



Economic and Social Council

Distr.: General
23 March 2023

Original: English

Committee on Economic, Social and Cultural Rights

Concluding observations on the third periodic report of Yemen*

1. The Committee considered the third periodic report of Yemen¹ at its 12th, 14th and 17th meetings,² held on 20, 21 and 23 February 2023, and adopted the present concluding observations at its 30th meeting, held on 3 March 2023.³

A. Introduction

2. The Committee welcomes the submission by the State party of the third periodic report and the supplementary information provided in the replies to the list of issues.⁴ The Committee appreciates the constructive dialogue it had with the State party's delegation, which was conducted virtually for exceptional reasons.

B. Positive aspects

3. The Committee welcomes the legislative, institutional and policy measures taken to increase the protection of economic, social and cultural rights in the State party, such as the creation of the National Committee to Combat Human Trafficking, pursuant to Council of Ministers decision No. 46 of 2012, the establishment by presidential decree in 2012 of the National Commission of Inquiry to investigate all allegations of human rights violations that have taken place since 2011 and the measures mentioned in the present concluding observations.

C. Principal subjects of concern and recommendations

Application of the Covenant in the context of armed conflict

4. The Committee is considering the third periodic report on Yemen at a time when the country has been in a situation of armed conflict, which has been escalating since 2015. At the time the report is being considered, Yemen is experiencing the largest humanitarian crisis in the world, with 21.6 million people in need of humanitarian assistance, more than 4 million people displaced, high levels of poverty and food insecurity, and less than half of the health facilities across the country still functioning.

5. The Committee recognizes that the armed conflict hampers effective control by the State party over parts of its territory and that it is thus not in a position to ensure the full implementation of Covenant rights. It reminds the State party, however, that human rights

* Adopted by the Committee at its seventy-third session (13 February–3 March 2023).

¹ [E/C.12/YEM/3](#).

² [E/C.12/2023/SR.12](#), [E/C.12/2023/SR.14](#) and [E/C.12/2023/SR.17](#).

³ [E/C.12/2023/SR.30](#).

⁴ [E/C.12/YEM/RQ/3](#).



obligations extend throughout the country and that it is the responsibility of the State to protect all persons within its territory without discrimination. To that effect, the State party must endeavour, as far as possible, to fulfil its obligations under the Covenant by resorting to all means compatible with international law.

6. The Committee is deeply concerned about the systematic and gross violations of the Covenant in the situation of the armed conflict, including war crimes, such as attacks on, and destruction, removal or rendering useless of, objects indispensable to the survival of the civilian population with respect to the provision of food and water; attacks against medical units and means of transport; deliberate attacks against schools and hospitals; sexual violence; and the conscription or enlistment of children under 15 years of age into armed forces or groups, or using them to participate actively in hostilities. The Committee recalls that the applicability of international humanitarian law does not preclude the application of international human rights law, including the Covenant, which operates independently, and, in this regard, refers to paragraph 106 of the advisory opinion of the International Court of Justice of 9 July 2004 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, in which the Court stated that “the protection offered by human rights conventions does not cease in case of armed conflict”.

7. The Committee is deeply concerned about the severe and long-term impact of the armed conflict on the enjoyment of economic, social and cultural rights by the Yemeni population, including their rights to an adequate standard of living, including food, water, sanitation and adequate housing; protection of the family and children; health; and education. The Committee is particularly concerned about attacks from all parties to the conflict on civilian infrastructure critical to realizing economic, social and cultural rights, such as health-care facilities, schools, and food and water infrastructure, including farms, irrigation works and fishing boats.

