

The involvement of local influential leaders and civil society organisations in Yemen in the peace process is imperative to reach a sustainable and durable solution that benefits the Yemeni people in the long-term.

The humanitarian crisis in Yemen is accelerating rather than decelerating. In order to respond effectively, the humanitarian activities of NGOs must be protected and upheld by international law. The human rights of Yemeni civilians must be safeguarded.



Yemen's Humanitarian Crisis

"This catastrophe is entirely man-made".²⁰

Overview

As of 2018, 22.2 million civilians in Yemen, approximately 76% of the national population, require some form of humanitarian assistance or protection. 11.3 million of those are in acute (critical) need.

In June 2017, the number of people in Yemen who were in acute need was 10.3 million; illustrating the severity of need is accelerating rather than decelerating.²¹

The report – 2018 Humanitarian Needs Overview: Yemen – published by the United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA) outlines the following problems as 'key humanitarian issues':

- ◆ Protection of civilians
- ◆ Basic survival
- ◆ Collapse of basic services and institutions
- ◆ Loss of livelihoods and impacted private sectors

The problems mentioned above overlap and interact to perpetually exacerbate the prevailing humanitarian crisis in Yemen.

The UNOCHA report on Yemen's humanitarian needs for 2018 also listed the following social groups, due to prevailing social norms, as the most vulnerable to violations of human rights:

- ◆ Internally displaced persons (IDP)

²⁰ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.4

²¹ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p. 2



- ◆ Returnees and migrants
- ◆ Women and girls
- ◆ Children
- ◆ Minorities, such as the Muhamasheen

The current levels of human insecurity are unprecedented in Yemen.

MP Graham Jones explained why the humanitarian crisis was accelerating rather than decelerating.

“The Panel of Experts and the outgoing UN Special Envoy to Yemen Ismail Ahmed (as well as other sources) have repeatedly highlighted the causes of poverty being the responsibility of the Houthi militias occupation of over 80% of the population. The collapse of the currency (and higher costs of food imports), non-payment of public sector workers for over 12 months, huge illegal taxes on fuel and other essential goods has caused an economic collapse.

At the same time the British public would be shocked to hear that the Iranian ICBMs fired into Saudi Arabia cost \$1m each whilst poor people are starving.”

Risk of Famine

As published in UNOCHA’s 2018 Humanitarian Needs Overview for Yemen, 61% of Yemen’s population (17.8 million people) are food insecure. This figure represents a 5% increase on the number of people in Yemen in 2017 that were facing food insecurity.

There are 8.4 million severely food insecure people in Yemen at the beginning of 2018, which has risen from 6.8 million people since the beginning of 2017, representing a 24% increase over the year.

UNOCHA verified that 2 million men, 1.9 million women, 2.3 million boys and 2.2 million girls are severely food insecure. The concentration of food insecurity is within Lahj, Tai’zz, Abbyan, Sa’ada, Hajjah, Al-Hodeida, Shabwar, Sana’a, Hadramaut, Ibb, Dhamar, Al Hawf, Amran and Al Bayda governorates primarily.

Causes of Food Insecurity

The growing levels of food insecurity are attributed primarily to the depreciation of Yemen's *Riyal* currency and the loss of livelihoods and income opportunities for ordinary Yemenis. The suspension of public servants' salaries since August 2016 has contributed to the overwhelming levels of food insecurity.²² These salary delays and non-payments affect 25% of the population, making civil servants and their families more vulnerable to food shortages and rising prices. Because of these contributing factors, it is estimated that there has been a steady regression of economic status of 78% households in Yemen.²³

Between March 2015 and April 2017, prices for rice rose by 85% and increased for wheat grain by 31%.²⁴

Rising food prices coupled with household-level economic regression has put essential commodities out of reach for many Yemeni people. As Oxfam clearly states: "affordability is one of the main factors driving hunger in Yemen."²⁵

UNOCHA states: "the livelihoods of a significant segment of the population dependent on agriculture has been disrupted".²⁶ The collapsing markets have ruined profits for farmers. The infrastructural damage that indiscriminate airstrikes have caused has reduced safe spaces available to farm consistently. The reduction in land irrigation is a result of inflated diesel prices. As a result, compared to pre-crisis levels, cereal production plummeted by 48% in 2016, and livestock production fell significantly by 48% in the same year.²⁷

Fishing activities have also decreased drastically in the Red Sea surrounding Yemen's western coast, removing the main source of protein for most Yemeni civilians.

²² *Ibid*, p.33

²³ *Ibid*, p.6

²⁴ *Missiles and Food: Yemen's man-made food security crisis*, Oxfam Report, p.8

²⁵ *Ibid*, p.9

²⁶ 2018 Humanitarian Needs Overview: Yemen, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs, p.33

²⁷ *Missiles and Food: Yemen's man-made food security crisis*, Oxfam Report, p.8



75% of fishermen have lost their livelihoods, income and household food security.²⁸

Contributing factors to the food security crisis also include: restrictions and delays to commercial and humanitarian imports, the collapse of public services and mass displacements of people.

Before the crisis, Yemen imported 80-90% of its staple foods and required around 550,000 metric tons of imported fuel to enable the operation of water systems and health facilities, among other services.²⁹

The performance of Yemeni ports since the beginning of the conflict in March 2015 have declined drastically due to infrastructural damage. Consequently, human food and economic security have deteriorated significantly. For instance, Al-Tuwal, which used to be the most important land entry port with roughly one third of Yemeni exports passing through, is no longer operating due to destruction by airstrikes and ongoing clashes.³⁰ On top of this, the closure of Sana'a airport from August 2016 by the Saudi-led coalition has contributed to the limited number of goods entering Yemen.³¹ The damage and risk of transport has led to an increase in costs of transportation, and thus an increase in food prices.

When the Saudi-led coalition initiated a blockade of all land, air and sea ports from 6 November 2017, food stocks were expected to be empty within 4 months unless full resumption of port access was provided to international NGOs and business.³²

Al-Hodeida port accounted for 70-80% of Yemen's commercial imports alone and was already operating at reduced capacity since it was damaged partially by airstrikes in August 2015.³³ According to Oxfam, the blockade in November locked

²⁸ 2018 Humanitarian Needs Overview: Yemen, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs, p.33

²⁹ *Ibid*, p.8

³⁰ *Missiles and Food: Yemen's man-made food security crisis*, Oxfam Report, p.6

³¹ 2018 Humanitarian Needs Overview: Yemen, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs, p.8

³² *Missiles and Food: Yemen's man-made food security crisis*, Oxfam Report, p.4

³³ 2018 Humanitarian Needs Overview: Yemen, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs, p.8



in 27 million people and locked out 500,000 mega tonnes of food and fuel, and 1,647 mega tonnes of aid.³⁴

The Saudi-led coalition eventually eased the blockade on Al-Hodeida port in late November 2017.³⁵ This enabled the re-entry of food imports and humanitarian aid supplies into Yemen, especially after Saleef port was re-opened, but still national imports were arriving at a limited capacity.³⁶

Commodities that are imported into Yemen are also subject to various taxations when moving across pro-Government and Houthi/Saleh controlled territory. Oxfam estimates these taxes roughly add a 10-15% price mark-up for consumers in Yemen.³⁷

Millions of households are in urgent need of “emergency life-saving unconditional food assistance” which can be provided through relief food, cash transfers or voucher transfers. The relief can be distributed from household to household, or through community focal points and health facilities.³⁸

Increasing Rates of Malnutrition

Both a cause and an on-going consequence of the risk of famine in Yemen is the excessively high malnutrition rate throughout the national population. A total of 12 out of 22 governorates are in emergency need of nutritional assistance. Having reviewed GAM, SAM and stunting rates, 32 districts are classified as highly critical whilst 171 districts are considered as being in a critical state.³⁹

Five governorates have been particularly susceptible to undernutrition: Al-Hodeida, Lahj, Tai'zz, Abyan and Hadramaut have severe acute malnutrition rates above 15%. 7 million Yemenis require services to treat or prevent malnutrition, with 2.9 million requiring treatment for acute malnutrition.

