

# UNHCR POSITION ON RETURNS TO YEMEN – UPDATE I

October 2021

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Map of Yemen



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## Introduction

1. This position supersedes UNHCR's *Position on Returns to Yemen* from April 2015.<sup>1</sup> It is based on information available up until 15 October 2021, unless otherwise stated.
2. Since 2015, protracted conflict in Yemen, which is marked by violations of international humanitarian law and human rights violations and abuses,<sup>2</sup> has resulted in large numbers of civilian casualties,<sup>3</sup> displaced millions of people,<sup>4</sup> destroyed vital infrastructure and disrupted people's access to basic services and livelihoods.<sup>5</sup> According to the UN, Yemen is one of the world's worst humanitarian crises, with millions food insecure or at risk of famine.<sup>6</sup>
3. A failed political transition in November 2011 led to civil war in 2014 when the Houthi / Ansar Allah forces, supported by forces loyal to former president Ali Abdullah Saleh, seized the capital Sana'a, deposing the government of President Abdu Rabbu Mansour Hadi.<sup>7</sup> The conflict has since continued unabated,<sup>8</sup> with repeated unsuccessful efforts to broker a ceasefire and a political settlement.<sup>9</sup> The current situation is characterized by political, military and institutional fragmentation,<sup>10</sup> hostilities and infighting between competing military factions, particularly in the South, weak governance and rule of

<sup>1</sup> UNHCR, *UNHCR Position on Returns to Yemen*, April 2015, [www.refworld.org/docid/5523fdf84.html](http://www.refworld.org/docid/5523fdf84.html).

<sup>2</sup> See below paras 8-15 ("Violations and Abuses of Human Rights Law and Violations of International Humanitarian Law").

<sup>3</sup> See below para. 6 ("Security Situation").

<sup>4</sup> See below para. 23 ("Internal Displacement").

<sup>5</sup> See below para. 16 ("Humanitarian Situation").

<sup>6</sup> See below para. 16 ("Humanitarian Situation").

<sup>7</sup> For an overview and timeline of the conflict, see Council on Foreign Relations (CFR), *Yemen's Tragedy: War, Stalemate, and Suffering*, last updated 2 September 2021, <https://on.cfr.org/2h4uq35>; Arab Center Washington DC, *A Timeline of the Yemen Crisis, from the 1990s to the Present*, 19 February 2021, <https://bit.ly/3EpVP9e>.

<sup>8</sup> "The conflict that has been raging in Yemen for over six years did not reduce in intensity in the 2020-2021 period (...). Moreover, military confrontations have escalated over a myriad of fronts within Yemen and outside its borders"; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014: Report of the Group of Eminent International and Regional Experts on Yemen*, A/HRC/48/20, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html) (hereafter: UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html)), para. 12.

<sup>9</sup> According to the three-member UN Group of Eminent International and Regional Experts on Yemen, the "conflict is moving into its seventh year against the backdrop of an intolerable lack of political will towards its peaceful resolution"; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), p. i. "The conflict parties have not discussed a comprehensive settlement since 2016. This has left Yemenis stuck in an indefinite state of war, with no clear way forward"; Office of the Special Envoy of the Secretary-General for Yemen (OSESGY), *Briefing to United Nations Security Council by the Special Envoy for Yemen: Hans Grundberg*, 10 September 2021, <https://bit.ly/3tJX8e9>. See also, UN News, *No End to Yemen Civil War on the Horizon*, Senior UN Official Briefs Security Council, 23 August 2021, <https://bit.ly/3lFP1LZ>. On the United Nations-led peace talks in Kuwait in 2016 and in Sweden in 2018 (which resulted in the so-called "Stockholm Agreement", which *inter alia* provided for a ceasefire for Hodeidah governorate), see Carnegie Endowment for International Peace (CEIP), *The Wealth of Ma'rib Is Reshaping the Future of Yemen / IRG*, 10 August 2021, <https://bit.ly/3EhJNP3>; International Crisis Group (ICG), *The Case for more Inclusive – and more Effective – Peacemaking in Yemen*, 18 March 2021, [www.ecoi.net/de/dokument/2047763.html](http://www.ecoi.net/de/dokument/2047763.html); Congressional Research Service (CRS), *Yemen: Civil War and Regional Intervention*, 12 March 2021, <https://bit.ly/3ELzaEf>.

<sup>10</sup> "The war is far more complex than it has often been painted abroad: it is not simply a two-party power struggle between Iranian- and Saudi-backed forces, but fundamentally an internal conflict in which a dizzying array of rival factions are taking part, with outside powers fanning the flames"; Foreign Affairs, *The Shattering of Yemen: Why Ending the War Is more Difficult than Ever*, 19 August 2021, <https://fam.ag/3tXSn0x>. "Yemen remains a country divided – not in half, but along a spider web of innumerable political and social fault lines. (...) power in Yemen is divided between a dizzying array of actors. Some, like the Houthis and the exiled government of the president, Abdu Rabbu Mansour Hadi, are pretenders to state power. Others function as hybrid or nonstate actors, some armed and some civilian"; The Century Foundation, *Fantasies of State Power Cannot Solve Yemen's War*, 13 July 2021, <https://bit.ly/3zuXaYB>. "After six years of war, Yemen and its state institutions have undergone dramatic changes, having fragmented along multiple fault lines"; Yemen Policy Center, *Local Security Governance in Yemen in Times of War*, April 2021, <https://bit.ly/3EF5OHK>, p. 4. "For over a decade, the Republic of Yemen has been torn apart by multiple armed conflicts to which several internal militant groups and foreign nations are parties. Collectively, these conflicts have eroded central governance in Yemen, and have fragmented the nation into various local centers of power"; CRS, *Yemen: Civil War and Regional Intervention*, 12 March 2021, <https://bit.ly/3ELzaEf>, p. 2. "None of these various armed groups – whether Hadi's forces [affiliated with the Internationally Recognized Government of Yemen / IRG], the Houthis, or the STC [Southern Transitional Council] – are strong enough to impose their will on the rest of the country. Yet nearly all of these groups possess enough men and munitions to act as a spoiler to any national peace deal they feel does not adequately address their interests. More concerning still is the fact that the longer the fighting continues, the more armed groups are likely to emerge"; Brookings, *The End of Yemen*, 25 March 2021, <https://brook.gs/3mnwb1>. See also, Zenith, *The Many Facets of the Yemen Conflict*, 12 February 2021, <https://bit.ly/3AAqdw>.

law,<sup>11</sup> and a deteriorating human rights situation,<sup>12</sup> with the civilian population paying the price.<sup>13</sup> At the time of writing, there are multiple parallel and overlapping non-international armed conflicts taking place in Yemen,<sup>14</sup> involving the forces aligned with the Internationally Recognized Government (IRG), which has been backed by a multinational coalition led by Saudi Arabia since March 2015; the De Facto Authorities (DFA, also referred to as the Houthis);<sup>15</sup> the Southern Transitional Council (STC), which has intermittently fought with the IRG as it tried to assert control over southern Yemen and has in November 2019 entered a fragile power-sharing agreement with the IRG (“*Riyadh Agreement*”);<sup>16</sup> the National Resistance Forces;<sup>17</sup> Al-Qa’eda in the Arabian Peninsula (AQAP);<sup>18</sup> and the Islamic State in Iraq and

<sup>11</sup> According to Kamel Jendoubi, the Chairperson of the UN Group of Eminent Experts, “[T]he climate of fear, lawlessness and impunity for all those living in Yemen has worsened further despite political agreements and high-level discussions between key actors”; UN News, Yemen: ‘Climate of Fear’ Grows, All Sides to Blame, Say Rights Experts, 8 September 2021, <https://bit.ly/3tVzLhX>. “The breakdown in law and order, including the targeting of judges, prosecutors and lawyers by parties to the conflict, has indelibly had an impact on the independent, impartial and effective administration of justice in ways that have fomented public fear and insecurity”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*; Comprehensive Report of the Group of Eminent International and Regional Experts on Yemen, A/HRC/45/6, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html) (hereafter: UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html)), para. 93. “The nominally independent judiciary is weak and susceptible to executive interference, and enforcement of judicial rulings is poor”; The Heritage Foundation, *2021 Index of Economic Freedom*, March 2021, <https://heritage.org/3atGcj2>. Corruption is reported to be pervasive, and Yemen ranked 176 of 180 in Transparency International’s 2020 Corruption Perceptions Index; Transparency International, *Yemen*, accessed 15 October 2021, <https://bit.ly/3mCaRjX>. See also, The Arab Weekly, *Ineptitude, Corruption Render Yemenis’ Lives even more Dire*, 3 February 2021, <https://bit.ly/3CvrGU7>.

<sup>12</sup> See Section “Violations and Abuses of Human Rights Law and Violations of International Humanitarian Law”.

<sup>13</sup> “Across the country, civilians are paying a heavy price as armed groups control territory and exercise authority in complete disregard for human rights and international humanitarian law”; Office of the High Commissioner for Human Rights (OHCHR), *Press Briefing Notes on Yemen*, 21 September 2021, <https://bit.ly/3CBuG1p>. “(...) everyday life in Yemen is now ‘unbearable for many’, as, in addition to the conflict, people have to contend with disease outbreaks, the COVID-19 pandemic, flooding, import restrictions, an economic and fuel crisis, and limited humanitarian aid”; UN News, Yemen: ‘Climate of Fear’ Grows, All Sides to Blame, Say Rights Experts, 8 September 2021, <https://bit.ly/3tVzLhX>. “The conflict has cast a shadow over civilians and has had a devastating impact on vital civilian infrastructure across the country. Throughout the war, civilians have suffered displacement, fuel shortages, and the interruption of salaries and basic services”; Mwatana for Human Rights, *Civilians in Yemen Remain Stuck Between the Warring Parties and Waiting for Justice*, 28 March 2021, <https://bit.ly/39oyEOo>.

<sup>14</sup> Geneva Academy / RULAC, *Non-International Armed Conflicts in Yemen*, last updated 15 April 2021, <https://bit.ly/3hwmRS0>. “The protracted conflict has been characterized by fragmenting coalitions and a multitude of fronts (...)”; Global Centre for the Responsibility to Protect (GCR2P), *Yemen*, 1 September 2021, [www.global2p.org/countries/yemen](http://www.global2p.org/countries/yemen). “The anti-Houthi side is also riven with divisions with government forces, southern separatists, and loyalists of ex-President Ali Abdullah Saleh’s nephew, Tariq, all ostensibly on the same side, but in reality opposed to each other”; Al Jazeera, *Yemeni Government Forces again on the Backfoot*, 14 September 2021, <https://aje.io/geuvck>. “Although media coverage of the Saudi-led intervention has characterized the war as a binary conflict (the Saudi-led coalition versus the Houthis), there actually have been a multitude of combatants whose alliances and loyalties have been somewhat fluid”; CRS, *Yemen: Civil War and Regional Intervention*, 12 March 2021, <https://bit.ly/3ELzaEf>, p. 2.

<sup>15</sup> The term “De Facto Authorities (DFA)” is used to refer to the authorities based in the capital Sana’a, where Ansar Allah as a political movement is the main actor, supported by an armed group referred to as the “Houthis”. “Yemen continues to experience a non-international armed conflict between the Government of Yemen and the Houthis, to which article 3 common to the Geneva Conventions of 12 August 1949, the Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), and relevant customary international humanitarian law apply”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), para. 12.

<sup>16</sup> “In summer 2019 in southern Yemen, long-simmering tensions between the internationally recognized Republic of Yemen government (...) and the separatist Southern Transitional Council (STC) boiled over, leading to open warfare between the local allies of Saudi Arabia and the United Arab Emirates. In 2020, periodic clashes continued, though both sides finally implemented a power sharing agreement at the end of the year and formed a coalition government”; CRS, *Yemen: Civil War and Regional Intervention*, 12 March 2021, <https://bit.ly/3ELzaEf>, p. 2. The Eminent Group of Experts called the power-sharing agreement “dysfunctional”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 12. As the two parties have yet to implement the security annex of the “Riyadh Agreement”, which requires them to redeploy their forces from Aden, tensions remain high and have occasionally resulted in renewed military confrontations; Associated Press, *Yemen’s Separatists to Give up Self-Rule, Push Peace Deal*, 29 July 2021, <https://bit.ly/3nkUGe>; Armed Conflict Location & Event Data Project (ACLED), *ACLED Regional Overview: Middle East (3-9 July 2021)*, 14 July 2021, <https://bit.ly/3hPwxal>; Reuters, *Fighting Between Separatist Brigades Kills Two in Yemen’s Aden*; Sources, 24 June 2021, <https://reut.rs/3kn80ks>; Xinhua, *Military Conflict Looms in Southern Yemen as Tension Rises Between Rivals*; Sources, 22 May 2021, <https://bit.ly/3EDb2nc>. See also, Aljazeera, *Yemen’s Riyadh Agreement: An Overview*, 29 July 2020, <https://aje.io/rxzmf>.

<sup>17</sup> The National Resistance Forces have been under the command of former President Ali Abdullah Saleh’s nephew, Tareq Saleh, following the former President’s assassination by Houthi Forces in December 2017. They are allied with the IRG; Middle East Eye, *‘Our Children Are Fuel for War’: Village Sons Leave Yemen Countryside for the Battlefield*, 14 August 2021, <https://bit.ly/3Ck8A34>; Sana’a Center for Strategic Studies, *The Battle of All Yemenis Against the Houthi Coup: A Q&A with Tareq Saleh*, 19 May 2021, <https://bit.ly/3Cggtqm>; Associated Press, *UAE-Backed Yemen Leader Says His Troops at Island Air Base*, 15 June 2021, <https://bit.ly/39bzE8b>; Jamestown Foundation, *Yemen’s Fate Hinges on The Battle for Marib*, Terrorism Monitor Vol. 19/4, 26 February 2021, <https://bit.ly/3zsMrxP>.

<sup>18</sup> “Though it has become less active in recent years, AQAP [Al-Qa’eda in the Arabian Peninsula] still vies for influence with the Houthis and the Islamic State, especially in the central al-Bayda Governorate”; CFR, *Yemen’s Tragedy: War, Stalemate, and Suffering*, 2 September 2021, <https://on.cfr.org/2h4uq35>. “In Al Bayda and Shabwah governorates, increases in political violence last week [mid-June 2021] were driven by resumed AQAP activity. In Al Bayda, AQAP claims to have ambushed Houthi forces in Mukayras district, representing the first attack claimed by AQAP this month (...). In Shabwah, militants kidnapped pro-Hadi forces in two separate incidents in Mayfaa and Merkhah As Sulfa districts, before bringing them to Al Bayda governorate”; ACLED, *ACLED Regional Overview: Middle East (12 - 18 June 2021)*, 23 June 2021, <https://bit.ly/3iuoT5R>, p. 1. “Sources stated that the lack of a strong central government in the country continued to provide a fertile environment for AQAP to operate”; US Department of State, *2020 Report on International Religious Freedom: Yemen*, 12 May 2021, [www.ecoi.net/en/document/2051733.html](http://www.ecoi.net/en/document/2051733.html). See

the Levant – Yemen (ISIS-Yemen);<sup>19</sup> in addition to an array of local armed groups with shifting allegiances and primarily driven by local agendas and tribal affiliations.<sup>20</sup>

4. The country has been divided into separate areas of control and influence.<sup>21</sup> As of September 2021, DFA forces were reported to control about one-third of the country, including the capital Sana'a and much of the populous north-west, and comprising the vast majority of Yemen's population;<sup>22</sup> the IRG and government-aligned forces<sup>23</sup> controlled the south and the east (governorates of Marib, Hadhramaut, Shabwah, and Al-Mahrah, parts of Abyan and Al-Jawf governorates), although with varying degrees of control;<sup>24</sup> the STC held the southern port city and temporary capital Aden and the surrounding governorates of Lahj and Dhale'e; the National Resistance Forces controlled parts along the western Red Sea coast; and AQAP remained active mostly in the south and east of the country.<sup>25</sup> Large areas, including in the governorates of Marib, Hodeidah and Ta'iz remain contested between parties, with active frontlines close to populated areas, exposing civilians to continuous risks.<sup>26</sup> At the time of writing, fighting continues along many frontlines, with the security situation particularly fluid and

also, The National, *Al Qaeda Shows Signs of Resurgence in Yemen*, 10 April 2021, <https://bit.ly/3AsefDU>; The Defense Post, *Yemen's Al-Qaeda Regenerates Amid Battle for the North*, 16 March 2021, <https://bit.ly/3EiiCDT>; ACLED, *The Wartime Transformation of AQAP in Yemen*, 14 December 2020, <https://bit.ly/3Av00Os>.

<sup>19</sup> "[ISIS-Yemen] is weak by comparison [to AQAP], having suffered losses in fighting with the Houthis and AQAP. It has been in decline for an extended period and is assessed to be preoccupied with stabilizing itself and regrouping. One Member State put its fighting strength at just a few hundred. Its most likely future attacks are expected to take place in the south of Yemen, especially against Government of Yemen figures located in or moving to Aden"; UN Security Council, *Letter Dated 15 July 2021 from the Chair of the Security Council Committee Pursuant to Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) Concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and Associated Individuals, Groups, Undertakings and Entities Addressed to the President of the Security Council*, S/2021/655, 21 July 2021, [www.ecoi.net/en/document/2057424.htm](http://www.ecoi.net/en/document/2057424.htm), para. 44. "The Islamic State marked its 2015 entrance into Yemen with suicide attacks on two Zaydi mosques in Sanaa, which killed close to 140 worshippers. Though the group has claimed other high-profile attacks, including the assassination of Aden's governor in late 2015, its following lags behind that of AQAP"; CFR, *Yemen's Tragedy: War, Stalemate, and Suffering*, 2 September 2021, <https://on.cfr.org/2h4uq35>.

<sup>20</sup> "The Houthis, who control Yemen's populous north west, are lined up against a wide array of local forces, from northern tribesmen and formerly allied military units to southern secessionists and Salafi militias, across several fronts. As these armed and political factions have proliferated, they have turned to regional actors for arms, money and political support, and have often devoted as much of their energy to fighting each other as the Houthis"; ICG, *A New UN Envoy Is an Opportunity for a New Approach in Yemen*, 18 June 2021, <https://bit.ly/3u09aA1>. For more information on various armed actors and divisions within, see The Century Foundation, *Fantasies of State Power Cannot Solve Yemen's War*, 13 July 2021, <https://bit.ly/3zuXaYB>; Geneva Academy / RULAC, *Non-International Armed Conflicts in Yemen*, last updated 15 April 2021, <https://bit.ly/3hwmRSo>; CRS, *Yemen: Civil War and Regional Intervention*, 12 March 2021, <https://bit.ly/3ELzaEf>; ACLED, *The Myth of Stability: Infighting and Repression in Houthi-Controlled Territories*, 9 February 2021, <https://bit.ly/3o2lcHn>; ACLED, *Little-Known Military Brigades and Armed Groups in Yemen: A Series*, 13 August 2020, <https://bit.ly/3hWfnbB>.

<sup>21</sup> CFR, *Yemen's Tragedy: War, Stalemate, and Suffering*, 2 September 2021, <https://on.cfr.org/2h4uq35>; Foreign Affairs, *The Shattering of Yemen: Why Ending the War Is more Difficult than Ever*, 19 August 2021, <https://fam.ag/3tXSn0x>; The Century Foundation, *Fantasies of State Power Cannot Solve Yemen's War*, 13 July 2021, <https://bit.ly/3zuXaYB>; The Economist, *Houthi Rebels Look to Take Marib, Prolonging Yemen's War*, 8 May 2021, <https://econ.st/2XmTnzi>. "Effectively, the Yemeni state no longer exists. The Houthis control the northwest from the Saudi border to the city of Taiz in the southwest, with active frontlines running along the border of the formerly independent south. Saleh's nephew dominates Southwestern Yemen (Tehama). Yemen's south and southeast are now riddled with divides between the Hadi government and the STC, with all coastal areas in the South under STC control, which have declared self-rule"; Zenith, *The Many Facets of the Yemen Conflict*, 12 February 2021, <https://bit.ly/3AAqdw>. For a district-level map of territorial control as of June 2021, see ACLED, *The State of Yemen: Q1 2021 – Q2 2021*, 11 August 2021, <https://bit.ly/3zl6ePv>.

<sup>22</sup> "At year's end [2020], the Houthis continued to control approximately one-third of Yemeni territory and nearly 80 percent of the population"; US Department of State, *2020 Report on International Religious Freedom: Yemen*, 12 May 2021, [www.ecoi.net/en/document/2051733.html](http://www.ecoi.net/en/document/2051733.html). See also, The Economist, *Houthi Rebels Look to Take Marib, Prolonging Yemen's War*, 8 May 2021, <https://econ.st/3Cgtpwk>. "In these territories they [the DFA] have established centralized security over the land and the people, and have imposed complete de facto authority without concern for whether they are an internationally recognized governing body"; CEIP, *The Wealth of Ma'rib Is Reshaping the Future of Yemen*, 10 August 2021, <https://bit.ly/2XHMRU4>.

<sup>23</sup> "Since the war began, Yemen's politics have been more convoluted and locally driven than any side cares to admit. The internationally recognized government may portray itself as commanding a national army, but in reality the forces opposing the Houthis are a jumble of groups whose principal goal is defending their home turf and preventing a complete Houthi takeover, rather than restoring Hadi to power in Sanaa"; Foreign Affairs, *The Shattering of Yemen: Why Ending the War Is more Difficult than Ever*, 19 August 2021, <https://fam.ag/3tXSn0x>.

