

Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Working Group on Arbitrary Detention; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

3 October 2022

Mr. Hisham Sharaf,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions; Working Group on Arbitrary Detention; Special Rapporteur on the human rights of migrants; Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on violence against women and girls, its causes and consequences and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 44/5, 42/22, 43/6, 42/10, 44/4, 50/L.7 and 50/18.

In this connection, we would like to bring to your attention information that we have received concerning **allegations of cross-border artillery shelling and small arms fire allegedly by Saudi security forces causing the deaths of up to 430 and injuring 650 migrants, including refugees and asylum seekers, in Sa'dah governorate, Yemen, and Jizan province, Saudi Arabia, between 1 January and 30 April 2022**. These events appear to occur as part of a series of gross human rights violations against migrants, including torture, arbitrary detention, trafficking in person, and sexual abuse, in the adjacent border region in Yemen. It is alleged that neither the Saudi nor the de facto Yemeni authorities have launched effective investigations to clarify the circumstances of these events and the deaths caused.

According to the information received:

Between 1 January and 30 April 2022, cross-border artillery shelling and small arms fire from Saudi Arabia killed approximately **430** migrants, including refugees and asylum seekers and injured an estimated **650** individuals. The attacks occurred along the migration route between Al Jawf and Sa'dah in Yemen, a region currently controlled by the Ansar Allah movement (the Houthi movement and de facto authority in Sana'a and northern Yemen), and in the adjacent border area within Saudi Arabia in Jizan province. Thirty percent of the victims were said to be women, and seven percent children.

In at least 16 incidents, Saudi security forces allegedly fired artillery at migrants en route in the Ar Raqw area, and the mountains of al-Ghar in Monabbih district, and Thabit, Qatabir district in Yemen, and the border area of the Red Valley, Saudi Arabia.

Ansar Allah movement

Circumstances of the alleged killings

Yemen has become a major transit point on the migration route between the Horn of Africa and Saudi Arabia. Migrants rely on networks of traffickers to travel along this route. As a result, they face heightened protection risks at various points in their journey—from sea transport, to arrival, to crossing border lines in Yemen, and finally to enter Saudi Arabia. They comprise a large majority of Ethiopian nationals, most of whom Tigrayan and a minority Amhara. Reportedly, 13 per cent of migrants attempting to cross from Yemen into Saudi Arabia are women and 10 per cent are children, including unaccompanied minors.

On the final leg of the most heavily frequented migration route through Sa'dah governorate in northern Yemen, attacks against migrants and other individuals in mixed migration movements continue to occur, committed by both SGB and Yemeni de facto authorities in northern Yemen. Due to the ongoing armed conflict in this area, movement restrictions, and containment strategies by Saudi and de facto authorities, migrants in this region are vulnerable to violence, including entrapment and indiscriminate or intentional targeting. There are five active frontlines and two major unofficial crossing points into Saudi Arabia in the Thabit, Ar Raqw, and Baqim areas of northwestern Sa'dah, Yemen. Previously, migrants were primarily shot or injured in the crossfire between the parties to the conflict. However, since there has been a decline in active incidents along the northern frontlines in 2022, migrants have been disproportionately affected by what appears to be direct targeting by Saudi security forces. The latter are reportedly pursuing a policy of use of extreme force to deter migrants from crossing the border into Saudi Arabia. These forces reportedly use three forms of violence against individuals traveling in the area which include sniper attacks of migrants in small groups, mortars or shelling of migrants in larger groups and shooting of migrants caught in Saudi territory.

Those killed during these attacks are either left in situ or, if it is safe to do so, buried by other migrants on site. A clandestine cemetery reportedly located in Al Khals (الخلس) may contain up to 10,000 bodies of migrants.

If migrants are captured, they are oftentimes subjected to torture by being lined up and shot through the side of the leg to see how far the bullet will go, or asked if they prefer to be shot in the hand or the leg.

Survivors of such attacks have sometimes “played dead” for a period of time in order to escape. Afterwards, they would try to make their way to the nearest medical facility for assistance. However, humanitarian medical assistance for migrants is reportedly extremely limited and only provided at a hospital in Monabbih, which is located in a remote and difficult-to-reach region in the adjacent border region in Yemen. Transportation from the border to the hospital is expensive, preventing most survivors from accessing treatment. Most migrants seeking help have gunshot wounds to the head, spine, and legs.

