

NO JUSTICE FOR YEMEN'S CHILDREN?

THE CASE FOR LISTING THE SAUDI ARABIA-LED COALITION FOR GRAVE VIOLATIONS

Yemen's children are under attack from all sides. For more than two years now, they have been killed and injured in their homes, on their way to school and at the marketplace with their families. They have even been bombed in hospitals and at funerals.

Armed forces and groups have forcibly recruited children as soldiers, with boys deprived of an education and put to work on the frontlines. All sides in Yemen's war have blocked access to basic goods like food and fuel, leading to a situation in which a staggering 1.8 million children under 5 are acutely malnourished.¹ Now, a massive cholera epidemic which is a direct consequence of the conflict is spreading across the country, affecting more than 150,000 children.



Muhammad Awadh/Save the Children

Noor*, 6, was injured after an airstrike hit her family's home on January 1st 2017.

* indicates name changed to protect identity

All of this has taken place against a backdrop of apathy and inaction from the international community. Efforts to reach a peace deal or even take steps to improve the daily lives of Yemeni civilians have largely faltered and been allowed to fail. The world's biggest humanitarian crisis is unfolding as the world looks away.

One of the simplest mechanisms for doing that is the UN Secretary-General's annual children and armed conflict report. Every year an annex to the report lists parties to conflict who the UN has verified have been the responsible for committing grave violations against children, 'naming and shaming' perpetrators.

In 2016, the Special-Representative for Children and Armed Conflict included five parties to Yemen's conflict on the list: the Houthis/Ansar Allah; Al Qaida in the Arabian Peninsula / Ansar al Shariah; government forces, including the Yemeni Armed Forces, Military Police and others; pro-government militias; and for the first time, the Saudi Arabia-led Coalition (SLC)².

Despite UN-verified evidence that the SLC was responsible for killing and maiming children and attacks on schools and hospitals, in an unprecedented step the coalition was removed from the list after a few days. This followed Saudi Arabia exercising significant diplomatic pressure on the then Secretary-General Ban Ki Moon, reportedly including threatening to withdraw funding from UN agencies. The decision was a rebuke to families seeking justice in Yemen and a blow to global efforts to ensure greater accountability in war. It sent a clear message that if parties to conflict are powerful enough, they will be let off the hook for crimes against children.

As we approach the release of the Secretary-General's 2017 report, this briefing sets out the case for listing the Saudi Arabia-led Coalition this year, alongside other parties to the conflict in Yemen. There is

clear evidence of a pattern of grave violations by the SLC in 2016, including the killing and maiming of more than 120 children and multiple bombings of schools and hospitals.

What is the UN Secretary-General's list?

Since 2001, the UN Security Council has requested that the Secretary-General issue an annual list of parties to armed conflict that commit grave violations against children, as an annex to the Children and Armed Conflict report. Initially restricted to armed groups or militaries that recruit child soldiers, it now lists perpetrators responsible for one or more of the following violations against children:

- Killing and maiming
- Sexual violence
- Abduction
- Attacks against schools and hospitals
- Recruitment or use of children

The 2016 list, based on UN verified grave violations committed in 2015, initially included 62 parties to conflict around the world; 61 after the Saudi-led Coalition was removed. The Watchlist on Children and Armed Conflict has identified 11 additional parties to conflict who should be added to the list in 2017, including the SLC.

To be removed from the list, parties must prepare and implement concrete, time-bound action plans to end their violations, in close collaboration with UN country teams. Key elements of these action plans include a halt to violations, dissemination of command orders prohibiting unlawful conduct, providing the UN access to military facilities for monitoring and verification and establishing high-level focal points for ongoing dialogue. Parties should only be de-listed once violations have ceased for at least one full reporting cycle, i.e. one year, followed by a further year of follow-up monitoring.

The list accomplishes three important objectives. First, the stigma attached to the list provides an incentive for all listed parties to end grave violations, and sends a signal to others that grave violations of child rights will have consequences; second, the negotiation of action plans with the UN provides a time-bound and measurable framework for doing so; and third, and most importantly, the listing provides a tried and tested means to secure concrete improvements in behaviour on the ground.