<sup>24</sup> "(...) it could be argued that the internationally-recognized government has not been in control of Hadramawt, certain areas of Marib, and Al Mahrah since 2015, as these areas have been under intense contestation by AQAP and Islamic State cells"; ACLED, *Mapping Territorial Control, Contestation, and Activity in Yemen*, August 2021, <https://bit.ly/3krDK2y>, p. 2.

<sup>25</sup> "Following a period of relative inactivity in January [2021], AQAP began a steady pace of operations aimed against Security Belt Forces [military wing of the STC] and other groups affiliated with the United Arab Emirates and Saudi Arabia in Shabwah and Abyan Governorates. It has also clashed with Houthi forces in Bayda Governorate. AQAP remains the most combat-ready terrorist group in Yemen and is well established in the central and eastern provinces. Its priority is to establish control over ports along the Gulf of Aden and oil and gas infrastructure facilities"; UN Security Council, *Letter Dated 15 July 2021 from the Chair of the Security Council Committee Pursuant to Resolutions 1267 (1999), 1989 (2011) and 2253 (2015) Concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and Associated Individuals, Groups, Undertakings and Entities Addressed to the President of the Security Council*, S/2021/655, 21 July 2021, [www.ecoi.net/en/document/2057424.htm](http://www.ecoi.net/en/document/2057424.htm), para. 43.

<sup>26</sup> CFR, *Yemen's Tragedy: War, Stalemate, and Suffering*, 2 September 2021, <https://on.cfr.org/2h4uq35>; ACLED, *The State of Yemen: Q1 2021 – Q2 2021*, 11 August 2021, <https://bit.ly/3zl6ePv>.

volatile in the contested city of Marib in northern Yemen.<sup>27</sup> The International Crisis Group (ICG) stated in May 2021 that Yemen was in “freefall” and that “fighting is also likely to intensify on other [besides Marib] fronts”.<sup>28</sup>

## Security Situation

5. In 2021, the government and allied forces continued to be engaged in conflict with the Houthis across the country.<sup>29</sup> A renewed offensive from multiple fronts on the IRG-held governorate and city of Marib,<sup>30</sup> which was launched by the Houthi forces in February 2021 and continues at the time of writing, has resulted in civilian casualties, displacement, and the damaging of civilian infrastructure.<sup>31</sup> In late July 2021, the Houthi forces also captured areas in central Al-Bayda governorate, which they subsequently used to launch military advances into the southern Shabwah governorate.<sup>32</sup> As at August 2021, it was reported that there was fighting with fluctuating intensity along more than 50

<sup>27</sup> “In addition to the importance of its location, which links many local trade lines, Ma’arib has the largest station in Yemen for generating electric power, Ma’arib’s location and wealth of natural resources, particularly the oil and gas that supplies 90 percent of the country’s needs, make it a coveted prize for both the Houthis and the Internationally Recognized Government (IRG), for whom Ma’arib is the last stronghold in the north”; CEIP, *The Wealth of Ma’arib Is Reshaping the Future of Yemen*, 10 August 2021, <https://bit.ly/2XHMRU4>. See also below Section “Security Situation”.

<sup>28</sup> “In the spring 2020 EU Watch List, Crisis Group warned that the military, political and humanitarian situation in Yemen could go ‘from bad to worse’. That has happened: Yemen is in freefall. UN-led, U.S.-supported efforts to reach a nationwide ceasefire have borne no fruit. Nor have attempts to prevent a battle for Marib, the internationally recognized government’s last bastion in the north. Huthi rebels appear poised to launch another offensive on the city in the coming weeks and months. If Marib falls, and even if it does not, fighting is also likely to intensify on other fronts. A Saudi-brokered deal between the government and southern secessionists hangs by a thread, even after the sides formed a power-sharing government in December 2020”; ICG, *Watch List 2021 – Spring Update: Arresting Yemen’s Freefall*, 26 May 2021, [www.ecoi.net/en/document/2052330.html](http://www.ecoi.net/en/document/2052330.html). “The overall security situation will remain fluid and unstable, especially on the Marib and Al Houdaydah fronts. Other active conflict areas have also emerged in Taizz, Al Dahle and Abjan governorates”; UNHCR, *UNHCR Yemen 2021 Country Operational Plan*, 4 April 2021, <https://bit.ly/2XwufpS>, p. 1.

<sup>29</sup> Associated Press, *Costly and Critical: The Battle for a Key Yemeni City*, 7 July 2021, <https://bit.ly/3z8cCK9>; ACLED, *Regional Overview: Middle East*, 30 June 2021, <https://bit.ly/39pMXCe>; Al Jazeera Centre for Studies, *The Escalation of War and Peace Initiatives in Yemen: Dimensions and Scenarios*, 5 April 2021, <https://bit.ly/39cJXJj>; Associated Press, *UN: Yemen Conflict Escalates as Country Speeds Toward Famine*, 17 March 2021, <https://bit.ly/2YZ8RdA>.

<sup>30</sup> The Economist, *Houthi Rebels Look to Take Marib, Prolonging Yemen’s War*, 8 May 2021, <https://econ.st/3Cgtpwk>; The New Humanitarian, *Marib’s Descent back into War Is Shocking, but it Shouldn’t Be a Surprise*, 19 April 2021, <https://bit.ly/3zeuraq>; Al Jazeera, *Battle for Marib: Last City in North Yemen under Gov’t Control*, 25 March 2021, <https://aje.io/hzltA>.

<sup>31</sup> “The Houthi offensive has led to large waves of displacement within the Ma’arib Governorate, especially after the sites hosting internally displaced persons were shelled”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 13. “Since early September [2021] fighting has intensified in Marib, Yemen, due to an ongoing Houthi offensive that has displaced thousands of civilians. Indiscriminate missile and artillery fire has regularly hit markets, displacement camps and other civilian objects in and around Marib City causing dozens of casualties. Hundreds of coalition airstrikes and fierce ground fighting have also taken place across the governorate, particularly in Sirwah and Rahabah districts”; GCR2P, *Atrocity Alert No. 270: Afghanistan, Yemen and China*, 15 September 2021, <https://bit.ly/3CxSfYX>. See also, AFP, *At least 50 Dead as Fighting Intensifies for Yemen’s Marib – Military Sources*, 26 September 2021, <https://bit.ly/3zHJREj>; Al Jazeera, *Yemeni Government Forces again on the Backfoot*, 14 September 2021, <https://aje.io/geuvcK>; AFP, *65 Dead as Fighting for Yemen’s Marib Flares Anew*, 2 September 2021 <https://f24.my/7x5t.T>; ACLED, *Mid-Year Update: 10 Conflicts to Worry about in 2021*, 5 August 2021, <https://bit.ly/3iw4Zrb>; UNHCR, *Civilians at Risk from Escalating Fighting in Yemen’s Marib*, 16 April 2021, [www.ecoi.net/en/document/2049729.html](http://www.ecoi.net/en/document/2049729.html).

<sup>32</sup> ACLED, *ACLED Regional Overview: Middle East (18-24 September 2021)*, 29 September 2021, <https://bit.ly/3BdtLDO>, p. 1; Reuters, *Houthi Rally in North Yemen as Their Fighters Push South*, 21 September 2021, <https://reut.rs/3A9xd1a>; Xinhua, *Recent Fighting in Central Yemen Displaces over 1,500 Families: Official*, 3 August 2021, <https://bit.ly/3B0t1Cj>; Defense Post / AFP, *Yemen Houthis Say Made Gains in Central Al-Bayda Province*, 30 July 2021, <https://bit.ly/3iAtC66>.

active frontlines across Yemen.<sup>33</sup> The southern parts of Yemen, including the main city of Aden, also experience insecurity due to factional infighting and civil unrest over deteriorating living conditions.<sup>34</sup>

6. Fighting and indiscriminate attacks resulted in the deaths of thousands of civilians since March 2015. Airstrikes, mortar and rocket shelling and other forms of indiscriminate attacks by parties to the conflict have been a major feature of the conflict in Yemen, with a devastating impact on the civilian population.<sup>35</sup> In December 2020, the UN estimated that since 2015, some 102,000 people (civilians and non-civilians) had lost their lives as a direct result of hostilities, in addition to over 130,000 people who died from the indirect consequences of conflict, including the lack of food, health services and infrastructure.<sup>36</sup> In 2020 alone, over 2,000 civilians were killed or injured by armed violence.<sup>37</sup>

<sup>33</sup> This compares to 35 active frontlines in 2019; UNHCR, *Yemen Fact Sheet: September 2021*, 30 September 2021, <https://bit.ly/3ot0TEf>, p. 2; Office for the Coordination of Humanitarian Affairs (OCHA), *2020 Humanitarian Needs Overview: Yemen*, February 2021, [www.ecoi.net/en/document/2045902.html](http://www.ecoi.net/en/document/2045902.html), p. 14. In September 2021, "(...) hostilities escalated sharply (...), Huthis made gains in western Marib governorate and 8 Sept [2021] captured Rahabah district in Marib's south. In strategic and central al-Bayda governorate, Huthis consolidated control, enabling offensives into Bayhan district in Shebwa governorate and Lawdar district in Abyan governorate, threatening key road interchanges and transport lines between govt-held areas; Huthis could further intensify assaults in Marib, Shebwa and Abyan in coming weeks. In Hodeida governorate, fighting took place in southern al-Tuhayta, al-Hayma and Hays districts; Huthis reportedly deployed multiple brigades to al-Tuhayta in preparation for what local forces speculate is major offensive to restore control of Red Sea coast taken by United Arab Emirates (UAE)-backed forces in 2018 (...) In south, Huthis 11 Sept fired five drones, three missiles at Red Sea port Mocha, Taiz governorate, reportedly injuring six soldiers. Fighting in al-Dhale governorate continued at same levels in Qataba, al-Husha and al-Masharih districts"; ICG, *Crisis Watch: Yemen*, September 2021, <https://bit.ly/3FyJvE3>. Since March 2021, "[F]ighting has escalated in Ma'rib, Ta'iz, Hudaydah and other places"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Martin Griffiths, Opening Remarks on the High-Level Side Event on the Humanitarian Crisis in Yemen, at the 76<sup>th</sup> United Nations General Assembly*, 22 September 2021, <https://bit.ly/3CDxmLY>. "In February 2021, the Houthis began their attack on Ma'rib Governorate. Within weeks, the Ta'izz and Hajjah fronts became active once more. Other fronts in Hudaydah, Dhale', Jawf, and Bayda' governorates also witnessed fighting. Heavy fighting has continued across frontline areas in Ma'rib Governorate, with hostilities particularly dominant in the Sirwah area, specifically in Mashjah, Kassarah, Zour and Tala'ah Hamraa. Currently, the frontlines are only a few kilometres away from the city of Ma'rib"; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 13. "(...) military activity continues to ebb and flow, (...) with sporadic fighting observed in Al Jawf and Taiz. Ma'rib remains the key strategic focus. In Al Bayda, gains made by Yemeni forces supported by the Saudi-led coalition were reversed by the Houthis, who have moved towards the border between Ma'rib and Shabwa governorates, threatening the main arterial routes"; UN News, *No End to Yemen Civil War on the Horizon*, Senior UN Official Briefs Security Council, 23 August 2021, <https://bit.ly/3IFP1LZ>. See also, Arab News, *Yemen Government Troops Make New Advances in Jof Province*, 3 October 2021, <https://arab.news/v3nvk>; GCR2P, *Yemen*, 1 September 2021, [www.global2p.org/countries/yemen](http://www.global2p.org/countries/yemen).

<sup>34</sup> "(...) in the south of Yemen, the fragility of the security situation was highlighted last week when a car bomb targeted the convoy of Aden governor and the minister of agriculture in Aden, killing at least six people and injuring others. Both the governor and the minister survived the blast. The perpetrators remain unknown"; ACLED, *ACLED Regional Overview: Middle East (9-15 October 2021)*, 21 October 2021, <https://bit.ly/3juh8NM>. "Civil unrest and demonstrations have reached new levels of intensity in IRG-controlled areas since mid-September [2021], where many of the poorest households – including those dependent on daily wage labor – continue to be impacted disproportionately by rising living expenses and deterioration in public services due to insufficient government revenue. Shops were closed and petty trading was interrupted due to the insecurity, preventing impacted households from accessing income for around four days in Aden and around one week in Taizz and Al Mukalla cities. According to data from Intelyse as of September 27, 2021, 54 demonstrations had been recorded that month in Aden, Shabwah, Abyan, Socotra, Lahj, and Hadhramaut, already the highest monthly total on record and more than 2.5 times the monthly average since September 2016. More recently, as of September 28, violent protests and shop closures have resumed in Aden"; Famine Early Warning System Network (FEWS NET), *Protests Intensify in the South due to Further Sharp Depreciation of Currency and Food Price Increases*, 6 October 2021, <https://bit.ly/3FjsvBL>, p. 1. "Southern parts of Yemen, in particular Aden, Abyan and Shabwah Governorates, were the scene of high levels of insecurity and civil unrest"; UN Security Council, *Children and Armed Conflict in Yemen: Report of the Secretary-General*, S/2021/761, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html) (hereafter: UN Security Council, *Children and Armed Conflict in Yemen*, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html)), para. 8. "South Yemen has been paralysed by the power struggle between the government and the United Arab Emirates-backed STC, leading to protests in recent months over widespread poverty and poor public services"; Reuters, *Clashes Between Separatist Forces Kill Four Fighters in Yemen's Aden*, 2 October 2021, <https://reut.rs/3mkoB2U>. See also, Reuters, *Three Protesters Killed in South Yemen as Conflict Cripples Economy*, 15 September 2021, <https://reut.rs/3Fjozka>; Xinhua, *Blast Strikes Security Patrol in Yemen's Aden, 2 Killed*, 14 August 2021, <https://bit.ly/3FjRu86>. See also ICG, *Crisis Watch: Yemen*, September 2021, [www.crisisgroup.org/crisiswatch](http://www.crisisgroup.org/crisiswatch), and above footnote 16.

<sup>35</sup> See below para. 9 ("Violations and Abuses of International Human Rights and Violations of International Humanitarian Law").

<sup>36</sup> UN News, *UN Humanitarian Office Puts Yemen War Dead at 233,000, Mostly from 'Indirect Causes'*, 1 December 2020, <https://shar.es/aWGAug>. The UN, based on the Yemen Data Project, estimates that more than 18,500 civilians have been killed or injured as a result of over 23,000 coalition airstrikes alone, including over 2,300 children. This includes 8,772 civilians killed and 9,841 injured; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 20. See also, Yemen Data Project, *Six Years of the Saudi-Led Air War in Yemen*, 25 March 2021, <https://bit.ly/3nSmrKj>. In 2019 / 2020, the UN "verified that a total of 2,612 children (1,889 boys, 723 girls) were killed (678) or maimed (1,934) (...). Of those children, 1,488 were killed or maimed (1,073 boys, 415 girls) in 2019 and 1,124 (816 boys, 308 girls) in 2020. Those figures represent a slight reduction compared with the preceding two years (1,354 in 2017 and 1,689 in 2018). It should be noted that while conflict escalated during the reporting period, several new frontlines were not accessible to the country task force. It is therefore possible that the reduction was also linked to a lack of access and underreporting"; UN Security Council, *Children and Armed Conflict in Yemen*, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html), para. 23. See also paras 24-29 of the same report.

<sup>37</sup> Civilian Impact Monitoring Project (CIMP), *2020 Annual Report: 1 January - 31 December 2020*, February 2021, <https://bit.ly/3BV86aE>. For earlier reports, see CIMP, *Annual Analytical Reports*, available at: <https://civilianimpactmonitoring.org/reports>.

Conflict continues to claim civilian lives in 2021 with the UN having recorded more than 1,200 civilians killed or injured between January and August 2021.<sup>38</sup>

7. Landmines, improvised explosive devices (IEDs) and unexploded ordnance continue to kill and injure civilians in Yemen, including many children.<sup>39</sup>

## Violations and Abuses of Human Rights Law and Violations of International Humanitarian Law

8. According to numerous reports, all parties to the conflict commit serious violations of international humanitarian law, which may amount to war crimes, as well as serious violations and abuses of human rights law,<sup>40</sup> with widespread impunity.<sup>41</sup>
9. Parties to the conflict are reported to launch indiscriminate attacks, which kill and injure civilians and impact on civilian objects, including, *inter alia*, medical facilities,<sup>42</sup> schools, markets, displacement

<sup>38</sup> OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator Mr. Martin Griffiths Statement Briefing to the Security Council on Yemen*, 23 August 2021, <https://bit.ly/3nzRFFR> (hereafter: OCHA, *Briefing to the Security Council on Yemen*, 23 August 2021, <https://bit.ly/3nzRFFR>). According to the Civilian Impact Monitoring Project (CIMP), “the number of civilian casualties (deaths and injuries) due to armed violence across Yemen increased by 26 percent from the first to the second quarter of 2021. (...) The highest number of casualties occurred in Sa’ada due to shelling in border areas. In Marib, the number of civilian casualties was almost twice that of the first quarter, driven by an increase in incidents impacting civilians in Marib City. Other worst affected governorates include Al Hudaydah and Taizz”; FEWS NET, *Yemen Food Security Outlook Update, August 2021*, 8 September 2021, <https://bit.ly/39jxIQM>, p. 2. In June and July 2021, the “number of civilian casualties has reached levels not seen in Yemen since the signing of the Stockholm Agreement on 13 December 2018”; OCHA, *Yemen Situation Report*, 5 August 2021, <https://bit.ly/3tXMNva>, p. 4. See also, Save the Children, *Yemen: Three Children Killed among 56 Casualties in 72 Hours as Conflict Escalates*, 4 October 2021, <https://bit.ly/3B8Mb8Z>.

<sup>39</sup> “Since 2018, landmines, IEDs and unexploded ordnance have killed or injured more than 1,400 civilians in Yemen, many of them children. In addition to causing direct and deadly harm, these explosive weapons and remnants – which are littered across large swathes of the country – instill terror in communities and have a deeply negative impact on people’s livelihoods and the wider economy. Many farms and fishing communities in Yemen are standing idle due to the presence or fear of land- and sea mines. This presents a further hit to domestic food production and to people’s incomes, when Yemen is already facing dire levels of food insecurity and poverty”; OCHA, *On Behalf of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Martin Griffiths, UN OCHA Deputy Director, Ms. Ghada Eltahir Mudawi, Statement to the Security Council on Yemen*, 10 September 2021, <https://bit.ly/39i6rlZ>. “(...) data gathered from Yemen indicated a more than threefold increase in such casualties [explosive ordnance accidents] between 2019 and 2020, with 1,606 recorded in 2020, compared with 498 in 2019”; UN General Assembly, *Assistance in Mine Action: Report of the Secretary-General*, A/76/283, 10 August 2021, <https://bit.ly/3hQCAvT>, para. 13. See also, OCHA, *Yemen Humanitarian Update: Issue 9 / September 2021*, 3 October 2021, <https://bit.ly/3Ab4nx8>, pp. 4-5.

<sup>40</sup> “Numerous attacks targeting or disproportionately impacting civilians or civilian objects during the past year may amount to war crimes. Parties to the conflict also continue to commit extrajudicial killings, enforced disappearances, arbitrary detentions, torture, child recruitment and forced displacement, among other violations and abuses of international human rights and humanitarian law”; OHCHR, *Item 10: Presentation of the Secretary-General’s and High Commissioner’s Country Reports and Oral Updates: Statement by Michelle Bachelet, UN High Commissioner for Human Rights*, 48<sup>th</sup> Session of the Human Rights Council, 7 October 2021, <https://bit.ly/3BuutwF>. “Serious violations of international humanitarian law, including war crimes, and egregious human rights abuses by all parties to the conflict have contributed to the world’s worst human-made humanitarian crisis”; Amnesty International, *Yemen: Saudi Arabia Forces an End to Mandate of only International Mechanism to Investigate HR Abuses*, 7 October 2021, <https://bit.ly/2YuQhcY>. “All parties to the conflict have perpetrated indiscriminate attacks and targeted civilian infrastructure, amounting to war crimes and crimes against humanity. (...) All parties to the conflict in Yemen appear manifestly unable or unwilling to uphold their responsibility to protect”; GCR2P, *Yemen*, 1 September 2021, [www.globalr2p.org/countries/yemen](http://www.globalr2p.org/countries/yemen). “All parties continue to commit egregious violations of international humanitarian law and international human rights law, including indiscriminate attacks against civilians, enforced disappearances and torture. The widespread use of landmines by Houthis poses a constant threat to civilians and contributes to displacement. Houthis continue to recruit children. Migrants are regularly victims of serious human rights abuses”; UN Security Council, *Letter Dated 22 January 2021 from the Panel of Experts on Yemen Addressed to the President of the Security Council: Final Report of the Panel of Experts on Yemen*, S/2021/79, 25 January 2021, [www.ecoi.net/en/document/2044723.html](http://www.ecoi.net/en/document/2044723.html), p. 3.

