



OHCHR

Office of the United Nations High Commissioner for
Human Rights

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UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER



Background Guide

Agenda: Discussing the Need for Humanitarian Assistance and Identifying Human Rights Violations in the Yemen Crisis

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Letter from the Executive Board

Greetings Delegates,

Welcome to the first edition of SNISMUN! It is our pleasure to have you in the Office of the High Commissioner for Human Rights to deliberate on issues primarily related to upholding the fundamental human rights every individual deserves.

The crisis in Yemen is the largest humanitarian crisis in the world, with more than 24 million people, some 80 per cent of the population, in need of humanitarian assistance. Over the years, the conflict in Yemen has considerably worsened with its already fragile economy now in a much grave condition and an ongoing famine. With COVID-19 now spreading rapidly, Yemen is facing an emergency within an emergency.

Hence, we call upon the delegates of the OHCHR to work towards the issues and take actions that emphasise the importance to curb the human rights violations of the millions of innocent lives caught in an armed conflict. We expect the delegates to come to a consensus by diplomatically deliberating on this issue and bring up pragmatic approaches for the same. Please note delegates that your foreign policies come into play significantly and hence strictly stick to your stance and policies throughout the conference. Also, this background guide is merely a brief on the whole agenda and acts as the base for individual research. Everything detailed and credible is expected from the side of the delegates, as we hope to hear rational debate from all. We look forward to hosting you all on 17th and 18th July 2020!

Regards

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About OHCHR

The Office of the High Commissioner for Human Rights (UN Human Rights) is the leading UN entity on human rights. The General Assembly entrusted both the High Commissioner and her Office with a unique mandate to promote and protect all human rights for all people. The United Nations human rights programme aims to ensure that the protection and enjoyment of human rights is a reality in the lives of all people. UN Human Rights also plays a crucial role in safeguarding the integrity of the three interconnected pillars of the United Nations – peace and security, human rights and development.

UN Human Rights provides assistance in the form of technical expertise and capacity-development in order to support the implementation of international human rights standards on the ground. It assists governments, which bear the primary responsibility for the protection of human rights, to fulfil their obligations and supports individuals to claim their rights. Moreover, it speaks out objectively on human rights violations. The High Commissioner for Human Rights is the principal human rights official of the United Nations. The High Commissioner heads OHCHR and spearheads the United Nations' human rights efforts.

Mandate

The Office of the High Commissioner for Human Rights (OHCHR) is mandated to promote and protect the enjoyment and full realization, by all people, of all rights established in the Charter of the United Nations and international human rights laws and treaties. OHCHR is guided in its work by the mandate provided by the General Assembly in resolution 48/141, the Charter of the United Nations, the Universal Declaration of Human Rights and subsequent human rights instruments, the Vienna Declaration

and Programme of Action the 1993 World Conference on Human Rights, and the 2005 World Summit Outcome Document.

The mandate includes preventing human rights violations, securing respect for all human rights, promoting international cooperation to protect human rights, coordinating related activities throughout the United Nations, and strengthening and streamlining the United Nations system in the field of human rights. In addition to its mandated responsibilities, the Office leads efforts to integrate a human rights approach within all work carried out by United Nations agencies.

Operationally, OHCHR works with governments, legislatures, courts, national institutions, civil society, regional and international organizations, and the United Nations system to develop and strengthen capacity, particularly at the national level, for the protection of human rights in accordance with international norms.

Institutionally, OHCHR is committed to strengthening the United Nations human rights programme and to providing it with the highest quality support. OHCHR is committed to working closely with its United Nations partners to ensure that human rights form the bedrock of the work of the United Nations.

Yemen Crisis - Introduction

The conflict has its roots in the failure of a political transition supposed to bring stability to Yemen following an Arab Spring uprising that forced its longtime authoritarian president, Ali Abdullah Saleh, to hand over power to his deputy, Abdrabbuh Mansour Hadi, in 2011. As president Mr Hadi struggled to deal with a variety of problems, including attacks by jihadists, a separatist movement in the south, the continuing loyalty of security personnel to Saleh, as well as corruption, unemployment and food insecurity, the state of the country further deteriorated.

The Houthi movement (known formally as Ansar Allah), which champions Yemen's Zaidi Shia Muslim minority and fought a series of rebellions against Saleh during the previous decade, took advantage of the new president's weakness by taking control of their northern heartland of Saada province and neighbouring areas. Disillusioned with the transition, many ordinary Yemenis - including Sunnis - supported the Houthis, and in late 2014 and early 2015 the rebels gradually took over the capital Sanaa.

The Houthis and security forces loyal to Saleh - who was thought to have backed his erstwhile enemies in a bid to regain power - then attempted to take control of the entire country, forcing Mr Hadi to flee abroad in March 2015. Alarmed by the rise of a group they believed to be backed militarily by regional Shia power Iran, Saudi Arabia and eight other mostly Sunni Arab states began an air campaign aimed at defeating the Houthis, ending Iranian influence in Yemen and restoring Mr Hadi's government. The coalition received logistical and intelligence support from the US, UK and France.

