

YEMEN

CERD 29TH No. 18 (A/9618) (1974)

220. The Committee noted with regret that the initial report of the People's Democratic Republic of Yemen did not provide sufficient information. The provisions of the Constitution of 1970 to which it referred, and the text of which was made available to members of the Committee, corresponded in part to the provisions of articles 5 and 6 of the Convention only. There was no information in the report on the implementation of the other articles of part I of the Convention, nor on other legislative measures; and administrative, judicial or other measures were not mentioned. Furthermore, the information envisaged in general recommendations III and IV of the Committee was not supplied.

221. At its 210th meeting, held on 19 August 1974, the Committee decided to request the Government of the reporting State to ensure that its next report was in conformity with the requirements of article 9, paragraph 1, of the Convention and was organized in accordance with the guidelines laid down by the Committee, and to urge it to supply the information envisaged in decision 3 (VII) and general recommendations III and IV of the Committee.

CERD A/32/18 (1977)

149. The second periodic report of Democratic Yemen was considered together with the introductory statement made before the Committee by the representative of the reporting State.

150. Noting the provisions of the relevant articles of the Constitution and Penal Code of the reporting State which corresponded to the provisions of article 4, paragraph (a), of the Convention, some members of the Committee inquired whether other texts existed which satisfied the requirements of paragraph (b) of that article.

151. Members of the Committee noted with satisfaction that most of the human rights enumerated in article 5 of the Convention were guaranteed in the Constitution of Democratic Yemen, and that article 34 of that instrument guaranteed that “all citizens are equal in their rights and duties irrespective of their race [or] ethnic origin”, that “all are equal before the law”, and that “the State does all it can to realize the equality through providing equal political, economic, social and cultural opportunities”. It was noted also that the report stated that “the practical implementation of these rights was realized by the provisions of a series of legislations and adequate administrative measures”; and the hope was expressed that the next report would contain detailed and textual information about those measures. In connection with article 24 of the Constitution, a question was raised about the conditions under which foreigners could own property and whether those conditions were applicable to all foreigners or only to some groups of them. Likewise, it was asked whether the provisions of article 50 of the Constitution - concerning freedom of movement within the Republic, and freedom to enter and leave the country - applied both to nationals and to aliens.

152. Effect was given to the provisions of article 6 of the Convention by article 42 of the Constitution and by article 7 of the 1976 Penal Code. Some members requested additional information about the manner in which the relevant provisions were applied in court practice.

153. Some members expressed the hope that information on the implementation of article 7 of the Convention and the demographic information envisaged in general recommendation IV of the Committee would be supplied in the next periodic report of Democratic Yemen.

154. The representative of the Government of the reporting State assured the Committee that the observations, questions and wishes expressed during the Committee’s consideration of his Government’s second periodic report would be taken into consideration in the preparation of the third periodic report.

CERD A/35/18 (1980)

116. The third and fourth periodic reports of Democratic Yemen, submitted in one document (CERD/C/48/Add.7), were considered together with the introductory statement made by the representative of the reporting State.

117. Members of the Committee were of the view that the report reflected a serious effort on the part of the Government of Democratic Yemen to fulfill its obligations under the Convention, especially in the light of the difficulties faced by that country since its independence. It was noted in this connection that Democratic Yemen had embarked on a programme of major social and economic changes and it was hoped that information on those changes, as well as on administrative and other measures which were of direct relevance to the implementation of the Convention would be provided to the Committee in the next periodic report.

118. With regard to article 4 of the Convention, members of the Committee observed that the legislative provisions mentioned in the report, such as articles 99 and 121 of the Penal Code of Democratic Yemen, were not adequately adapted to the requirements of the Convention and that legislation to combat specifically racial discrimination in all its forms should be enacted by all States parties regardless of the existence or non-existence of racial problems in their territory.

119. In connection with article 5 of the Convention, members of the Committee drew attention to articles 35 to 43 of the Constitution which guaranteed various civil rights in conformity with the provisions of the Convention, and to article 34 of the Constitution which prescribed the fundamental rights and duties of citizens. It was noted in this respect that stress was laid on economic and social rights, and it was asked whether there was not a certain hierarchy of rights in Democratic Yemen. It was also observed that the second paragraph of article 34 of the Constitution constituted a very serious limitation on citizen's rights. Referring in particular to freedom of movement of aliens, some members noted that apparently problems persisted in some parts of the country and asked whether any action had been taken to improve the situation. Furthermore, it was asked whether the right to leave the country was subject to any conditions and whether, for example, exit visas were required. With reference to the right to marriage and choice of spouse, it was asked whether the size of dowries was regulated, whether prospective spouses of less than a certain age required their parents' consent in order to marry, whether the possible grounds for divorce were based on modern concepts or traditional religious considerations and whether bigamy was regarded as a criminal offence. The opinion was expressed that article 26 of the Constitution did not really guarantee the right to choice of spouse. With reference to property rights, it was noted that article 20 of the Constitution prohibited aliens from owning property and it was asked whether foreign settlers who had remained in Democratic Yemen after independence, but had retained their former citizenship and nationality, had been divested of their property, whether the North Yemenis were also considered aliens and subject to the restrictions provided for by article 20 of the Constitution, and whether such restrictions referred to property in general or merely to landed property. With reference to the right to inherit, it was asked whether that right was based on Islamic law or modern laws and what the situation of women was in this respect. With reference to the right to form and join trade unions, it was observed that article 63 of the Constitution did not really guarantee that right since trade unions were structured apparently by the State. With reference to the right to education, it was noted that, in