<sup>41</sup> “(...) impunity continues largely unabated for those who perpetrate serious violations in Yemen. The Group [of Eminent Experts on Yemen] has seen little progress in terms of investigations conducted by the parties. A small number of cases are currently pending before the Yemeni judicial system or Saudi Arabia’s courts martial. These minor developments, however, have by no means been adequate or sufficient to quell the ‘pandemic of impunity’ in Yemen. Victims remain without redress”; UN Human Rights Council, *Statement by Mr. Kamel Jendoubi, Chairperson of the Group of Eminent Experts on Yemen at the 48<sup>th</sup> Session of the Human Rights Council*, 14 September 2021, <https://bit.ly/39e9lci>. See also, UN Human Rights Council, *Accountability Update: Group of Eminent International and Regional Experts on Yemen*, A/HRC/48/CRP.4, 14 September 2021, <https://bit.ly/2Z3SP27>; Associated Press, *Lawyers Seek ICC Probe into Alleged War Crimes in Yemen*, 30 August 2021, <https://bit.ly/3AqIR1>. On 7 October 2021, the UN Human Rights Council decided to not renew the mandate of the Eminent Group of Experts, the international mechanism established in 2017 to investigate violations and abuses committed by all parties to the conflict since September 2014. The Group’s mandate had previously been renewed in 2018, 2019 and 2020; Reuters, *U.N. Ends Yemen War Crimes Probe in Defeat for Western States*, 8 October 2021, <https://reut.rs/3mvXEJm>. See also, UN Human Rights Council, *Statement by Group of Experts on Yemen on HRC Rejection of Resolution to Renew Their Mandate*, 8 October 2021, <https://bit.ly/2YD44P8>; International Commission of Jurists (ICJ), *Yemen: Failure to Renew Group of Eminent Experts’ Mandate a Serious Blow to Accountability*, 8 October 2021, <https://bit.ly/3Dpl8Hc>.

<sup>42</sup> In 2019/2020, the UN verified 35 attacks on hospitals. “The majority of the attacks came in the form of mortar and artillery shelling destroying hospital buildings and medical equipment, and injuring patients and staff, which led to the suspension of medical services. There were also several incidents that involved the looting of essential medical supplies”; UN Security Council, *Children and Armed Conflict in Yemen*, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html), paras 39-40. “Between March 2015 and March 2021, Mwatana documented repeated attacks impacting



camp, and mosques.<sup>43</sup> Parties to the conflict have also been accused by observers of using starvation as a weapon of war<sup>44</sup> and as a form of “collective punishment” of civilians.<sup>45</sup>

10. The most common human rights violations and abuses reportedly include arbitrary arrest, abductions,

hospitals, health facilities, and medical staff. Mwatana has documented the Saudi/UAE-led coalition conducting 35 airstrikes and one ground attack on or impacting health facilities, and 9 incidents of UAE-backed forces attacking medical staff, or storming and looting health facilities. Ansar Allah (Houthi) were responsible for 88 attacks on or impacting health facilities documented by Mwatana, with IRG forces for 55 attacks”; Mwatana for Human Rights, *Civilians in Yemen Remain Stuck Between the Warring Parties and Waiting for Justice*, 28 March 2021, <https://bit.ly/3EvNAlY>. “The Safeguarding Health in Conflict Coalition (SHCC) identified 81 incidents of violence against or obstruction of health care in Yemen in 2020, compared to 35 such incidents in 2019. In these incidents health facilities were destroyed and damaged and health workers were killed and injured. Years of ongoing war have left only half of Yemen’s health facilities functional”; Safeguarding Health in Conflict Coalition, *Violence Against or Obstruction of Health Care in Yemen in 2020*, 22 June 2021, <https://bit.ly/39qjNLq>, p. 3. See also, UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 35.

<sup>43</sup> “Another source of concern is the repeated use of drones and missile attacks both by the Houthis and by the Saudi-led coalition, which have resulted in civilian casualties and damaged or destroyed civilian objects in Yemen and Saudi Arabia”; OHCHR, *Press Briefing Notes on Yemen*, 21 September 2021, <https://bit.ly/3CBuG1p>. “Since 2018, the Group of Eminent Experts has investigated some 30 airstrikes that killed and injured civilians, including civilians shopping at markets, receiving care in hospitals, or attending weddings and funerals; children on buses; fishers in boats; migrants seeking a better life; individuals strolling through their neighbourhoods; and people who were at home. (...) The launching of missiles, rockets and shells by parties to the conflict into densely populated civilian areas, markets, prisons, camps for internally displaced persons and homes have been found to constitute indiscriminate attacks, prohibited under international humanitarian law”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), paras 21, 26. “Among recent attacks, a civilian compound in Marib City – which includes the Governor’s office, the local branch of the Ministry of Planning, police headquarters, a mosque and a women’s prison -- was hit on 10 June [2021] by what are believed to have been missiles, and possibly an explosive-laden drone, launched by Ansar Allah. Eight civilians, all police officers, were killed and 30 other civilians, including one woman whose house is near the compound, were injured. In addition, three ambulances responding to the first attacks were damaged by the drone explosion and two ambulance staff were injured”; OHCHR, *Press Briefing Notes on Yemen*, 18 June 2021, [www.ecoi.net/de/dokument/2054304.html](http://www.ecoi.net/de/dokument/2054304.html). “Saudi-led coalition air strikes have failed to distinguish between military and civilian targets, and artillery fire from Houthi forces has been similarly indiscriminate”; Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). “All parties to the conflict continued to commit serious violations of international humanitarian law with impunity, including indiscriminate attacks which killed and injured civilians and destroyed and damaged civilian objects”; Amnesty International, *The State of the World’s Human Rights: Yemen 2020*, April 2021, [www.ecoi.net/en/document/2048793.html](http://www.ecoi.net/en/document/2048793.html). “The scale of the attacks, the weaponry used, and the resulting number of casualties share certain commonalities, regardless of whether the attacks are being committed by the Government of Yemen, the Coalition, or the de facto authorities. In no instance have the warring parties shown any genuine commitment to their obligations under international law to take all feasible precautions in attack, and to avoid or minimise incidental loss of civilian life, injury to civilians, and damage to civilian objects”; UN Human Rights Council, *Oral Update of the Group of Eminent Experts on Yemen to the 46<sup>th</sup> Session of the Human Rights Council*, 25 February 2021, <https://bit.ly/3hNXHyH>. See also, UN Security Council, *Children and Armed Conflict in Yemen*, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html), paras 32-33; Mwatana for Human Rights, *Civilians in Yemen Remain Stuck Between the Warring Parties and Waiting for Justice*, 28 March 2021, <https://bit.ly/3EvNAlY>; Human Rights Watch (HRW), *Yemen: Houthis Attacking Displaced People’s Camps*, 23 March 2021, <https://bit.ly/2VWghNB>.

<sup>44</sup> “(...) the Yemen-based Mwatana Organization for Human Rights and another group, Global Rights Compliance, said they documented airstrikes by the Saudi-led coalition that hit farms, water facilities and small fishing boats during fighting with the Iran-backed Houthi rebels. The report also documented the Houthis’ restrictions on humanitarian activities, which deprived civilians in areas under their control of ‘indispensable aid, including food.’ It also documented the rebels’ widespread and indiscriminate use of land mines, which have killed and maimed shepherds and their livestock and prevented farmers from accessing agricultural land (...); Associated Press, *Groups: Both Sides Used Starvation as Tool in Yemen War*, <https://abcn.ws/3gREmfv>. See full report by Mwatana for Human Rights / Global Rights Compliance, *Starvation Makers: The Use of Starvation by Warring Parties in Yemen*, 1 September 2021, <https://bit.ly/3CwUOtY>. See also, Oxfam, *Six-Fold Increase in People Suffering Famine-Like Conditions since Pandemic Began*, 9 July 2021, <https://bit.ly/3EGTwyr>; Inclusive Citizenship / Norwegian Academy of International Law, *Starvation as a Method of War Affecting Vulnerable Communities in Syria and Yemen*, March 2021, <https://bit.ly/3kuDEY1>. “The Group of Eminent Experts ‘investigated attacks by parties to the conflict that, in a context of acute food insecurity, reflected a reckless disregard for the impact of their operations on the civilian population and its access to food’; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 34. In an earlier report, the Group found ‘that actions and omissions by the Government of Yemen and the de facto authorities are violating the right to an adequate standard of living, particularly with respect to adequate food and water. (...) The Group concludes that the Houthis have interfered with humanitarian aid in violation of their international obligations under both international human rights law and international humanitarian law. Wilfully impeding relief supplies is part of the war crime of the use of starvation as a method of war recognised under customary international law.’ Furthermore, the Group found that ‘all parties to the conflict have impeded humanitarian operations and the population’s access to food and healthcare’; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, A/HRC/45/CRP.7, 29 September 2020, [www.ecoi.net/en/document/2038705.html](http://www.ecoi.net/en/document/2038705.html), para. 147.

<sup>45</sup> Human rights NGOs called for an end of the economic blockade as a means of “collective punishment” of the civilian population; Amnesty International / HRW / PAX, *UN Human Rights Council: Help Bridge Yemen’s ‘Acute Accountability Gap’*, 22 September 2020, <https://bit.ly/2WguN2J>, p. 2.

and enforced disappearances (including of children);<sup>46</sup> torture, including sexual violence,<sup>47</sup> and other forms of ill-treatment;<sup>48</sup> denial of fair trial rights;<sup>49</sup> and unlawful killings including summary executions.<sup>50</sup> Death sentences are imposed for a wide range of crimes and executions have been carried out.<sup>51</sup>

11. Individuals opposing or perceived to be opposing parties to the conflict, including, *inter alia*, journalists,<sup>52</sup>

<sup>46</sup> "Investigations by Human Rights Watch, and other rights groups have identified widespread abuses such as arbitrary detention, forcible disappearance, and ill-treatment and torture in detention facilities controlled by parties to the conflict. Houthi forces detain and prosecute dissidents, including religious minorities, women, and journalists. The UAE-backed Southern Transitional Council (STC) has been responsible for arbitrary detentions and enforced disappearances, and has held detainees in extremely overcrowded conditions despite health risks stemming from the Covid-19 pandemic (...); HRW, *Yemen: Key Human Rights Concerns for UN Envoy*, 12 September 2021, <https://bit.ly/2ZbGpFr>. "Arbitrary detention is common, with hundreds of cases documented in recent years. Many amount to enforced disappearances, with no available information about the victims' status or location. Detainees are often held at unofficial detention sites. (...) In areas that lie within the UAE's sphere of influence in southern Yemen, Emirati special forces have operated a network of secret prisons and detention centers where torture is said to be rife"; Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). "Houthi forces, the Yemeni government, the UAE, Saudi Arabia, and various UAE and Saudi-backed Yemeni armed groups have arbitrarily arrested, detained, abducted, or forcibly disappeared people, including children, and tortured or otherwise ill-treated detainees"; HRW, *World Report 2021: Yemen*, 13 January 2021, [www.ecoi.net/en/document/2043744.html](http://www.ecoi.net/en/document/2043744.html). See also, Mwatana for Human Rights, *A Tragedy Without Justice: Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym> (hereafter: Mwatana for Human Rights, *Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym>), pp. 66-75. "Persons arrested on criminal charges are frequently denied their right to be brought before a court within 24 hours as required under the Yemeni constitution. Many cases investigated by the Group involved persons being detained by militias affiliated with authorities in control of territory, and held without charge for prolonged periods, including in unofficial and secret detention sites"; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), para. 62. See also, UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), paras 37-46.

<sup>47</sup> "The Group of Eminent International and Regional Experts on Yemen documented patterns of sexual violence and ill-treatment in detention centres, such as the Sana'a Central Prison and Al-Saleh Prison in Ta'izz, controlled by the Houthis, where men and boys were subjected to rape, electrocution and beating of genitals, and threats of sterilization and forced nudity, in order to extract confessions or to punish them for their perceived political affiliation"; UN Security Council, *Conflict-Related Sexual Violence; Report of the Secretary-General*, S/2021/312, 30 March 2021, [www.ecoi.net/en/document/2049397.html](http://www.ecoi.net/en/document/2049397.html), para. 59. On sexual violence against children and women, see also paras 13 and 14.

<sup>48</sup> "Houthi forces, the Yemeni government, the UAE, Saudi Arabia, and various UAE and Saudi-backed Yemeni armed groups have arbitrarily arrested, detained, abducted, or forcibly disappeared people, including children, and tortured or otherwise ill-treated detainees"; HRW, *World Report 2021: Yemen*, 13 January 2021, [www.ecoi.net/en/document/2043744.html](http://www.ecoi.net/en/document/2043744.html). "In 2020, Mwatana documented 46 incidents of torture. 26 of these incidents were committed by the UAE-backed Southern Transitional Council forces in the governorates of Abyan, Aden, and Lahj, including two deaths in detention. 12 incidents were carried out by Ansar Allah group (Houthis) in the governorates of Ibb, Hajjah, al-Bayda, al-Hudaydah, Ryamah and Amran, including five deaths in detention. Government forces were responsible for 6 incidents in the governorates of Ma'rib and Hadramaut, and the UAE-backed Joint Forces for one incident in Taiz governorate (...); Mwatana for Human Rights, *Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym>, p. 78. "All former detainees interviewed by Amnesty International were tortured or subjected to a form of ill-treatment by the Houthis during interrogation and throughout their time in detention. Huthi security forces beat detainees with metal objects, such as steel rods, Kalashnikov [Russian-made automatic rifle] and other objects, subjected them to stress positions, tortured other detainees in front of them for intimidation, hosed them with water and detained them in solitary confinement between 20 days and several months"; Amnesty International, *Released and Exiled: Torture, Unfair Trials and Forcible Exile for Yemenis under Houthi Rule*, May 2021, [www.ecoi.net/de/dokument/2052245.html](http://www.ecoi.net/de/dokument/2052245.html), p. 22. See also paras 64-67 of the same report. "Those in detention are frequently subjected to torture and other forms of cruel, inhuman or degrading treatment"; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), para. 63. See also, Arab News, *Houthis Accused of Torturing Prisoners to Death in Yemen*, 2 August 2021, <https://arab.news/bdp88>.

<sup>49</sup> "Violations of the right to a fair trial continue to occur across Yemen. This includes the use of torture to compel confessions. Many of those accused are denied access to a lawyer, and to confidential and safe communications with their legal representatives. During trial proceedings, the evidence adduced by the prosecution tends to be limited to written statements. There is no opportunity for the accused to cross-examine witnesses, or to present rebuttal evidence. Additionally, due to political interference, and corruption, the right to be tried before an impartial and independent court in Yemen cannot be guaranteed"; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), para. 91. See also, UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), paras 37, 61, 69-70, 75, 85-87. See also, OHCHR, *Press Briefing Notes on Yemen*, 21 September 2021, <https://bit.ly/3CBuG1p>; Amnesty International, *Released and Exiled: Torture, Unfair Trials and Forcible Exile for Yemenis under Houthi Rule*, May 2021, [www.ecoi.net/de/dokument/2052245.html](http://www.ecoi.net/de/dokument/2052245.html).

<sup>50</sup> US Department of State, *2020 Country Reports on Human Rights Practices: Yemen*, 30 March 2021, [www.ecoi.net/en/document/2048179.html](http://www.ecoi.net/en/document/2048179.html).

<sup>51</sup> "A recent example of this was on Saturday 18 September [2021] when the Houthis, also known as Ansar Allah, publicly executed nine men, including one who reportedly was a minor when he was detained. (...) The defendants were sentenced to death in a judicial process that violated their constitutional rights and did not comply with fair trial standards under international law. They were reportedly tortured, and forced to sign confessions. In addition, they were denied their right to assistance from a lawyer at several stages of the proceedings. A request for a medical assessment of the youngest defendant to help to ascertain his age was denied, in violation of Yemeni legislation and human rights norms"; OHCHR, *Press Briefing Notes on Yemen*, 21 September 2021, <https://bit.ly/3CBuG1p>. According to Amnesty International, in Yemen, recorded death sentences increased sharply in Yemen from 55 in 2019 to 269 in 2020. The NGO reported that "death sentences were known to have been imposed after proceedings that did not meet international fair trial standards"; Amnesty International, *Death Sentences and Executions 2020*, April 2021, [www.ecoi.net/de/dokument/2049793.html](http://www.ecoi.net/de/dokument/2049793.html). "The death penalty remained in force for many offences, and the authorities continued to use it as a way to silence dissent. Executions were carried out by all parties to the conflict. The Houthi-run Specialized Criminal Court sentenced individuals to death in their absence for treason"; Amnesty International, *The State of the World's Human Rights: Yemen 2020*, April 2021, [www.ecoi.net/en/document/2048793.html](http://www.ecoi.net/en/document/2048793.html). The DFA "have detained critics of their rule and used courts under their control to issue harsh penalties, including death sentences, for some perceived opponents"; Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). See also, OSESGY, *Statement Attributable to the Spokesperson for the Secretary-General on the Recent Executions in Yemen*, 19 September 2021, <https://bit.ly/2XtNqR2>.

<sup>52</sup> "Around 20 [Yemeni journalists] are currently held by the Houthis or Al-Qaeda, most of them since 2015. One of the Houthi hostages, Anwar al

human rights defenders,<sup>53</sup> judges and other judicial officials,<sup>54</sup> activists<sup>55</sup> and protestors,<sup>56</sup> academics,<sup>57</sup> and those associated or perceived to be associated with rival parties<sup>58</sup> are particularly at risk of being singled out for violations and abuse by parties to the conflict.<sup>59</sup> Government officials, tribal leaders and

Rakan, died tragically shortly after his release in 2018. In the part of the country controlled by the so-called legitimate government, journalists are also arrested arbitrarily and are subjected to abusive treatment by militias. (...) Some journalists gave up journalism to avoid reprisals but that has not stopped them being persecuted for what they wrote in the past"; Reporters Without Borders (RSF), Yemen, accessed 15 October 2021, <https://rsf.org/en/yemen>. "In 2020, Mwatana documented 14 incidents of abuse against the press involving 20 journalists and media professionals (...) After nearly seven years of war, the warring parties continue to commit different types of violations against journalists and media professionals, including arbitrary arrests, enforced disappearances, torture and humiliating and degrading treatment, restriction on the freedom of the movement of press crews and confiscation of identification papers"; Mwatana for Human Rights, *Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym>, p. 106. "Journalists endure violent attacks and enforced disappearances committed by all sides in the conflict"; Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). See also, UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), paras 55-58, 60-61; RSF, *Death Threat by Yemeni Official Against Three Journalists who Fled Abroad*, updated 9 September 2021, <https://bit.ly/3CvKcMf>; RSF, *Two Yemeni Journalists Based in Taiz Wanted by Local Military Intelligence*, 18 August 2021, <https://bit.ly/3nMxi8d>; International Federation of Journalists (IFJ), *Yemen: Union Reports Systematic Media Violations in the First Half of 2021*, 13 July 2021, <https://bit.ly/2XG7MXK>; Committee to Protect Journalists (CPJ), *A 'Slow Death' for Yemen's Media: The Country's Journalists Report Through Displacement and Exile*, 17 June 2021, <https://cpj.org/?p=111450>; The Guardian, *Yemeni Journalists Call for Release of Colleagues Held by Houthi Rebels*, 11 April 2021, <https://bit.ly/3CICOpBU>; HRW, *Yemen: UAE-Backed Forces Torture Journalist*, 22 February 2021, <https://bit.ly/3kolB5G>.

<sup>53</sup> "Human rights defenders risk arrest and detention by both Houthi and anti-Houthi forces"; Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). On women human rights defenders, see also footnote 82.

<sup>54</sup> "Individual judicial officials face violent attacks, arrests, threats and intimidation motivated by political and/or security reasons and personal interests. (...) Some judges and prosecutors have reported self-censorship in carrying out their functions in order to avoid antagonizing the party in control of an area." The Group of Eminent Experts also "received credible reports of lawyers being targeted and threatened, even detained, for their defence of the Baha'i detainees"; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), paras 82, 92.

<sup>55</sup> "In all parts of the country, citizen-journalists are monitored and can be arrested for a single social media post"; Reporters Without Borders, *Yemen*, accessed 15 October 2021, <https://rsf.org/en/yemen>. See also, Gulf Centre for Human Rights (GCHR), *Yemen: Civil Society Activists and Journalists Face Human Rights Violations Including Killing*, 24 August 2021, [www.gc4hr.org/news/view/2823](http://www.gc4hr.org/news/view/2823).

<sup>56</sup> "In 2020, Mwatana documented 16 incidents affecting peaceful assembly and freedom of expression, ranging from arbitrarily detentions, enforced disappearances, torture to assaults against protesters"; Mwatana for Human Rights, *Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym>, p. 115. "On 15 September [2021], in several districts of Aden, law enforcement officers [affiliated with the STC] used live ammunition to disperse demonstrators after mostly peaceful protests turned violent. Two people, including a child, were shot dead and several others were injured after police indiscriminately opened fire when a grenade was thrown at them by an unknown person among the protesters"; OHCHR, *Press Briefing Notes on Yemen*, 21 September 2021, <https://bit.ly/3CBuG1p>. "Demonstrations against both the Hadi government and Houthi authorities occurred during 2020, resulting in arrests and alleged torture of detainees in some cases. In September [2020], UAE-backed security forces fired live ammunition to disperse demonstrators in the governorate of Hadhramaut who were protesting a breakdown in public services. Also that month, STC forces that had taken over the Yemeni island of Socotra in June used live fire to suppress protests against their presence and alleged plans for an Emirati military base"; Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). See also, Euro-Med Monitor, *Yemen: Government and Transitional Council Unite in Suppressing Protesters*, 19 September 2021, <https://bit.ly/3Apkrwn>; CIVICUS, *Yemen Is an Unsafe Place for Journalists and Civil Society*, 5 May 2021, <https://bit.ly/3EPYgSB>.

<sup>57</sup> "Since 2015, Houthi forces have repeatedly detained scholars as part of their crackdown on dissent, and Houthi officials have been accused of skewing the curriculum in public schools and promoting their political ideology"; Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). For example, "[A]ccording to media, gunmen killed Khalid al-Hameidi, a university professor known as a secular thinker and critic of religious extremism, in the city of Dhale on December 5 [2020]. Local officials said they believed the gunmen were members of AQAP or of an ISIS affiliate"; US Department of State, *2020 Report on International Religious Freedom: Yemen*, 12 May 2021, [www.ecoi.net/en/document/2051733.html](http://www.ecoi.net/en/document/2051733.html). See also, CIVICUS, *Academics, Journalists, Actors and Lawyers Targeted for Exercising Right to Freedom of Expression*, 25 August 2021, <https://bit.ly/3YD6ZY>.