8. **In this context, the Committee recommends that the State party:**

(a) **Combat impunity and effectively prevent, investigate, prosecute and punish all those responsible for violations of economic, social and cultural rights, including attacks on civilian infrastructure, such as health-care facilities, food and water infrastructure, and schools;**

(b) **Provide systematic training on State obligations under human rights and humanitarian law to its military forces to ensure, in the context of military operations, that the principles of distinction, proportionality and precaution are observed and that attacks against civilians and civilian objects are prohibited;**

(c) **Provide access to effective remedies for victims of economic, social and cultural rights violations in the context of armed conflict and ensure full reparation;**

(d) **Enhance efforts to continue to rebuild and rehabilitate essential infrastructure, such as previously damaged water and food infrastructure and destroyed schools and medical facilities, by generating additional resources, including through international cooperation;**

(e) **In addition to intensifying the generation of additional resources at the domestic level, increase its efforts to seek international cooperation and assistance. In this connection, the Committee draws the State party’s attention to its general comment No. 3 (1990) on the nature of States parties’ obligations.**

Domestic application of the Covenant

9. In view of the fact that the Covenant has no direct applicability in the domestic legal order, the Committee is concerned that not all Covenant rights are protected in the State party’s Constitution or laws and hence are not justiciable in courts.

10. **The Committee recommends that the State party take legislative and other appropriate measures to fully incorporate the Covenant into national laws so as to ensure the applicability of all Covenant rights in domestic courts. It should ensure that legal and judicial training take full account of the justiciability of these rights and promote the use of the Covenant as a source of domestic law. The Committee draws the**

State party's attention to its general comment No. 9 (1998) on the domestic application of the Covenant and encourages it to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

National human rights institutions

11. While the Committee welcomes the efforts made by the State party to strengthen the mandate of the National Commission of Inquiry, the Committee is concerned that it lacks the independence necessary to perform its duties.

12. **The Committee recommends that the State party:**

(a) **Take measures to bring the National Commission of Inquiry into full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) by further strengthening its independence and by providing it with adequate human, technical and financial resources to effectively and independently carry out its mandate, including the promotion and protection of economic, social and cultural rights;**

(b) **Implement the recommendations in the report of the United Nations High Commissioner for Human Rights on the implementation of technical assistance provided to the National Commission of Inquiry to investigate allegations of violations and abuses committed by all parties to the conflict in Yemen (19 September 2022);⁵**

(c) **Provide the number and nature of complaints received and considered by the National Commission of Inquiry concerning violations of economic, social and cultural rights in its next periodic report.**

Human rights defenders

13. The Committee is concerned about credible and reliable reports of harassment, intimidation and reprisals against human rights defenders, including those working on economic, social and cultural rights and social justice.

14. **The Committee requests that the State party:**

(a) **Guarantee the effective protection of human rights defenders, including those working to protect economic, social and cultural rights, against all forms of harassment, intimidation and reprisal;**

(b) **Conduct thorough, impartial and effective investigations into all reports of attacks on the life, physical integrity or freedom of human rights defenders, as well as acts of violence, threats, harassment, intimidation, bullying and defamation committed against them, and ensure that the perpetrators are brought to justice;**

(c) **Carry out awareness-raising campaigns highlighting the importance of the work of human rights defenders, with a view to instilling a climate of tolerance in which they can carry out their missions without fear of intimidation, threats or reprisals of any kind;**

(d) **Refer to the Committee's statement on human rights defenders and economic, social and cultural rights that it adopted in 2016.⁶**

Land tenure

15. The Committee is concerned about the large number of land disputes and cases of land-grabbing in the State party, as a result of the absence of a system for documenting land titles, whether the land tenure is formal or customary.

⁵ A/HRC/51/62.

⁶ E/C.12/2016/2.

16. **The Committee recommends that the State party:**

- (a) **Establish an institution tasked with oversight of the settlement of land disputes;**
- (b) **Develop and enforce a human rights-based property system and an efficient, comprehensive and transparent land registration system;**
- (c) **Fully comply with the Committee's general comment No. 26 (2022) on land and economic, social and cultural rights.**

International assistance

17. The Committee is concerned about the reports of obstacles to and interference with the work of humanitarian workers, including movement restrictions, the non-approval or delayed approval of humanitarian projects, arbitrary suspension of activities and attempts to divert aid, and denial or delaying of the provision of work permits, visas or travel permission for humanitarian workers. The Committee is particularly concerned about reports by aid agencies of violence against their personnel and damage to their facilities, most of which is taking place in Government-controlled areas. Furthermore, the Committee is concerned about road closures, which have severely restricted the flow of essential goods, including medicine and food, and humanitarian access.