³⁴ *Missiles and Food: Yemen's man-made food security crisis*, Oxfam, p.2

³⁵ *PM statement on Saudi-led Coalition decision to extend access to port in Yemen*, 21 December 2017, Prime Minister's Office (<https://www.gov.uk/government/news/pm-statement-on-saudi-led-coalition-decision-to-extend-access-to-port-in-yemen>)

³⁶ *Penny Mordaunt calls for continued commercial and aid access throughout Yemen*, 17 January 2018, Department for International Development (<https://www.gov.uk/government/news/penny-mordaunt-calls-for-continued-commercial-and-aid-access-throughout-yemen>)

³⁷ *Missiles and Food: Yemen's man-made food security crisis*, Oxfam Report, p.9

³⁸ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs, p.34

³⁹ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.43

2.3 million pregnant lactating women (PLW) and caregivers to children aged from 0-23 months are in need of infant and young child feeding counselling. National malnutrition rates are fuelled by poor nutritional intake for young children, for instance the exclusive breastfeeding rate is only 10% nationwide.

Inappropriate infant and young child feeding practices heighten the risk of acute malnutrition – only 15% of children aged 6-23 months are fed in accordance with all 3 globally recommended IYCF (infant and young child feeding) practices.⁴⁰



With only half of health facilities functioning across the country, only 74% provide some form of nutrition services, whilst only 46% of these supply treatment for both severe and moderate acute malnutrition.

Nutrition services delivery in Yemen are restricted by the conflict and its resultant violations of IHL. As it stands, 15% of children under the age of 5 are acutely malnourished, including 462,000 children suffering from SAM. This represents a 200% increase in levels of malnourishment amongst children from 2014. Rates of stunting amongst Yemeni children have risen to 47%.⁴¹

⁴⁰ *Ibid*, p.44

⁴¹ *Missiles and Food: Yemen's man-made food security crisis*, Oxfam Report, p.4



As higher levels of education correlate with higher nutritional status, malnutrition disproportionately affects different gender groups in Yemen. As women have only a 29% literacy rate, ¼ of Yemeni women between the ages of 15 and 49 are acutely malnourished.⁴²

Severe acute malnutrition can also be inflamed by other illnesses. The process of co-morbidity means people suffering from illness or disease, such as cerebral palsy, heart diseases or other congenital symptoms, are more susceptible to becoming malnourished, which is also more likely to then develop into severe acute malnutrition.

“The large numbers of severely malnourished patients with co-morbidities shows how malnutrition is not only related to a lack of food, but also to a lack of access to affordable, quality healthcare.”⁴³

Health Sector Collapse

16.4 million people in 215 districts across Yemen need assistance to ensure access to healthcare, representing a 79.3% increase in the need to access health assistance since late 2014.⁴⁴ 9.3 million out of the 16.4 million in need are in acute need of medical assistance. According to Save the Children and UNICEF, at least 110,000 children have died from preventable causes brought about by the war in just the last two years.⁴⁵

Only 50% of health facilities surveyed in 16 governorates were fully functional.⁴⁶ The unrestrained cholera epidemic evidences the extent of Yemen’s failing health system with 900,000 suspected cases up to 5 November 2017. In Marib, Al Jawf and Al Bayda governorates, less than 20% of health facilities were functional due to the effects of the on-going conflict. The rate falls below 30% in the governorates of Taizz, Sa’ada and Al Dhale’e.⁴⁷

⁴² *Missiles and Food: Yemen’s man-made food security crisis*, Oxfam Report, p.5

⁴³ *Yemen: Healthcare Under Siege in Taiz, 2017*, Medecins San Frontieres, p.33

⁴⁴ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.36

⁴⁵ *UK politicians brand Saudi aid deal a ‘national disgrace’*, Al Jazeera News (English), 10 March 2018

⁴⁶ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.36

⁴⁷ *Ibid*, p.36



Causes of Health Sector Collapse

Since August 2016, the Ministry of Public Health and Population has been unable to provide funding to cover operational costs of health facilities. Thus, humanitarian actors have had to fill in these financial gaps. This is an unsustainable solution for Yemeni civilians however, as they need durable improvements that involve local actors in the long-term to stimulate the economy.

The closure of Sana'a airport in August 2016 reportedly left more than 6,500 people unable to access healthcare. "Yemenia airways estimates that at least one third of passengers travelling abroad to seek medical care, often for chronic diseases for which treatment in Yemen had become almost non-existent".⁴⁸

As of September 2017, health facilities verified more than 58,000 conflict-related casualties nationwide. The strains that the prevailing conflict places on health facilities deplete already scarcely available medical resources that hospitals have at their disposal.

⁴⁸ United Nations Security Council, *Letter dated 27 January 2017 from Panel of Experts on Yemen addressed to the President of the Security Council*, 31 January 2017, p.60



The ‘silent deaths’ that result from the lack of affordable and accessible healthcare in Yemen are mainly concentrated among children, mothers and patients suffering from malnutrition or disease.

“Throughout 2017, every 10 minutes, a child under the age of 5 died of a preventable disease such as cholera, measles or polio”.⁴⁹

Due to the on-going conflict, humanitarian space has been reduced, with restraints placed on health facilities by all parties to the conflict. This in turn has restricted non-combatants access to healthcare.

Civilians in Need of Improved WASH Facilities

Since the outbreak of conflict in Yemen, access to improved water sources has drastically declined in 11 out of 20 governorates. Disease outbreaks, such as the cholera epidemic, which spiked from April 2017, are caused by collapsing urban and rural water-sanitation systems, lack of means to maintain personal hygiene and to purchase safe drinking water. Because of collapsing water facilities, 16 million people in Yemen are in need of accessing safe water and maintaining hygiene, whilst 11.6 million are in acute need.⁵⁰

Approximately 38% of households in Yemen are connected to piped water supplies but as a result of the lack of reliable electricity, fuel and revenues, the networks rely on humanitarian and local assistance to function. Improved water access varies between the different socio-economic classes in Yemen: 28% amongst the poorest households can access clean and safe drinking water whilst 82% of the richest can use improved water sources.

Due to the on-going economic and liquidity crisis where 78% of Yemenis are experiencing a reduced income source, no trucked or bottled water is affordable. 6% of households in Yemen are treating water at home. One can thus deduce that the majority of poor people living in Yemen do not have access to safe drinking water and that there is no other option than to drink from unimproved water sources.

⁴⁹ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.18

⁵⁰ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.38



2017:160 districts & 7.3 million people in acute need of WASH
2018:222 districts & 11.6 million people in acute need of WASH⁵¹

Malaria and dengue are common diseases if poor WASH conditions persist. Poor sanitation is the second leading cause of stunting worldwide. Globally, 50% of cases of malnutrition are associated with infections caused by poor WASH.⁵² Water and sanitation infrastructure has been targeted by all parties to the conflict and has endangered the lives of Yemeni civilians and non-combatants, in violation of IHL.

Outbreak of Cholera

As a result of collapsing health facilities, contaminated water sources and deteriorating WASH facilities, a cholera outbreak was declared in Yemen in October 2016. By the end of December 2016, a total of 165 out of 333 districts were affected.⁵³ The outbreak spiked again in late April 2017 with 900,000 suspected

⁵¹ *Ibid*, p.39

⁵² *Ibid*, p.39

⁵³ *Ibid*, p.28

cases and 2,192 deaths up to 05 November 2017. The second wave of the outbreak spread to 305 districts in 21 out of 22 governorates.

On 14 May 2017, a state of emergency was announced, signifying Yemen's health sector was unable to contain this disease outbreak. As of 2018, an estimated 11.3 million people in 168 districts require emergency preventative measures to avoid another resurgence of cholera.⁵⁴

Interview with Save the Children's Dr. Mariam Aldogani

On 22nd March 2018, IOHR remotely interviewed Dr. Aldogani who was in Yemen at the time working as a field manager for Save the Children at Al-Hodeida governorate.

As a health expert, and reproductive specialist, Dr. Aldogani spends most of her time working in the field to provide assistance to those in need. Dr. Aldogani has previously worked with Save the Children in Yemen's north-western territories, accessing the hard-reach areas in Amran, Sana'a, Hajjah and Hudaydah.