<sup>58</sup> "In many cases, political considerations have been key motivating factors [for arrest and detention], with persons being detained on the basis of **perceived affiliation with an opposing party** and some being held for the purpose of prisoner exchange deals" (emphasis added); UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), para. 62. See also paras 42-43 of the same report. According to some of Mwatana's interviewees, they were detained "based on their family surnames, accused of belonging to the Ansar Allah (Houthi) group"; Mwatana for Human Rights, *In the Darkness: Abusive Detention, Disappearance and Torture in Yemen's Unofficial Prisons*, June 2020, <https://bit.ly/3zAt71E>, p. 13. See also pp. 20 and 72 of the same report. In DFA-controlled areas, "[E]xpulsions of those perceived as supporting the enemy from intelligence, military and security systems continued"; UN Security Council, *Letter Dated 22 January 2021 from the Panel of Experts on Yemen Addressed to the President of the Security Council: Final Report of the Panel of Experts on Yemen*, S/2021/79, 25 January 2021, [www.ecoi.net/en/document/2044723.html](http://www.ecoi.net/en/document/2044723.html), para. 44.

<sup>59</sup> "The warring parties also used arrests as a method to harass their opponents and impose their will on people in areas under their control. Furthermore: "Warring parties in Yemen often disappear civilians on suspicions of belonging to hostile organizations, for their political affiliation or for having opposing opinions"; Mwatana for Human Rights, *Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym>, pp. 67, 73. "Those perceived as dissenting from or opposing the party in control of territory, including human rights defenders and journalists, or those seen as providing assistance to the opposing side (e.g. medical workers) – are particularly at risk (...)"; UN Human Rights Council, *Statement by Mr. Kamel Jendoubi, Chairperson of the Group of Eminent Experts on Yemen at the 48<sup>th</sup> Session of the Human Rights Council*, 14 September 2021, <https://bit.ly/39e9Ici>. "Since coming to power in 2015, the Huthi de facto authorities have subjected hundreds to arbitrary arrests, incommunicado detention, torture and other-ill treatment, enforced disappearances, unfair trials with recourse to the death penalty as tools of repression to crack down on individuals they perceive as opponents or critics. The Huthis' intolerance towards critics, including journalists, academics and political opposition, extended to religious minorities, namely members of the Baha'i community"; Amnesty International, *Released and Exiled: Torture, Unfair Trials and Forcible Exile for Yemenis under Houthi Rule*, May 2021, [www.ecoi.net/de/dokument/2052245.html](http://www.ecoi.net/de/dokument/2052245.html), p. 4. "The Group of Eminent Experts continued to investigate cases of enforced disappearance, arbitrary detention, torture, including sexual violence, and

others opposing the Houthi rule are reported to have been subjected to abductions, assassinations, and the destruction of homes.<sup>60</sup> In southern Yemen, targeted killings of affiliates of the Islah Party, political, local and religious leaders, as well as military/security officials have been reported.<sup>61</sup>

12. In areas controlled by the DFA, members of religious minorities are reported to face restrictions on their freedom of religion.<sup>62</sup> Members of the Baha'i faith have been targeted for arbitrary arrest, detention, torture and other forms of ill-treatment, unfair trials, freezing of assets, and forced expulsion from Yemen.<sup>63</sup> Members of the Muhamasheen (also known as the Descendants of Bilal) are reported to face

*other forms of ill-treatment committed by parties to the conflict. In many cases, these violations are being committed against persons who are perceived as opposed to a particular party to the conflict, including human rights defenders and journalists (...) The Group is also concerned that the parties to the conflict continued to target human rights defenders, journalists, lawyers and activists to repress dissent and curtail criticism. (...) The Group of Eminent Experts finds that the specialized criminal courts, particularly in Sana'a, are being used as an instrument to suppress dissent, intimidate political opponents and/or develop political capital to be used in negotiations. (...) The specialized criminal courts have been less active in areas under the control of the Government of Yemen and the southern transitional council. There are however, similar concerns about them being used as security courts to serve the political interests of the authorities in charge"; UN Human Rights Council, Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), paras 60, 80, 86-87, 90. See also paras 61-67. "Women who dare dissent, or even enter the public sphere, have become targets in an escalating crackdown by the Houthis"; Associated Press, Women who Dare Dissent Targeted for Abuse by Yemen's Rebels, 29 April 2020, <https://bit.ly/3nXPuMw>. See also, HRW, World Report 2021: Yemen, 13 January 2021, [www.ecoi.net/en/document/2043744.html](http://www.ecoi.net/en/document/2043744.html); Mwatana for Human Rights, In the Darkness: Abusive Detention, Disappearance and Torture in Yemen's Unofficial Prisons, 1 July 2020, <https://bit.ly/3zAT71E>, pp. 16, 19, 65, 77, 81, 100.*

<sup>60</sup> "Human rights organizations have documented the Houthis' blowing up hundreds of homes of political, military and tribal opponents since they began an armed expansion outside their northern strongholds in 2014"; Sana'a Center for Strategic Studies, The View from Sana'a – The Yemen Review: July 2021, 5 August 2021, <https://bit.ly/2ZlXXie>. "Reports of communities targeted by indiscriminate shelling, as well as tribesmen and communal leaders killed or abducted by Houthi supervisors after refusing to pay taxes or join the battlefield, have substantially increased over the past two years. (...) data collected by ACLED reveal that the Houthis blew up, burnt, or shelled houses belonging to tribal, community, and party leaders in at least 51 districts across 17 governorates (...). The deliberate destruction of tribal houses has typically occurred in response to the emergence of local opposition to Houthi rule, and has been intended to subjugate the insurgents and intimidate potential dissidents"; ACLED, The Myth of Stability: Infighting and Repression in Houthi-Controlled Territories, 9 February 2021, <https://bit.ly/3o2lcHn>, pp. 6, 8. In Marib, the tribes "are defending their homes because they know that if Houthis take over, they'll do to them what they did to other tribes in areas they captured. They'll blow up their homes, they'll execute their tribal leaders, they'll rule with repression"; Public Radio International, Yemen's most Stable City Threatened by Houthi Takeover, 19 February 2021, <https://bit.ly/3zrfMUjX>. See also, The New Arab, Houthi Rebels Blamed for Attempted Assassination of Yemeni Tribal Leader, 17 September 2021, <https://bit.ly/3AvkSEB>; Al-Monitor, Yemen's Houthis Blow Up Homes after Losing Control in Al-Bayda, Marib, 4 August 2021, <https://bit.ly/3hXcbMT>.

<sup>61</sup> "Run by the Southern Transitional Council, Aden Governorate has witnessed a wave of assassinations since July 2015 that targeted army and security officers, political activists, preachers, imams, and judges. Additionally, "the escalation of political assassinations in Aden is expected since the perpetrators enjoy impunity every time. We did not see any movements from the de-facto authority to protect political activists and targeted figures, or even hold those responsible for previous assassinations accountable"; Euro-Mediterranean Human Rights Monitor, Yemen: Assassination of Key Political Activists Reflects Ramifications of Lack of Accountability, 4 July 2021, <https://bit.ly/3Fqc4n4>. See also, Reuters, Six Killed in Aden Car Bombing Targeting Officials, Minister Says, 10 October 2021, <https://reut.rs/3oOhjqK>; Al Jazeera, UN Accused of Turning a Blind Eye to Yemen Abuses, 6 October 2021, <https://aje.io/5dn3gd>; Xinhua, Explosion Kills Senior Pro-Gov't Military Commander in Yemen's Aden: Source, 4 September 2021, <https://bit.ly/2YHluKv>; Debriefer, Yemeni Islah Calls for Int'l Probe into Aden Murders Against Members, 16 August 2021, <https://bit.ly/3anSTMn>; Xinhua, Blast Strikes Security Patrol in Yemen's Aden, 2 Killed, 14 August 2021, <https://bit.ly/3mKxzqq>; Xinhua, Senior Security Official Ambushed in Southern Yemen, 2 Bodyguards Killed: Gov't Source, 1 August 2021, <https://bit.ly/2YHkSEH>; Reuters, Roadside Bomb Attack on Yemen Separatist Forces Kills Three, 4 March 2021, <https://bit.ly/3mVRL8T>; Washington Post, Who Is Killing Yemen's Clerics? Mystery Murders Are Sending a Chill Through the Mosques, 28 August 2018, <https://wapo.st/3FtBP6d>; The Soufan Center, IntelBrief: Assassinating Yemen's Moderate Clerics, 17 May 2018, <https://bit.ly/3Fymh0P>.

<sup>62</sup> "Since 2014, Mwatana has documented many violations by Ansar Allah group (Houthis) against the Baha'i minority community, as well as the Jewish minority community in Yemen, including harassment and persecution related to their beliefs, and persistent abuse which has forced members of these communities to leave the country"; Mwatana for Human Rights, Human Rights in Yemen in 2020, 29 September 2021, <https://bit.ly/2WEPgym>, p. 119. "In areas they controlled, the Houthis followed a strict religious regimen and continued to discriminate against individuals who did follow those practices, particularly religious minorities"; US Department of State, 2020 Report on International Religious Freedom: Yemen, 12 May 2021, [www.ecoi.net/en/document/2051733.html](http://www.ecoi.net/en/document/2051733.html). "Religious minorities continue to face particular barriers to the enjoyment of their rights. For protection reasons, the Group of Eminent Experts is not able to publicly report on all of the violations experienced by these groups"; UN Human Rights Council, Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), para. 81. On the situation of Jews in Yemen, see also UN Human Rights Council, Statement by Mr. Kamel Jendoubi, Chairperson of the Group of Eminent Experts on Yemen at the 48<sup>th</sup> Session of the Human Rights Council, 14 September 2021, <https://bit.ly/39e9lci>; Al-Monitor, Houthis Deport some of Yemen's Last Remaining Jews, 29 March 2021, <https://bit.ly/3BbrNUx>.

<sup>63</sup> "On 30 July 2020, six Baha'i detainees were released after up to seven years arbitrary detention. Instead of being allowed to return home, the Huthi authorities forced them to leave Yemen, transferring them directly to Sana'a airport. (...) The expelled Baha'is remain banished from Yemen to this day"; Amnesty International, Yemen: Detainees Tortured and Arbitrarily Detained for Years then Forced into Exile upon Release, 27 May 2021, <https://bit.ly/3kkEKWb>. See also, UN Human Rights Council, Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 52; Sana'a Center for Strategic Studies, The Bah'is in Yemen: From Obscurity to Persecution and Exile, 18 June 2021, <https://bit.ly/3CAVkh0>; US Department of State, 2020 Report on International Religious Freedom: Yemen, 12 May 2021, [www.ecoi.net/en/document/2051733.html](http://www.ecoi.net/en/document/2051733.html); Amnesty International, Released and Exiled: Torture, Unfair Trials and Forcible Exile for Yemenis under Huthi Rule, May 2021, [www.ecoi.net/de/dokument/2052245.html](http://www.ecoi.net/de/dokument/2052245.html).

“extreme levels of abuse and discrimination”.<sup>64</sup> Most are illiterate,<sup>65</sup> are unemployed or work in the informal sector,<sup>66</sup> lack identity documentation,<sup>67</sup> and live in sub-standard settlements with no or limited access to public services and humanitarian assistance.<sup>68</sup>

13. All parties have recruited children, including for participation in combat, although most cases have been attributed to Houthi forces, whose recruitment efforts have been described as “widespread and pervasive”.<sup>69</sup> Children have also been arbitrarily detained or abducted for their alleged affiliation with

<sup>64</sup> “The Descendants of Bilal / Muhamasheen are among the most if not the most deprived people in Yemen. Sitting at the bottom of Yemen’s social hierarchy, they experience deeply seated discrimination. Often distinguished by their non-tribal roots, they are often viewed as outcasts. (...) The number of Descendants of Bilal / Muhamasheen in Yemen is estimated to be between 500,000 and 3.5 million”; Global Protection Cluster, Yemen Protection Brief, January 2021, [www.ecoi.net/en/document/2045161.html](http://www.ecoi.net/en/document/2045161.html), p. 7. “According to law all Yemeni citizens are considered equal, but the institutional discrimination against this group remains systemic. The status of the Muhamasheen demonstrates how informal mechanisms continue that exclude those deemed to be of ‘low status’ from accessing the protection of the police and the law, agricultural land, as well as attending school and running for public office”; UN Habitat, Marib Urban Profile, March 2021, <https://bit.ly/2YJCobc>, p. 32. “The deeply rooted discrimination they face is believed by some to be linked to their ethnic origin as the descendants of African slaves brought to the region in the sixth century. They are mostly confined to slums on the outskirts of towns and cities with few economic opportunities, and lack access to basic services such as water, sanitation and education”; UNHCR, Yemen’s ‘Marginalized Ones’ Endure Hunger, Displacement, 4 February 2021, <https://bit.ly/3DpQuqK>. See also, The Project on Middle East Political Science (POMEPS), *Black and Yemeni: Myths, Genealogies, and Race*, 30 September 2021, <https://bit.ly/3v1wnCK>.

<sup>65</sup> “Muhamasheen children encounter high levels of discrimination in schools from teachers and administrators, as well as bullying and harassment from their peers. Additionally, many Muhamasheen families need the income that children earn, primarily through begging, to survive”; The Sana’a Center for Strategic Studies, *Bringing Forth the Voices of Muhamasheen*, 13 July 2021, <https://bit.ly/3ks66K5>, p. 9. “It is estimated that 98 percent never graduate, with most dropping out before finishing 3<sup>rd</sup> grade”; Global Protection Cluster, Yemen Protection Brief, January 2021, [www.ecoi.net/en/document/2045161.html](http://www.ecoi.net/en/document/2045161.html), p. 7.

<sup>66</sup> “(...) only one in ten have access to livelihood opportunities. Without formal education, most of them work in the informal sector often taking low-paid jobs such as cleaning and collecting garbage. Since the crisis, these jobs have become scarce, with other Yemenis increasingly taking over. This will likely have a devastating impact on people with extremely limited alternatives. Unsurprisingly, the Descendants of Bilal / Muhamasheen are among the most impacted population groups by food insecurity”; Global Protection Cluster, Yemen Protection Brief, January 2021, [www.ecoi.net/en/document/2045161.html](http://www.ecoi.net/en/document/2045161.html), p. 7. See also, The Sana’a Center for Strategic Studies, *Bringing Forth the Voices of Muhamasheen*, 13 July 2021, <https://bit.ly/3ks66K5>, pp. 27, 36.

<sup>67</sup> “The lack of personal identification cards represents a significant barrier for the Muhamasheen community in efforts to obtain education, healthcare and basic services, as well as to perform routine transactions. This includes government-issued national or family ID cards and passports, as well as registrations of births, deaths and marriages”; Sana’a Center for Strategic Studies, *Bringing Forth the Voices of Muhamasheen*, 13 July 2021, <https://bit.ly/3ks66K5>, p. 45. “Lack of identification document also hinders their freedom of movement across checkpoints and family reunification during displacement”; Global Protection Cluster, Yemen Protection Brief, January 2021, [www.ecoi.net/en/document/2045161.html](http://www.ecoi.net/en/document/2045161.html), p. 7. Given that they lack identity documents and fall outside Yemen’s tribal structures, Muhamasheen “are often ineligible for food distributions and other forms of humanitarian aid (...)”; UNHCR, Yemen’s ‘Marginalized Ones’ Endure Hunger, Displacement, 4 February 2021, <https://bit.ly/3DpQuqK>.

<sup>68</sup> “The conflict has dramatically deteriorated the situation for all residents of shantytowns, but due to their caste-like status and structural discrimination Muhamasheen residents have been disproportionately negatively impacted. Challenges include severe overcrowding and land ownership issues. The absence of basic services in slums was a major issue before the conflict and since 2015 has only increased in significance”; Sana’a Center for Strategic Studies, *Bringing Forth the Voices of Muhamasheen*, 13 July 2021, <https://bit.ly/3ks66K5>, p. 10. “In displacement situations, they are often prevented from renting places especially in urban centres or residing in collective centres, compelling them to live on open land or in informal settlements, which deprives them of direct access to public services and exposes them to serious risks including abuse, exploitation and evictions. (...)”; Global Protection Cluster, Yemen Protection Brief, January 2021, [www.ecoi.net/en/document/2045161.html](http://www.ecoi.net/en/document/2045161.html), p. 7.

<sup>69</sup> “Since its creation, the Group of Eminent Experts has extensively investigated the recruitment and use in hostilities of children under the age of 18, and sometimes under the age of 15, by all parties to the conflict. The Group has noted the wide-scale and pervasive nature of recruitment of boys and girls by the Houthis. The Group has also investigated cases of children being recruited in Yemen, trained in Saudi Arabia and used in hostilities in Yemen by the coalition and the Government of Yemen”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 63. The UN, in 2019 / 2020, verified the recruitment and use of 861 children between 10 and 17 years of age (789 boys, 72 girls), primarily by the Houthis, but also by the other actors. “Two-thirds of the children (606) were recruited and subsequently trained, armed and used in active combat, of whom 115 (19 per cent) were between 10 and 15 years old. The remaining children were assigned to guard military checkpoints and place or clear mines, and were used in other roles, including as guards, porters and cooks. All 72 girls were recruited by the Houthis and used as spies, to carry out intelligence gathering in their communities, or to persuade male family members to become combatants”; UN Security Council, *Children and Armed Conflict in Yemen*, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html), paras 14-15. According to the Euro-Mediterranean Human Rights Monitor and the SAM for Rights and Liberties, the Houthis have forcibly recruited 10,300 children in Yemen since 2014. While the majority were boys between the ages of 15 and 17, the recruitment of girls and children as young as eight years of age have also been recorded. The Houthis are reported to have recruited children from schools, displacement camps and orphanages. Only in July and August 2020, the organizations documented the death of 111 child soldiers; Euro-Med Human Rights Monitor, *Militarized Childhood: A Report on the Houthis’ Recruitment of Yemeni Children During War*, February 2021, <https://bit.ly/39rLpaY>. “Across all verified cases, poverty and hunger were powerful push factors, rendering children vulnerable to monetary incentives and manipulation by recruiters and peers. The Group [of Eminent Experts] documented 259 cases, and verified 16 individual cases, of children recruited and used in hostilities by several parties to the conflict. (...) They were recruited from schools, poor urban areas and detention centres through indoctrination, financial incentives, abduction and/or peer recruitment, with very high rates of boys being used in combat resulting in their death or injury.” The Group documented the recruitment of boys as young as seven years old and received reports of girls as young as 13 years old, some of whom “survived sexual violence and/or forced and early marriage directly linked to their recruitment”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), paras 73-75. See also paras 76-77 of the same report. See also, Mwatana for Human Rights, *Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym>, pp. 58-59; Arab News, *Thousands of Yemeni Children Brainwashed in Houthi ‘Summer Camps’*, 17 August 2021, <https://arab.news/p27gs>; Deutsche Welle, *Underage ‘Martyrs’: Recruiting Child Soldiers in Yemen*, 10 July 2021, <https://p.dw.com/p/3wDQZ>; Asharq Al-Awsat, *Houthis Capitalize on Tribal Conflicts, Poverty for Recruitment*, 31 January 2021, <https://bit.ly/3EI6Kkp>.

conflict parties.<sup>70</sup> Sexual violence against children is believed to be “recurrent” despite vast underreporting.<sup>71</sup> Additionally, there are reports that Houthi forces pressure both adult and child detainees to enlist in exchange for their release.<sup>72</sup> Refusal to join the Houthi forces or be deployed to the frontlines is reported to result in severe repercussions.<sup>73</sup> Limited information is available on the treatment of deserters, with anecdotal evidence indicating severe punishment.<sup>74</sup>

14. Women continue to be discriminated against and marginalized in many aspects of life.<sup>75</sup> Gender-based violence (GBV) remains widespread and underreported,<sup>76</sup> including domestic violence,<sup>77</sup> forced and/or

<sup>70</sup> In 2019/2020, “(...) 111 boys between the ages of 12 and 17 years were deprived of their liberty for their alleged association with opposing parties to conflict for periods ranging from six months to three years. A total of 97 cases of deprivation of liberty were verified in 2019, and 14 in 2020. The children were held by the Houthis (70), Yemeni armed forces (37), the Coalition (3) and the Security Belt Forces (1)”; UN Security Council, *Children and Armed Conflict in Yemen*, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html), para. 21.

<sup>71</sup> Global Protection Cluster, *Yemen Protection Brief*, January 2021, [www.ecoi.net/en/document/2045161.html](http://www.ecoi.net/en/document/2045161.html), p. 4. “(...) rape and other forms of sexual violence against children continued to be greatly underreported owing to fear of stigmatization, cultural norms, lack of awareness, fear of reprisals, and lack of adequate support services or avenues for accountability”; UN Security Council, *Children and Armed Conflict in Yemen*, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html), para. 30. See also, Mwatana for Human Rights, *Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym>, pp. 84-85.

<sup>72</sup> “Detainees held [by the Houthis] in facilities in Dhama reported that Houthi prison guards attempted to recruit both child and adult detainees as a condition of their release.” Furthermore, “boy detainees were threatened, intimidated, tortured, subjected to ill-treatment and indoctrination by Houthi guards as a way to pressure them to join the Houthis”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, A/HRC/45/CRP.7, 29 September 2020, [www.ecoi.net/en/document/2038705.html](http://www.ecoi.net/en/document/2038705.html), paras 172, 264. See also, Euro-Med Human Rights Monitor, *Militarized Childhood: A Report on the Houthis’ Recruitment of Yemeni Children During War*, February 2021, <https://bit.ly/39rLpaY>, p. 6.