At the start of the war Saudi officials forecast that it would last only a few weeks. But four years of military stalemate have followed. Coalition ground

troops landed in the southern port city of Aden in August 2015 and helped drive the Houthis and their allies out of much of the south over the next few months. The launch of a ballistic missile towards Riyadh in November 2017 prompted the Saudi-led coalition to tighten its blockade of Yemen. The alliance between the Houthis and Ali Abdullah Saleh also collapsed in November 2017 following deadly clashes over control of Sanaa's biggest mosque. Houthi fighters launched an operation to take full control of the capital and Saleh was killed.

In June 2018, the coalition attempted to break the deadlock on the battlefield by launching a major offensive to capture from the Houthis the Red Sea city of Hudaydah, whose port is the principal lifeline for almost two thirds of Yemen's population. The UN warned that the port's destruction would constitute a "tipping point" beyond which it was going to be impossible to avert massive loss of life due to famine.

In July 2019, the United Arab Emirates (UAE), a key ally of Saudi Arabia in the war, facing international criticism of its conduct, announced a withdrawal of its forces from Yemen. In August 2019, clashes occurred between Yemeni government and STC forces, with the UAE carrying out airstrikes in support of the STC. Across the country, civilians suffer from a lack of basic services, a spiraling economic crisis, abusive local security forces, and broken governance, health, education, and judicial systems. In January 2020 there was a sudden escalation in hostilities between the Houthis and coalition-led forces, with fighting on several front lines, missile strikes and air raids. In April 2020, the STC declared self-rule in Aden, breaking a peace deal signed with the internationally recognised government, saying it would govern the port city and southern provinces. Saudi Arabia announced a unilateral ceasefire the same month due to Covid pandemic but the Houthis rejected it, demanding the lifting of air and sea blockades in Sanaa and Hudaydah.

War at the Cost of Human Life

The armed conflict in Yemen has resulted in the largest humanitarian crisis in the world; parties to the conflict have killed and injured thousands of Yemeni civilians. According to the Yemen Data Project, more than 17,500 civilians were killed and injured since 2015, and a quarter of all civilians killed in air raids were women and children. More than 20 million people in Yemen are experiencing food insecurity; 10 million of them are at risk of famine.

Yemen's economy, already fragile prior to the conflict, has been gravely affected. Hundreds of thousands of families no longer have a steady source of income, and many public servants have not received a regular salary in several years. The country's broken economy has worsened the humanitarian crisis. Coalition and Houthi forces have harassed, threatened, and attacked Yemeni activists and journalists. Houthi forces, government-affiliated forces, and the UAE and UAE-backed Yemeni forces have arbitrarily detained and forcibly disappeared scores of people. Houthi forces have taken hostages.

Houthi forces have repeatedly fired artillery indiscriminately into Yemeni cities such as Taizz and Hodeida, as well as launched indiscriminate ballistic missiles into Saudi Arabia, including Riyadh's international airport. Some of these attacks may amount to war crimes. Since September 2014, all parties to the conflict have used child soldiers under 18, including some under the age of 15, according to a 2019 UN Group of Eminent International and Regional Experts on Yemen report in 2019. Houthi forces, the Yemeni government, the UAE, Saudi Arabia, and different UAE and Saudi-backed Yemeni armed groups have arbitrarily detained people, including children, abused detainees and held them in poor conditions, and

abducted or forcibly disappeared people perceived to be political opponents or security threats.

According to a 2015 OHCHR report, Yemen essentially depends on commercial food and fuel imports to meet the basic needs of the population. More than 90 percent of food is imported. At the end of the period under review, approximately 12.3 million people – about half the country's population – suffered to some degree from food insecurity. Furthermore, as much as 80 per cent of the population relies on some form of assistance to maintain access to safe drinking water and sanitation. Severe import restrictions, caused mainly by the naval blockade imposed by the coalition forces during the conflict, have also aggravated the humanitarian situation, resulting in fuel scarcity, which adversely affects the distribution of food and water, as well as the functionality of hospitals.

Yemen is a party to seven of the nine core international human rights treaties and to the two Optional Protocols to the Convention on the Rights of the Child. Despite approval by the Cabinet, the Parliament has yet to approve the ratification of a number of human rights instruments, namely, the International Convention for the Protection of All Persons from Enforced Disappearance, the Rome Statute of the International Criminal Court, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Yemen is a party to all four Geneva Conventions of 12 August 1949 and to Additional Protocols I and II thereto, and to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have

Indiscriminate Effects. Yemen is also bound by customary international law, including customary international humanitarian law and customary international human rights law.

As a State party to the above-mentioned conventions, Yemen is legally bound to respect, protect and fulfil the human rights of those within its jurisdiction. In addition, all parties to the conflict in Yemen, including Saudi Arabia and other members of the coalition, are obliged to respect the applicable rules of international humanitarian law. These include the obligations to respect the principles of distinction and proportionality, and to take all feasible precautions to protect the civilian population. Civilians and civilian objectives are protected from attack. Hospitals, schools and religious sites are also subject to heightened protections, and attacks on them have an impact on peoples' enjoyment of their rights, including to health, education and freedom of religion. Parties to the conflict must also allow and facilitate rapid and unimpeded passage of impartial humanitarian relief for civilians in need. It is important to recall that a situation of armed conflict does not exempt any State from its human rights obligations. While non-State actors cannot formally become parties to international human rights treaties, non-State actors that exercise government-like functions and de facto control over a territory are increasingly considered to be bound by international human rights obligations when their conduct affects the human rights of the individuals under their control.