To date 27 parties, including both national armies and armed groups, have signed UN action plans to end grave violations against children.^b This has led to the demobilization or release of thousands of children who have been recruited or used by armed forces or armed groups, professionalization of military recruitment and screening practices, stronger accountability measures including judicial proceedings, and greater respect for international norms.

There is also the potential for sanctions – four UN Security Council resolutions have expressed the intention to potentially impose sanctions against parties to conflict which violate the rights of children. This includes arms embargoes, asset freezes, and travel bans. For this to be imposed, the parties must already be covered under a UN sanctions committee. To date, two individuals in Côte d'Ivoire and 14 individuals in the Democratic Republic of the Congo have been sanctioned for grave violations committed against children.

a. S/RES/1379 (2001), para 16.

b. Action plans have been implemented in five countries (Chad, Cote d'Ivoire, Nepal, Sri Lanka, and Uganda), resulting in the de-listing of three government armed forces and six non-state armed groups. All but one of the governments currently listed have signed an action plan.

There is clear evidence of specific incidents from a number sources - including the UN, Medecins Sans Frontieres and Human Rights Watch – which show a pattern of grave violations against children by the Saudi Arabia-led Coalition in Yemen in 2016.

The SLC has been consistently responsible for two grave violations in particular: killing and maiming of children, and attacks on schools and hospitals.

The incidents cited here are the ones which have been confirmed or identified by independent international organisations³ – there are likely to be many more which were not recorded. But these incidents alone are more than enough to meet the threshold for listing of the SLC in the 2017 Children and Armed Conflict Report for grave violations, based on the criteria set down by the UN Security Council.



Mohammed Awadh/Save the Children

Zuhoor* was injured in an attack on a funeral in Sana'a which killed at least one child.
* indicates name changed to protect identity

KILLING AND MAIMING

Last year's Children and Armed Conflict report found that 60% of child casualties in Yemen in 2015 (510 deaths and 667 injuries) were attributed to the Saudi Arabia-led Coalition⁴. We know that children are particularly vulnerable when explosive weapons like the coalition's airstrikes hit populated areas like towns and cities. Their smaller bodies mean explosives and shrapnel are more likely to hit a vital organ, and they have less blood to lose so can more quickly bleed out.

As the table below demonstrates, this practice did not end in 2016 – **last year there were at least 19 incidents in which SLC airstrikes led to killing or maiming of children**, including in attacks on schools or hospitals.

Those include an attack on a market in Hajjah in March 2016 in which 25 children were killed and four were injured. Reports at the time said multiple strikes hit the market as children were shopping with their families, leaving burned corpses scattered across the open ground.



Mohammed Awadh/Save the Children

In June 2016, an airstrike hit a building near Ali*'s home in Sa'ada Governorate as his 12-member family were preparing to eat their evening meal. The family was running to take shelter in a small basement room when another missile hit a school next to their house. The blast threw Ali from a second-floor window. He was seriously injured, left deaf and unable to speak. Ali's mother and grandfather carried him to the basement just before a third missile hit. Ali was unconscious and blood was coming out of his ears, mouth, and nose — but his family was unable to leave while airstrikes continued. Now he uses a hearing aid in both ears – and after surgery and time with a speech therapist, he is slowly beginning to talk again.
* indicates name changed to protect identity

In one case, the intensity of the bombing and scale of the casualties was such that the number of child deaths was unknown. The attack on a funeral in October 2016 led to the deaths of at least 100 people and wounded about 500 – children were among them⁵.

ATTACKS ON SCHOOLS AND HOSPITALS

The bombing of schools and hospitals in Yemen has contributed to a situation in which the health system has collapsed and 2,330 schools have been damaged, destroyed or used by displaced families and armed groups.⁶

The Saudi Arabia-led Coalition was reported to be responsible for at least 8 such attacks in 2016, including an attack on a school for the blind and multiple airstrikes on NGO medical facilities and ambulances.