<sup>73</sup> “In July [2020], Houthis killed four Muhamasheen and injured another in Amran province after they refused to join Houthi fighters on the front lines”; US Department of State, *2020 Country Reports on Human Rights Practices: Yemen*, 30 March 2021, [www.ecoi.net/en/document/2048179.html](http://www.ecoi.net/en/document/2048179.html). “Reports of communities targeted by indiscriminate shelling, as well as tribesmen and communal leaders killed or abducted by Houthi supervisors after refusing to pay taxes or join the battlefield, have substantially increased over the past two years” (emphasis added); ACLED, *The Myth of Stability: Infighting and Repression in Houthi-Controlled Territories*, 9 February 2021, <https://bit.ly/3o2lcHn>, p. 6. “Five civilians including a woman were killed and dozens injured after male villagers in central Yemen refused to let Houthi rebels forcefully conscript them. The rebels arrived in the village of Al Masaqira in Al Hada district of central Yemen’s Damar province (...), but locals refused to join them”; The National, *Yemen’s Houthis Kill Five after Village Rejects Conscription Campaign*, 16 December 2019, <https://bit.ly/2XnZ14D>. See also, ACLED, *Increasing Tribal Resistance to Houthi Rule*, 7 March 2019, <https://bit.ly/3kysd1A>.

<sup>74</sup> In February 2021, it was reported that a Houthi leader ordered the formation of “field teams” to track and capture deserters; Asharq Al-Awsat, *Houthis Form Specialized Taskforce for Tracking Fighters who Fled Battlefields*, 24 February 2021, <https://bit.ly/39acb7x>. In September 2020, “Houthi militias have warned the families of soldiers who fled frontlines in Marib and al-Jawf governorates that their children will face harsh punitive measures if they do not return to their battle positions (...) Houthi supervisors in districts where the militants had fled issued strict warnings to the families of escapees, threatening grave punishment for those who do not return to Houthi camps”; Asharq Al-Awsat, *Houthis Threaten Families of Militants Fleeing Battlefronts*, 23 September 2020, <https://bit.ly/3kfg69h>.

<sup>75</sup> “Women also continued to face severe discrimination in law and practice. They cannot marry without the permission of their male guardian and do not have equal rights to divorce, inheritance, or child custody. Lack of legal protection leaves them exposed to domestic and sexual violence”; HRW, *World Report 2021: Yemen*, 13 January 2021, [www.ecoi.net/en/document/2043744.html](http://www.ecoi.net/en/document/2043744.html). Notably, the new government formed under a power-sharing deal between the IRG and the STC in December 2020 has no female representation, a first in over 20 years: UN Human Rights Council, *Oral Update of the Group of Eminent Experts on Yemen to the 46<sup>th</sup> Session of the Human Rights Council*, 25 February 2021, <https://bit.ly/3hNXHyH>; DPA, *New Yemeni Government Excludes Women for 1<sup>st</sup> Time in 20 Years*, 19 December 2020, [http://sabahdai.ly/\\_jur](http://sabahdai.ly/_jur). See also, HRW, *Submission to the Committee on the Elimination of Discrimination Against Women on Yemen*, 7 February 2020, <https://bit.ly/2XCszv6>. In 2020, Yemen ranked second last (155 out of 156 countries) for gender equality globally; World Economic Forum, *Global Gender Gap Report 2021*, March 2021, <https://bit.ly/3EFpb3k>, p. 10.

<sup>76</sup> “Gender-based violence incidents remain underreported, with a culture of impunity and lack of specialized service providers hindering effective interventions”; UNHCR, *UNHCR Yemen 2021 Country Operational Plan*, 4 April 2021, <https://bit.ly/2XwufpS>, p. 6. UNFPA in 2017 estimated that 2.6 million women and girls were at risk of gender-based violence in Yemen; UN Women, *In Yemen, Women Face Added Challenges Posed by COVID-19 Amidst Ongoing Armed Conflict*, 29 July 2020, <https://bit.ly/39k8mNd>.

<sup>77</sup> As a result of conflict and “the added economic, health and social stressors of COVID-19, domestic violence cases are on the rise”; UN Women, *In Yemen, Women Face Added Challenges Posed by COVID-19 Amidst Ongoing Armed Conflict*, 29 July 2020, <https://bit.ly/39k8mNd>. See also, The Sana’a Center for Strategic Studies, *The Impact of the COVID-19 Pandemic on Yemeni Women*, 20 July 2021, <https://bit.ly/3nRqq9W>; The Guardian, *‘He Treated me as a Slave’: Women Face Rising Violence amid War in Yemen*, 22 February 2021, <https://bit.ly/3tUnM3S>; AFP, *Disfigured by Acid, the Face of Violence Against Yemen’s Women*, 3 February 2021, <https://t24.my/7KOt.T>.

child marriage,<sup>78</sup> and “honour crimes”,<sup>79</sup> as well as sexual violence in the context of the conflict.<sup>80</sup> In areas under the influence of extremist groups, women are reported to have been subjected to severe punishment for perceived transgressions of these groups’ strict interpretation of Islamic principles, norms and values.<sup>81</sup> Women active in the political and social sphere, including human rights defenders and political activists, are reported to have been targeted for arbitrary arrest, detention, torture and politically-motivated prosecution on prostitution charges.<sup>82</sup> The DFA have also introduced gender segregation in public institutions and places,<sup>83</sup> and, in certain locations, women are required to be accompanied by a close male relative (*mahram*) when in public.<sup>84</sup> Women are required to abide by a conservative dress code in various parts of the country.<sup>85</sup> The performance of female genital mutilation

<sup>78</sup> “Economic hardship wrought by the conflict has exacerbated some pre-existing traditional harmful practices against children in Yemen, such as forced and early marriage”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 64. Yemen does not have a minimum age for marriage and efforts to introduce a legal minimum age prior to the conflict have not succeeded. Child marriage is reported to be on the rise, mostly as a result of “economic instability and poverty”; HRW, *Submission to the Committee on the Elimination of Discrimination Against Women on Yemen*, 7 February 2020, <https://bit.ly/2XCszv6>. See also AFP, *Disfigured by Acid, the Face of Violence Against Yemen's Women*, 3 February 2021, <https://t24.my/7KOtT> and below para. 16.

<sup>79</sup> “The penal code allows lenient sentences for those convicted of ‘honor crimes’ – assaults or killings of women by family members for alleged immoral behavior”; Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). “Article 232 of the Penal Code allows for reduced and lenient sentences for men convicted of so-called ‘honor killing’. It provides that a man who murders or injures his wife, mother, daughter, or sister or her partner after finding them in the act of committing adultery should receive a maximum prison sentence of one year or a fine.[19] In addition, where a family member has killed a female relative in the name of ‘honor,’ he can be pardoned by his family”; HRW, *Submission to the Committee on the Elimination of Discrimination Against Women on Yemen*, 7 February 2020, <https://bit.ly/2XCszv6>. See also, Daraj, “Honour Killings in Yemen: Tribal Tradition and the Law”, 19 December 2019, <https://bit.ly/3ECpV9C>.

<sup>80</sup> “Gender-based violence, including sexual violence, continues to feature prominently amongst ongoing violations and the justice system has been abused to reinforce traditional gender norms”; UN Human Rights Council, *Statement by Mr. Kamel Jendoubi, Chairperson of the Group of Eminent Experts on Yemen at the 48<sup>th</sup> Session of the Human Rights Council*, 14 September 2021, <https://bit.ly/39e9lci>. “In 2020, the Yemeni government, the Houthi armed group, and the STC-affiliated Security Belt forces abused women and committed acts of gender-based violence, including sexual violence”; HRW, *World Report 2021: Yemen*, 13 January 2021, [www.ecoi.net/en/document/2043744.html](http://www.ecoi.net/en/document/2043744.html). “Women, girls, men and boys remain at serious risk of all forms of gender-based violence, including sexual violence”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), para. 68. See also, Mwatana for Human Rights, *Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym>, pp. 84-85; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General, S/2021/312*, 30 March 2021, [www.ecoi.net/de/dokument/2049397.html](http://www.ecoi.net/de/dokument/2049397.html), para. 60; UN News, *In Yemen’s Man-Made Catastrophe, Women and Girls Pay the Price*, 26 February 2021, <https://shar.es/aWGaTA>; Oxfam, *The Struggle of Yemeni Women Between War and Harmful Social Norms*, 3 February 2021, <https://bit.ly/39mM0up>.

<sup>81</sup> “Extremist groups have attempted to impose crude versions of Sharia in territory under their control, harshly punishing alleged violations related to sexual activity, personal appearance, and other matters”; Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html).

<sup>82</sup> “Women human rights defenders also continue to face repression by all parties on the basis of their gender and/or their work on women’s rights”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), para. 80. “Women human rights activists faced repression by parties to the conflict for their work on women’s rights”; HRW, *World Report 2021: Yemen*, 13 January 2021, [www.ecoi.net/en/document/2043744.html](http://www.ecoi.net/en/document/2043744.html). “In Houthi-controlled territory, women are targeted both directly and indirectly when they are, or are perceived to be, a threat to Houthi rule. The Panel has documented a growing pattern of the repression of women. In a total of 11 cases documented by the Panel, women were arrested, detained, beaten, tortured and/or sexually abused because of their political affiliations or participation in political activities or public protests. These women were threatened with charges of prostitution or organized crime if they persisted in activities against the Houthis (...). The Panel has identified an extensive network involved in political repression under the guise of curbing prostitution”; UN Security Council, *Letter Dated 27 January 2020 from the Panel of Experts on Yemen Addressed to the President of the Security Council, S/2020/70*, 27 January 2020, [www.ecoi.net/en/document/2024819.html](http://www.ecoi.net/en/document/2024819.html), para. 21. See also, UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General, S/2021/312*, 30 March 2021, [www.ecoi.net/en/document/2049397.html](http://www.ecoi.net/en/document/2049397.html), para. 14; London School of Economics and Political Science, *Peacebuilding Without Protection: Yemeni Women’s Barriers to Peace*, 10 December 2020, <https://bit.ly/3zLWUua>; Associated Press, *Women who Dare Dissent Targeted for Abuse by Yemen’s Rebels*, 29 April 2020, <https://bit.ly/3nXPuMw>.

<sup>83</sup> “The Ansar Allah group (Houthis) in Sana’a issued orders forcing some university administrations to separate male and female students in classrooms, issued a circular banning female student from wearing ‘narrow and short’ clothes, and demanded the owners of wedding and event halls prohibit mixed graduation parties”; Mwatana for Human Rights, *Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym>, p. 122. “(...) the Houthis built walls inside classrooms to separate male students from female students”; The Euro-Gulf Information Centre, *The Houthis and the Hijacking of Yemen’s Education Sector*, 9 February 2021, <https://bit.ly/39wnUxn>.

<sup>84</sup> NGO Working Group on Women, Peace and Security, *UN Security Council Briefing on Yemen by Najiba Al Naggar*, 15 June 2021, <https://bit.ly/3BaCc2H>; Conflict and Environment Observatory, *International Women’s Day 2020: Women, War and Water in Yemen*, 6 March 2020, <https://bit.ly/2Y8RYN3>. This requirement also applies to female humanitarian workers on work travel, thereby “disrupting service deliveries to women and girls in Al Hodeidah, Hajjah and Sa’dah”; OCHA, *Yemen: Humanitarian Access Snapshot (March - April 2021)*, 12 August 2021, <https://bit.ly/2ZKTKEO>. See also, UN Security Council, *Children and Armed Conflict in Yemen*, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html), para. 48.

<sup>85</sup> “In northern areas traditionally under Houthi control, there were reports of continued Houthi efforts to impose their religious customs on non-Zaydi residents, including banning music, requiring women to wear full veils, and banning the mixing of genders in cafes unless couples had children or carried a marriage certificate”; US Department of State, *2020 Report on International Religious Freedom: Yemen*, 12 May 2021, [www.ecoi.net/en/document/2051733.html](http://www.ecoi.net/en/document/2051733.html). “(...) the Ethics Police in the coastal city of Mukalla, in Yemen’s southeast, arrested and detained young men and women in markets and public parks due to their clothes, haircuts and hairstyles, alleging they ‘violated public morals’”; Mwatana for Human Rights, *Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym>, p. 122. See also, The Arab Weekly, *Houthis Pursue Puritanical Campaign, Crack Down on Lingerie Ads*, 8 July 2021 <https://bit.ly/3znr2WP>; HRW, *Yemen: Houthis Subject Model to Unfair Trial*, 30 June 2021, [www.ecoi.net/en/document/2055029.html](http://www.ecoi.net/en/document/2055029.html).

(FGM) has been banned in government institutions and medical facilities, but is reported to continue.<sup>86</sup>

15. Same-sex sexual acts, including between consenting adults, are prohibited, and can be punished with imprisonment, corporal punishment or the death penalty, depending on the circumstances.<sup>87</sup> Persons of diverse sexual orientations and/or gender identities (SOGI) are at risk of harassment, arbitrary detention, ill-treatment, torture, sexual violence, and extrajudicial execution.<sup>88</sup>

## Humanitarian Situation

16. Yemen faces an acute humanitarian crisis caused by years of conflict, and economic collapse,<sup>89</sup> and exacerbated by the COVID-19 pandemic.<sup>90</sup> Yemen remains one of the world's largest humanitarian

<sup>86</sup> US Department of State, *2020 Country Reports on Human Rights Practices: Yemen*, 30 March 2021, [www.ecoi.net/en/document/2048179.html](http://www.ecoi.net/en/document/2048179.html); Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). In 2013 it was estimated that 19% of females aged 15 to 49 have experienced female genital mutilation; UNICEF, *Female Genital Mutilation (FGM)*, August 2021, <https://bit.ly/3AFelmp>. "Because of the fragile healthcare system prior to the conflict and the collapse of the healthcare system amidst the fighting, particularly emergency care, in many rural areas of Yemen, FGM can lead to death or long-term health consequences. The Yemeni government keeps no official data on deaths associated with FGM, so the number of Yemeni girls who have lost their lives due to the practice remains unknown"; HRW, *Submission to the Committee on the Elimination of Discrimination Against Women on Yemen*, 7 February 2020, <https://bit.ly/2XCszv6>.

<sup>87</sup> "Yemen's penal code prohibits same-sex relations. Article 264 punishes anal sex with 100 lashes and one year in prison if participants are not married. If married, the same article prescribes death by stoning. Article 268 punishes sex between women with up to three years in prison. Article 273 and 274 punish any act 'indicating a breach of modesty and contrary to etiquette' with up to six months in prison"; HRW, *Country Profiles: Sexual Orientation and Gender Identity: Yemen*, last updated 23 April 2021, <https://bit.ly/3ACRVas>. According to the International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA), as of November 2020, "there is full legal certainty that the death penalty is the legally prescribed punishment for consensual same sex sexual acts in (...) Yemen." It further reported that "there appear to be no reported cases of the death penalty being applied by State authorities for consensual same-sex sexual acts in the Yemen"; ILGA, *State-Sponsored Homophobia*, 15 December 2020, <https://bit.ly/2ZjdKkT>, pp. 31, 84-85. See also, Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). Article 264 of the 1994 Penal Code (in Arabic), is available at: [https://yemen-unic.info/db/laws\\_ye/detail.php?ID=11424](https://yemen-unic.info/db/laws_ye/detail.php?ID=11424).

<sup>88</sup> HRW "is aware of multiple cases where transgender men and women have faced threats and harassment in Yemen. In one case in 2020, Yemeni authorities arbitrarily detained a transgender woman for eight months on charges of sodomy and 'indecent practices.' Police and prison guards subjected her to severe abuse and torture, including a forced anal exam"; HRW, *Sexual Orientation and Gender Identity: Yemen*, last updated 23 April 2021, <https://bit.ly/3ACRVas>. "Persons with diverse sexual orientations or gender identities faced heightened risks of sexual and other violence, particularly in detention settings, owing to deep-rooted patriarchal norms. The Group of Eminent Experts documented nine cases of arbitrary detention, ill-treatment, torture and sexual violence perpetrated by the Houthis and Security Belt Forces against individuals accused of spreading prostitution and homosexuality and supporting the enemy"; UN Security Council, *Conflict-Related Sexual Violence; Report of the Secretary-General*, S/2021/312, 30 March 2021, [www.ecoi.net/en/document/2049397.html](http://www.ecoi.net/en/document/2049397.html), para. 59. "Due to the severe threats they face, few LGBT+ Yemenis reveal their identity"; Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). "Since 2013, when the Houthi militia groups seized much of the national territory, the situation of LGBT people in Yemen has gradually deteriorated. Several cases of extrajudicial killings of LGBT people in Yemen have since been reported, most notably in the Southern parts of the country, which Ansar AlSharia/AQAP has taken over"; ILGA, *State-Sponsored Homophobia*, 15 December 2020, <https://bit.ly/2ZjdKkT>, p. 85. See also, Open Democracy, *'I'm a Yemeni Trans Man and my Family Want to Kill Me'*, 29 March 2021, <https://bit.ly/3tT8tZi>; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), para. 71.

<sup>89</sup> "The economy has collapsed, with GDP declined by 50% and 58% of Yemenis living in extreme poverty, as opposed to 19% before the conflict"; World Bank, *Health Sector in Yemen: Policy Note*, 14 September 2021, <https://bit.ly/39rHgU5>, p. 1. "The crisis in Yemen has devastated an already battered economy. Over the past seven years, conflict has disrupted production and import of oil derivatives, while waves of sharp currency devaluation, depletion of foreign currency reserves, shrinking foreign trade and investments price inflations has pushed Yemen's economy to the edge of collapse. Economic activity has contracted by more than 50 per cent, and the share of GDP per capita has decreased by about two-thirds"; CARE, Danish Refugee Council (DRC), et al., *INGO Briefing for the UNGA: The Humanitarian Situation in Yemen after Seven Years of Conflict*, 14 September 2021, <https://bit.ly/3EwE8oh>, p. 3. "The war has also decimated the economy. This collapse (...) is perhaps the biggest driver of people's humanitarian needs, including the risk of famine. (...) GDP has plummeted 40 per cent since 2015, taking many jobs with it. One quarter of the population (...) rely on civil servant salaries, which (...) are only sporadically, erratically, unreliably paid"; OCHA, *Briefing to the Security Council on Yemen*, 23 August 2021, <https://bit.ly/3nzRFFR>. "Yemen's twin economic and humanitarian crises have also deepened amid a fuel crisis in the north, a currency collapse in the south, a 50 percent shortfall in funding for the UN's humanitarian response, and, for good measure, flash floods"; Foreign Affairs, *The Shattering of Yemen: Why Ending the War Is more Difficult than Ever*, 19 August 2021, <https://fam.ag/3tXSn0x>.

<sup>90</sup> "By 30 September [2021], more than 9,000 confirmed cases were reported across southern governorates, with over 1,700 people losing their lives in the pandemic. These figures greatly underestimate community spread, given the lack of testing capacities across the country. They also exclude cases in governorates controlled by the de facto authorities (DFA) in Sana'a, where most of Yemen's population lives. (...) Available vaccines are nowhere near enough to meet needs across the country, and to date only 0.1 per cent of Yemen's population have been fully vaccinated against COVID-19, according to Our World in Data"; OCHA, *Yemen Humanitarian Update: Issue 9 / September 2021*, 3 October 2021, <https://bit.ly/3Ab4nx8>, p. 8. "The country's economy has reached new depths of collapse, and a third wave of the pandemic is threatening to crash the country's already fragile health-care system"; OCHA, *Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Martin Griffiths, Opening Remarks on the High-Level Side Event on the Humanitarian Crisis in Yemen, at the 76<sup>th</sup> United Nations General Assembly*, 22 September 2021, <https://bit.ly/3CDxmLY>. "The COVID-19 pandemic has further strained an already weak health system. Its mortality rate is high, estimated around 25 percent (...)"; World Bank, *Health Sector in Yemen: Policy Note*, 14 September 2021, <https://bit.ly/39rHgU5>, p. 2. "Largely ignored by the authorities, the COVID-19 pandemic impacts people's lives and humanitarian needs (loss of livelihoods, evictions, stigmatization of populations on the move)"; UNHCR, *UNHCR Yemen 2021 Country Operational Plan*, 4 April 2021, <https://bit.ly/2XwufpS>, p. 1. See also, CARE, DRC et al., *INGO Briefing for the UNGA: The Humanitarian Situation in Yemen after Seven Years of Conflict*, 14 September 2021, <https://bit.ly/3EwE8oh>, p. 5; HRW, *Yemen: Key Human Rights Concerns for UN Envoy*, 12 September 2021, <https://bit.ly/2ZbGpFr>; The Independent, *In Yemen's North, Houthis Face Coronavirus with Outright Denial*, 13 August 2021, <https://bit.ly/3lyD7n8>.



crises<sup>91</sup> with two-thirds of the population, or 20.7 million people, in urgent need of humanitarian assistance during 2021, including 12.1 million in acute need.<sup>92</sup> Over 80 per cent of Yemenis live below the poverty line,<sup>93</sup> leaving many reliant on humanitarian assistance and remittances,<sup>94</sup> and causing families to adopt harmful coping strategies, such as reducing the number of meals per day, adopting a non-nutritious diet, sending children to work and child marriages.<sup>95</sup> According to the World Food Programme (WFP), “45 percent of people in the south and 37 percent in the north do not eat enough food”.<sup>96</sup> Remittances from abroad, which constituted a lifeline for millions of families in Yemen, have been dwindling due to COVID-related restrictions, and could further drop should larger numbers of Yemeni migrants see the termination of their work contracts in Saudi-Arabia.<sup>97</sup>

17. An estimated 16.2 million people in Yemen are food insecure.<sup>98</sup> As at the time of writing, some five million people “are just one step away from succumbing to famine and the diseases that go with it. Ten

<sup>91</sup> UN News, ‘Yemen Can’t Wait’, UN and Partners Warn in Seeking \$3.85 Billion for Humanitarian Response, 17 March 2021, <https://shar.es/aWcpYZ>; HRW, *World Report 2021: Yemen*, 13 January 2021, [www.ecoi.net/en/document/2043744.html](http://www.ecoi.net/en/document/2043744.html). OCHA predicted further decline in 2021, unless “there is conflict de-escalation and an improvement in the economy and funding”; OCHA, *2020 Humanitarian Needs Overview: Yemen*, February 2021, [www.ecoi.net/en/document/2045902.html](http://www.ecoi.net/en/document/2045902.html), p. 7. The humanitarian situation in the country worsened in 2020, with the population also enduring “hardships including cholera, growing malnutrition, and an ongoing fuel shortage in addition to the new COVID-19 pandemic”; Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). See also, UNICEF, *Humanitarian Action for Children: Yemen*, June 2021, <https://uni.cf/39cytFOf>, p. 2; ICG, *Watch List 2021: Spring Update; Arresting Yemen’s Freefall*, 26 May 2021, [www.ecoi.net/en/document/2052330.html](http://www.ecoi.net/en/document/2052330.html).