Progress in setting up accountability and transitional justice mechanisms has been severely hampered by instability and violence. Throughout the period under review, governance and security continues to be affected, a situation compounded by the ongoing denial of social equity and justice, and a lack of basic services. In 2014, the draft law on transitional justice and national reconciliation was further amended to bring it into line with the outcomes of the National Dialogue Conference. The final draft did not,

however, include any provisions on accountability and therefore did not comply with international norms and standards. It sought rather to further strengthen immunities for high officials and to establish a mandate for a transitional justice commission. As the end of the period under review, the draft law had not been adopted.

OHCHR in Yemen

Following the escalation of violence and the evacuation of international personnel from Sana'a, OHCHR was forced to interrupt a number of technical assistance activities, and to shift its focus to monitoring and documenting violations of international human rights law and international humanitarian law. Since establishing its first presence in March 2012, OHCHR Yemen provides technical assistance and support to relevant Government institutions and civil society organizations on matters related to transitional justice, the judiciary sector, civil and political rights, women and children's rights, the rights of the marginalized communities, right to development, economic, social and cultural rights. OHCHR Yemen aims to build and strengthen existing national capacities for the promotion and protection of human rights, in cooperation with other UN agencies and other entities. It has built trust and a strong network with key government institutions and civil society organizations.

OHCHR established a monitoring, documentation and investigation mechanism through the deployment of monitors in conflict-affected areas. In addition, a series of training workshops on monitoring and reporting human rights violations were conducted for the benefit of members of the Protection Cluster and national non-governmental organizations. During the period under review, OHCHR human rights monitoring and documentation formed the basis of its advocacy and by other United

Nations entities regarding alleged violations of international humanitarian law and international human rights law in Yemen.

Furthermore, OHCHR and the United Nations Development Programme (UNDP) facilitated workshops aimed at empowering civil society organizations that had been engaged in data collection relevant for the work of the Land and Dismissals Commissions. OHCHR and UNDP also worked jointly to provide capacity-building to Government officials and civil society across the country in the implementation of the recommendations received by Yemen during the universal periodic review. Government sectors consequently included pertinent review recommendations in their respective operational plans. Moreover, OHCHR and UNDP supported the Government in establishing a national human rights institution. Before the hostilities spread to Sana'a in September 2014, OHCHR was working with the Government on various technical assistance projects, some of which were subsequently postponed owing to security challenges. OHCHR and UNDP has provided technical assistance to the Ministry of Human Rights with a view to developing a national human rights strategy. A document outlining the basis for the strategy was developed in consultation with civil society and relevant government bodies. The strategy describes action to be undertaken by the Government, building upon the outcomes of the National Dialogue Conference and universal periodic review and treaty body recommendations.

The information reported till now by OHCHR in Yemen has continued to monitor the situation closely despite the security-related challenges, and while having to relocate its international staff members to Amman intermittently since May 2014. The stringent security restrictions and the intensification of the conflict have required serious limitations to access to the areas where people have been most affected by the violence. As a result,

it has become a challenge for the OHCHR to verify the vast majority of allegations of human rights violations and abuses or violations of humanitarian law that had been reported in relation to the ongoing conflict.

Conclusion

Millions of Yemenis are hungrier, sicker and more vulnerable for years now, pushing an ever-greater number of people into reliance on humanitarian assistance. Humanitarian needs are most acute in governorates that have been most affected by conflict, including Taizz, Al Hudaydah and Sa'ada governorates. More than 60 per cent of people in these governorates are in acute need of humanitarian assistance. More than a quarter of all children are out of school, and civil servants and pensioners in northern Yemen have not been paid salaries and bursaries for years. Humanitarian partners have been increasingly stretching to fill some of these gaps to ensure continuity of essential services. Humanitarian response is increasingly becoming the only lifeline for millions of Yemenis. Hence, further emphasis on the vulnerability of Yemen and the continuous escalation of conflict, needs to be deliberated upon to take concrete actions to uphold the human rights the millions have been deprived of.

QARMA (Questions A Resolution Must Answer)

1. How can bodies with discretionary jurisdictional powers be set up to tackle issues at a local level?
2. Should Yemen be provided with developmental aid? How can it be ensured that it is not misused by non-state organisations or any authorities?
3. How can Covid-19 be mitigated in such a conflict-affected region?

4. What are some solutions and humanitarian assistance that can be provided to tackle the current famine and scarcity of basic resources?
5. How can humanitarian assistance be provided to Internally Displaced Persons?
6. How are marginalised communities a target of organised crime groups? What are some solutions to tackle organised crime?
7. Suggestions on the steps to avoid conflict escalation due to the possible foreign intervention in the country.