Currently, in Hudaydah, Save the Children's health project supports 48 health facilities, as well as subsidising the health sector for medical equipment. The health project began in 2012 in Al-Hodeida. The fundamental support includes *"the maintenance and rehabilitation of health facilities, the provision of solar panels and paying for running costs, including fuel and gas."*

Dr. Aldogani outlined the collapse of the health system in Yemen and what effect this has had on addressing the growing humanitarian crisis.

"As the public sector are not receiving salaries due to the collapse of the health system since 2015, most of the communities in Yemen are in need. We don't have enough budget and even all the humanitarian actors in Yemen have limited resources."

"I saw my colleagues they are struggling due to the shortage of supplies, the number of staff is not enough as there are no salaries being paid, so most of them cannot afford the transportation to come to work. Also, hospitals cannot afford to hire pharmacists, guards, cleaners, the lab technicians. So, the health workers are struggling to help and support the children in need."

⁵⁴ *Ibid*, p.28



"Some specialised centres are closed so the treatment people need is available only outside of Yemen. For example, the cancer centres. Most families I receive, they come and ask for assistance because most of the cancer centres are closed.

"Now I have a 1-year old child who has cancer of the brain. We don't have the appropriate medicines in Yemen, especially in Hodeida. And it is very expensive. Some people try to get treatment outside of Yemen, but it takes too long or is too expensive.

"Some chronic diseases are untreatable – diabetes, cancer and renal disease. Most of the patients for these diseases are children. We need the medicine, but we have nothing.

"The central bank is doing blood donations. They don't have enough supplies so sometimes they transfer the blood without treating it. This can transfer disease such as HIV or hepatitis.

"During the three years of war, we have been under blockade. Ports open and then close quickly. Now, for example, we receive all of our assistance from Aden port, which takes a long time to come to Hudaydah.

"Sana'a airport was closed. Only UN flights are working. But you must open up Sana'a airport and Hudaydah port to get the supplies in."

The closure of airports has also left many civilians in Yemen with diseases stranded with no available options for treatment. Dr. Aldogani explained the story of a friend's struggle to access healthcare.

"One of my friends, her father died on the route to the airport because she took him from Hudaydah to Sana'a, and then from Sana'a to Say'un (Seiyun). He's an old man who travelled 16 hours with a heart disease, to go outside out of Yemen to find treatment and he died."

Food insecurity and malnutrition have reached unprecedented levels in Yemen as a result of civilians losing their income sources, with a 24% increase from 2017 to 2018 in the number of severely food insecure people in Yemen. Al-Hodeida



governorate has been particularly susceptible to undernutrition and has severe acute malnutrition rates above 15%.⁵⁵

Dr. Aldogani conveyed the pervasive insecurity,

“Food insecurity is increasing. Now people of all ages are at risk of starvation. Because there are no salaries being paid. Most of the people in Hodeida worked as labourers on the port, but now they cannot work there as it is often closed due to conflict and damage.

“Farmers cannot buy their seeds. The agricultural department of Yemen’s government cannot subsidise this. So, this means there is not enough meat. Maybe, once every 2 days you can have one bit of meat.

“Imagine that. If you don’t have enough food at home. If you don’t have the money to buy cooking gas. If you don’t have money to bring clean water. Even if you get humanitarian assistance and malnutrition treatment, you will relapse again and become malnourished. So, the root cause is not treated.

“Even the food baskets, they were made for a household with 7 people on average. Now households have more than 13 people, so these baskets are not enough.

“You know, before the war, some people were very poor and were providing only bread and cheese for children. And now even this they cannot provide.

“The food insecurity and malnutrition rates affect pregnant women too. For example, I went to visit one of the Save the Children’s operational areas in Hudaydah, and the midwife told me last month ‘we had 10 miscarriages and this month we’ve had 6’. So, that’s 16 miscarriages in 2 months. I asked her ‘how are the mother’s doing?’ She said they were malnourished, had disease and anaemia. So, this is one result of food insecurity.

“If a woman has just lost her baby, and has anaemia, that means during delivery she will have severe bleeding. And we will struggle to save her life.”

⁵⁵ 2018 Humanitarian Needs Overview: Yemen, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs, p.43



After the second wave of the outbreak of cholera in April 2017 that caused over 900,000 suspected cases, Al-Hodeida was among the governorates with highest attack rates. The cholera epidemic has disproportionately affected children and the elderly, with 57% of suspected cases in children below 18 years, and 30% of deaths associated with cholera reported to be people over 60 years. Children under 5 are estimated to represent almost a third of all suspected cases.⁵⁶

Dr. Aldogani continued to explain why the outbreak of preventable diseases, namely cholera and diphtheria, have not been contained:

“Children and elderly people have low immune systems. Their immunity is very low. And for example, in Hudaydah governorate, Al Hali district, there is food insecurity. And the children cannot get enough food, so they will be affected by disease.”

“And if there is no more clean water, that means they will drink dirty water. They will have diarrhoea, and then get malnutrition and will be more vulnerable to disease.

“Women and mothers are therefore struggling to protect their children from disease. Sometimes they cannot bring them to a health facility because they didn’t have enough money to pay transportation fees. So, the children die from cholera or other diseases like diphtheria.

“During the cholera outbreak, I saw the faces of the mothers – most of them I saw they are afraid. Some women, they lose their baby. One pregnant women, she died because she got cholera and she came to the hospital too late.

“Now we are facing a suspected diphtheria outbreak too. For example, in our area in Al-Hodeida, more than 15 children have died due to diphtheria.

“I am angry because all this support cannot cover the humanitarian gap in assistance.”

The efforts of NGOs on the ground to combat the cholera outbreak from April 2017 were also explained in detail by Dr. Aldogani.

⁵⁶ 2018 Humanitarian Needs Overview: Yemen, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs, p.28



“Cholera is not only about the treatment. Prevention is the first component of cholera. It’s about community engagement to inform people about Water, Sanitation and Hygiene procedures.

“In the remote villages, people drink from wells and from uncovered water tanks. So, the NGOs raise awareness of cholera prevention and treatment. Community volunteers distribute tablets to chlorinate the water. The health centres coordinate hydration therapy and the provision of fluids.

“Also, the NGOs train communities on how to ensure water is clean and safe, and provide hygiene kits. Aid workers, doctors and hospitals have unfortunately been in the firing line during the conflict in Yemen, which has restricted their efforts to combat health crises. ”

Dr. Aldogani emphasised the need to understand the experience of health workers in Yemen.

“It’s hard to talk about. But I’m the person who can share this story of my country and the suffering of Yemeni women and children. This is my message – three years is enough. Three years is enough.”

Civilians in Need of Protection

With over 15,467 civilian casualties since March 2015⁵⁷, the “protection of civilians remains paramount”.⁵⁸ More than 1.2 million civilians have been identified with specific needs that urgently require assistance.

The number of airstrikes and armed clashes spiked in 2017, which exacerbated the prevailing vulnerabilities of civilians in Yemen. Moreover, the closure of Al-Hodeida port in November 2017 added to the insecurities. The weak rule of law and the deteriorating security situation has facilitated enforced disappearances or illegal and protracted detention.⁵⁹

The deteriorating situation regarding human rights in Yemen is not slowing down. Rather, it is enduring. The number of civilians in need of protection assistance has increased by 15% from 2017, whilst those in acute need increased by 100%.⁶⁰

Vulnerabilities of Women and Girls

Throughout Yemen’s current conflict, women report distress due to violence, fear for family members and fear of arrest and detention. A qualitative study by Oxfam, CARE and GenCap illustrates that gender relations are deteriorating, “with women marginalised from participation in decision-making forums.”⁶¹ Extremist Islamist groups that preach Wahhabism only serve to marginalise women further.

“Women and girls continue to face entrenched gender inequalities which result from prevailing social norms that limit their access to services, livelihoods and other opportunities.”⁶²

Women are more likely to leave the family home to search for food if families are at risk of under nutrition – this can cause further deterioration of women’s nutritional status, as well as their children from their neglect of traditional care practices.