<sup>92</sup> UNICEF, *Yemen: Situation Report Mid-Year*, 13 August 2021, <https://uni.cf/3zgStkX>, p. 2; OCHA, *2020 Humanitarian Needs Overview: Yemen*, February 2021, [www.ecoi.net/en/document/2045902.html](http://www.ecoi.net/en/document/2045902.html), p. 6. “Without additional resources to scale up the response across sectors, more people risk falling into the acute need category as they exhaust coping strategies and slide into greater levels of need”; OCHA, *Yemen Humanitarian Update: Issue 7 / July 2021*, 4 August 2021, <https://bit.ly/3nF13be>, p. 3.

<sup>93</sup> “(...) about 80 per cent of the population now live under the poverty line, with the middle class almost completely eroded”; CARE, DRC et al., *INGO Briefing for the UNGA: The Humanitarian Situation in Yemen after Seven Years of Conflict*, 14 September 2021, <https://bit.ly/3EwE8oh>, p. 3. “National poverty rates are now estimated to have jumped to around 80 per cent. More than 8 in 10 children are thought to live in families that do not have enough income to meet their basic needs”; UNICEF, *Education Disrupted: Impact of the Conflict on Children’s Education in Yemen*, July 2021, <https://uni.cf/3Ej5iyY>, p. 5. Yemen is the poorest country in the Middle East and was ranked 179 (out of 189) in the 2020 Human Development Report; UNDP, *Human Development Reports 2020: Yemen*, 15 December 2020, <http://hdr.undp.org/en/countries/profiles/YEM>. See also, UNICEF, *Yemen: Situation Report Mid-Year*, 13 August 2021, <https://uni.cf/3zgStkX>, pp. 2-3.

<sup>94</sup> World Bank, *Yemen’s Economic Update: April 2021*, 2 April 2021, <https://bit.ly/3AzFtZb>, p. 1.

<sup>95</sup> “The rise in food prices, coupled with the lack of income force, has forced many people to resort to negative coping mechanisms. More middle-income families are buying food on credit, less preferred foods, or in some cases trading assets and personal belongings for food. Poor families often find themselves forced to take more drastic measures such as skipping meals, begging for food and in some cases child marriage. Women and girls are particularly vulnerable to food insecurity as they are reportedly deprioritised at the household level and receive lesser amounts of food compared to their male counterparts”; CARE, DRC et al., *INGO Briefing for the UNGA: The Humanitarian Situation in Yemen after Seven Years of Conflict*, 14 September 2021, <https://bit.ly/3EwE8oh>, pp. 4-5. “After six years of conflict and economic crisis, many Yemenis have exhausted their savings and sold off all valuable assets like property or livestock. Families are making decisions no family should have to, such as skipping meals or subsisting on cheap foods like bread. Women and girls have reported being forced to ask to borrow food on credit from shop merchants which exposes them to exploitation and harassment. The rate of forced and early marriage of girls has more than doubled since the war started with as many as two-thirds of Yemeni girls married while they are still children”; International Rescue Committee (IRC), *Yemen Currency Devalues to Historic Lows, Exacerbating Hunger Needs, Warns IRC*, 21 July 2021, <https://bit.ly/3nOeoho>. See also, FEWS NET, *Yemen Food Security Outlook Update, August 2021*, 8 September 2021, <https://bit.ly/39jxIQM>, p. 1. “Owing to economic downturn exacerbated by Covid-19, an increasing number of children are forced to resort to harmful coping mechanisms such as child labour, child marriage, begging and sexual exploitation”; Global Protection Cluster, *Yemen Protection Brief*, January 2021, [www.ecoi.net/en/document/2045161.html](http://www.ecoi.net/en/document/2045161.html), p. 4.

<sup>96</sup> World Food Programme (WFP), *Famine-Like Conditions in Yemen Force Families to Eat Tree Leaves*, 16 September 2021, <https://bit.ly/3IKC0RI>. “In 12 of Yemen’s 22 governorates, at least 40 per cent of the population experience inadequate food consumption, including five in which at least a fifth of the population endure more critically poor food consumption – Ad Dali’, Al Jawf, Amran, Lahj and Raymah. In the third quarter of 2021, while the food security level in Al Jawf Governorate is expected to be adjusted from high risk down to alert status, four governorates are expected to deteriorate from minimal risk to alert status (Al Bayda, Hadramawt, Al Maharah and Socotra)”; OCHA, *Yemen Humanitarian Update: Issue 9 / September 2021*, 3 October 2021, <https://bit.ly/3Ab4nx8>, p. 2.

<sup>97</sup> “While remittances coming from abroad have decreased by 70 per cent in some cases because of the COVID-19 pandemic, the recently reported de facto deportation threats for tens of thousands of Yemenis working on the southern regions of Saudi Arabia could further plummet this vital source of income for their families who rely on those remittances inside Yemen”; CARE, DRC et al., *INGO Briefing for the UNGA: The Humanitarian Situation in Yemen after Seven Years of Conflict*, 14 September 2021, <https://bit.ly/3EwE8oh>, p. 3. “It was estimated that up to 80 per cent of remittances, worth 3.8 billion in 2019, have dried up in the wake of the COVID-19 global economic slowdown”; OCHA, *2020 Humanitarian Needs Overview: Yemen*, February 2021, [www.ecoi.net/en/document/2045902.html](http://www.ecoi.net/en/document/2045902.html), pp. 15-16. See also, HRW, *Saudi Arabia: Yemeni Workers at Risk of Mass Forced Returns*, 31 August 2021, <https://bit.ly/3nIHbnz>; The Media Line, *Saudi Decision Threatens to Plunge Millions More Yemenis into Extreme Poverty*, 22 August 2021, <https://bit.ly/3kj5ciW>. On forcible returns from Jordan, see also HRW, *Jordan: Yemeni Asylum Seekers Deported*, 30 March 2021, <https://bit.ly/3COiPwV>.

<sup>98</sup> In September 2021, WFP targeted 11.4 million people with food assistance; WFP, *Situation Report #9, September 2021*, 18 October 2021, <https://bit.ly/3C7LT2p>, pp. 1, 2. “Violent conflict now in its seventh year has crippled Yemen’s economy and continues to be the main driver of food insecurity. (...) Following recent scale-up, almost 40 percent of the Yemeni population are again receiving monthly humanitarian food assistance distributions. However, millions of households still face food consumption gaps”; FEWS NET, *Yemen Food Security Outlook Update, August 2021*, 8 September 2021, <https://bit.ly/39jxIQM>, p. 1.

million more are right behind them.”<sup>99</sup> Nearly 50,000 people in 11 districts are already living in famine-like conditions.<sup>100</sup>

18. Conflict, trade restrictions and embargoes, economic warfare,<sup>101</sup> and, most recently, restrictions related to COVID-19, have resulted in unprecedented increases in food prices in parallel with a reduction in purchasing power.<sup>102</sup> The plunging value of Yemen’s currency, especially in areas under control of the IRG,<sup>103</sup> led the prime minister to warn in July 2021 of “*complete economic collapse*”.<sup>104</sup> The conflict has resulted in extensive damage and destruction of civilian infrastructure, including homes, hospitals, education facilities and other essential infrastructure.<sup>105</sup> Over 80 per cent of the population face significant challenges to access essential services.<sup>106</sup> Women, children, persons with disabilities, refugees and migrants<sup>107</sup> as well as marginalized minorities such as the Muhamasheen are considered to be particularly vulnerable.<sup>108</sup> According to UN Office for the Coordination of Humanitarian Affairs

<sup>99</sup> OCHA, *Briefing to the Security Council on Yemen*, 23 August 2021, <https://bit.ly/3nzRFFR>. See also, Famine Early Warning Systems Network, *Yemen Food Security Outlook: June 2021 to January 2022*, July 2021, [www.ecoi.net/en/document/2055901.html](http://www.ecoi.net/en/document/2055901.html), pp. 1-3; ICG, *Watch List 2021 – Spring Update: Arresting Yemen’s Freefall*, 26 May 2021, [www.ecoi.net/en/document/2052330.html](http://www.ecoi.net/en/document/2052330.html); UN News, ‘Hell’ in Yemen, with Millions ‘Knocking on the Door of Famine’ WFP’s Beasley Warns, 10 March 2021, <https://bit.ly/3AjDNly>.

<sup>100</sup> WFP, *Situation Report #9, September 2021*, 18 October 2021, <https://bit.ly/3C7LT2p>; WFP, *Famine-Like Conditions in Yemen Force Families to Eat Tree Leaves*, 16 September 2021, <https://bit.ly/3IKC0Rl>.

<sup>101</sup> “Economic warfare by all sides is sowing devastating long-term consequences for the Yemeni state and its people. Yemenis all over the country live with severe limitations on their freedom of movement and of the movement of essential goods due to ongoing fighting, checkpoints, road, port and airport restrictions. The UN’s position remains unchanged – the freedom of movement of people and goods in and out as well as throughout the country should be guaranteed. Roads must be opened to allow people and goods to move in and out of Taiz. Sana’a airport needs to be open for commercial traffic. Restrictions on the import of fuel and goods through Hudaydah port must end”; OSESGY, *Briefing to United Nations Security Council by the Special Envoy for Yemen: Hans Grundberg*, 10 September 2021, <https://bit.ly/2XL6A5e>. “The protracted closure of Sana’a international airport since August 2016 by the Government of Yemen and the coalition precludes civilians from accessing life-saving health care unavailable within the country. Its reopening, together with access to Hudaydah port, is currently being held hostage by the peace negotiations. Restrictions on imports imposed by the coalition continue to contribute to shortages of fuel and food, causing price increases”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 33.

<sup>102</sup> “The cost of the national minimum food basket (MFB) in Yemen – an indicator of the cost of living – reached YER 62,607 in August 2021, some 36 per cent higher than at the start of this year and nearly quadruple the cost in January 2015. In IRG areas, the change has been even more drastic, with the August 2021 MFB costing YER 78,136, around 45 per cent more than in January 2021 and 4.5 times its cost in January 2015”; OCHA, *Yemen Humanitarian Update: Issue 9 / September 2021*, 3 October 2021, <https://bit.ly/3Ab4nx8>, pp. 1-2. “Above-average food prices and low purchasing power remain a significant concern for millions of households, particularly across poorer wealth groups. In southern areas controlled by the internationally-recognized government (IRG) where the currency continues to depreciate, the average cost of the minimum food basket increased by a further 7 per cent in the first three weeks of August 2021. Meanwhile, in northern areas controlled by the Sana’a-based authorities (SBA), fuel shortages are again forcing households to purchase fuel at higher unofficial prices”; FEWS NET, *Yemen Food Security Outlook Update*, August 2021, 8 September 2021, <https://bit.ly/39jxlQM>, p. 1. “The impact of currency devaluation on Yemeni households is extremely worrying. The YER has lost nearly a third of its value against the USD in the past one year. Even people with stable jobs are struggling to afford food as their income can purchase only a fraction of what it could in previous months. Throughout the south of the country, it is not that food is unavailable but that it is completely unaffordable”; IRC, *Yemen Currency Devalues to Historic Lows, Exacerbating Hunger Needs*, Warns IRC, 21 July 2021, <https://bit.ly/3nOeoho>. “Given Yemen’s high dependence on imports, the weakening of the currency has passed through to domestic prices, eroding purchasing power of households and businesses”; World Bank, *Yemen’s Economic Update: April 2021*, 2 April 2021, <https://bit.ly/3AzFtZb>, p. 1. See also, WFP, *Famine-Like Conditions in Yemen Force Families to Eat Tree Leaves*, 16 September 2021, <https://bit.ly/3IKC0Rl>.

<sup>103</sup> “In areas under the control of the internationally recognized government (IRG), where food has become most unaffordable, the rial fell by nearly 40 per cent against the US dollar in the first eight months of 2021, surpassing YER 1,000 per USD for the first time ever in July. As of end September, it had surpassed YER 1,200 per USD. (...) In the country’s north, where tight economic controls imposed by the de facto authorities (DFA) keep the rial relatively stable, it is around 37 per cent”; OCHA, *Yemen Humanitarian Update: Issue 9 / September 2021*, 3 October 2021, <https://bit.ly/3Ab4nx8>, p. 1. See also, Al Jazeera, *Yemen Currency Clash Deepens Crisis in War-Torn Country*, 21 August 2021, <https://aje.igw/7tr>; OCHA, *Yemen: Situation Report*, 5 August 2021, <https://bit.ly/2Z0qR7d>, p. 2.

<sup>104</sup> The New Arab, *Yemen’s Prime Minister Warns of ‘Complete Economic Collapse’ as Currency Crashes*, 19 July 2021, <https://bit.ly/3tJ4K0q>. See also, *Save the Children, Price Hikes and Currency Freefall Push Yemen’s Children Further into Hunger*, 16 August 2021, <https://bit.ly/3IFtWS0>.

<sup>105</sup> “The conflict has led to the virtual collapse of basic social services, including Yemen’s fragile health care system, and COVID19 exacerbated the situation in Yemen”; World Bank, *Health Sector in Yemen: Policy Note*, 14 September 2021, <https://bit.ly/39rHgU5>, p. 2. According to UNICEF, essential services such as health, sanitation and education are “incredibly fragile” and “on the brink of total collapse”; UN News, *No End to Yemen Civil War on the Horizon, Senior UN Official Briefs Security Council*, 23 August 2021, <https://shar.es/aWG1fl>. “Institutions and public services have imploded, depriving people of clean water, of sanitation, education, health care, and helping to spread diseases like cholera and COVID-19 (...).”; OCHA, *Briefing to the Security Council on Yemen*, 23 August 2021, <https://bit.ly/3nzRFFR>. “The proximity of fighting to residential areas has resulted in widespread damage to civilian property, with over 4,600 houses and farms damaged, mostly in Al Hudaydah and Taizz governorates. In a country that struggles with already weakened infrastructure, armed attacks have damaged critical infrastructure including transport, health, education, water and telecommunications”; Global Protection Cluster, *Yemen Protection Brief*, January 2021, [www.ecoi.net/en/document/2045161.html](http://www.ecoi.net/en/document/2045161.html), p. 1.

<sup>106</sup> World Bank, *Health Sector in Yemen: Policy Note*, 14 September 2021, <https://bit.ly/39rHgU5>, p. 1. “The ongoing conflict has also devastated public infrastructure, leaving many people without access to essential, life-saving services such as healthcare and water”; CARE, DRC et al., *INGO Briefing for the UNGA: The Humanitarian Situation in Yemen after Seven Years of Conflict*, 14 September 2021, <https://bit.ly/3EwE8oh>, p. 2.

<sup>107</sup> For further information on the situation of asylum-seekers, refugees and migrants, see below para. 24.

<sup>108</sup> CARE, DRC et al., *INGO Briefing for the UNGA: The Humanitarian Situation in Yemen after Seven Years of Conflict*, 14 September 2021, <https://bit.ly/3EwE8oh>, p. 2. “Yemen is an incredibly difficult place to live for women and girls. Across the country, gender-based violence is rampant. Early marriage and pregnancy, including child mothers are commonplace. Women and girls are often the last to eat, see a doctor or go

(OCHA), in February 2021, only half of the country's health facilities and two-thirds of schools were functioning.<sup>109</sup> The health system is reported to be "at breaking point"<sup>110</sup> and struggling to cope with the influx of conflict-related casualties, the COVID-19 pandemic and outbreaks of cholera and other preventable diseases.<sup>111</sup> Areas under control of the DFA are impacted by a protracted fuel crisis as a result of a coalition-imposed embargo,<sup>112</sup> which also threatens the provision of water and electricity<sup>113</sup> and drives up prices for food and other essential goods.<sup>114</sup> The lack of fuel also hampers efforts to limit the spread of diseases, including COVID-19.<sup>115</sup> An estimated 90 per cent of the population are reported to lack access to electricity through the public grid.<sup>116</sup>

19. Children are severely affected by the ongoing conflict and deteriorating humanitarian situation.<sup>117</sup> More

to school"; OCHA, *On Behalf of the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mr. Martin Griffiths, UN OCHA Deputy Director, Ms. Ghada Eltahir Mudawi, Statement to the Security Council on Yemen*, 10 September 2021, <https://bit.ly/39i6rLZ>. "The Group [of Eminent International and Regional Experts] received reports of the numerous obstacles faced by persons with disabilities in accessing health services and assistive devices, humanitarian aid, education and employment opportunities. Older people are also particularly vulnerable"; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), para. 80. See also, Global Protection Cluster, *Yemen Protection Brief*, January 2021, [www.ecoi.net/en/document/2045161.html](http://www.ecoi.net/en/document/2045161.html). On the Muhamasheen, see above para. 12.

<sup>109</sup> OCHA, *Yemen Humanitarian Response Plan 2021*, March 2021, [www.ecoi.net/en/document/2048315.html](http://www.ecoi.net/en/document/2048315.html), p. 14. "Yemen has faced a series of disease outbreaks over recent years, including cholera, diphtheria, and currently, the Covid-19 pandemic, putting the country's health care system, already strained by years of underinvestment and lack of supplies and equipment for life support, in disarray. Health workers have also faced irregular payments, staffing shortages, and prolonged stress. In addition, many facilities have been damaged, destroyed, or are no longer functional"; ICRC, *Health Situation in Yemen*, 5 August 2021, <https://bit.ly/3EriwKd>. "Five attacks on schools in Yemen in March of this year have left an estimated 30,600 children without access to education (...). This is more than twice the number of attacks on education facilities reported in the last quarter of 2020"; Save the Children, *Yemen: Tens of Thousands of Children Denied Access to Education after a Single Month of Attacks on Schools*, 14 May 2021, <https://bit.ly/3zqDLIm>. "Many hospitals have been damaged by airstrikes or ground fighting, and there is widespread critical shortage of essential medicines and qualified staff"; Save the Children, *Yemen: A Quarter of all Civilian Casualties Are Children*, 23 March 2021, <https://bit.ly/3lHWcTO>. See also, AFP, *Study in Streets: Outdoor Classes for Yemen's Beleaguered Children*, 3 September 2021, <https://f24.my/7xBn.T>.

<sup>110</sup> Save the Children, *Yemen: A Quarter of all Civilian Casualties Are Children*, 23 March 2021, <https://bit.ly/3lNP16b>.

<sup>111</sup> "Availability of functioning health infrastructure, such as hospitals and primary care centers, has dwindled under the weight of conflict, with a significant share of the population having challenges with access to health care"; World Bank, *Health Sector in Yemen: Policy Note*, 14 September 2021, <https://bit.ly/39RHgU5>, p. 1. "At least 150 doctors in Yemen have died from Covid-19, according to the Yemeni Doctors Living Abroad Association. Last year, most of the 97 health workers who died from Covid-19 were in Yemen's Houthi-controlled capital, Sanaa. The death of health workers has serious consequences in a country with a healthcare system decimated by years of war, a shortage of medical professionals, and what the United Nations has called the world's worst humanitarian crisis"; HRW, *Health Workers Abandoned in Yemen's Covid-19 Fight*, 7 July 2021, <https://bit.ly/3ACHW4Y>. See also, Médecins Sans Frontières (MSF), *Yemen's Ruined Health System is Struggling to Respond to a Deadly Second Wave of COVID-19*, 9 June 2021, [www.ecoi.net/en/document/2053426.html](http://www.ecoi.net/en/document/2053426.html). In addition to COVID-19, Yemen also sees outbreaks of preventable diseases such as cholera, diphtheria and measles: "After more than six years of war, half of the country's hospitals are out of service and the population has become vulnerable to endemic diseases, including cholera, polio, diphtheria and dengue fever. (...) At least one child dies every 10 minutes because of preventable diseases"; OCHA, *Yemen Humanitarian Update: Issue 9 / September 2021*, 3 October 2021, <https://bit.ly/3Ab4nx8>, p. 7. See also, The Global Alliance Against Cholera, *Continued Cholera Epidemic in Yemen*, 7 June 2021, <https://bit.ly/3CORavk>; World Bank, *Yemen: Overview*, 25 March 2021, <https://bit.ly/3AKFSbt>.