18. **The Committee urges the State party:**

- (a) **To provide protection to all humanitarian personnel and assets and conduct effective investigations into all violations that impede the work of humanitarian workers;**
- (b) **To take measures to end all obstacles to and interference in the work of humanitarian agencies in delivering aid and provide safe, rapid and unimpeded passage for humanitarian relief to all civilians in need;**
- (c) **To re-open the roads and lift any restrictions on the delivery of food, medicine and other essential goods across the country.**

Business and economic, social and cultural rights

19. The Committee regrets that it has not received information from the State party on a regulatory framework in place to ensure that business entities respect rights under the Covenant and apply human rights due diligence.

20. **The Committee recommends that the State party take legislative and administrative measures, including the adoption of a plan of action, to ensure that the activities carried out by business entities domiciled in the State party or operating in its territory do not adversely affect the enjoyment of economic, social and cultural rights. Furthermore, the Committee requests the State party to fully comply with its general comment No. 24 (2017) on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities.**

Maximum available resources

21. While acknowledging the difficulties faced by the State party owing to the ongoing conflict, the Committee is concerned about the limited extent to which domestic resources are being mobilized for the realization of economic, social and cultural rights, particularly with respect to social services, such as health, education and social protection services. The Committee is also concerned about the lack of concrete information from the State party on the use and distribution of funds from international cooperation and the lack of public consultation, including with civil society (art. 2 (1)).

22. **Recalling its general comment No. 3 (1990) on the nature of States parties' obligations, the Committee recommends that the State party allocate the budgetary resources required for the implementation of the Covenant rights by mobilizing national resources to that end, particularly for social services, and by seeking, where necessary, international assistance and cooperation. The Committee also recommends**

that the State party ensure that budget formulation and implementation are carried out in a transparent and participatory manner and guarantee the enjoyment of economic, social and cultural rights by all sectors of the population, in particular the most marginalized and disadvantaged groups and individuals.

Corruption

23. The Committee is concerned about the systemic corruption in the State party, illustrated by the fact that it occupies 176th place among 180 countries listed on the 2022 Corruption Perceptions Index by Transparency International, which affects all aspects of public and private activity and hinders the use of its resources for the effective implementation of the Covenant. The Committee is further concerned about the lack of information on measures taken to combat corruption and their impact (art. 2 (1)).

24. **The Committee recommends that the State party:**

- (a) **Address the root causes of corruption as a matter of priority;**
- (b) **Adopt all necessary legislative and administrative measures to ensure transparency and accountability in public administration, both in law and in practice, and the use of public resources, including in respect of funds received in the framework of international cooperation;**
- (c) **Strengthen existing anti-corruption bodies and agencies, including by ensuring their independence and through the provision of adequate funding for training and institutional capacity-building programmes;**
- (d) **Ensure the effective implementation of anti-corruption measures and take steps to effectively protect victims of corruption and their lawyers, anti-corruption activists, whistle-blowers and witnesses.**

Non-discrimination

25. The Committee is concerned at the absence in the State party of a comprehensive anti-discrimination law that covers all grounds for discrimination in all areas covered by the Covenant and about the persistent discrimination faced by disadvantaged and marginalized individuals and groups in accessing economic, social and cultural rights (art. 2 (2)).

26. **The Committee recommends that the State party:**

- (a) **Adopt a comprehensive anti-discrimination law, in accordance with article 2 (2) of the Covenant and general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, that prohibits direct and indirect discrimination on any grounds in all areas covered by the Covenant;**
- (b) **Ensure effective protection from discrimination to all persons, particularly disadvantaged and marginalized individuals and groups.**

Muhamasheen

27. The Committee is concerned that the Muhamasheen face institutional discrimination and barriers with respect to health care, education, employment, housing, civil status and food security, as well as a lack of access to humanitarian aid and basic services. The Committee is also concerned that Muhamasheen women are particularly vulnerable to violations of their Covenant rights owing to the multidimensional discrimination practiced against them, with many among them never having been to school, and are susceptible to gender-based violence (art. 2 (2)).