Groups of women and girls and unaccompanied minors have been increasingly impacted by these practices. They are also at risk of sexual violence at the hands of smugglers and security forces. Girls as young as 13 years old have

reportedly been raped and pushed back across the border into Yemen without their clothes.

Alleged practices of trafficking in persons in Yemen

The Yemen Immigration, Passport and Nationality Authority (IPNA), which reports to the Ansar Allah movement, collaborates with traffickers to direct migrants through the governorates of Al Jawf and Sa'dah. Traffickers and local authorities coordinate to extort fees of around 250 Saudi Riyal (SAR) from each migrant under the pretext of facilitating their passage to KSA. This seems to constitute a very lucrative scheme, earning the IPNA in Sa'dah and the trafficking networks an estimated \$50,000 per week.

Once in Sa'dah, migrants are held in a reception camp set up by the IPNA and traffickers in the town of Monabbih, where they are forced to finance their journey to the Saudi border through forced labor, sexual exploitation, drug trafficking, and other forms of exploitation. Conditions in the camp are dire as no sanitation facilities exist and only very limited access to water is provided. There they are subjected to severe restrictions on their freedom of movement under the guard of armed men. Women and girls are particularly vulnerable to sometimes systematic sexual exploitation, violence, and abuse.

Pending onward travel, migrants are detained in tents pending payment of fees to traffickers and/or de facto authorities. Failure to pay or refusal to engage in activities such as transporting drugs or *qat* (a local plant chewed as a stimulant) reportedly results in detention in a type of prison that resembles a large cage of approximately 10 m². Many of those who are unable to pay for onward travel or who can no longer make themselves useful are forcibly removed to the south of Yemen, reportedly up to 1,000 migrants per week.

More than 27,840 migrants are estimated to be present in Sa'dah, including an estimated 18,000 in Monabbih district, 7,000 in Qatabir district, 1,000 in Sa'dah district, and other migrants in surrounding districts.

The incidents described occur in the broader context of the humanitarian crisis and indiscriminate attacks on civilians by the Saudi security forces in the Yemeni border areas of Dhaher, Razih, Shada, and Monibbih districts in Sa'dah governorate.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern about what appears to be systematic use of armed force, arbitrary detention, trafficking, forced labor, and torture and/or ill-treatment, including sexual violence and abuse, allegedly perpetrated by personnel of the Yemen Immigration, Passport and Nationality Authority, in conjunction with trafficking networks, against migrants transiting the Sa'dah governorate. We are similarly extremely alarmed by what seems to be the indiscriminate cross-border artillery shelling and small arms shooting reportedly carried out by Saudi security forces against migrants crossing from Sa'dah governorate into Saudi Arabia, which reportedly resulted in the death of up to 430 migrants and the injury of 650, including children, women and girls, between 1 January to 30 April 2022.

If these allegations prove to be accurate, they would indicate gross violations of the rights to life, to personal security and to integrity under the Universal Declaration of Human Rights (UDHR), the Convention on the Rights of the Child (CRC), the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT). We recall that the Ansar Allah movement is bound under international law to respect core human rights obligations without discrimination, such as the right to life, including the prohibition against its arbitrary deprivation, as well as the absolute prohibition of torture and of arbitrary detention (A/HRC/38/44, para. 8).

We are greatly concerned about the allegation that the IPNA collaborates with trafficking networks to channel migrants along the migration route between Al Jawf and Sa'dah governorates through extortion and economic exploitation, culminating in their physical, sexual abuse and torture. De facto authorities, who control territories and populations, have an obligation to protect the most fundamental human rights and may be held responsible for the conduct of their personnel where it can be shown that they have failed to exercise due diligence to prevent, investigate and discipline criminal conduct.

The obligation to protect the right to life requires special measures to protect persons who are in vulnerable situations and whose lives are particularly endangered by specific threats or pre-existing patterns of violence, including asylum seekers, refugees, stateless persons, trafficked persons, and unaccompanied migrant children. Referring to the report on unlawful killing of refugees and migrants by the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/72/335), we underscore that respect for the principle of non-refoulement – also a norm of customary international law - must be a top priority when implementing border policies (para. 35).

While the detention of migrants in an irregular situation is not per se arbitrary, that detention must be reasonable, necessary and proportionate in light of the circumstances and may not go beyond an initial period to document their entry, determine identities, record asylum claims and determine status.¹ The right to life is linked to the positive obligation to ensure access to the basic conditions necessary to sustain life, including access to adequate sanitation facilities, water and medical assistance, particularly in contexts of detention. These obligations also apply to the Ansar Allah movement (A/HRC/38/44, para 77). We highlight the State's obligation to ensure effective implementation of the principle of non-punishment of victims of trafficking (A/HRC/47/34, paras. 26, 41, 57(d)).