<sup>112</sup> "Fuel shortages have resurfaced in SBA [DFA]-controlled areas due to continued restrictions preventing oil vessels outside the Red Sea ports of Al Hudaydah and As Salif from unloading. (...) Diesel and petrol are generally unavailable at official stations as of late August [2021], though private stations are being supplied and are selling fuel at unofficial prices. Unofficial diesel and petrol prices have generally been decreasing since February 2021 but as of the third week of August remain significantly higher – by 29 percent and 21 percent, respectively – than official prices. (...) "According to data from FAO [Food and Agriculture Organization], unofficial prices of cooking gas in SBA-controlled areas reached highs of over 10,900 YER per 20 liters in late August [2021], a 60 percent increase compared to prices in July 2020. Cooking gas at lower official prices remains widely unavailable across SBA-controlled areas"; FEWS NET, *Yemen Food Security Outlook Update, August 2021*, 8 September 2021, <https://bit.ly/39jxIQM>, p. 2. "Cooking gas shortages have pushed wait times to one month for refilling empty cylinders"; UN News, *No End to Yemen Civil War on the Horizon, Senior UN Official Briefs Security Council*, 23 August 2021, <https://shar.es/aWG1fl>. See also, WFP, *Situation Report #9, September 2021*, 18 October 2021, <https://bit.ly/3C7LT2p>, p. 2.

<sup>113</sup> "These acute fuel shortages threaten the availability of clean water and electricity supply. Health facilities that rely on fuel for generators are without power. Higher fuel prices also mean higher food prices (...); WFP, *WFP Appeals for Solution to Yemen Fuel Shortages that Threaten to Worsen Widespread Food Insecurity*, 2 March 2021, <https://bit.ly/3CqjnZG>. See also, AFP, *Yemen Fuel Supplies 'Weaponised', Putting Millions at Risk*, 10 July 2021, <https://f24.my/6fSg.T>.

<sup>114</sup> "The protracted fuel crisis that started in mid-2020, mainly in the north, continues to negatively affect livelihoods and put upward pressure on the prices of food, water and other essential goods, compounding the already difficult humanitarian situation"; OCHA, *Yemen Situation Report*, 5 August 2021, <https://bit.ly/3tXMNva>, p. 4. See also, WFP, *Famine-Like Conditions in Yemen Force Families to Eat Tree Leaves*, 16 September 2021, <https://bit.ly/3lKCO0R>.

<sup>115</sup> OCHA, *Yemen Humanitarian Update: Issue 7 / July 2021*, 4 August 2021, <https://bit.ly/3nF13be>, p. 4.

<sup>116</sup> "An estimated 90 per cent of the population lacks access to publicly provided electricity, with shortages due to chronic undersupply, lack of plant capacity, conflict-related damage, inadequate maintenance and fuel shortages"; OCHA, *2020 Humanitarian Needs Overview: Yemen*, February 2021, [www.ecoi.net/en/document/2045902.html](http://www.ecoi.net/en/document/2045902.html), p. 22. "Due to its pre-existing fragility combined with the destructive effects of the war, the electricity sector incurred considerable physical and non-physical damages, leading to the current collapse of the national electricity grid"; Sana'a Center for Strategic Studies, *Priorities for the Recovery and Reform of the Electricity Sector in Yemen*, 25 May 2021, <https://bit.ly/3ovBREI>, p. 9.

<sup>117</sup> "Children remain the primary victims of this terrible crisis, with 11.3 million requiring some form of humanitarian aid or protection assistance"; UNICEF, *Education Disrupted: Impact of the Conflict on Children's Education in Yemen*, July 2021, <https://uni.cf/3Ej5iyY>, p. 5. See also, Save the Children, *Price Hikes and Currency Freefall Push Yemen's Children Further into Hunger*, 16 August 2021, <https://bit.ly/3EzK5kn>.

than one million and a half children are internally displaced<sup>118</sup> and over 11 million children (four out of five) are in need of humanitarian assistance.<sup>119</sup> More than two million children are reported to be out of school,<sup>120</sup> putting them at particular risk of child labour and recruitment by parties to the conflict.<sup>121</sup> The Houthis are reported to use schools to “indoctrinate students” and for recruitment purposes.<sup>122</sup> Parties to the conflict are also reported to use schools for military purposes, exposing children and teachers to attacks.<sup>123</sup> Malnutrition among children under the age of five is reported to be the highest ever recorded.<sup>124</sup> According to Henrietta Fore, Executive Director of the United Nations Children’s Fund (UNICEF), “one child dies every 10 minutes from preventable causes, including malnutrition and vaccine-preventable diseases.”<sup>125</sup> Large numbers of children are reported to be severely traumatized.<sup>126</sup>

20. Yemen is also highly vulnerable to climate change-related impacts and has seen both severe droughts and floods, most recently in July 2021, exacerbating the already highly precarious humanitarian

<sup>118</sup> UNICEF, *Remarks on the Situation in Yemen by UNICEF Executive Director Henrietta Fore at the 8840<sup>th</sup> Meeting of the UN Security Council*, 23 August 2021, <https://shar.es/aWG16k>.

<sup>119</sup> UN News, *Yemen War Reaches ‘Shameful Milestone’: 10,000 Children now Killed or Maimed*, 19 October 2021, <https://shar.es/aWjRQk>.

<sup>120</sup> “Just over 2 million school-age girls and boys in Yemen are now out of school because of poverty, conflict and lack of educational opportunities. This is more than twice the number in 2015, when 890,000 children were not in classrooms. Of the children who are not attending school, more than 400,000 have been pushed out of school directly by the war, which has also seen 2,5075 schools damaged, used as shelter by internally displaced people or occupied by armed groups.” An additional four million children are estimated to be at risk of dropping out of school because two-thirds of the teachers, like many other public sector employees, have not been paid regularly since 2016 and may quit their jobs to find another income; UNICEF, *Education Disrupted: Impact of the Conflict on Children’s Education in Yemen*, July 2021, <https://uni.cf/3Ej5iyY>, p. 6. “Girls are especially vulnerable to dropping out of school for financial and safety reasons, which increases the likelihood of early marriage, abuse, and exploitation”; HRW, *Submission to the Committee on the Elimination of Discrimination Against Women on Yemen*, 7 February 2020, <https://bit.ly/2XCszv6>. The lack of birth certificates has been reported to be another obstacle for many children: “Limited access to school and other services is compounded by lack of birth certificates. Around one million children in Yemen need birth certificates per year. Children’s access to birth certificates remains limited due to lack of awareness, bureaucratic procedures and conflict, especially for children in IDP sites”; Global Protection Cluster, *Yemen Protection Brief*, January 2021, [www.ecoi.net/en/document/2045161.html](http://www.ecoi.net/en/document/2045161.html), p. 4.

<sup>121</sup> “In Yemen, over 3,600 children were recruited to armed forces and armed groups between March 2015 and February 2021. In 2013, 17 per cent of Yemen’s children between the ages of 5 and 17 – 1.3 million in total – were engaged in child labour. Today, it is likely that there are many more due to Yemen’s economic collapse”; UNICEF, *Education Disrupted: Impact of the Conflict on Children’s Education in Yemen*, July 2021, <https://uni.cf/3Ej5iyY>, p. 12. On child recruitment, see also above para. 13.

<sup>122</sup> The Houthis “have imposed courses conforming to the Houthi leader’s extremist, sectarian, political outlook and moulded the curriculum around their ideology. This aims to create ideal conditions for indoctrination and recruitment among the youth”; The Euro-Gulf Information Centre, *The Houthis and the Hijacking of Yemen’s Education Sector*, 9 February 2021, <https://bit.ly/39wnUxn>. “(...) the Group [of Eminent Experts] found that the Houthis had used the education system to indoctrinate students on Houthi ideology, incite violence and recruit children in 34 schools across six governorates (Amran, Dhamar, Raymah, Sa’ada, Sana’a and Ta’izz)”; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 28 September 2020, [www.ecoi.net/en/document/2037637.html](http://www.ecoi.net/en/document/2037637.html), para. 78. See also, The Telegraph, *Houthi Indoctrinating Children in Yemen ‘with Violent, Anti-Semitic and Extremist Material’*, 15 April 2021, <https://bit.ly/3EJxHyz>.

<sup>123</sup> “Schools are also frequently occupied and used for military and combat purposes; such as military barracks, detention centers, harboring fighters and their supply stores, or as centers for mobilization and preparation”; Mwatana for Human Rights, *Human Rights in Yemen in 2020*, 29 September 2021, <https://bit.ly/2WEPgym>, p. 88. See also, UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 65; UN Security Council, *Children and Armed Conflict in Yemen*, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html), paras 36-38; UNICEF, *UNICEF Yemen Humanitarian Situation Report: 1 January to 30 June 2021*, 13 August 2021, <https://bit.ly/3CFyizt>, p. 3; The Euro-Gulf Information Centre, *The Houthis and the Hijacking of Yemen’s Education Sector*, 9 February 2021, <https://bit.ly/39wnUxn>.

<sup>124</sup> IRC, *Over 100% Price Increase in Staple Food Contributes to Dire Humanitarian Need as Yemen Enters 7<sup>th</sup> Year of War, Says IRC*, 26 March 2021, <https://bit.ly/3lqaoRs>. “Acute malnutrition among young children and mothers in Yemen has increased with each passing year of conflict and worsened significantly in 2020”; CARE, DRC et al., *INGO Briefing for the UNGA: The Humanitarian Situation in Yemen after Seven Years of Conflict*, 14 September 2021, <https://bit.ly/3EwE8oh>, p. 4. “Already, more than 2.25 million children aged below 5 years and over a million pregnant and breastfeeding women are projected to suffer from acute malnutrition this year [2021]”; OCHA, *Yemen Humanitarian Update: Issue 8 / August 2021*, 5 September 2021, <https://bit.ly/2VJVZxk>, p. 8. “Close to 2.3 million children under 5 years – 2 out of every 5 children of that age in Yemen – are now at risk of acute malnutrition, including about 400,000 at risk of severe acute malnutrition. Nearly 1 in 2 children under 5 is stunted, a situation that has not changed since 2011”; UNICEF, *Education Disrupted: Impact of the Conflict on Children’s Education in Yemen*, July 2021, <https://uni.cf/3Ej5iyY>, p. 13. “Many children are surviving on bread and water with devastating impacts on their health, worsening an ongoing hunger and malnutrition crisis and stunting their physical and mental development, with some desperate parents selling their family gold to pay for medical care”; Save the Children, *Price Hikes and Currency Freefall Push Yemen’s Children Further into Hunger*, 16 August 2021, <https://bit.ly/3AvRkhi>.

<sup>125</sup> Henrietta Fore further said: “Being a child in Yemen is the stuff of nightmares”; UNICEF, *Remarks on the Situation in Yemen by UNICEF Executive Director Henrietta Fore at the 8840<sup>th</sup> Meeting of the UN Security Council*, 23 August 2021, <https://shar.es/aWG16k>.

<sup>126</sup> “Years of conflict marked by serious violations is believed to have significantly affected the psychological wellbeing of children. Almost one third of children in Yemen exhibit signs of psychological distress. (...) Suicide attempts have been reported among children and caregivers especially in areas affected by conflict and as a result of lack of livelihood opportunities”; Global Protection Cluster, *Yemen Protection Brief*, January 2021, [www.ecoi.net/en/document/2045161.html](http://www.ecoi.net/en/document/2045161.html), p. 4. A report by Save the Children “suggests that there is a mental health crisis among children in war-torn Yemen.” It found that 55% of children in Yemen are sad or depressed, 19% of children are always fearful, and 79% of school-aged children in Sana’a report symptoms of posttraumatic stress disorder; Save the Children, *Five Years of Fear and Loss: The Devastating Impact of War on the Mental Health of Yemen’s Children*, 24 March 2020, <https://bit.ly/3zqy5OB>.

situation and resulting in additional displacement.<sup>127</sup>

21. Humanitarian access continues to be restricted as a result of insecurity, bureaucracy, and deliberate obstruction by parties to the conflict.<sup>128</sup> Humanitarian workers are also at risk of violent incidents, including threats, arbitrary arrest, detention and in some cases killing at the hands of parties to the conflict.<sup>129</sup>
22. At the time of writing, the Yemen Humanitarian Response Plan had received only 54.5 per cent of its total budget requirements,<sup>130</sup> and aid programmes are at risk due to funding shortfalls.<sup>131</sup>

## Internal Displacement

23. Yemen is the fourth-largest conflict-driven internal displacement crisis in the world.<sup>132</sup> As of 31 December 2020, there were over four million internally displaced persons (IDPs),<sup>133</sup> many of whom have been displaced multiple times<sup>134</sup> and all of whom are in urgent need of humanitarian assistance.<sup>135</sup>

<sup>127</sup> "Starting in late July [2021] and continuing into early August, torrential rains and widespread flooding hit Yemen for the second time this year. Floods damaged public infrastructure, homes and shelters and reportedly caused multiple deaths and injuries. Damage to private property and other structures – including sites hosting internally displaced persons (IDPs), houses, farms, roads, power networks and sewage systems – was reported in one-third of Yemen's districts – 101 districts – and across 18 governorates. Overall, it is estimated that 34,383 families (about 240,681 individuals) were affected, 10,412 of whom need urgent assistance"; OCHA, *Yemen Humanitarian Update: Issue 8 / August 2021*, 5 September 2021, <https://bit.ly/2VJVZxk>, p. 4. "An estimated 300,000 people in Yemen have lost their homes, crops, livestock and personal belongings in the last three months due to torrential rains and severe flash floods. Amongst the newly displaced are people who were previously forced to flee their homes by the conflict. (...) The most badly-hit areas include Marib, Amran, Hajjah, Al Hudaydah, Taizz, Lahj, Aden and Abyan governorates where floods have killed at least 148 people in the last two months alone"; UNHCR, *300,000 People Lose Homes, Incomes, Food Supplies and Belongings due to Catastrophic Flooding in Yemen*, 21 August 2020, <https://bit.ly/3zLFucl>. See also, AFP, *One Dead as Rain, Floods Hit South Yemen City*, 7 October 2021, <https://bit.ly/2YCtlfZ>.

<sup>128</sup> "Several cities in Yemen remain under siege or are impacted by blockades. Restrictions by parties on freedom of movement and the siege-like warfare used by the Houthis around the city of Ta'izz since August 2015 and in Hajjah since the end of 2018 have significantly impeded humanitarian access and aid delivery. Cumbersome and overly restrictive bureaucratic measures imposed by parties have delayed relief operations and programmes"; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 32. "Human Rights Watch has documented severe restrictions by the Houthi authorities, the Yemeni government and affiliated forces, and the UAE-backed STC on the delivery of desperately needed humanitarian aid"; HRW, *Yemen: Key Human Rights Concerns for UN Envoy*, 12 September 2021, <https://bit.ly/2ZbGpFr>. "Access remains extremely challenging in Yemen as a result of insecurity, bureaucratic impediments, and COVID-19 restrictions"; ACAPS, *Humanitarian Access Overview*, July 2021, [www.ecoi.net/en/document/2056817.html](http://www.ecoi.net/en/document/2056817.html), p. 9. "The parties to the conflict impeded the flow of life-saving goods, including food, medicine and fuel, and Houthi forces continued to impose arbitrary restrictions on humanitarian aid agencies"; Amnesty International, *The State of the World's Human Rights: Yemen 2020*, April 2021, [www.ecoi.net/en/document/2048793.html](http://www.ecoi.net/en/document/2048793.html). See also, UN Security Council, *Children and Armed Conflict in Yemen*, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html), paras 46-51; Mwatana for Human Rights, *Civilians in Yemen Remain Stuck Between the Warring Parties and Waiting for Justice*, 28 March 2021, <https://bit.ly/3tUllgY>; HRW, *Deadly Consequences: Obstruction of Aid in Yemen During Covid-19*, 14 September 2020, [www.ecoi.net/en/document/2037607.html](http://www.ecoi.net/en/document/2037607.html).

<sup>129</sup> UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 32. "(...) the United Nations Department of Safety and Security (UNDSS) has recorded some 100 incidents of violence and insecurity impacting humanitarian personnel, assets and facilities since January 2020. Seventy-one of these occurred last year, and a further 29 were in the first seven months of 2021. Most – 62 incidents – pertained to physical assault, detention, intimidation and other forms of mistreatment of humanitarian personnel, while the remaining 38 incidents involved humanitarian assets and facilities"; OCHA, *Yemen Humanitarian Update: Issue 8 / August 2021*, 5 September 2021, <https://bit.ly/2VJVZxk>, p. 7. "Houthi forces have closed or raided NGO offices and detained workers (...); Freedom House, *Freedom in the World 2021: Yemen*, 3 March 2021, [www.ecoi.net/en/document/2052879.html](http://www.ecoi.net/en/document/2052879.html). See also, UN Security Council, *Children and Armed Conflict in Yemen*, 27 August 2021, [www.ecoi.net/en/document/2061538.html](http://www.ecoi.net/en/document/2061538.html), para. 50.

<sup>130</sup> As at 23 October 2021, US\$ 2.1 billion out of a total of US\$ 3.85 billion has been received. Several sectors such as health, shelter and non-food items, water, sanitation, and protection remain critically underfunded; Financial Tracking Service (FTS), *Yemen Humanitarian Response Plan 2021*, accessed 23 October 2021, <https://fts.unocha.org/appeals/1024/summary>; OCHA, *Yemen Humanitarian Update: Issue 9 / September 2021*, 3 October 2021, <https://bit.ly/3Ab4nx8>, pp. 9-10.

<sup>131</sup> "(...) several sectors still face grave funding gaps, including health, shelter, and water, sanitation and hygiene. Without additional funding, critical life-saving programmes – including food assistance – will be reduced or closed down as soon as next month"; OCHA, *Daily Noon Briefing Highlights: Yemen*, 16 September 2021, <https://bit.ly/39mHxYL>. See also, Associated Press, *UN: In War, 16 Million Yemenis 'Marching' Toward Starvation*, 23 September 2021, <https://bit.ly/3ClYyxD>; IRC, *Millions of Lives at Stake as a Result of Yemen HRP Underfunding*, Warns IRC ahead of UNGA High-Level Meeting, 21 September 2021, <https://bit.ly/2Zk9f6A>.

<sup>132</sup> UNHCR, *Yemen Fact Sheet: September 2021*, 30 September 2021, <https://bit.ly/3ot0TEf>, p. 1. For example: "Over the course of the conflict, [Marib's] population has grown from around 30,000 people to almost two million due to the influx of internally displaced persons (IDPs) from other governorates"; ACLED, *Mid-Year Update: 10 Conflicts to Worry about in 2021*, August 2020, [www.ecoi.net/en/document/2057666.html](http://www.ecoi.net/en/document/2057666.html).

<sup>133</sup> OCHA, *2020 Humanitarian Needs Overview: Yemen*, February 2021, [www.ecoi.net/en/document/2045902.html](http://www.ecoi.net/en/document/2045902.html), p. 14.

<sup>134</sup> UN News, *WFP Scales Up Support in Yemen but Fears Response Could Be Hampered*, 24 May 2021, <https://shar.es/aWGpmx>; OCHA, *2020 Humanitarian Needs Overview: Yemen*, February 2021, [www.ecoi.net/en/document/2045902.html](http://www.ecoi.net/en/document/2045902.html), p. 20.

<sup>135</sup> UNHCR, *Yemen Fact Sheet: September 2021*, 30 September 2021, <https://bit.ly/3ot0TEf>, p. 2. UNHCR assessments revealed that IDPs are becoming increasingly vulnerable: "So far in 2021, UNHCR has assessed almost 150,000 households, out of which, 92% report having at least one family member with a vulnerability, including 23% children at risk (unaccompanied and separated children, out-of-school children, child labour and children exposed to neglect, abuse and exploitation), mirroring findings reported by the child protection actors; 43% women at risk, including women heading households (one out of five) and single women with no community support; and, 25% older persons living alone with no community support. In addition, 32% of households reported having persons with various protection needs such as psychological distress, fear of arrest or

As at September 2021, nearly 1.2 million IDPs lived across 1,800 makeshift sites mostly in Hajja, Hodeida and Marib governorates. Only 20 per cent of these sites were supported by humanitarian actors due to the prevailing insecurity near active frontlines and lack of funding.<sup>136</sup> Nearly 2.6 million IDPs in Yemen are “a step away from famine.”<sup>137</sup> Between January and mid-October 2021, some 79,000 persons have been newly displaced at least once as a result of escalating conflict,<sup>138</sup> and further displacements are likely in the near future.<sup>139</sup>

## Situation of Foreign Nationals (Including Asylum-Seekers, Refugees and Migrants)

24. Yemen hosts over 140,000 refugees and asylum-seekers from mainly Somalia, as well as Ethiopia, Syria, Iraq, Eritrea, the State of Palestine, Sudan and other countries.<sup>140</sup> The combination of conflict and the COVID-19 pandemic has resulted in a significant reduction of new arrivals, including refugees

detention and situations of violence involving women and girls”; UNHCR, *Yemen: UNHCR Operational Update, Covering the Period 12 - 21 October 2021*, 21 October 2021, <https://bit.ly/3Eew6zL>, p. 1. “Many are unable to return, forced into secondary or even tertiary, long-term displacement and without access to livelihoods opportunities and support networks. Even when the conflict ends, the long-term impacts of damage to hospitals, schools, businesses, power plants, and water infrastructure, will prevent people from returning back home. The fragmentation of communities also negatively impacts social cohesion, limiting the ability for communities to rebuild and recover in the long term”; CARE, DRC et al., *INGO Briefing for the UNGA: The Humanitarian Situation in Yemen after Seven Years of Conflict*, 14 September 2021, <https://bit.ly/3EwE8oh>, p. 2. “[In Marib], more than 33,500 displaced families (190,000 individuals) are residing in 150 sites hosting internally displaced persons (IDPs). Due to the insecurity and lack of funding, only 21 per cent of these IDPs are reached by humanitarian organizations. IDP sites have been heavily impacted by armed violence, particularly in the first three months of the year, with frontlines pushing rapidly towards Marib City”; UNHCR, *Humanitarian and Displacement Situation in Marib Governorate, Yemen*, 16 August 2021, <https://bit.ly/3EwNvnX>, pp. 1-2, see also pp. 3-4.