⁵⁷ *Yemen: Civilians at mercy of sniping, shelling and airstrikes – Zeid*, 12 February 2018, Geneva, OHCHR

⁵⁸ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs, p.40

⁵⁹ *Ibid*, p.41

⁶⁰ *Ibid*, p.42

⁶¹ Carter, B, *Social Capital in Yemen*, K4D HelpDesk Report, UK: Institute of Development Studies, p.17

⁶² *Ibid*, p.18

Girls are especially at risk of skipping education due to prevailing social norms, potentially exposing them to early marriage. The lack of adequate toilets and WASH facilities is widely accepted as a contributing reason for girls dropping out of school.⁶³ Risks are therefore also heightened for the 16,000 households in Yemen that are headed by girls under 18.⁶⁴

Vulnerabilities of Internally Displaced Persons (IDPs)

Two million people have been displaced since the inception of conflict in Yemen, with over half currently sheltering in Hajjah, Tai'zz, Amanat Al Asimah and Amran governorates. According to TPFM's 16th report, the large majority of IDPs identify food as their priority need, followed by access to income, shelter and water.⁶⁵

The most vulnerable population groups to famine are IDPs – whether in collective centres or privately hosted – due to the lack of income sources.

The UNOCHA 2018 Humanitarian Needs Overview report on Yemen reveals that 73 districts in 17 governorates show critical WASH needs for IDPs and returnees. Close to 69% of IDP hosting sites report water shortages and approximately 59% have some sort of access to showers.⁶⁶ Despite the critical need for IDPs, often tensions increase when water is scarce and needs to be shared amongst IDPs and returnees as well as the host community.

IDPs are extremely vulnerable to disease, as just under 8 % of IDP hosting sites reported having access to health services.⁶⁷

According to UNOCHA,

“Displaced people living in poor environmental hygiene conditions, and poorest people living in densely populated areas are often more vulnerable to contract cholera.”⁶⁸

⁶³ 2018 Humanitarian Needs Overview: Yemen, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.48

⁶⁴ *Ibid*, p.41

⁶⁵ *Ibid*, p.22

⁶⁶ *Ibid*, p.46

⁶⁷ *Ibid*, p.46

⁶⁸ *Ibid*, p.29



Displaced children are especially “at risk of being ignored and denied their right to education in the current conflict”. Of the 4.1 million children in need of educational support, 523, 646 are IDPs.⁶⁹ Approximately 33,000 separated children in IDP and host communities require assistance with family tracing and reunification.⁷⁰

In particular, the 2 million IDPs face harsh obstacles to accessing services, receiving civil documentation and are more likely to remain displaced for an extended amount of time.

Vulnerabilities of Minority Groups

The minority group Akdham – the Muhamasheen – have a separate cultural and ethnic heritage from the majority of the Yemeni population. The term Akdham translates as a pejorative term for ‘the servants’.

As the Muhamasheen are not included in the traditional tribal and social structures, they have little to no access to recompense or mediation.⁷¹ The majority of Muhamasheen also lack proper documentation.⁷²

Consequently, the Muhamasheen are denied access to basic communal services and experience difficulty in locating food, water, healthcare and shelter. Thus, this social minority are extremely at risk to famine, disease and discrimination.⁷³

Another group that faces discrimination in Yemen are the incoming refugees from the Horn of Africa, as well as Yemenis born of Somali ancestry. They are more likely to be subject to theft, abuse and even murder.⁷⁴

⁶⁹ *Ibid*, p.47

⁷⁰ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.40

⁷¹ Carter, B, *Social Capital in Yemen*, K4D HelpDesk Report, UK: Institute of Development Studies, p.8

⁷² *Ibid*, p.14

⁷³ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.35

⁷⁴ Carter, B, *Social Capital in Yemen*, K4D HelpDesk Report, UK: Institute of Development Studies, p.7



Violations of International Humanitarian Law in Yemen

Overview

With over 15,467 civilian casualties since September 2015⁷⁵, the conflict in Yemen has facilitated the widespread violation of human rights for civilians and non-combatants. The UN and the Government of Yemen have created investigative bodies to prosecute those responsible for these human rights abuses.

The National Commission of Inquiry, which reports to the Government of Yemen and President Hadi, has investigated violations of human rights in Yemen since the conflict escalated in March 2015.⁷⁶ The National Commission is however not acknowledged by all parties to the conflict as an impartial observer and thus it cannot undertake a fully comprehensive documentation of violations of international humanitarian law and international human rights law.⁷⁷

In September 2017, OHCHR called for the establishment of an investigative body by the 47-member UN Human Rights Council as the National Commission could not carry out investigations impartially.⁷⁸ On 29 September 2017, the UN agreed to set up an independent panel of experts to investigate alleged abuses of human rights by all parties to the conflict dating back to September 2014.⁷⁹

A Panel of experts was also commissioned by the UN Security Council to aid the National Commission in attempting to carry through UN Security Council Resolutions 2140 (2014), 2216 (2015), 2342 (2017) and 2402 (2018) and to negotiate a durable peace in Yemen.⁸⁰

⁷⁵ *Yemen: Civilians at mercy of sniping, shelling and airstrikes – Zeid*, 12 February 2018, Geneva, OHCHR

⁷⁶ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.5

⁷⁷ *Ibid*, p.16

⁷⁸ Miles, T, *Don't leave Saudi-backed commission to prove Yemen abuses, U.N. says*, 05 September 2017, Reuters [online] (<https://www.reuters.com/article/us-yemen-security-un/dont-leave-saudi-backed-commission-to-probe-yemen-abuses-u-n-says-idUSKCN1BG175>)

⁷⁹ Wintour, P & Berger, J, *Independent investigation will look into human rights abuses in Yemen*, 29 September 2017, Guardian [online] (<https://www.theguardian.com/world/2017/sep/29/yemen-un-investigation-human-rights-abuses>)

⁸⁰ *2140 Sanctions Committee (Yemen)*, United Nations Security Council [online] (<https://www.un.org/sc/suborg/en/sanctions/2140/panel-of-experts/work-and-mandate>)



Resolution 2140 was established unanimously by all members of the Security Council on 26 February 2014. It was passed shortly after the conclusion of the National Dialogue Conference and called for the continuation of peace by all parties to the conflict.

The Resolution called for active engagement in national reconstruction, and for the parties to the conflict to refrain from using violence to achieve political ends.⁸¹ It emphasised the need for all parties to comply with requirements of international human rights law and IHL.⁸²

Resolution 2216, adopted on 14 April 2015 after the Saudi-led coalition had become a party to the conflict, demands that all actors in the embattled country immediately end conflict and refrain from committing further acts of provocative violence. In particular it called for the release of all political prisoners, an end to child recruitment and adherence to the principles of international humanitarian law when engaging in acts of conflict.⁸³ The UNSC Panel of Experts has also investigated violations of international humanitarian law and human rights law from 2014 too.⁸⁴ Its current mandate runs up to 28th March 2018.⁸⁵

Conduct of War

From March 2015, the Office of the UN High Commissioner for Human Rights (OHCHR) began civilian casualty monitoring and has so far recorded at least 15,467 civilian casualties up to 08 February 2018. This figure represents 5,974 civilians that were killed and the 9,493 non-combatants that were afflicted with injury.⁸⁶ The western portion of Yemen is currently the most conflict-affected area; Aden, Al-Hodeida, Sana'a and Tai'zz governorates are where violence has been concentrated so far in 2018.

