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Country of origin research and information

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1) Information on military service and treatment of deserters/draft evaders in Yemen

In August 2011 *Save the Children* reported that in 2001 Yemen's National Defence Council abolished the existing two-year compulsory military service, relying instead on volunteers to fill posts in the military and security forces.¹

The CIA World Factbook states that 18 is the legal minimum age for voluntary military service; there is no conscription; and there is a 2-year service obligation.²

¹ Save the Children International, Country Profile of Yemen: A Review of the Implementation of the UN Convention on the Rights of the Child, August 2011, <http://www.ibcr.org/editor/assets/Yemen%20Country%20Profile.pdf>, accessed 28 October 2014

² CIA World Factbook, Yemen, <https://www.cia.gov/library/publications/the-world-factbook/geos/ym.html>, accessed 28 October 2014

(i) Age

In January 2014 the *UN Committee on the Rights of the Child* welcomed the issuance of a Presidential Decree prohibiting the recruitment of children in the Yemeni Armed Forces in November 2012.³

In January 2014 the *UN Committee on the Rights of the Child* welcomed the approval by the Yemeni Cabinet in September 2013 of the Action Plan to end and prevent the recruitment and use of children in the Yemeni Armed Forces, in line with UN Security Council Resolutions 1612 (2005), 1882 (2009), and 1998 (2011). The *UN Committee on the Rights of the Child* also welcomed the endorsement of the Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups, and the Paris Principles and guidelines on children associated with armed forces or armed group by Cabinet Resolution 212 (2012).⁴

In June 2014 the *US Department of State* reported that despite the existence of legislation which provides that members of the armed forces must be at least 18 years of age, the number of child soldiers increased in 2013. *USDOS* reported that official government armed forces and militias recruited minors,

“Despite a 1991 law requiring that members of the armed forces be at least 18 years of age, credible reports indicated that children under 18 joined the official government armed forces – as well as militias – during the country-wide civil unrest in 2011. The number of child soldiers reportedly increased in 2013 as armed groups continued to recruit minors into their ranks. Some families supportive of Houthi rebels, including those residing in locations outside Houthi control, send their children to Sa'ada to be trained by the Houthis in the use of arms to serve in their militias. During the reporting period, there were reports of underage recruits in military uniforms manning military checkpoints and carrying weapons. The Popular Committees in the Abyan Governorate used boys between the ages of 13 and 17 to guard checkpoints, while in the north, NGOs reported that children were being recruited in the Sa'ada Governorate by both Houthi and Salafi factions. Al-Qa'ida in the Arabian Peninsula (AQAP) recruited boys for combat operations against military and security forces.”⁵

³ UN Committee on the Rights of the Child (CRC), Concluding observations on the report submitted by Yemen under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 31 January 2014, CRC/C/OPAC/YEM/CO/1 , paragraph 5, <http://www.refworld.org/docid/52f8963722.html>, accessed 12 December 2014

⁴ UN Committee on the Rights of the Child (CRC), Concluding observations on the report submitted by Yemen under article 8, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 31 January 2014, CRC/C/OPAC/YEM/CO/1 , paragraph 5, <http://www.refworld.org/docid/52f8963722.html>, accessed 12 December 2014

⁵ United States Department of State, 2014 Trafficking in Persons Report - Yemen, 20 June 2014, : <http://www.refworld.org/docid/53aab98014.html>, accessed 04 August 2014

In May 2014 the *UN Secretary General* reported that 10 children recruited prior to the reporting period (January to December 2013), including due to falsified identity documents, continued to be used in support roles by the Yemeni Armed Forces in 2013.⁶

In January 2014 the *UN Committee on the Rights of the Child* expressed its serious concern that the recruitment and use of children in hostilities has been a long practice within the armed forces,

“The Committee is seriously concerned that the State party, through its armed forces, bears direct responsibility for the recruitment and use of children in hostilities, as reported by the United Nations Secretary-General (S/2012/261 para. 164 and S/2013/383 paras. 24, 25). It is particularly concerned that this has long been a practice within the armed forces which is exacerbated by poverty, as families enlist their children in the armed forces for financial reasons, as well as by the belief that bearing arms, including by children, is linked to masculinity and tribal honour. The Committee expresses its serious concern about the presence of children within the armed forces, the abolished First Armoured Division (FAD) and the Republican Guard, which constitutes a grave breach of the State party’s obligations under the Optional Protocol.”⁷

The *UN Committee on the Rights of the Child* also expressed concern that pro-government tribal militias and armed groups are directly involved in the recruitment and use of children in hostilities,

“The Committee is deeply concerned that pro-government tribal militias and armed groups are directly involved and rely on the recruitment and use of children in hostilities. It is particularly concerned that, in 2011, children represented approximately 15% of the recruits of the pro-government tribal militias, including girls who were used as spies, cooks or to carry detonators as reported by the United Nations Secretary-General (S/2011/250, para. 197).”⁸

In relation to recruitment by non-State armed groups, the *UN Committee on the Rights of the Child* expressed concern about the continued recruitment and use of children in hostilities by the Al Houthi and Ansar al-Sharia armed groups,

“The Committee welcomes the pledge made by the *Al-Houthi* armed group to bring

⁶ UN General Assembly, Children and armed conflict : report of the Secretary-General , 15 May 2014, A/68/878-S/2014/339, available at: <http://www.refworld.org/docid/53b3b7654.html>, accessed 12 December 2012

⁷ UN Committee on the Rights of the Child, Concluding observations on the report submitted by Yemen under Para 8, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 31 January 2014, <http://www.refworld.org/docid/52f8963722.html> , accessed 29 August 2014
UN Committee on the Rights of the Child, Concluding observations on the report submitted by Yemen under Para 8, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 31 January 2014, <http://www.refworld.org/docid/52f8963722.html>, accessed 29 August 2014

to an end grave violations against children as well as to release children within its ranks and reintegrate them into civilian life, following the visit of the Special Representative of the United Nations Secretary-General on children and armed conflict in November 2012. However it expressed deep concern about the continuous recruitment and use of children in hostilities by the group to, *inter alia*, man checkpoints or to combat against pro-government tribal militias. It is further concerned that children's involvement with *Al Houthi*, is accepted by children's family members and local communities in areas controlled by the armed group, as this is perceived, including by the children, as an obligation to protect the land and the family.