<sup>136</sup> UNHCR, *Yemen Fact Sheet: September 2021*, 30 September 2021, <https://bit.ly/3ot0TEf>, p. 2; CCCM Cluster, *IDP Hosting Sites Overview (July 2021)*, 9 August 2021, <https://bit.ly/3mptA26>; REACH, *Improving Living Conditions of Displaced Families in Yemen: Mapping Service Gaps to Enhance Response to the Needs and Vulnerabilities of IDP Communities*, 24 June 2021, <https://bit.ly/3l7tEEj>. “Millions of displaced Yemenis have settled in over 1,811 hosting sites in spontaneous, unplanned camps across the country. Others are crowded into unsuitable public properties such as schools, or in buildings without doors, roofs, running water, or toilets. Others have settled on empty tracts of land, meaning they are not linked to water or sanitation networks and are highly vulnerable to eviction”; Norwegian Refugee Council (NRC), *NRC in Yemen*, accessed 15 October 2021, <https://bit.ly/3iw5VvU>. In Marib governorate, “[S]ettlements hosting nearly 190,000 people are now beyond capacity, and conditions are ‘deplorable’. (...) Shelters are inadequate, and many have been further damaged by recent floods and fire incidents due to open-fire cooking. (...) Scores of displaced families have been forced to build their own accommodation using old blankets and plastic sheeting, due to scarce resources from humanitarian partners. Clean water, latrines, electricity, and health facilities are in short supply.” Furthermore, “fear of eviction is also high amongst displaced people, with nine in 10 of the settlements built on private land and without occupancy agreements”; UN News, *Shelter Needs Soar for Displaced in Yemen’s Marib Region*, 24 August 2021, <https://bit.ly/2Z8g1fv>. See also, UNHCR, *Yemen: UNHCR Operational Update, Covering the Period 12 - 21 October 2021*, 21 October 2021, <https://bit.ly/3Eew6zL>, p. 1.

<sup>137</sup> UNHCR, *Displaced Yemenis Flee Clashes, Face Imminent Risk of Hunger*, 26 February 2021, [www.ecoi.net/en/document/2046413.html](http://www.ecoi.net/en/document/2046413.html). IDPs are reported to be four times more at risk of falling into hunger than other Yemenis; UNHCR, *Yemen Fact Sheet: September 2021*, 30 September 2021, <https://bit.ly/3ot0TEf>, p. 2.

<sup>138</sup> International Organization for Migration (IOM), *Yemen: Rapid Displacement Tracking Update (10 - 16 October 2021)*, 18 October 2021, <https://bit.ly/3E9H612>. “The recent military re-escalation in Marib, Al Bayda, Shabwah, and expansion to parts of Abyan has forced more households to flee their homes and has left many more at risk of losing their livelihoods and sources of income”; FEWS NET, *Protests Intensify in the South due to Further Sharp Depreciation of Currency and Food Price Increases*, 6 October 2021, <https://bit.ly/3FjvsBL>, p. 1. “The rate of displacement in the first half of 2021 notably worsened, as more than 20,000 families (140,000 individuals) were newly displaced or left their location of displacement towards a safer destination. The highest numbers of displacements were linked to tensions resulting from conflict that were observed in 49 active frontlines across Marib, Hajja, Taizz, Al Hudaydah, Al Jawf, Lahj and Al Dhale’e”; UNICEF, *Yemen Country Office Humanitarian Situation Report Mid-Year (Reporting Period: 1 January 2021 - 30 June 2021)*, 24 August 2021, <https://bit.ly/3nQsS0e>, p. 1. In 2020, over 170,000 individuals were newly displaced across 13 governorates, 118 districts and over 1,249 locations in Yemen, mainly as a result of conflict. Most of these new displacements were reported in Marib Governorate followed by Hodeidah and Al Dhale’e governorates; IOM, *Yemen: Rapid Displacement Tracking – Annual Report 2020*, 21 May 2021, <https://bit.ly/3nQWBGj>, p. 1. For updated displacement figures, see also weekly Rapid Displacement Tracking reports by IOM, available at: <https://dtm.iom.int/yemen>. IOM displacement tracking does however not cover all areas in the North of Yemen, including those seeing new displacement. On displacements as a result of floods, see also footnote 127.

<sup>139</sup> “The threat of displacement and destruction of civilian infrastructure shows no sign of abating, as some 1.5 million IDPs in Ma’arib and 500,000 host community members are currently at risk of violence and (secondary) displacement should hostilities escalate”; CARE, DRC et al., *INGO Briefing for the UNGA: The Humanitarian Situation in Yemen after Seven Years of Conflict*, 14 September 2021, <https://bit.ly/3EwE8oh>, p. 2. “With the peace process not fully implemented in 2020, an increase in the number of conflict frontlines and thus new displacement is expected in 2021, with the number of people expected to be displaced at some 200,000 new IDPs”; UNHCR, *UNHCR Yemen 2021 Country Operational Plan*, 4 April 2021, <https://bit.ly/2XwufpS>, p. 3.

<sup>140</sup> For updated figures and geographic distribution of refugees, see UNHCR, *Operational Data Portal: Yemen*, <https://data2.unhcr.org/en/country/yem>. Registration activities are ongoing in areas under the control of the IRG, carried out by the Immigration Passport and Naturalization Authority (IPNA) and UNHCR. In areas under the responsibility of the DFA, the registration process was suspended between August 2019 and February 2021, leaving asylum-seekers and refugees with no or with expired documentation, which in turn restricted their access to services and exposed them to a higher risk of detention for irregular presence, trafficking and exploitation. Starting in March 2021, the Bureau for Refugee Affairs (BRA) restarted a process of renewal of documentation (ID cards and certificates) for refugees and asylum-seekers. This process does not yet include the issuance of documentation to children born to registered refugees and asylum-seekers since the suspension of the registration process in August 2019. Furthermore, BRA has not yet resumed the registration of new asylum-seekers. At the time of writing, UNHCR was in the process of finalizing a review exercise that started in 2020; the actual number of refugees and asylum-seekers remaining in Yemen was expected to be significantly lower as many have either returned or moved on to third countries, including due to the difficult living conditions in Yemen; UNHCR, October 2021.

and asylum-seekers.<sup>141</sup> Notwithstanding the risks and although at a lower rate than in previous years, asylum-seekers, refugees and migrants continue to arrive in Yemen from the Horn of Africa, often in unseaworthy, overcrowded boats.<sup>142</sup> Most intend to move onwards to Gulf countries, however, many have been stranded in Yemen due to COVID-19-related movement restrictions and border closures.<sup>143</sup> In Yemen, they risk being caught up in the fighting, or subjected to physical attacks, abduction for ransom, unlawful deprivation of liberty and arbitrary detention, torture, sexual violence, sex trafficking and forced labour,<sup>144</sup> as well as forced movements across active frontlines.<sup>145</sup>

## Access to the Territory and International Protection

25. As the situation in Yemen remains fluid and uncertain, UNHCR calls on all countries to allow civilians fleeing Yemen access to their territories and to ensure respect for the principle of non-refoulement at all times.
26. All claims for international protection need to be considered on their own merits according to fair and efficient status determination procedures and up-to-date and relevant country of origin information.

<sup>141</sup> UNHCR, *UNHCR Yemen 2021 Country Operational Plan*, 4 April 2021, <https://bit.ly/2XwufpS>, p. 3.

<sup>142</sup> Between January and September 2021, IOM estimates that over 16,000 third-country nationals, mostly Ethiopians, arrived in Yemen. This compares to 37,500 arrivals in 2020 and over 138,000 in 2019; IOM, *Non-Yemeni Migrant Arrivals and Yemeni Returnees in September 2021*, 7 October 2021, <https://bit.ly/3BuMon4>; IOM, *Yemen: Annual Report 2020*, 8 April 2021, <https://bit.ly/3zJCCf9>, p. 14. "This journey is dangerous, and incidents of capsizing boats are frequently reported. On 14 June 2021, media reported a boat originating from Djibouti sunk with upwards of 200 Ethiopian migrants in the Bab-alMandab strait"; IOM, *Yemen: Quarterly Migration Overview (April - June 2021)*, 9 August 2021, <https://bit.ly/3i8eVXS>, p. 1. See also BBC, *Yemen: Dozens of Migrants Feared Dead after Boat Sinks*, 14 June 2021, <https://bbc.in/3AJJLSa>. Similarly, third-country nationals are reported to have drowned on their journey back to their countries of origin; Institute for Security Studies, *A Dangerous Road Home for Horn of Africa Migrants*, 25 May 2021, <https://bit.ly/3kDKelo>; IOM, *44 Dead after Smuggler's Boat Capsizes off the Coast of Djibouti*, 13 April 2021, <https://bit.ly/3ESQkzT>.

<sup>143</sup> As at June 2021, "IOM estimates that more than 32,000 migrants are stranded in these major urban hubs (in Aden, Ma'rib, Shabwa, Al Bayda, Sana'a and Sa'dah governorates). A majority are living in dire conditions with extremely limited-to-no access to essential services such as shelter, food, water and health care. Women and children in particular face significant risks, being held in smugglers yards and dens across the country and subject to physical violence and abuses. Others attempt to continue to the north towards exit points in the Sa'dah governorate and face increased risk of arrest and transfer to the south"; IOM, *Yemen: Quarterly Migration Overview (April - June 2021)*, 9 August 2021, <https://bit.ly/3i8eVXS>, p. 1. "(...) as Yemen is generally a transit point for migrants traveling to the Gulf for economic opportunity, restrictions, border closures, and bans on international flights stranded thousands of migrants for several months in dire living conditions and with minimal access to assistance and support"; US Department of State, *2021 Trafficking in Persons Report: Yemen*, 1 July 2021, [www.ecoi.net/en/document/2055311.html](http://www.ecoi.net/en/document/2055311.html). Women from the Horn of Africa are also reported to be trafficked to Saudi-Arabia via Yemen, exposing them to "abuse, rape, and torture at the hands of smugglers and traffickers in Yemen"; HRW, *World Report 2021: Yemen*, 13 January 2021, [www.ecoi.net/en/document/2043744.html](http://www.ecoi.net/en/document/2043744.html).

<sup>144</sup> "(...) there was an increase in reports of migrants subjected to sex trafficking, forced labor, physical and sexual abuse, and abduction for ransom. Additionally, due to a significant decrease in migrants transiting through Yemen, an international organization reported that traffickers were increasingly forcing migrant women to work off debts on farms or moving them to cities to work as domestic laborers, subjecting them to debt bondage"; US Department of State, *2021 Trafficking in Persons Report: Yemen*, 1 July 2021, [www.ecoi.net/en/document/2055311.html](http://www.ecoi.net/en/document/2055311.html). "Since 1 February 2021, the de facto authorities have reportedly detained hundreds of migrants, mostly Ethiopian and Somali nationals, holding them for months in overcrowded wards within the Immigration, Passports and Naturalization Authority's so-called 'holding facility' in Sana'a. On 7 March 2021, migrants at the facility were on a hunger strike, protesting their arbitrary detention and the conditions of their detention. A skirmish broke out between the protestors and several Houthi security guards. Migrants were pushed into a hangar-like building and locked up. Houthi anti-riot police arrived at the facility and launched several projectiles, one of which was said to have started a fire in the hangar-like building that was holding over 350 migrants. As a result, at least 46 adult migrant men were killed, and more than 202 others injured"; UN Human Rights Council, *Situation of Human Rights in Yemen, Including Violations and Abuses since September 2014*, 13 September 2021, [www.ecoi.net/en/document/2060340.html](http://www.ecoi.net/en/document/2060340.html), para. 51. "The COVID-19 pandemic worsened the already precarious situation of migrants in Yemen, who faced ongoing discrimination, stigmatization, forcible expulsion and abuse, including sexual violence. Houthi forces detained migrants in poor conditions and denied them access to protection and asylum processes. When the pandemic spread, the Houthi authorities expelled thousands of migrants to Saudi Arabia, where they were detained in life-threatening conditions pending their repatriation"; Amnesty International, *The State of the World's Human Rights: Yemen 2020*, April 2021, [www.ecoi.net/en/document/2048793.html](http://www.ecoi.net/en/document/2048793.html). "Using Covid-19 as a pretext, Houthi forces in April [2020] forcibly expelled thousands of Ethiopian migrants from northern Yemen, killing dozens and forcing them to the Saudi border. Saudi forces fired on the fleeing migrants, killing dozens more, while hundreds of survivors escaped to a mountainous border area until Saudi officials allowed hundreds to enter the country. After the Houthis forcibly expelled the migrants from Saada governorate in northern Yemen, Human Rights Watch reviewed satellite imagery that showed widespread destruction of over 300 tents and houses consistent with witness accounts in the migrant settlement area of al-Ghar"; HRW, *World Report 2021: Yemen*, 13 January 2021, [www.ecoi.net/en/document/2043744.html](http://www.ecoi.net/en/document/2043744.html). "Migrants also faced an increased risk of sexual violence, illegal detention and extortion by smugglers in border areas"; UN Security Council, *Conflict-Related Sexual Violence: Report of the Secretary-General, S/2021/312*, 30 March 2021, [www.ecoi.net/en/document/2049397.html](http://www.ecoi.net/en/document/2049397.html), para. 59. See also, IOM, *Yemen: Quarterly Migration Overview (April - June 2021)*, 9 August 2021, <https://bit.ly/3i8eVXS>, p. 3.

<sup>145</sup> "Forcible deportation and transfer of migrants from northern to southern governorates has continued to increase during the second quarter [of 2021]. Between December 2019 and March 2021, IOM documented at least 23,000 individuals pushed across active frontlines in a systematic campaign to deport migrants out of certain areas. Since April 2021, IOM has received anecdotal information of a further 10,000 moved to southern governorates, as humanitarian actors have observed migrants being transported in cramped trucks and provided with little information about their journey. The systematic campaign of forced deportation and transfer has meant that migrants seeking transit through northern governorates are increasingly prone to arrest, some form of detention and transfer. IOM has also noted that a number of migrants have sought to return to the north once crossing areas of control, creating a circular transit that is exacerbating humanitarian and protection needs"; IOM, *Yemen: Quarterly Migration Overview (April - June 2021)*, 9 August 2021, <https://bit.ly/3i8eVXS>, p. 3.

Persons fleeing Yemen may meet the 1951 Convention criteria for refugee status.<sup>146</sup> UNHCR considers that claims from persons with the following profiles require particular attention: individuals opposing or perceived to be opposing a party to the conflict, including in particular political opponents, journalists and other media professionals, human rights defenders, civil society activists, judicial officials, and academics; members of minority religious groups; women engaged in the public sphere; individuals perceived to be contravening strict Islamic rules; survivors and those at risk of sexual violence, forced and/or child marriage, domestic violence, or “honour crimes”; survivors and those at risk of under-age recruitment; and individuals of (real or perceived) diverse sexual orientations and/or gender identities. This list is not exhaustive.

27. In addition, given the prevailing circumstances of insecurity in Yemen, UNHCR considers that persons fleeing the ongoing conflict in Yemen are likely to be in need of international refugee protection under UNHCR’s broader mandate criteria,<sup>147</sup> or the broader refugee criteria contained in regional refugee instruments, including Article 1(2) of the 1969 OAU Convention<sup>148</sup> and the Cartagena Declaration;<sup>149</sup> or subsidiary protection under Article 15 of the EU Qualification Directive.<sup>150</sup>
28. Depending on the individual profile and circumstances of the case, exclusion considerations may arise in claims by asylum-seekers from Yemen.<sup>151</sup>
29. Given the volatility of the situation, the fragmentation of control combined with the plethora of armed groups, the massive destruction and damage to homes, critical infrastructure and agricultural lands, as well as the dire humanitarian conditions, UNHCR considers that in the current circumstances the relevance and reasonableness criteria for an internal flight or relocation alternative (IFA/IRA) are unlikely to be met.<sup>152</sup>

<sup>146</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, UN Treaty Series, Vol. 189, [www.refworld.org/docid/3be01b964.html](http://www.refworld.org/docid/3be01b964.html), p. 137, and UN General Assembly, *Protocol Relating to the Status of Refugees*, 31 January 1967, UN Treaty Series, Vol. 606, [www.refworld.org/docid/3ae6b3ae4.html](http://www.refworld.org/docid/3ae6b3ae4.html), p. 267. For guidance on the application of the 1951 refugee definition to situations of conflict and violence, see: UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, HCR/GIP/16/12, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html).

<sup>147</sup> UNHCR’s mandate encompasses individuals who meet the refugee criteria under the 1951 Convention and its 1967 Protocol, but has been broadened through successive UN General Assembly and ECOSOC resolutions to a variety of other situations of forced displacement resulting from indiscriminate violence or public disorder. In light of this evolution, UNHCR’s competence to provide international protection to refugees extends to individuals who are outside their country of origin or habitual residence and who are unable or unwilling to return there owing to serious threats to life, physical integrity or freedom resulting from generalized violence or events seriously disturbing public order. UNHCR, *Providing International Protection Including Through Complementary Forms of Protection*, 2 June 2005, EC/55/SC/CRP.16, [www.refworld.org/docid/47fd49d.html](http://www.refworld.org/docid/47fd49d.html); UN General Assembly, *Note on International Protection*, 7 September 1994, A/AC.96/830, [www.refworld.org/docid/3f0a935f2.html](http://www.refworld.org/docid/3f0a935f2.html). See for example UNHCR, *MM (Iran) v. Secretary of State for the Home Department: Written Submission on Behalf of the United Nations High Commissioner for Refugees*, 3 August 2010, C5/2009/2479, [www.refworld.org/docid/4c6aa7db2.html](http://www.refworld.org/docid/4c6aa7db2.html), para. 10.

<sup>148</sup> Organization of African Unity, *Convention Governing the Specific Aspects of Refugee Problems in Africa* (“OAU Convention”), 10 September 1969, 1001 UN Treaty Series, Vol. 45, [www.refworld.org/docid/3ae6b36018.html](http://www.refworld.org/docid/3ae6b36018.html).

<sup>149</sup> Cartagena Declaration on Refugees, *Colloquium on the International Protection of Refugees in Central America, Mexico and Panama*, 22 November 1984, [www.refworld.org/docid/3ae6b36ec.html](http://www.refworld.org/docid/3ae6b36ec.html), Section III.3. Although the Cartagena Declaration is included in a nonbinding regional instrument, the Cartagena refugee definition has attained a particular standing in the region, not least through its incorporation into 15 national laws and State practice. For guidance on the interpretation of the refugee definition in the Cartagena Declaration, see: UNHCR, *Guidelines on International Protection No. 12: Claims for Refugee Status Related to Situations of Armed Conflict and Violence under Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees and the Regional Refugee Definitions*, 2 December 2016, HCR/GIP/16/12, [www.refworld.org/docid/583595ff4.html](http://www.refworld.org/docid/583595ff4.html), paras 61-85.

<sup>150</sup> European Union, *Directive 2011/95/EU of the European Parliament and of the Council on Standards for the Qualification of Third-Country Nationals or Stateless Persons as Beneficiaries of International Protection, for a Uniform Status for Refugees or for Persons Eligible for Subsidiary Protection, and for the Content of the Protection Granted (recast)*, 13 December 2011, [www.refworld.org/docid/4f197df02.html](http://www.refworld.org/docid/4f197df02.html), arts 2(f), 15.

<sup>151</sup> UNHCR, *Guidelines on International Protection No. 5: Application of the Exclusion Clauses: Article 1F of the 1951 Convention Relating to the Status of Refugees*, 4 September 2003, CR/GIP/03/05, [www.unhcr.org/refworld/docid/3f5857684.html](http://www.unhcr.org/refworld/docid/3f5857684.html).

<sup>152</sup> The decision-maker bears the burden of proof of establishing that an analysis of relocation is relevant to the particular case. If considered relevant, it is up to the party asserting this to identify the proposed area of relocation and provide evidence establishing that it is a reasonable alternative for the individual concerned. See: UNHCR, *Guidelines on International Protection No. 4: Internal Flight or Relocation Alternative Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, [www.refworld.org/pdfid/3f2791a44.pdf](http://www.refworld.org/pdfid/3f2791a44.pdf), paras 33-35. For an IFA/IRA to be relevant, the proposed area of relocation must be practically, safely and legally accessible. Further, where the claimant has a well-founded fear of persecution at the hands of the State and its agents, there is a presumption that consideration of an IFA/IRA is not “relevant” for areas under the control of the State. If the applicant fears persecution by a non-state agent of persecution, the ability to pursue the claimant in the proposed area and the State’s ability to provide protection there must be considered, see paras 9-21. UNHCR considers that a similar analysis would apply when the applicability of IFA is considered in the context of determining eligibility for subsidiary protection.



## UNHCR Position on Returns

30. UNHCR continues to call on States not to forcibly return Yemeni nationals and former habitual residents of Yemen to any part of the country. The suspension of forcible returns of Yemeni nationals and former habitual residents to Yemen should not replace international protection for persons found to meet the criteria for refugee status under the 1951 Convention or the broader refugee criteria as contained in relevant regional instruments, or complementary forms of protection.
31. The bar on forcible return serves as a minimum standard and needs to remain in place until such time as the security, rule of law, and the human rights situation in Yemen has significantly improved to permit a safe and dignified return of those determined not to be in need of international protection.
32. UNHCR's position will be reviewed as the situation evolves and will be updated as necessary.

UNHCR  
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