⁸¹ *Security Council Adopts Resolution 2140 (2014)*, 26 February 2014, United Nations Press Release [online] (<https://www.un.org/press/en/2014/sc11296.doc.htm>)

⁸² United Nations Security Council, *Letter dated 27 January 2017 from Panel of Experts on Yemen addressed to the President of the Security Council*, 31 January 2017, p.47

⁸³ *Security Council Demands End to Violence in Yemen, Adopting Resolution 2216 (2015)*, United Nations Press Release [online] (<https://www.un.org/press/en/2015/sc11859.doc.htm>)

⁸⁴ United Nations Security Council, *Letter dated 27 January 2017 from Panel of Experts on Yemen addressed to the President of the Security Council*, 31 January 2017, p.47

⁸⁵ *2140 Sanctions Committee (Yemen)*, United Nations Security Council [online] (<https://www.un.org/sc/suborg/en/sanctions/2140/panel-of-experts/work-and-mandate>)

⁸⁶ *Yemen: Civilians at mercy of sniping, shelling and airstrikes – Zeid*, 12 February 2018, Geneva, OHCHR



“In 2017, 57% of districts in Yemen were hit by airstrikes, armed clashes and indiscriminate attacks on residential areas, public and private infrastructure (schools, hospitals), with the worst 10% affected on a weekly or daily basis”.⁸⁷

Yemen is a signatory to the Geneva Conventions, and as such, must adhere to Common Article 3, which stipulates that, those who have not, or those who are no longer taking part, in hostilities are to be treated humanely regardless of distinction founded upon race, ethnicity, religion or any similar criteria.⁸⁸ To this end, the Geneva Conventions prohibit the following acts:

- a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture
- b) taking of hostages
- c) outrages upon personal dignity, in particular humiliating and degrading treatment

⁸⁷ United Nations Office for the Coordination of Humanitarian Affairs, *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, p.41

⁸⁸ *Yemen in Focus: International Humanitarian Law*, Adalah Yemen, June 2017, p.20



d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.⁸⁹

According to the most recent meeting of the United Nations Security Council on 26 February 2018 however, the “misuse of weapons” is seriously concerning as the principles of proportionality and distinction embedded in IHL have been consistently neglected by all actors engaged in conflict.⁹⁰

Indiscriminate Airstrikes

Coalition airstrikes remain the leading cause of civilian casualties in the conflict, killing at least 933 civilians and injuring 1,423, from 1 July 2016 to 30 June 2017.⁹¹ According to UNOCHA, the number of airstrikes spiked throughout 2017 that exacerbated the prevailing vulnerabilities of civilians in Yemen.⁹²

Throughout 2017, airstrikes by Saudi-led coalition, and use of explosive ordnance by Houthi forces, “continued to affect civilians and the civilian infrastructure disproportionately.” The UNSC Panel of Experts investigated 10 air strikes in 2017 that led to a minimum of 157 civilian fatalities, including at least 85 children.⁹³

In the 10 investigations, the Panel found no evidence that air strikes had targeted legitimate military objectives, which suggests that impunity and unaccountability continue to predominate the conduct of hostilities in Yemen. In all 10 cases, the Panel states it is highly likely that the Saudi-led Coalition did not consider legal requirements of proportionality and distinction in attack.⁹⁴

The government of Yemen cannot be exempt from obligations of IHL as its consent is a necessary requirement for the Saudi-led Coalition’s airstrikes to be launched.

⁸⁹ ICRC, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 2nd edition, 2016* (<https://www.icrc.org/eng/assets/files/publications/icrc-002-0173.pdf>)

⁹⁰ *United Nations Security Council, Resolution 2402 (2018): Adopted by the Security Council at its 8190th meeting, 26 February 2018*

⁹¹ *Report of the United Nations High Commissioner, Situation of human rights in Yemen, including violations and abuses since September 2014, 13 September 2017, p.7*

⁹² *Ibid*, p.40

⁹³ *United Nations Security Council, Letter dated 26 January 2018 from Panel of Experts on Yemen addressed to the President of the Security Council, 26 January 2018, p.47*

⁹⁴ *Ibid*, p.47

The Saudi-led Coalition created the Joint Incident Assessment Team (JIAT), an investigative body set up by the coalition to evaluate the measures of proportion and distinction taken before coalition airstrikes. In June 2017, JIAT released its findings for 21 airstrikes since March 2015, concluding that the coalition was in adherence with IHL in all but one of those cases. The 20 remaining cases were allegedly “pursuing a legitimate military objective”. The issue is the investigation into violations of IHL needs total impartiality and independence which JIAT, like the National Commission, does not possess.⁹⁵

In JIAT’s most recent findings, published on 25 November 2017, the investigative body made up of 14 representatives from the coalition countries, stated that in all cases reviewed:

“the procedures of the coalition forces were correct and carried out in accordance with the rules and customs of international humanitarian law.”⁹⁶

Despite JIAT’s claims, the UNSC Panel of Experts “considers that some of the attacks may amount to war crimes.”⁹⁷

Case Study - Airstrikes against fishing boats and civilian ships

Over three weeks in March and April 2017, OHCHR verified that airstrikes and attacks on boats off the shores of Al-Hodeida resulted in at least 98 civilian casualties (52 killed and 46 injured). The OHCHR documented 3 incidents of targeting boats, which took place on 15th and 16th March 2017.⁹⁸

One such instance occurred on 15 March 2017, when an unidentified ship fired on a boat that was carrying 150 civilian passengers in the middle of night off the shores of Al-Hodeida. A helicopter then opened up fire on the civilians and so the driver turned off the lights and waited for the boat to drift to shore. The boat was transporting 146 Somali migrants and refugees, and, was operated by 4 Yemeni

⁹⁵ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.40

⁹⁶ <https://saudiembassyuk.co.uk/joint-incident-assessment-team-inquiry-into-yemen/>

⁹⁷ United Nations Security Council, *Letter dated 27 January 2017 from Panel of Experts on Yemen addressed to the President of the Security Council*, 31 January 2017, p.51

⁹⁸ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.5



crew members. A total of 42 civilians were killed as a result, including 11 women; whilst 34 people were injured which included 8 children.⁹⁹

As of 31 July 2017, no acknowledgement of responsibility had been given by any party, and no reasons have been provided for why the boats were continually attacked off the shores of Al-Hodeida.¹⁰⁰ This lack of accountability only motivates further violations of IHL.

Indiscriminate Shelling

Throughout 2017, the Houthi forces were implicated for the use of explosive ordnance against civilian populated areas by the UNSC Panel of Experts. In the 10 incidents investigated by the Panel of Experts, the Houthis did not act in compliance with IHL and this resulted in the deaths of 23 civilians.¹⁰¹

Houthi missiles have also been launched at Saudi Arabia's capital city – Riyadh. On the eve of the 3-year anniversary of the Saudi-led Coalition's involvement in the Yemeni conflict, 7 missiles were directed at Riyadh, killing one Egyptian man. Remnants of missiles fired throughout 2017 show they are of Iranian origin.¹⁰² Iran has therefore violated paragraph 14 of resolution 2216 (2015) by directly, or indirectly, providing or selling weaponry to the then Houth-Saleh alliance. The weaponry supplied consisted of: "Borkan-2H short-range ballistic missiles, field storage tanks for liquid bipropellant oxidizer for missiles and Ababil-T (Qasef-1) unmanned aerial vehicles".¹⁰³

Graham Jones MP urged parties to the conflict to adhere to the principles of distinction and proportionality when carrying out attacks involving the use of explosive ordnance.

"Most civilian casualties are caused by small arms and it is vital RPGs, field artillery, mortars are prevented from use. The UN estimated that 60% of civilian deaths came from

⁹⁹ *Ibid*, p.8

¹⁰⁰ *Ibid*, p.8

¹⁰¹ United Nations Security Council, *Letter dated 26 January 2018 from Panel of Experts on Yemen addressed to the President of the Security Council*, 26 January 2018, p.50

¹⁰² *Ibid*, p.2

¹⁰³ *Ibid*, p.2

airborne munitions and most of those deaths come from these small weapons.”

Drone attacks and raids

As the conflict in Yemen involves multiple conflicting actors, the US government is also implicated in violations of IHL. As part of its global strategy to combat extremist terrorist groups, the US government conducts drone strikes targeting Al Qaeda in the Arabian Peninsula (AQAP) in Yemen. These drone strikes are carried out with the authorisation of the Yemeni government. However, often due to the indiscriminate nature of using drones, violations of IHL are rife.

On 29 January 2017, a drone strike was launched during the evening and hit Yakla’a village in Rada’ district in Al-Bayda governorate. This killed at least 10 children and 5 women in addition to destroying 12 homes and public buildings including a mosque, school and health facility. The US government conceded it was “highly likely” civilians were killed during the incident.¹⁰⁴

Use of Restricted Weaponry

It has become apparent that cluster munitions, landmines and explosive remnants of war (ERWs) have been used by various parties to the conflict in Yemen. The restricted weaponry listed above all violate IHL, “particularly in the absence of precautionary measures owing to their inherently indiscriminate nature”.¹⁰⁵

Use of Cluster Munitions

On 19 December 2016, the Saudi-led coalition recognised the use of cluster munitions and publicly announced it would stop using British-manufactured BL-755 cluster munitions. However, in December 2016 and May 2017, OHCHR documented two new apparent instances where cluster munitions were used in Sa’ada governorate.¹⁰⁶ All parties to the conflict must allow thorough and impartial investigation into the two new alleged uses of cluster munitions in Yemen.