28. **The Committee recommends that the State party:**

- (a) **Take all necessary measures to fight effectively against negative stereotypes and systematic discrimination against the Muhamasheen, particularly Muhamasheen women;**
- (b) **Adopt the outcomes of the National Dialogue Conference on the inclusion and integration of the Muhamasheen, including by adopting temporary special**

measures such as a quota for the participation of Muhamasheen in all government authorities and bodies;

(c) **Develop and implement a comprehensive national strategy to effectively ensure full access to education, health, housing and public services for Muhamasheen communities, particularly women, including technical and vocational training opportunities to improve their employment prospects.**

Discrimination on the basis of sexual orientation and gender identity

29. The Committee is concerned that same-sex relations between consenting adults are criminalized under articles 264 and 268 of the Penal Code and that convicted individuals may receive the death penalty. The Committee is concerned about the prevalence of intimidation, harassment, violence and stigma against lesbian, gay, bisexual, transgender and intersex persons, which hinder their enjoyment of economic, social and cultural rights (art. 2 (2)).

30. **While acknowledging the diversity of morality and cultures, the Committee notes that national laws and practices must always adhere to the principles of universality of human rights and non-discrimination. Therefore, failure to comply with the Covenant's obligations cannot be justified by reference to political, social, religious, cultural or economic considerations within the State. The Committee accordingly requests that the State party decriminalize sexual relations between consenting adults of the same sex and ensure effective protection from all forms of discrimination based on sexual orientation and gender identity.**

Internally displaced persons

31. While the Committee welcomes the measures taken by the State party to assist internally displaced persons, such as the creation of the High Relief Committee, it is concerned that these persons continue to face challenges in realizing their economic, social and cultural rights, including their right to an adequate standard of living, owing to often substandard and hazardous living conditions, eviction threats and limited access to essential items and services (art. 2 (2)).

32. **The Committee recommends that the State party:**

(a) **Collect statistical data, disaggregated by sex, gender, age and geographic location, on the employment, housing and living conditions of internally displaced persons;**

(b) **Take measures to prevent and reduce the duration of displacement and ensure that internally displaced persons are able to return to their homes safely and with dignity or offer them long-term solutions;**

(c) **Provide effective protection for the country's internally displaced persons to ensure that they have access to adequate food, decent housing and basic services, including water and sanitation, health-care, education and social protection services, if necessary by seeking international cooperation assistance.**

Equal rights of men and women

33. The Committee is concerned about the imposition of the *mahram* (male guardian) requirement, which prevents women from traveling between governorates, to other parts of the country or internationally without a male guardian or a guardian's permission, adversely affecting, among other things, their ability to access services, work, pursue education and participate in public and political activities. The Committee is also concerned that the *mahram* requirement is severely restricting access to humanitarian aid for persons in vulnerable situations, particularly for women and girls, by restricting the travel of women aid workers (art. 3).

34. **The Committee requests the State party to end the *mahram* requirement for all women across the country and to ensure their full access to economic, social and cultural rights. The Committee refers the State party to its general comment No. 16**

(2005) on the equal right of men and women to the enjoyment of all economic, social and cultural rights.

Right to work

35. The Committee is concerned about the high rate of unemployment in the State party, particularly among young people, women and persons with disabilities (art. 6).

36. The Committee recommends that the State party prioritize the creation of job opportunities, particularly for young people. It also recommends that the State party provide education and training curricula to enhance working skills and employability, particularly for young people, women and persons with disabilities. The Committee invites the State party to fully comply with its general comment No. 18 (2005) on the right to work.

Right to just and favourable conditions of work

37. The Committee is concerned about the non-payment or late payment of salaries of many civil servants, particularly teachers and other education workers. The Committee is also concerned that civil servants are required to travel to the Aden governorate to receive their salaries (art. 7).

38. The Committee recommends that the State party resume payment of salaries to civil servants throughout the country and remove any procedural obstacles to their payment.

Trade union rights

39. The Committee is concerned about reports of interference in the activities of trade unions and the fact that the labour legislation does not specifically protect trade unions from acts of interference. The Committee is also concerned that articles 2, 20 and 21 of the Law on Trade Unions make specific reference to the General Federation of Trade Unions of Yemen, making it impossible for a second federation to be established to represent workers' interests (art. 8).