Under international humanitarian law, both schools and hospitals are protected civilian objects, and benefit from the humanitarian principles of distinction and proportionality. Medical facilities and personnel also have an additional protected status beyond the general protections afforded to civilian objects. In addition, attacks on schools and hospitals are considered a grave violation in part because of the devastating effects they have on children. There is the immediate impact – 24 children were reported killed or injured in the eight attacks which were carried out by the SLC last year. That includes ten children who were killed when their school was hit in Saada governorate, and five children who died when an airstrike hit an MSF-supported hospital.

These attacks on vital infrastructure by all sides also have secondary effects, exacerbating the humanitarian crisis for children. Already, approximately 2 million children in Yemen are out of school,⁷ and [a survey by the WHO](#) in 16 out of Yemen's 22 governorates found that half of all health facilities were closed or partially functioning. Lack of access to basic health care has increased by 72% since late 2014 and more than 8 million children struggle to access health care.⁸ It is estimated half a million pregnant women in Yemen are not able to deliver their babies safely⁹ and there has been a surge in child mortality as a result of communicable diseases, such as cholera and pneumonia, as well as chronic conditions and malnutrition.¹⁰



Sarah*, 12 years old, is a displaced girl now living in Hodeidah and is unable to go to school: “My family and I have been displaced since the war started. I used to go to school every day, but now I don’t. I lost all of my school documents and certificates when I fled with my family from the airstrikes. I could have been in the sixth grade now if I had not missed two years I feel sad when I see my cousins going and coming back from school, but I hide my feelings. **I wish I could go back to my school and village; I wish with all my heart that the war stops.**”

* indicates name changed to protect identity

FULL LIST OF SAUDI ARABIA-LED COALITION GRAVE VIOLATIONS IN 2016¹¹

Attacks on schools and hospitals		
January 5, 2016	Airstrike on the Al Noor Center for Care and Rehabilitation of the Blind in Sanaa governorate. ¹²	
January 6, 2016	Cluster bombing of a residential area in Sanaa governorate	1 girls’ school damaged. ¹³
January 10, 2016	Airstrike on the MSF-supported Shiara Hospital in Saada governorate. ¹⁴	
January 21, 2016	Coalition airstrike on an MSF ambulance in Saada governorate. ¹⁵	

March 1, 2016	Two airstrikes hit on open space within 20 meters of the hospital	One child wounded and building damaged. ¹⁶
August 14, 2016	Airstrike on a school in Saada governorate	10 children killed. ¹⁷
August 15, 2016	Airstrike on MSF-supported Abs Hospital, Hajjah governorate	5 children killed, 4 injured. ¹⁸
October 1, 2016	Airstrike on a primary school in Nihm district, Sanaa governorate	2 children killed. ¹⁹
December 6, 2016	Rocket strike on two schools in Saada governorate	1 child injured. ²⁰

Killing and Maiming		
January 22, 2016	Airstrike on a residential area in Sanaa governorate	2 children killed, 3 children injured. ²¹
January 24, 2016	Airstrike on a residential area, Sanaa governorate	3 children killed. ²²
January 28, 2016	Airstrike on a residential area in Sanaa governorate	1 child killed. ²³
February 3, 2016	Airstrike on Amran Cement Factory in Amran governorate	2 children killed. ²⁴
February 9, 2016	Airstrike on a residential area in Sanaa governorate	3 children killed. ²⁵
February 14, 2016	Airstrike on a factory in Sanaa governorate	1 child killed. ²⁶
February 25, 2016	Airstrike on a residential area in Sanaa governorate	2 children injured. ²⁷
February 27, 2016	Airstrike on Khaleq market in Nahm District, Sanaa governorate	9 children killed, 6 children injured. ²⁸
February 27, 2016	Two Saudi Arabia-led coalition airstrikes on a commercial area in Sanaa governorate	4 children killed. ²⁹
March 15, 2016	Two airstrikes on Khamees market in Mastaba District, Hajjah governorate	25 children killed, 4 injured. ³⁰
September 10, 2016	Airstrike on a water drilling rig in Arhab district, Sanaa governorate	3 children killed. ³¹
September 21, 2016	Airstrike on a residential area in Hodeidah governorate	8 children killed. ³²
October 8, 2016	Airstrike on a funeral in Sanaa governorate	100 civilians killed and 500 civilians injured, including children (approximate number of children killed or injured unknown) ³³
October 29, 2016	Three airstrikes on a detention centre in Hodeidah governorate	2 children killed. ³⁴

CONCLUSION

As war grinds on and children's lives are blighted not just in Yemen but around the world, the Secretary-General's annual list has rarely been more important. It offers an opportunity to stand up for children

caught in today's brutal conflicts to say that their lives and rights have value, and is a concrete way to hold perpetrators accountable.