The Committee expresses its deep concern about the continuous recruitment and use of children in hostilities by *Ansar al-Sharia* armed group.”⁹

In May 2014 the *UN Secretary General* reported that the Salafists recruited 57 boys and that 32 armed boys were observed manning Al-Houthi/Ansar Allah checkpoints,

“The United Nations verified the recruitment of 106 children, all boys between 6 and 17 years of age. The Salafists recruited 57 boys to fight against the Al-Houthi/Ansar Allah in Dammaj, Sa’ ada governorate. Children were mainly recruited during recruitment drives in mosques and marketplaces in the southern governorates of Abyan, Aden, Al Dhale, Amran, and Lahj and, in a few cases, received military training. While 22 of the 57 boys were pulled out by family members and returned home, at least 2 were killed in combat and 2 remained in Dammaj at the time of reporting. Thirty-two boys were observed manning Al-Houthi/Ansar Allah checkpoints, carrying firearms and inspecting vehicles in Sa’ ada and Amran governorates.”¹⁰

In May 2014 the *UN Secretary General* also reported that 14 children were used by the Al-Islah party and the Popular Committee,

“Finally, 14 children were recruited by AQAP/Ansar al-Sharia in Abyan governorate and three boys were used by the Al-Islah party and the Popular Committee, a locally rooted resistance group, which aligned with the Government to fight AQAP/Ansar al-Sharia in Abyan.”¹¹

In January 2014 the *UN Committee on the Rights of the Child* expressed concern that the

⁹ UN Committee on the Rights of the Child, Concluding observations on the report submitted by Yemen under Para 8, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 31 January 2014, <http://www.refworld.org/docid/52f8963722.html>, accessed 29 August 2014

¹⁰ UN General Assembly, Children and armed conflict : report of the Secretary-General , 15 May 2014, A/68/878-S/2014/339, <http://www.refworld.org/docid/53b3b7654.html>, accessed 12 December 2012

¹¹ UN General Assembly, Children and armed conflict : report of the Secretary-General , 15 May 2014, A/68/878-S/2014/339, <http://www.refworld.org/docid/53b3b7654.html>, accessed 12 December 2012

recruitment and use of children under 18 by non-State armed groups is not prohibited under national legislation,

“The Committee is concerned that the national legislation does not prohibit and criminalize the recruitment or use in hostilities of children under the age of 18 years by non-State armed groups in any circumstances. It regrets that the State party’s legislation does not contain an explicit provision criminalizing recruitment and use of children under 18 years in the national Armed Forces in war or peace time.”¹²

(ii) Treatment of draft evaders

In April 2013 *Reuters* reported that seven people were killed in clashes between tribesmen and army deserters in al-Bayda province in south Yemen,

“Dozens of former members of the Republican Guard left their camp and entered Redaa with their weapons and cars,’ one resident said.

’They deserted their base and started extorting people before they eventually assaulted a resident,’ he said, prompting tribesmen to intervene to try and stop them.

A local government official said the soldiers had been demanding additional financial benefits which they said the government had promised them for fighting battles against al Qaeda militants in al-Bayda.

He said four soldiers and three armed tribesmen were killed in the clashes.”¹³

In December 2012 Tehran based Iranian broadcaster *PressTV* reported that 93 soldiers involved in an attack on a military complex were convicted of various offences including desertion,

“[...] a Yemeni military court sentenced 93 members of the Republican Guard to prison terms of up to seven years for an attack on a military complex in August.

The men were convicted of offences including, ’assaulting a defense complex in Sanaa on Aug 14, deserting their military posts... refusing orders from the president of the republic, opening fire... resulting in murder and attempted murder,’ said a statement issued by the Yemeni Defense Ministry.”¹⁴

¹² UN Committee on the Rights of the Child, Concluding observations on the report submitted by Yemen under Para 8, Paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 31 January 2014, <http://www.refworld.org/docid/52f8963722.html>, accessed 29 August 2014

¹³ Reuters, Tribesmen, army deserters clash in Yemen, seven killed, 8 April 2013, <http://www.reuters.com/article/2013/04/08/us-yemen-violence-idUSBRE9370ZX20130408>, accessed 3 November 2014

¹⁴ PressTV, Yemen president restructures army, dismisses Saleh's cronies: report, 19 December 2012, <http://www.presstv.com/detail/2012/12/19/279060/yemen-president-restructures-army/>, accessed 4 November 2014

In April 2011 *Cornell University Law School* reported that military desertion carries the death penalty,

“Several military offenses not resulting in death carry the death penalty; they include cowardice, desertion or voluntary surrender in the field by personnel or surrender or abandonment of hostilities by any commander prior to the exhaustion of all means of resistance.”¹⁵

¹⁵ Cornell University Law School, Death Penalty Worldwide, 4 April 2011, <http://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Yemen#f27-3>, accessed 4 November 2014