40. The Committee recommends that the State party ensure that the protection against acts of interference by employers or their organizations in the activities of trade unions is expressly provided for in its legislation, and that it address all cases of trade union interference. The Committee also recommends that the State party amend the Law on Trade Unions so as to allow workers and their organizations to establish and join the federation of their own choosing.

Right to social security

41. The Committee notes the State party's information that the escalation of the conflict has led to the suspension of the operations of the Social Welfare Fund, which was replaced by the emergency cash transfer project, administered by UNICEF, in line with the parameters of the Social Welfare Fund (art. 9).

42. The Committee recommends that the State party build a long-term plan of action to revive and strengthen the national social protection system. The Committee invites the State party to fully comply with its general comment No. 19 (2007) on the right to social security.

Child labour and the worst forms of child labour

43. While noting the efforts made by the State party to combat child labour and the worst forms of child labour, including the trafficking of children for sexual exploitation and child recruitment, the Committee is deeply concerned about the persistence of these practices in the State party. The Committee is particularly concerned about:

- (a) The large number of children below 14 who are victims of child labour;
- (b) Children between 14 and 17 years of age working more than 30 hours a week and/or in hazardous occupations, including in agriculture, the fishing industry, mining and construction;
- (c) The trafficking of girls for the purpose of sexual exploitation;
- (d) The recruitment and use of children in hostilities by all parties to the conflict (art. 10).

44. **The Committee urges the State party:**

(a) **To prevent and eliminate cases of child labour, including through the adoption of a national plan to combat child labour, and raise awareness of the illegality of child labour as well as its harms to children's well-being and development in educational and public settings;**

(b) **To take the necessary measures to ensure that no child under 14 years of age engages in an apprenticeship;**

(c) **To strengthen the capacity and expand the reach of the Child Labour Inspectorate by providing it with adequate human and financial resources to enable it to monitor effectively cases of child labour and enforce ministerial order No. 11 of 2013 on hazardous work prohibited to children under the age of 18 years;**

(d) **To combat trafficking in children and enforce section 26 of ministerial order No. 11, investigate and prosecute all those who engage in the trafficking of children and impose effective and dissuasive sanctions;**

(e) **To adopt legal and other safeguards to effectively prohibit and prevent child recruitment and to bring to justice all those involved in the recruitment and use of children in hostilities, in accordance with the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and ensure full reparations to the victims;**

(f) **To take measures to assist children coerced into labour and the worst forms of child labour by providing them with all appropriate assistance for their recovery and social reintegration, including access to health care, adequate psychological support and education programmes.**

Child marriage

45. The Committee is deeply concerned about the prevalence of child marriage in the State party and its devastating effects on the enjoyment by children of their economic, social and cultural rights, including their right to health and education (art. 10).

46. **The Committee recommends that the State party:**

(a) **Take urgent and effective measures to impose the minimum age of marriage of 18 years for both women and men, as recommended in the 2014 National Dialogue Conference outcome document;**

(b) **Establish penalties for those who perform or facilitate child marriage and ensure access to effective remedies and other forms of necessary protection for the victims;**

(c) **Raise awareness of the devastating effects of child marriage on the victims, and provide platforms and opportunities for discussion within communities and families on the benefits of ensuring that girls receive an education.**

Gender-based violence against women

47. The Committee is concerned about the prevalence of gender-based violence against women, including domestic and sexual violence, in the State party. The Committee is also concerned that factors such as the lack of an effective law enforcement system and access to justice and the cultural acceptance of domestic violence have resulted in impunity for

perpetrators. In this regard, the Committee shares the concerns of the Committee on the Elimination of Discrimination against Women (art. 10).