For this process to be effective, the list must be executed without fear or favour – every party to conflict where the UN has verified a pattern of grave violations should be listed. This is not an end in itself, but will kick-start a process to change behaviour and improve accountability which states and armed groups should engage constructively with.

In Yemen, we have seen that since the Saudi Arabia-led Coalition was removed from the list last year, grave violations against children by all sides have continued largely unabated. In the meantime, the humanitarian crisis has spiralled, fuelled by the conflict. The magnitude of the needs, from nutrition to cholera treatment, are overwhelming aid agencies on the ground.



Ensuring that all parties to the conflict there, including but not limited to the SLC, are listed in the upcoming report will send a clear signal that the world is watching and no group has a free hand to commit grave violations against children. It will increase the diplomatic pressure for the parties to return to the negotiating table and move toward a lasting ceasefire and peace deal.

The Secretary-General's annual Children and Armed Conflict list is also only one of the tools at our disposal to improve accountability in Yemen's war. Monitoring violations of International Humanitarian Law and holding perpetrators accountable must be an ongoing process. There should be an independent, international body led by the UN set up with the remit to investigate alleged violations, something the UN's Office of the High Commissioner for Human Rights and others have repeatedly called for.

Based on the evidence set out in this briefing from reputable humanitarian and human rights organisations, there is clear evidence to add the Saudi Arabia-led Coalition to this year's list alongside the other parties in Yemen's war. To do otherwise would undermine the credibility of the Secretary-General's report and risk prolonging the conflict in Yemen, and set a dangerous precedent that parties to conflicts around the world will take notice of. It would also betray the families whose loved ones were killed, the children who suffered life-changing injuries in airstrikes last year, and the teachers who saw students killed in their classrooms. Yemen's children deserve accountability for the attacks committed against them.

ENDNOTES

¹ UNOCHA, Yemen, Periodic Monitoring Review, January-April 2017

² The Coalition consists of Saudi Arabia, Bahrain, Kuwait, the United Arab Emirates, Egypt, Jordan, Morocco and Sudan. Qatar was a member until June 2017.

³ All the incidents cited here except one were confirmed by either the United Nations, Human Rights Watch or Medecins Sans Frontieres based on their own criteria. The one exception – the attack on a school on October 1, 2016 - was provided by the Global Coalition to Protect Education from Attack, based on their desk research of widespread media reports.

⁴ UNSG Children and Armed Conflict Report 2016, p.27

⁵ Human Rights Watch, Yemen: Saudi-Led Funeral Attack Apparent War Crime, Credible Investigation Urgently Needed, October 2016, <https://www.hrw.org/news/2016/10/13/yemen-saudi-led-funeral-attack-apparent-war-crime>

⁶ Yemen Education Cluster, April 2017.

⁷ UNOCHA, Yemen, Humanitarian Needs Overview 2017

⁸ By 2014, 8.6 million people lack access to healthcare, according to UNOCHA, Yemen Humanitarian Needs Overview 2014, while in 2017 this number has increased to 14.8 million, with 55% of them being children according to the 2016 Humanitarian Needs Overview.

⁹ UNOCHA, Yemen, Periodic Monitoring Review, January-April 2017

¹⁰ Stephanie Nebehay, "Yemen War Erases Decade of Health Gains, Many Children Starving: UNICEF," Reuters, January 31, 2017, <http://www.reuters.com/article/us-yemen-securityunicef-idUSKBN15F0WC>.