We further refer to the duty to conduct thorough, prompt and impartial investigations into and prosecute, and punish all violations of the right to life in line with the *Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Prevention and Investigation Principles)* and the *Revised Version of the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the*

¹ Communication No. 560/1993, *A v Australia*, Views adopted by the Human Rights Committee on 3 April 1997, para. 9.4.

Investigation of a Potentially Unlawful Death (2016)).² The failure to investigate allegedly unlawful casualties also restricts the understanding of smuggling and migratory patterns (A/72/335 para. 51).

We highlight the positive obligation to prevent trafficking in persons, arising under article 8 (ICCPR), and to ensure effective access to assistance and protection of victims of trafficking, without discrimination, and accountability for trafficking in persons through effective investigations, as stated in the OHCHR *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. We further highlight the positive obligations on the State to ensure effective investigations and prosecutions of trafficking in persons, in particular of women and girls, as highlighted by CEDAW in its General Recommendation no.38. States have a positive obligation to ensure assistance and protection to migrants at risk of trafficking, ([A/HRC/38/45](#)), in particular unaccompanied and separated children, as recognized by the CRC, and the principle of non-discrimination in international human rights law.

In view of reports of illegal burial sites located in the area over which the Ansar Allah movement has control, wherein allegedly killed or deceased migrants, including refugees and asylum seekers, and possible victims of trafficking and of other human rights violations, have been buried, we emphasize that it is of utmost importance to ensure that human remains are recovered and treated professionally and with dignity, that their identities can be reliably established, and that the causes and circumstances of their deaths are accurately determined and documented. Only in this way can the right to truth of family members be guaranteed. If, after identification of the human remains, links to family members in their home countries were established, the identified bodies should be returned to those families.

In light of the above, we respectfully urge the de-facto authorities to put an end to practices of arbitrary detention, trafficking in persons, forced labor and torture, apparently carried out in cooperation with traffickers and to ensure that border control is implemented in compliance with international human rights norms. This includes the respect of the core obligations contained in the following instruments of international human rights law: CAT, ICCPR, CEDAW, CRC and the ILO Conventions on forced labor. We further recommend independent and effective investigations into these allegations in order to establish facts, criminal responsibility in case of misconduct, and related fair prosecution.

The annex “**Reference to international human rights law**”, attached to this letter, cites the key international law and human rights instruments and standards that are relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the allegations of collusion between the Yemen Immigration, Passport and Nationality Authority and

² <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>.

trafficking networks in relation to arbitrary detention, severe restrictions on freedom of movement, forced labor, acts of torture and/or ill treatment, including sexual violence and abuse, and lack of access to water and sanitation, which may endanger the lives of detained migrants.

3. Please provide detailed information on the rationale for the detention of migrants in a reception center in the city of Monabbih, in particular the alleged detention in a 10 m² cage of those who are reportedly unable to pay the fees allegedly imposed for crossing the border, and explain the circumstances in which the alleged violations occurred.
4. Please provide information on whether investigations into the alleged violations were carried out and whether the perpetrators were held accountable. If no investigations have been carried out or if they have been inconclusive, please explain why.
5. Please indicate if the bodies of the allegedly killed and deceased migrants, including asylum seekers and refugees, who are buried in the area under control of the Ansar Allah movement have been preserved, exhumed if necessary, and identified. Please also indicate if any investigations have been carried out in full compliance with the Minnesota Protocol.
6. Please provide detailed information on the measures taken to protect and ensure the rights of unaccompanied children, women and girls, who face a heightened risk of sexual violence and its harmful outcomes, and of migratory flows in particular, in the context of border control strategies and immigration detention.
7. Please provide information on measures taken to prevent trafficking in persons and other forms of exploitation, ensure effective assistance and protection of victims of trafficking, and effective survivor-centered approach to investigations into trafficking in persons including at border crossings.
8. Please indicate any steps taken or envisioned to be taken to implement effective safeguards against human rights violations of migrants, including refugees and asylum seekers, and victims of trafficking, irregularly crossing the Yemeni-Saudi border.

This communication and any response received will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may publicly express our concerns on the subject of this letter, since in our view, the information at hand appears sufficiently reliable, and indicates a matter that warrants serious attention. We would however welcome an official clarification from your part about these allegations. Any public expression of concern from our mandates will indicate that we have been in contact with you to clarify the issue/s in question.