48. **The Committee recommends that the State party:**

(a) **Take measures to criminalize all forms of gender-based violence against women, including sexual harassment, domestic violence and marital rape;**

(b) **Prevent gender-based violence and ensure that all cases are investigated, that perpetrators are prosecuted and appropriately sentenced and that victims have access to justice, effective reparations, shelters and support services;**

(c) **Draw attention to the recommendations made by the Committee on the Elimination of Discrimination against Women to the State party's combined seventh and eighth periodic reports.⁷**

Landmines and unexploded ordnance

49. The Committee expresses concern about the high incidence of people, particularly children, being killed or maimed by landmines and unexploded ordnance. The Committee is also concerned about the impact of landmines on agricultural lands and in or near water sources, which endangers the lives of the civilian population and prevents them from accessing food and water (art. 10).

50. **The Committee recommends that the State party take immediate action to clear existing mines and unexploded ordnance and practical measures to reduce the impact of such explosives. The Committee also recommends that the State party work with the international community to ensure the provision of the technical equipment necessary for the marking and clearance of unexploded ordnance and mines.**

Birth registration

51. The Committee is concerned about the low rate of birth registration, which deprives children of the opportunity to enjoy their economic, social and cultural rights, particularly their rights to health care and education (art. 10).

52. **The Committee recommends that the State party step up its efforts to increase the rate of birth registration and ensure the issuance of birth certificates. In particular, it requests that the State party:**

(a) **Ensure the accessibility of the birth registration services of the civil registry office throughout the country;**

(b) **Ensure that birth registration and the issuance of birth certificates are free of charge;**

(c) **Carry out campaigns to raise awareness of the importance of birth registration and the relevant procedures.**

Poverty

53. The Committee is concerned about the unprecedented levels of poverty and extreme poverty in the State party and the lack of a comprehensive strategy to reduce poverty (art. 11).

54. **The Committee recommends that the State party:**

(a) **Intensify its efforts to combat poverty, particularly extreme poverty, by, among other things, implementing inclusive development models that benefit the most disadvantaged first and foremost and undertaking a thorough evaluation of existing programmes and strategies to identify obstacles and make the changes necessary to allow for the implementation of a comprehensive strategy to combat poverty;**

(b) **Ensure that the comprehensive strategy to combat poverty includes clear-cut, measurable objectives, allocates the necessary resources, includes effective**

⁷ CEDAW/C/YEM/CO/7-8.

mechanisms for coordination among the various actors, is implemented in accordance with human rights standards and principles and takes into account the needs of the population, particularly those of the most disadvantaged and marginalized groups;

(c) Refer to the Committee's statement on poverty and the International Covenant on Economic, Social and Cultural Rights that it adopted in 2001.⁸

Right to food

55. The Committee is deeply concerned about the unprecedented levels of acute and chronic food insecurity and malnutrition in the country, particularly among children, with millions of people facing the immediate risk of slipping into famine conditions, and the lack of a comprehensive and effective strategy to combat hunger and tackle food insecurity (art. 11).

56. **The Committee recommends that the State party:**

(a) **Take immediate action to address acute malnutrition, in particular of children, including by adopting emergency action plans incorporating clear-cut targets for reducing rates of acute malnutrition in the State party;**

(b) **Develop a strategy to address chronic malnutrition;**

(c) **Ensure an unimpeded flow, into and within the country, of humanitarian and commercial imports that serve essential needs;**

(d) **Adopt a legislative and institutional framework and a strategy for guaranteeing the right to adequate food and combating hunger and chronic malnutrition, and seek technical support for addressing food insecurity from the Food and Agriculture Organization of the United Nations;**

(e) **Refer to general comment No. 12 (1999) on the right to adequate food and to the Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security, adopted by the Council of the Food and Agriculture Organization of the United Nations in 2004.**

Right to water and sanitation

57. The Committee is deeply concerned about the water scarcity in the State party, the lack of adequate water, hygiene and sanitation infrastructure and services, and the high number of people, particularly displaced persons, in need of such infrastructure and services. The Committee is concerned about the proliferation of *qat* as a cash crop, which consumes a considerable amount of renewable water and groundwater resources. The Committee is also concerned about the attacks on water and sanitation facilities in the context of armed conflict (art. 11).