conformity with article 40 of the Constitution, the State accorded special attention to the education of persons who had formerly been deprived of education by reason of their social circumstances, and it was asked whether such deprivation still existed and whether any concrete measures had been taken in that connection under article 2 (2) of the Convention. With reference to the right of access to public places, information was asked for on penalties in cases of violation of that right.

120. In connection with article 6 of the Convention, members of the Committee wished to receive the text of articles 81 and 83 of the Code of Criminal Procedure containing provisions concerning the legal remedies available to a victim of discriminatory acts as well as information on legal aid available to injured parties. It was also asked whether the remedy of an application to the courts for damages was available only to persons whose rights had been violated by actions of public officials or also against private persons who had committed such violations. Furthermore, additional information was requested on the manner in which the provisions of the Penal Code relevant to those of article 6 of the Convention were applied in court practice and, in this connection, it was asked whether the courts in Democratic Yemen interpreted article 99, dealing with crimes against humanity, in the light of the Convention. It was also noted that any law which promoted racial discrimination could be challenged in Democratic Yemen, but it was observed that it would be useful to know what procedure had to be followed to challenge such laws and who had the authority to declare them unconstitutional.

121. In connection with article 7 of the Convention, it was observed that information provided in the report concerned more the social development, the national culture and the Islamic heritage of Democratic Yemen than educational programmes related to other cultures or heritages. With reference to Act No. 26 of 1972, dealing with the education system, it was asked whether the promotion of humanism was concerned with Islamic and Arab humanism or other universal humanism.

122. Replying to questions raised by members of the Committee, the representative of Democratic Yemen referred to the provisions of article 4 of the Convention and stated that he shared the view of the Committee that laws should forestall the possible emergence of racial discrimination and that that point would be borne in mind in the preparation of the next periodic report.

123. With regard to article 5 of the Convention, the representative assured the Committee that the question of individual and political freedoms was not relegated in his country to a subordinate position in comparison with economic and social rights. With regard, in particular, to the right to leave the country, he explained that emigration in Democratic Yemen had to be regulated because the country had to preserve its human resources vis-à-vis neighbouring countries which strongly attracted its manpower. He also stated that the tradition of the dowry was maintained for purely symbolic reasons, that laws had been enacted governing repudiation, which required a decision by a court, and that there were regulations concerning polygamy, which was permitted only in very specific cases. Furthermore, according to the Constitution of Democratic Yemen, there was only one Yemeni nationality and all Yemenis, whether from the North or from the South, had the same rights and duties. The representative then provided some details concerning the structure of trade unions and the situation with regard to the education of the most disadvantaged groups of the population, and assured members of the Committee that their questions would be taken scrupulously into account in his Government's next report.

CERD A/39/18 (1984)

145. The fifth and sixth periodic reports of Democratic Yemen submitted in one document (CERD/C/106/Add.6) were considered by the Committee together with the introductory statement made by the representative of the reporting State, which supplemented the information given in the report and explained that in the meantime the new Civil Code had come into force.

146. The Committee commended the quality and scope of the report which showed the efforts made by the Government of Democratic Yemen to guarantee equality to all before the law and reflected the willingness of that country to carry on a constructive dialogue with the Committee. Members pointed out, however, that the Committee would have been in a better position to assess the progress made by Democratic Yemen if its report had been drafted in accordance with the Committee's guidelines (CERD/C/70/Rev.1). They expressed the hope that information on the legislative action taken and the policy adopted to give effect to the provisions of the Convention, in particular those contained in articles 2, 4, 5, 6 and 7 of the Convention, would be included in the next periodic report.