We underline that this letter addressed to the de facto authorities in Yemen does not in any way imply the expression of any opinion concerning the legal status of any territory, city or area, or of its authorities.

A copy of this letter is transmitted to the Government of Ethiopia and the Government of Yemen. A letter with similar concerns is also transmitted to the Government of the Kingdom of Saudi Arabia.

Please accept, Mr. Hisham Sharaf, the assurances of our highest consideration.

Morris Tidball-Binz
Special Rapporteur on extrajudicial, summary or arbitrary executions

Mumba Malila
Vice-Chair of the Working Group on Arbitrary Detention

Felipe González Morales
Special Rapporteur on the human rights of migrants

Tomoya Obokata
Special Rapporteur on contemporary forms of slavery, including its causes and consequences

Siobhán Mullally
Special Rapporteur on trafficking in persons, especially women and children

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Melissa Upreti
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

In connection with abovementioned allegations and concerns, we would like to draw your attention to the following:

In a report to the Human Rights Council, the former Special Rapporteur on extrajudicial, summary or arbitrary executions considered that, while States have a central role in upholding human rights law, the same may also apply to other actors depending on a context-dependent assessment based, in particular, on three interlinked indicators: (i) the nature and extent of armed non State actors' (ANSAs) control; (ii) the level of ANSAs governance and (iii) consequently, the extent of their capacity (A/HRC/38/44, para. 52.) Armed non-State actors that have displaced the de jure government and established (exclusive) territorial control are responsible for the protection (and accountable for violations) of human rights in areas under their control (para. 19 (d)) The Special rapporteur understands de facto authorities are armed non-State actors exercising exclusive control over a specific territory (para. 46).

In the present case, the Ansar Allah movement, as armed non State actor, is bound under international law to respect core human rights obligations, such as the right to life as well as the obligations to investigate, protect, prevent and punish and to fulfill positive obligations, related to minimum survival requirements, including rights to health, water and food, when the right to life is concerned (A/HRC/38/44, paras 68, 74, 76 and 77). We refer to articles 2, 3, 4, 5, 6, 7, 9, 13 and 14 of the Universal Declaration of Human Rights, which provide for the right of every individual to life and security and not to be arbitrarily deprived of his or her life, the right not to be held in slavery or servitude, the right to be free of torture and other cruel, inhuman or degrading treatment or punishment, the right to recognition everywhere as a person before the law, the right not to be subjected to arbitrary arrest or detention, the right to freedom of movement, the right to seek and to enjoy in other countries asylum from persecution and to enjoy these rights without discrimination to equal protection of the law or distinction of any kind, such as race, colour, sex, or national origin among others. We also refer to article 6 of the Convention on the Rights of the Child (CRC) as well as articles 2, 3 and 12 of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT).

In light of these grave allegations, we recall that the right to life constitutes an international customary and *jus cogens* norm, universally binding at all times (A/HRC/35/23, paras 25-26). We also recall the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as an international norm of *jus cogens*, and as reflected inter alia, in Human Rights Council Resolution 25/13 and General Assembly Resolution 68/156.

We reiterate that the obligation to protect the right to life requires to take special measures to protect persons in vulnerable situations, including refugees, asylum seekers, women, children, and unaccompanied minors, whose lives are particularly endangered by specific threats (CCPR, General Comment No. 36, para. 23). We note that the right to life is linked to the positive obligation to ensure access to the basic conditions necessary to sustain life (CCPR General Comment

No. 6, para 5; CCPR General Comment No. 36, para 21). Measures, which restrict access to basic and life-saving goods and services such as food, health, electricity and safe water and sanitation run counter to the right to life (CCPR/C/ISR/CO/4, para. 12; A/73/314, para. 27). We recall that any deaths attributable to such measures amount to an arbitrary deprivation of life, which engages the responsibility of the State (A/73/314, para. 13). We also emphasize that the responsibility to fulfill positive obligations related to the right to life, which is also borne by armed non-State actors generates a responsibility to ensure the life and physical integrity of all persons held in detention, as well as a presumption of responsibility in the event that persons deprived of their liberty die while being held in detention.