58. **The Committee recommends that the State party:**

(a) **Monitor, prevent and mitigate the impacts of the armed conflict on water and sanitation services;**

(b) **Improve access to safe drinking water, hygiene and sanitation infrastructure and services, with a particular focus on internally displaced persons;**

(c) **Promote alternatives to *qat* production, encouraging farmers to adopt less water-intensive crops;**

(d) **Fully implement the Committee's general comment No. 15 (2002) on the right to water.**

Environmental protection

59. The Committee welcomes the cooperation of the State party with the United Nations-coordinated operational plan to prevent an oil spill from the deteriorating floating storage and

⁸ E/C.12/2001/10.

offloading vessel *Safer*, which is moored off the coast of the State party. The Committee expresses its concern that oil spills from the vessel would cause devastating environmental damage, resulting in a humanitarian and environmental catastrophe (art. 11).

60. The Committee recommends that the State party continue cooperating with all the parties involved in facilitating the success of the United Nations salvage operation to prevent an oil spill in the Red Sea and its potentially disastrous environmental and humanitarian impacts on the State party and the region.

Climate change adaptation

61. The Committee is concerned about the impact of climate change as a driver of food insecurity and displacements in the State party, with the destruction of property and loss of livelihoods as the result of floods and droughts, coupled with an unprecedented rise in temperatures which affects all agricultural regions of Yemen (art. 11).

62. The Committee recommends that the State party:

(a) **Develop a national adaptation plan focusing on the most significant effects of climate change;**

(b) **Develop diagnostic capacity with respect to the impact of climate change on groups and individuals who may be particularly affected;**

(c) **Ensure that adaptation measures respect economic, social and cultural rights;**

(d) **Consider the Committee's statement on climate change and the International Covenant on Economic, Social and Cultural Rights,⁹ adopted on 8 October 2018.**

Right to physical and mental health

63. The Committee is concerned that less than half of the health facilities across the country are operational and that many of those that are functional lack basic equipment and cannot provide the minimum essential services to the population. The Committee is particularly concerned about the attacks on medical facilities and personnel and the use of facilities for military purposes, which have resulted in the deaths of patients, other civilians and medical personnel, as well as the closure or impairment of several vital medical facilities. The Committee is also concerned about the high maternal and neonatal mortality rates in the State party (art. 12).

64. The Committee recommends that the State party:

(a) **Allocate sufficient resources to the health sector and ensure the availability, accessibility and quality of health services, including reproductive health services, by securing a sufficient amount of qualified medical personnel and providing adequate medical equipment, infrastructure and facilities;**

(b) **Maximize the impact of international aid by taking measures to ensure the delivery of medicines and vaccines, particularly to the most disadvantaged and marginalized individuals and groups;**

(c) **Ensure an effective, credible, impartial and transparent investigation into the use of medical facilities for military purposes and on all attacks against medical facilities and personnel, ensuring that the perpetrators are adequately prosecuted and held accountable;**

(d) **Strengthen measures to effectively ensure that medical facilities are fully demilitarized.**

⁹ [E/C.12/2018/1](#).

Mental health care and services

65. The Committee is concerned about the impact of the war on the mental health of the people of the country, which has left them at high risk of depression, anxiety and other mental health conditions. In addition, the Committee is concerned about the lack of attention and services to promote mental health and psychological well-being and the severe shortage of appropriately trained mental health professionals (art. 12).

66. The Committee recommends that the State party take measures to ensure the availability, accessibility and quality of professional mental health care and services, including community-based services, particularly through adequate training of mental health professionals.

Right to education

67. The Committee is concerned about the disproportionately high number of children that are out of school due to the conflict, poverty, lack of educational opportunities and early marriage, which has been exacerbated by the COVID-19 pandemic and various shortcomings in the State party's education system. The Committee is particularly concerned that:

(a) While the State party endorsed the Safe Schools Declaration in October 2017, schools have been destroyed or damaged and used for military purposes, rendering them military objects subject to attack, causing their closure and exposing children to recruitment by armed groups;

(b) Many teachers and educational personnel are not being paid;

(c) The lack of water, sanitation and hygiene services in educational facilities has prevented children from continuing their education, particularly adolescent girls (arts. 13 and 14).