¹¹ Information compiled by Watchlist on Children and Armed Conflict

¹² Insecurity Insight, "The Aid Security Monthly News Brief," January 2016, <http://www.insecurityinsight.org/aidindanger/wp-content/uploads/2016/05/The-Aid-Security-Monthly-News-Brief-JAN-2016.pdf> (accessed June 14, 2017), p. 3.

¹³ UN Human Rights Council, Written statement* submitted by Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status (A/HRC/31/NGO/44), February 17, 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/028/78/PDF/G1602878.pdf?OpenElement> (accessed June 14, 2017)

¹⁴ MSF-Supported Hospital Bombed in Yemen: Death Toll Rises to Six," MSF press release, January 17, 2016, <http://www.msf.org/en/article/msf-supported-hospital-bombed-yemendeath-toll-rises-six> (accessed June 14, 2017).

¹⁵ "Yemen: Saada Attacks Wound Dozens and Kill at Least 6, Including Ambulance Driver," MSF press release, January 22, 2016, <http://www.msf.org/en/article/yemen-saada-attackswound-dozens-and-kill-least-6-including-ambulance-driver> (accessed June 14, 2017).

¹⁶ MSF, email message to Watchlist, June 15, 2017.

¹⁷ "Statement Attributable to the Spokesperson for the Secretary-General on Yemen," UN Secretary-General statement, August 14, 2016, <https://www.un.org/sg/en/content/sg/statement/2016-08-14/statement-attributable-spokesperson-secretary-general-yemen> (accessed June 14, 2017).

¹⁸ MSF, "MSF Internal Investigation of the 15 August Attack on Abs Hospital Yemen," September 27, 2016, http://www.msf.org/sites/msf.org/files/yemen_abs_investigation.pdf (accessed June 14, 2017), p. 2.

¹⁹ "5 killed as air strike hits Yemen school: medics", The Daily Star, January 10, 2017, <http://www.thedailystar.net/world/five-killed-air-strike-hits-yemen-school-medics-1343242> (accessed January 10, 2017).

"Five killed as air strike hits Yemen school: medics", Al-Monitor, January 10, 2017, <http://www.al-monitor.com/pulse/afp/2017/01/yemen-conflict-school-children.html#ixzz4VOwEtjGP> (accessed January 10, 2017).

²⁰ HRW, "Yemen: Brazil-Made Cluster Munitions Harm Civilians," December 23, 2016, <https://www.hrw.org/news/2016/12/23/yemen-brazil-made-cluster-munitions-harm-civilians> (accessed June 14, 2017).

²¹ HRW, "Yemen: War Crimes Not Addressed," May 4, 2016, <https://www.hrw.org/news/2016/05/04/yemen-war-crimes-not-addressed> (accessed June 14, 2017).

²² UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights, Situation of human rights in Yemen (A/HRC/33/38*), para. 27.

²³ HRW, "Yemen: War Crimes Not Addressed."

²⁴ HRW, "Bombing Businesses, Saudi Coalition Airstrikes on Yemen's Civilian Economic Structures," July 10, 2016, https://www.hrw.org/report/2016/07/10/bombing-businesses/saudi-coalition-airstrikes-yemens-civilian-economic-structures#_ftn88 (accessed June 14, 2017).

²⁵ HRW, "Yemen: War Crimes Not Addressed."

²⁶ HRW, "Bombing Businesses, Saudi Coalition Airstrikes on Yemen's Civilian Economic Structures."

²⁷ HRW, "Yemen: War Crimes Not Addressed."

²⁸ UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights, Situation of human rights in Yemen (A/HRC/33/38*), para. 26.

²⁹ HRW, "Yemen: War Crimes Not Addressed."

³⁰ UN Human Rights Council, Report of the United Nations High Commissioner for Human Rights, Situation of human rights in Yemen (A/HRC/33/38*), para. 25.

³¹ HRW, "Yemen: US-Made Bombs Used in Unlawful Airstrikes," December 8, 2016, <https://www.hrw.org/news/2016/12/08/yemen-us-madebombs-used-unlawful-airstrikes> (accessed June 14, 2017).

³² HRW, "Yemen: US-Made Bombs Used in Unlawful Airstrikes."

³³ Ibid.

³⁴ Ibid.