¹⁰⁴ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, pp. 12-13

¹⁰⁵ *Ibid*, p.8

¹⁰⁶ *Ibid*, p.9



Use of Landmines

Although unverified, it is estimated that around 26.4 million people live in 19 governorates that are potentially contaminated by landmines, which cause excessive harm to non-combatants.¹⁰⁷

According to the UNDP, “de-miners had cleared nearly 450,000 explosive remnants of war between February 2016 and June 2017, including thousands of personnel mines and cluster munitions”.¹⁰⁸ Despite these efforts, landmines remain a major threat to human security in Yemen. Whether travelling to fetch water, attend school, or access healthcare, landmines remain an unseen threat to people’s right to life.

Graham Jones, MP provided his opinion on the use of landmines,

“The numbers of land mines is unknown as is their source of manufacture. Anecdotal evidence highlights landmine clearances supported by the Arab Coalition and international community is in the tens of thousands and the figure of 500,000 has been used as to the total laid by the Houthis. Yemen is signature to the Ottawa Convention and these land mines are a breach of that convention.”

“We have seen recently in Syria that Daesh booby-trapped houses and ruined buildings, which are killing civilians (and children) returning to their homes in astonishing numbers. A de-mining programme sponsored by the international community is vital for the Yemini people to rebuild their country with the safety and peace of mind they deserve. According to Action on Armed Violence, who used statistics gathered by the UN, 257 civilians have died due to landmines since 2011. I expect this number to rise considerably if no efforts are made to demine over the coming years. I also believe that figure to be gross underestimate remembering that most victims of land mines lose limbs and are not fatalities.”

¹⁰⁷ United Nations Office for the Coordination of Humanitarian Affairs, *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, p.49

¹⁰⁸ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.8

Use of Sea Mines

The Houthis use of improvised sea mines in the Red Sea, represent a threat to commercial shipping. Moreover, as the mines can remain for as long as 6 to 10 years, the delivery of humanitarian aid and post-conflict assistance may be threatened if mines become loose from their moorings.¹⁰⁹

Sieges and Blockades

The engagement of warring parties in acts of sieging or blockading is deemed excessively harmful to ordinary civilians due to the constraints it places on food, water and medical supplies.

*“Given the geography of Yemen, the powers exercised by the coalition forces along the land borders and coasts and in the airspace, enable the coalition to determine, to a great extent, the conditions of life in Yemen”.*¹¹⁰

Blockades contribute to the violations of the right to access healthcare and to the right to an adequate standard of living.

Case Study – Siege of Tai’zz City

In August 2015, Houthi forces blockaded the two main entrances into Tai’zz city in Tai’zz governorate until March 2016. They established checkpoints to thoroughly vet the movement of people and goods in and out of the city. Because of this insecurity, the Houthis often rejected food parcels and medical packages and frequently denied passage for civilians trying to exit or enter the city to access healthcare. OHCHR reported 20 incidents of beating or shooting civilians at checkpoints to enforce the blockade.¹¹¹

¹⁰⁹ United Nations Security Council, *Letter dated 26 January 2018 from Panel of Experts on Yemen addressed to the President of the Security Council*, 26 January 2018, p.2

¹¹⁰ *Ibid*, p.9

¹¹¹ *Ibid*, p.9



Finally, in March 2016, pro-Government forces established control over a third entrance to the city, which allowed the free movement of people and goods into Tai'zz.

Specially protected persons and objects

“Parties to the conflict have endangered the protected status of such objects by positioning military objectives within or around them. Extremist groups have carried out direct attacks against cultural and religious sites.”¹¹²

Attacks on educational facilities and cultural sites have been frequent throughout Yemen's conflict. UNICEF estimates that more than half of the schools in Yemen have been damaged. As of September 2017, a total of 1,413 schools have been partially damaged, and 256 schools were totally destroyed as a result of airstrikes.¹¹³ From October 2016 to September 2017, according to UNOCHA, 20 incidents of armed attacks on schools were documented and verified.¹¹⁴

“The cultural heritage of Yemen has been another casualty of this conflict.”

For example, on 29 July 2016, in Old City, Al-Mudhaffar district in Tai'zz governorate, 4 armed men detonated an improvised explosive device (IED) that destroyed an ancient mosque and tomb. Apart from destroying the site completely, the blast also killed 1 civilian and injured 4 others.

Throughout 2017, the UNSC Panel of Experts investigated 2 incidents in which 2 seriously incapacitated patients were assassinated inside the Revolution Hospital. The first occurred on 24 March 2017, and the second happened on 13 December 2017.¹¹⁵ This violates IHL which protects the wounded, sick and out of action non-

¹¹² Report of the United Nations High Commissioner, Situation of human rights in Yemen, including violations and abuses since September 2014, 13 September 2017, p.10

¹¹³ United Nations Office for the Coordination of Humanitarian Affairs, 2018 Humanitarian Needs Overview: Yemen, 04 December 2017, p.47

¹¹⁴ Ibid, p.19

¹¹⁵ United Nations Security Council, Letter dated 26 January 2018 from Panel of Experts on Yemen addressed to the President of the Security Council, 26 January 2018, p.52



combatants from violence or rights abuses. It also violates the neutral and protected status of hospitals according to IHL, which stipulates it should not be used as a space to conduct violent activities.

Restrictions imposed on humanitarian aid delivery

In the *Geneva Convention: Relative to the Protection of Civilian Persons in Time of War*, from 12 August 1949, article 23 stipulates that all parties to the conflict must ensure “the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians”.¹¹⁶

It further states that parties to the conflict must “permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases.”¹¹⁷

The Saudi-led coalition has committed to blockading several key cities or ports in the past to enforce the UN-sanctioned arms embargo outlined in Resolution 2216. UN bodies and international NGOs have condemned these actions as counterproductive to the humanitarian aid effort.

According to Oxfam, revenues, fuel and food imports are controlled by the Saudi blockade. Vessels destined for the ports of Al-Hodeida and Saleef must send shipping manifests to the UN Verification and Inspection Mechanism (UNVIM).¹¹⁸

The UNVIM then decides on whether an inspection is required, and if so, the vessel has to meet inspectors in Djibouti, which lies across the red sea.

Authorisation is then needed from the Saudi-led coalition to the UNVIM, so the vetting procedure can take from four days to several weeks. Officially, the clearance process is supposed to take only 36.5 hours. There have been several instances where the coalition has not given clearance meaning “that in turn UNVIM could not clear ships”.

Because of the restrictions imposed on incoming goods into Yemen, shipping costs have risen exponentially compared with the pre-conflict costs. Importers of wheat

¹¹⁶ ICRC, *Commentary on the First Geneva Convention: Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, 2nd edition, 2016 (<https://www.icrc.org/eng/assets/files/publications/icrc-002-0173.pdf>)

¹¹⁷ *Ibid*

¹¹⁸ *Missiles and Food: Yemen's man-made food security crisis*, Oxfam Report, pp. 6-7

have experienced a 65-75% increase in shipping costs, and for rice it has risen by 100%.¹¹⁹ This, in turn, contributes further to food insecurity.