We refer to relevant international principles and norms governing the use of force by law enforcement authorities. The Code of Conduct for Law Enforcement Officials, General Assembly resolution 34/169 of 17 December 1979 and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August to 7 September 1990) provide an authoritative interpretation of the limits on the conduct of law enforcement forces. Law enforcement officials may only use force when it is strictly necessary and only to the extent required for the performance of their duties. Should lethal force be used, restraint must be exercised at all times and damage and/or injury mitigated. Medical assistance should be provided as soon as possible when necessary.

We further refer to the duty to investigate, prosecute, and punish all violations of the right to life. In line with the aforementioned Prevention and Investigation Principles, in particular principle 9, there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. This principle was reiterated by the Human Rights Council in Resolution 17/5 on the “Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions” (OP 4). The Council added that this includes the obligation “to identify and bring to justice those responsible ... to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and prevent the recurrence of such executions”. Principle 17 provides that “[a] written report shall be made within a reasonable period of time on the methods and findings of such investigations.” In addition, the *Revised Version of the United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the Minnesota Protocol on the Investigation of a Potentially Unlawful Death (2016))*³ also provides that investigations must be aimed at ensuring that those responsible are brought to justice, at promoting accountability and preventing impunity, at avoiding denial of justice and at drawing necessary lessons for revising practices and policies with a view to avoiding repeated violations.

In light of the reported existence of clandestine burial sites of deceased migrants, the Minnesota Protocol includes guidance on all stages of the investigation process and has detailed guidelines on crime-scene investigation, interviews, excavation of graves, autopsy and analysis of skeletal remains. As stated by the Special Rapporteur on extrajudicial, summary or arbitrary executions, the findings from a forensic autopsy or post-mortem examination are essential for establishing the circumstances of the death and help to determine the causes and manner of the death and that the duty to investigate applies to all potentially unlawful deaths without distinction of any kind (A/HRC/50/34, paras. 22 and 80).

³ <https://www.ohchr.org/sites/default/files/Documents/Publications/MinnesotaProtocol.pdf>.

We also refer to the report on the unlawful killing of refugees and migrants (A/72/335) by the Special Rapporteur on extrajudicial, summary or arbitrary executions. The Special Rapporteur indicates that “non-investigation also contributes to continuing policies and practices that may amount to excessive use of force or to lack of due diligence in addressing preventable and foreseeable deaths (para. 51)”. When the duty to investigate is applied to unlawful deaths in the context of mass movements of people, including through smuggling or trafficking, the Special Rapporteur stated in paragraph 52 of the aforementioned report that:

- a) the duty is heightened in situations involving State actors, including allegations of excessive use of force;
- b) it extends to deaths that occur at the hands of non-State actors, encompassing persons unknown as well as to unlawful deaths resulting from unsafe conditions, self-inflicted harm or risky activity;
- c) investigations include identifying the dead or missing, and determining the cause of death;
- d) a formal complaint is not necessary nor does a body need to be found;
- e) family members of deceased refugees and migrants have the right to take part in an investigation into an unlawful death, and to obtain available information on the causes of death: they also have the right to equal and effective access to justice; to adequate, effective and prompt reparation (E/CN.4/1998/43, paras. 68-75 and A/HRC/22/45); and to recognition of their status before the law (A/HRC/19/58/Rev.1, chap. II, sect. H, para. 42).”

As indicated by the Special Rapporteur on extrajudicial, summary or arbitrary executions, “attributing certain human rights obligations to certain non-State actors does not nullify but complement States’ responsibilities (A/HRC/38/44, para.94). In this context, we reiterate the Special Rapporteur’s observation that “the State may be held responsible for the conduct of non-State actors when it can be shown that it has failed to exercise due diligence to prevent, investigate and respond to such conduct” (para. 22). In addition to this, the report provides in its recommendations that States should “fully implement their obligation to protect against killings by armed non-State actors and evaluate current due diligence mechanisms in light of these actors’ activities and strengthen their implementation, in full respect of international human rights law”, as well as the duty to “hold individual members of armed non-State actors to account under international human rights law and international criminal law, when applicable” (para. 97).

As highlighted in its thematic report on Health and Safety (A/HRC/32/44), the Working Group stresses that women’s safety should be addressed as an integral aspect of women’s health. Women’s exposure to gender-based violence in both the public and private spheres, including in conflict situations, is a major component of women’s physical and mental ill health and the destruction of their well-being, and constitutes a violation of their human rights.

In addition, in its report on women deprived of liberty (A/HRC/41/33), the Working Group on discrimination against women and girls noted that measures to

combat terrorism and corresponding national security measures sometimes profile and target women, in particular those from certain groups and sometimes even women human rights defenders. It has further recommended States to ensure that measures addressing conflict, crisis, terrorism, and national security incorporate a women's rights focus and do not instrumentalise women's deprivation of liberty for the purposes of pursuing government aims.