68. The Committee recommends that the State party:

(a) **Ensure effective, credible, impartial and transparent investigation into all attacks against and use of schools and places of learning for military purposes and ensure that the perpetrators are prosecuted and held accountable without delay;**

(b) **Strengthen measures to ensure that schools are demilitarized and protected against any risk of militarization;**

(c) **Increase, in a substantial and adapted manner, the resources allocated to the education sector in order to rebuild schools affected by conflict, ensure that teachers and educational personnel effectively receive their salaries promptly and in full and ensure that all schools have adequate water supply and sanitation facilities based on the needs of the children;**

(d) **Fully support, as a high priority and in a concrete manner, schools, students and teachers to effectively ensure the continuity of education;**

(e) **Adopt and implement concrete and time-bound indicators for the allocation of national resources and resources received through international cooperation to ensure the availability, continuity and effectiveness of education, in particular with respect to the reconstruction and repair of schools and learning facilities, the hiring and capacity-building of teachers and education administrators and the assessment of measures that are implemented;**

(f) **Fully comply with the Committee's general comment No. 13 (1999) on the right to education.**

Corporal punishment

69. The Committee notes that, while there are several Yemeni ministerial policies aimed at prohibiting corporal punishment of children in schools and kindergartens, there is no law banning it. In this regard, the Committee is concerned that corporal punishment continues to be widely tolerated and practiced in settings where adults have authority over children, such as schools, alternative care facilities and at home (art. 13).

70. The Committee urges the State party to adopt legislation explicitly prohibiting corporal punishment in settings where adults have authority over children, such as schools, alternative care facilities and at home, and take measures to ensure its effective prohibition. The Committee also recommends that the State party establish penalties for all who engage in corporal punishment, and create enforcement mechanisms, including child-friendly complaints mechanisms.

Cultural rights

71. The Committee is concerned about the attacks against and destruction of the State party's unique cultural heritage by all parties to the conflict and the use of heritage sites for military purposes (art. 15).

72. The Committee recommends that the State party effectively investigate and condemn all attacks against cultural properties. The Committee also recommends that the State party raise awareness among the armed forces, particularly through training, on the importance of respecting cultural heritage.

D. Other recommendations

73. The Committee recommends that the State party consider ratifying the core human rights instruments to which it is not yet a party, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the International Covenant on Civil and Political Rights; the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure. The Committee also recommends that the State party ratify the Rome Statute of the International Criminal Court, which was signed by Yemen in 2000.

74. The Committee recommends that the State party take fully into account its obligations under the Covenant and ensure the full enjoyment of the rights enshrined therein in the implementation of the 2030 Agenda for Sustainable Development at the national level, including in the recovery from the COVID-19 pandemic. Achievement of the Sustainable Development Goals would be significantly facilitated by the State party establishing independent mechanisms to monitor progress and by treating beneficiaries of public programmes as rights holders who can claim entitlements. Moreover, the Committee recommends that the State party support the global commitment of the decade of action to achieve the Sustainable Development Goals. Implementing the Goals on the basis of the principles of participation, accountability and non-discrimination would ensure that no one is left behind. In this regard, the Committee draws the State party's attention to its statement on the pledge to leave no one behind.

75. The Committee requests that the State party disseminate the present concluding observations widely at all levels of society, including in the regions, in particular among parliamentarians, public officials and judicial authorities, and that it inform the Committee in its next periodic report about the steps taken to implement them. The Committee emphasizes the crucial role that the Parliament plays in implementing the present concluding observations and encourages the State party to ensure its involvement in future reporting and follow-up procedures. The Committee encourages the State party to engage with the National Commission of Inquiry, non-governmental organizations and other members of civil society in the follow-up to the present concluding observations and in the process of consultation at the national level prior to the submission of its next periodic report.

76. In accordance with the procedure on follow-up to concluding observations adopted by the Committee, the State party is requested to provide, within 24 months of the adoption of the present concluding observations, information on the implementation of the recommendations contained in paragraphs 8 (application of the Covenant in the context of armed conflict), 18 (international assistance) and 58 (right to water and sanitation) above.

77. The Committee requests the State party to submit its fourth periodic report in accordance with article 16 of the Covenant by 31 March 2028, unless otherwise notified as a result of a change in the review cycle. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.