As a result of the lengthy restrictions, increased cost and the increased risk of danger, commercial shipping companies are no longer willing to ship goods to Al-Hodeida and other Yemeni ports.¹²⁰

Harassment of Humanitarian Aid Organisations

In 2017, Houthi-Saleh forces continued to obstruct the distribution of humanitarian assistance through illegal practice. This included the arrest and detention of humanitarian workers, the diversion of aid, and declaring areas military zones and therefore off-limits to humanitarian workers.¹²¹

UNOCHA's Humanitarian Coordinator for Yemen – Jamie McGoldrick – issued a statement that revealed eleven vehicles used by international humanitarian

¹¹⁹ *Ibid*, p.8

¹²⁰ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.10

¹²¹ United Nations Security Council, *Letter dated 26 January 2018 from Panel of Experts on Yemen addressed to the President of the Security Council*, 26 January 2018, p.54



organisations were hijacked in Tai'zz city in areas under the control of the Government of Yemen. These 11 incidents occurred between January and August 2017.¹²²

The reckless tactics of all parties to the conflict show that, rather ruthlessly, “food is being used as a weapon of war in Yemen”.¹²³ All parties to the conflict must ensure the unimpeded flow of humanitarian aid as well as allowing humanitarian actors access to civilians in need.

Deprivation of Liberty

Armed factions in Yemen have carried out extrajudicial killings as well as the illegal arrest and detention of innocent civilians.

From March 2015 to 30 June 2017, the OHCHR documented 1,019 cases of arbitrary or illegal detention. Of these violations, 82% were attributed to the Houthi-Saleh forces whilst 15% were credited to pro-Government forces and their proxy factions. 51 of these cases are pending as the whereabouts of the victims are still unknown and thus OHCHR can only conclude that enforced disappearances were the likely situation but not certain.¹²⁴

Forced Displacement

In violation of IHL, forced displacement of non-combatants has been appropriated as a tactic of war by several parties to the conflict. From 1 July 2016 to 30 June 2017, OHCHR verified two cases of entire villages that had been forcibly displaced by Houthi-Saleh forces.

On 1 November 2016, after weeks of harassment by Houthi militias, 175 families were forced to leave Al-Dabah Al-Rabe'ei village in Tai'zz governorate. The Houthi militia threatened Houthis threatened via loudspeaker that if the villagers did not leave within 24 hours, then all men residing there would be detained.¹²⁵

¹²² Office of the Humanitarian Coordination in Yemen, *Statement by the Humanitarian Coordinator in Yemen Jamie McGoldrick on Shrinking Humanitarian Space in Yemen*, 17 August 2017

¹²³ *Missiles and Food: Yemen's man-made food security crisis*, Oxfam, p.8

¹²⁴ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.13

¹²⁵ *Ibid*, p.10



There have been incidents of forced displacement attributed to the pro-Government forces too. For instance, on 8 May 2016, security personnel began to detain and evict individuals residing in Aden who were from the north. Despite President Hadi's public condemnation of these expulsions a day later, the UNSC Panel believes the forced evictions "were almost certainly indicative of a wider governorate-level policy within Aden".¹²⁶

Violations of freedom of religion

Having faced discrimination prior to the escalation of the conflict in Yemen under President Ali Abdullah Saleh, the Baha'i community, a religious minority in Yemen, has similarly faced persecution by de facto authorities in Sana'a.¹²⁷ Yemen legally upholds the right for everyone to practice a religion or belief of their choice, having signed the International Covenant on Civil and Political Rights in 1987.¹²⁸

In August 2016, OHCHR verified a mass arrest of at least 22 Baha'i civilians at a public event, which included women and children. Amnesty International investigated the incident and discovered the following:

"On 10 August 2016, 65 Baha'is, including six children, were arrested when armed officers in balaclavas from Yemen's National Security Bureau, which works hand in hand with the Houthi authorities, stormed a Baha'i youth workshop in Sana'a."¹²⁹

As of 2018, five Baha'i remain in detention.¹³⁰ One of them, Hamed Kamal Muhammad bin Haydara has been held in detention since December 2013, and was sentenced to death by the Specialized Criminal Court in Sana'a for his religious

¹²⁶ United Nations Security Council, *Letter dated 27 January 2017 from Panel of Experts on Yemen addressed to the President of the Security Council*, 31 January 2017, p.59

¹²⁷ <https://www.amnesty.org/en/latest/news/2017/04/yemen-bahai-community-faces-persecution-at-hands-of-huthi-saleh-authorities/>

¹²⁸ <https://www.amnesty.org/en/latest/news/2018/01/yemen-huthis-must-quash-death-sentence-of-bahai-prisoner-of-conscience/>

¹²⁹ <https://www.amnesty.org/en/latest/news/2017/04/yemen-bahai-community-faces-persecution-at-hands-of-huthi-saleh-authorities/>

¹³⁰ <https://www.amnesty.org/en/latest/news/2018/01/yemen-huthis-must-quash-death-sentence-of-bahai-prisoner-of-conscience/>



beliefs on 2 January 2018.¹³¹ Amnesty International has listed the following as violations of Hamed Haydara's human rights:

*"prolonged pre-trial detention, undue delays in his trial, allegations of torture and other ill-treatment in custody, lack of access to adequate medical treatment and lack of access to legal counsel during his interrogations."*¹³²

¹³¹ <https://www.bic.org/situation-in-yemen/Case-Hamed-Bin-Haydara-March-2017>

¹³² <https://www.amnesty.org/en/latest/news/2018/01/yemen-huthis-must-quash-death-sentence-of-bahai-prisoner-of-conscience/>



Violations of the Rights of Children

Article 38 of the Convention on the Rights of the Child (1989) stipulates that *“in accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict”*.¹³³

In the *Geneva Convention: Relative to the Protection of Civilian Persons in Time of War*, from 12 August 1949, article 24 asserts that all parties to the conflict must:

“take the necessary measures to ensure that children under fifteen, who are orphaned or are separated from their families as a result of the war, are not left to their own resources, and that their maintenance, the exercise of their religion and their education are facilitated in all circumstances. Their education shall, as far as possible, be entrusted to persons of a similar cultural tradition.”

As evidenced from the information below, all parties to the conflict have disregarded the effects of conflict on the rights of the Child. Support networks that are supposed to aid separated children are weak and violations of children’s rights are frequent.

The conflict and the pervasive human insecurity that is plaguing Yemen has led to family separation and the breakdown of community support network structures. As of 2018, boys and girls under the age of 18 are now the head of 76,000 households.¹³⁴ Due to the absence of support, separated children or orphans are vulnerable to child labour, child marriage, begging and recruitment in to armed groups.¹³⁵ Between October 2016 and September 2017, 1,698 violations against children have been verified.

¹³³ <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

¹³⁴ United Nations Office for the Coordination of Humanitarian Affairs, *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, p.40

¹³⁵ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.41

Education Crisis

4,147,218 million children in Yemen need assistance to ensure the continuation of their education.¹³⁶ A further 1.9 million children are considered to be out of school in 2018.



“The discontinuation of the payment of teachers’ salaries has created an education crisis, risking a generation of illiterate children if no mitigation measures are put in place.”¹³⁷

The 2017-18 school year began with a setback in 13 out of 22 governorates because of the continuation of non-payment of teachers’ salaries from August 2016.¹³⁸ Roughly two thirds of teachers are affected due to non-payment of salaries for more than a year, which has affected their own family’s ability to survive

¹³⁶ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.47

¹³⁷ *Ibid*, p.47

¹³⁸ *Ibid*, p.48



hardships too. Essentially, the educational crisis in Yemen was and is fuelled by the substantial reduction in financial resources available to invest in Yemen's schooling system.

The conflict has forced Yemenis to co-opt a total of 686 schools to be used as shelter for IDPS and returnees, with 150 of these schools still being used as temporary residence for IDPs. 23 out of 34 educational institutes in Yemen are still being occupied by armed factions.¹³⁹

Poverty has also contributed to the decline in school enrolment, as parents can no longer afford to meet the costs of providing their children with an education. Further distance to travel in order to attend schools discourages families to enrol their children, both boys and girls, into school.

Child Casualties

From March 2015 to 30 June 2017, OHCHR verified the deaths of 1,120 children and the injuries of 1,541 more.¹⁴⁰ 60% of child casualties throughout 2015 were caused by airstrikes.¹⁴¹ More than half of the child casualties in 2016 were caused by coalition airstrikes.¹⁴² Most recently, on 6 February 2018, OHCHR verified the deaths of 3 children resulting from Houthi shelling of Al Qahirah district in Northern Tai'zz.¹⁴³

From October 2016 to September 2017, the country-level task Task Force on the Monitoring Reporting Mechanism (MRM) documented the deaths or maiming of 1,111 children.¹⁴⁴ Children are protected under the Convention on the Rights of the Child that states the protection and care of children during conflict is a necessary legal obligation of parties engaged in violence.