In its report to the Human Rights Council on sexual and reproductive rights in crisis (A/HRC/47/38), the Working Group on discrimination against women and girl stressed that crisis responses must be gendered and require a combination of emergency and long-term measures. They must be developed and implemented with the active participation of women and girls, taking into account their urgent medical needs and the pervasive structural discrimination against them, while protecting individual autonomy and freedoms, through a coordinated and holistic approach. The Working Group stressed that sexual and reproductive health matters are intrinsic to every woman and girl and tied to their ability to live with dignity and exercise their agency. It expressed deep concern about the widespread impunity for violations of the sexual and reproductive health rights of women and girls. The experts recalled the importance of ensuring access to the full range of sexual and reproductive health services during a conflict, as highlighted by Security Council resolution 2122 (2013) on women and peace and security.

In the same report, the Working Group noted the promising practice of conducting independent investigations by national and specially appointed international commissions that have exposed wide-ranging violations of the sexual and reproductive health rights of women and girls in various situations of crisis and offering clear guidance on reparations and structural reforms. Women and girls are entitled to receive adequate reparations, including restitution, compensation, satisfaction, rehabilitation and guarantees of non-repetition, for violations of their sexual and reproductive health rights, and States have a core obligation to ensure access to effective and transparent reparations. The Working Group recommended expanding the availability of sexual and reproductive health services, including through telemedicine and mobile clinics, to reach diverse populations. The Working Group also recommended ensuring access to a full range of contraceptive information and services for women and girls, including emergency contraceptives. It recommended expanding access to safe abortion services, including medical abortion and post abortion care, and remove legal barriers to abortion, in particular in situations of crisis.

Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women requires States Parties to “take all appropriate measures, including legislation, to suppress all forms of traffic in women”.

In its General Recommendation no. 38 on trafficking in women and girls in the context of global migration (2020), CEDAW states: “that victims of trafficking: “[...] must be ensured access to justice on the basis of equality and non-discrimination, including the prosecution of their perpetrators and the provision of remedies” (CEDAW/C/GC/38 para. 42). States parties must: “provide appropriate and effective remedies, including restitution, recovery, compensation, satisfaction and guarantees of non-repetition, to women whose rights under the Convention have been violated” (CEDAW/C/GC/38 para. 43).

We also recall article 34 of the Convention on the Rights of the Child (CRC), which provides that States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. Moreover, article 35 provides that States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form. We would also like to refer to the joint General Comment – N. 4 of the CMW and N. 23 of the CRC – on state obligations regarding the human rights of children in the context of international migration.

We recall principle 2 of the OHCHR Principles and Guidelines on Human Rights and Human Trafficking, which states the obligation of due diligence on States: “States have a responsibility under international law to act with due diligence to prevent trafficking, to investigate and prosecute traffickers and to assist and protect trafficked persons.”

Further, the Special Rapporteur on trafficking in persons, especially women and children, has highlighted the positive obligation on States to ensure timely identification of, assistance to and protection of victims, and: “(a) Ensure that trafficking in persons for all purposes of exploitation are recognized, including for the purposes of forced labour, servitude, slavery or practices similar to slavery, forced marriage and forced criminality [...]” (A/76/263).

The Report of the Special Rapporteur on trafficking in persons, especially women and children, (A/HRC/47/34), on Implementation of the Non-Punishment Principles. The report highlights that the principle of non-punishment must be applied without discrimination to all trafficked persons.

The Report by the Special Rapporteur on trafficking in persons, especially women and children to the Human Rights Council (A/HRC/38/45) on early identification, referral and protection of victims or potential victims of trafficking in persons in mixed migration movements.

Yemen ratified the ILO Forced Labour Convention, 1930 (No. 29) on 20 May 1965 and the Abolition of Forced Labour Convention, 1957 (No. 105) on 14 April 1969 and therefore must take active measures in policy and practice to prevent/eliminate forced labour in the country.

Finally, we refer to the obligations to provide victims of human rights violations with effective remedies. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by the General Assembly in 2006, provide that victims of a gross violation of international human rights law or of a serious violation of international humanitarian law must be guaranteed of: equal and effective access to justice; adequate, effective and prompt reparation for harm suffered; and access to relevant information concerning violations and reparation mechanisms.