¹³⁹ *Ibid*, p.47

¹⁴⁰ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.12

¹⁴¹ Children and Armed conflict, p.27

¹⁴² Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.12

¹⁴³ 12 February 2018, Geneva, *Yemen: Civilians at mercy of sniping, shelling and airstrikes – Zeid*, OHCHR

¹⁴⁴ United Nations Office for the Coordination of Humanitarian Affairs, *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, p.18

Child Recruitment

Since the inception and subsequent escalation of conflict in Yemen, children have now become ensnared in the chaos and violence of the war. All parties to the conflict have directly or indirectly recruited and used children in Yemen's armed conflict.¹⁴⁵ The government of Yemen signed an action plan in May 2014 designed to end and prevent future recruitment of children. However, the escalation of the conflict in March 2015 hindered these efforts drastically.

Since March 2015, the country task force on monitoring and reporting has documented over 1,703 cases of child recruitment. Of these, 67% have been attributed to Houthi-Saleh forces whilst 20% were associated with pro-Government forces.¹⁴⁶ The OHCHR report documented children as young as 10 years old manning Houthi checkpoints between 2016 to 2017.¹⁴⁷

From October 2016 to September 2017, the country-level Task Force on the Monitoring Reporting Mechanism (MRM) reported 606 cases of child recruitment throughout this period.¹⁴⁸

The non-payment of salaries consequently leads to children seeking alternative methods of income. The UNSC Panel of Experts reported that Houthi forces paid newly recruited children approximately 15,000 - 20,000 Riyals per month (\$60 - \$80) in 2017.¹⁴⁹

¹⁴⁵ United Nations Security Council, *Letter dated 27 January 2017 from Panel of Experts on Yemen addressed to the President of the Security Council*, 31 January 2017, p.58

¹⁴⁶ Report of the United Nations High Commissioner, *Situation of human rights in Yemen, including violations and abuses since September 2014*, 13 September 2017, p.12

¹⁴⁷ *Ibid*, p.6

¹⁴⁸ *2018 Humanitarian Needs Overview: Yemen*, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.18

¹⁴⁹ United Nations Security Council, *Letter dated 26 January 2018 from Panel of Experts on Yemen addressed to the President of the Security Council*, 26 January 2018, p.53



IHL and the Convention on the Rights of the Child (1989) set 15 as the minimum age for recruitment or use in armed conflict. On top of this, Yemen's domestic law – Article 149 - stipulates that persons under the age of 18 cannot participate in armed conflicts or be recruited.¹⁵⁰

Child Marriage

The growing levels of poverty, the practice of dowry and strict socio-religious norms are the drivers of child marriage in Yemen.¹⁵¹ As families lose the male family members and the source of income, the level of economic hardship increases which leads to negative coping strategies such as early marriage.

In 2009, a proposed bill aiming to establish 17 as the national minimum age to consent to marriage was rejected. More recently, a Children's Act has been drafted to set the age of 18 as the legally required age to marry.¹⁵² The on-going conflict, and the consequential humanitarian crisis, has caused an escalation in child

¹⁵⁰ *Yemen in Focus: International Humanitarian Law*, Adalah Yemen, June 2017, p.22

¹⁵¹ *Yemen, Girls Not Brides* (<https://www.girlsnotbrides.org/child-marriage/yemen/#stats-references>)

¹⁵² *Yemen, Girls Not Brides* (<https://www.girlsnotbrides.org/child-marriage/yemen/#stats-references>)

marriage rates in Yemen. UNOCHA estimates that levels have risen from 52% of Yemeni girls marrying under the age of 18 in 2016 to close to 66% in 2017.¹⁵³



Child marriage is particularly high among IDP communities. A UNICEF Knowledge, Attitudes and Practices survey that took place in governorates with high numbers of IDP populations, such as Hajjah, Al-Hodeida and Ibb, showed that 44% of marriages involved girls under the age of 15.¹⁵⁴ Without a means to provide for the family, child marriage is seen as a pathway to ensure the daughters are given a better standard of life by other, more capable, families.

On 21 March 2018, IOHR interviewed award-winning Yemeni feature film director Bader Ben Hirsi to speak on the complexity of the tradition of child marriage in Yemen. Bader Ben Hirsi has previously spoken at TEDx in Marrakesh on the issue of child marriage in 2012. Whilst speaking to IOHR in London, Ben Hirsi commented:

“Child marriage is not black and white. There are different motivations for different families.”

¹⁵³ 2018 Humanitarian Needs Overview: Yemen, 04 December 2017, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.18

¹⁵⁴ *Ibid*, p.18



“Child marriage has been embedded in society for several generations, so Yemenis don’t view it as anything outrageous because their mothers or grandmothers married younger than 18. Women and girls are aware of their rights, especially if they have strong women around them who can champion their cause. But of course, this still doesn't stop child marriage from happening, especially in remote regions of the country. Sadly, it still goes on and I think many just live their lives and become mothers - it goes by unnoticed and becomes normalised. The ones that resist are definitely in the minority. In general, I think school-leaving age is when many marry. Usually from 15 or 16 up to 18, 19. But of course there are the shocking statistics of girls marrying much younger. If most of these marriages are forced, then it is against Islam, as forced marriage is not permitted. The girl has the right to agree or not - but when it’s a child, she isn't capable of making such decisions. The story of Nujood Ali impacted me heavily. She was married at 9 and made history by becoming the youngest person to get a divorce in Yemen at the age of 10. A shocking story, but one that drew the right kind of attention by way of making this an issue for the Yemeni government.”



Neglected Nation: The Humanitarian Crisis in Yemen

Concluding Remarks

Yemen is no longer functioning as a state. It cannot afford protection to its Yemeni civilians. Regardless of who is the authority in a particular territory, the rule of law is deteriorating rapidly throughout Yemen, shrinking the protection space to address the issues of civilians in need.

Resolution 2402, adopted by the UN Security Council on 26 February 2018, reaffirms the “need for all parties to comply with their obligations under international law, including international humanitarian law and international rights law as applicable”.¹⁵⁵ In this sense, Resolution 2402 has buttressed the demands set out in UNSC Resolutions 2140 (2014), 2216 (2015), and 2342 (2017).

According to the UNSC Panel of Expert’s most recent report: “Yemen’s financial system is broken”.¹⁵⁶ Yemen’s economic crisis, which has resulted in the nonpayment of salaries to public sector workers, has meant medicine, fuel and food, if available, are prohibitively expensive and out of reach for many civilians.¹⁵⁷

Parties to the conflict have capitalised on this economic and human insecurity by “using the threat of starvation as an instrument of war”.¹⁵⁸ The disregard for civilian protection in the conflict in Yemen has continued unabated, in violation of IHL.

Children, women and the elderly have not been excluded from human rights violations. The conflict in Yemen has indiscriminately placed 75% of the population at risk.

The International Observatory of Human Rights reiterates the demands of the United Nations (UN) Security Council, whose most recent discussion on Yemen (26 February 2018) reaffirmed:

¹⁵⁵ Resolution 2402 (2018), UN Security Council, 26 February 2018

¹⁵⁶ United Nations Security Council, *Letter dated 26 January 2018 from Panel of Experts on Yemen addressed to the President of the Security Council*, 26 January 2018, p.2

¹⁵⁷ *Ibid*, p.3

¹⁵⁸ *Ibid*, p.3



“The need for all parties to comply with their obligations under international law, including international humanitarian law and international human rights law as applicable.”¹⁵⁹

On top of this, IOHR emphasises the underlying need to provide victims of human rights violations in Yemen with full and effective reparation, it will require the establishment of an international, independent investigative body to conduct thorough investigations into violations of international humanitarian law and human rights law.

The International Observatory of Human Rights supports the demands of the United Nations (UN) Security Council to deliver the Yemeni people the support they deserve.

¹⁵⁹ *United Nations Security Council, Resolution 2402 (2018): Adopted by the Security Council at its 8190th meeting, 26 February 2018, p.1*

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