147. In connection with the implementation of article 2, members commended Democratic Yemen's liberal policy and noted that, under article 2 of Yemeni Nationality Act No. 1 of 1981 and article 3, paragraph 3, of the Nationality Act of Democratic Yemen, persons who were stateless or of unknown nationality had acquired the nationality of Democratic Yemen, including some 100,000 persons of Indian origin, regardless of whether or not they were Arabs. More information was requested, however, on the status of these persons in Democratic Yemen, in particular whether, once nationality was granted, former foreigners were considered on an equal footing with other nationals or placed in another category. Furthermore, the Committee wished to know whether the fact that foreign nationals and stateless persons resident in the country enjoyed the same recognized civil rights as Yemeni citizens, as was indicated in article 25, paragraph 1, of the Civil Code, also gave them the right to work. Clarifications were requested concerning the term "nationality"; members asked whether it referred to citizenship or to the fact of belonging to an ethnic group. Information was requested on the tribal and nomadic affiliations that had been prevalent in the period prior to independence and on the extent to which they were responsible for the backwardness and racial discrimination of that period. The Committee also wished to know that special programmes had been undertaken to improve the socio-economic situation of persons belonging to tribes or nomads and whether it was intended to eliminate all tribal habits or customs or only those considered to be backward.

148. With respect to the implementation of article 4, members of the Committee observed that article 98, paragraph 1, of the Penal Code of Democratic Yemen referred to the prohibition of racial discrimination of a genocidal nature, and article 99 of the Code provided penalties for racist feelings in preparation for or execution of a crime against humanity. The Committee, therefore, wondered how the authorities in Democratic Yemen viewed racial discrimination when it resulted from acts which did not constitute a crime against humanity. Although, it was noted, article 159 of the Penal Code specified the punishment for racial contempt, ranging from a reprimand or fine to suspended imprisonment for a term of not more than one year, that did not relieve the Government of the need to ensure that implementation of the provisions of article 4 of the Convention was reflected more fully in its national legislation.

149. As regards the implementation of article 5, the Committee asked who elected the judges in Democratic Yemen, how long their terms of office were, what the voting procedure was, and whether judges could be removed from office and, if so, in what circumstances. Members noted that no details had been provided in the report on the right to leave the country and no mention had been made of the right to organize labour unions. It was asked what limits had been set for the benefit of public welfare on the right of citizens to own personal property under specific legislation to which article 19 of the Constitution referred. Furthermore, it was asked whether Act No. 2 of 1971 entailed an obligation for foreigners to dispose of property they had acquired prior to the promulgation of the Act, whether foreigners were in certain cases authorized to acquire property, and whether the Investment Act of 1981 applied retroactively or only to persons who had invested in the country since the Act entered into force. Details were requested concerning the employment opportunities and freedom of movement of refugees, the regulations governing re-entry permits for migrant workers who wished to return to their countries and the extent to which Democratic Yemen had concluded bilateral agreements with non-Arab countries on the question of migrants. It was also asked whether persons belonging to a specific social class or category could be considered not equal before the law in civil proceedings, in conformity with article 24 of the draft civil code, although they were considered equal in criminal proceedings.

150. With regard to the implementation of article 6, further information was requested on whether there was any legal protection or provision for compensation for the victims of racial discrimination, whether provision was made for persons to appeal to different courts depending on the seriousness of the case and whether the laws of Democratic Yemen included provisions to penalize public officials who violated anti-discrimination legislation.

151. The Committee requested information on any legislative, judicial, administrative and other provisions relating to article 7 and also on educational measures aimed at arousing public awareness against racial segregation and discrimination.

152. Replying to questions raised by members of the Committee, the representative of Democratic Yemen referred to the historical background of his country characterized by division, the tribal system and colonialism. He stated that the legislation of Democratic Yemen was directed towards rebuilding the State by conferring equal rights to vote and to work on all citizens and by resolving the negative elements of the tribal system which resulted in complicated cases of revenge and blood feuds between families and tribes. General peace between the tribes had been declared in 1968. A dissolution of regional and fractional associations had followed in 1969 to replace the concept of collective punishment by individual punishment.

153. Great achievements had been made in promoting literacy. The next report would provide ample information on that development.

154. With respect to the foreign population, the representative stated that many foreigners had left Democratic Yemen after its accession to independence, and others had retained their citizenship and resided in the country with the same rights as nationals. As regards the right to enter and leave the country, the representative pointed out that account must be taken of the economic situation in Democratic Yemen and that many of its citizens emigrated to neighbouring Arab countries.

According to national legislation, restrictions had been imposed only on the movements of certain nationals with very specialized professions whom Democratic Yemen needed in the country for its restructuring and economic development. In any case, the relevant laws did not apply to foreigners.

155. Measures taken in 1971 concerning economic activities applied to enterprises operating in the country before independence, while Investment Act No. 25 of 1981 was designed to regulate the activities of those established recently.

156. Finally, the representative of Democratic Yemen stated that his Government would provide detailed information in its next periodic report with regard to those questions which remained unanswered.

CERD A/47/18 (1992)

160. The Committee considered the ninth and tenth periodic reports of Yemen (CERD/C/209/Add.2) at its 946th and 950th meetings, on 7 and 11 August 1992 (see CERD/C/SR.946 and 950).

161. The representative of the reporting State, introducing his country's reports, said they clearly indicated that social or racial discrimination played no part in the life of the Yemeni people, who had a single ethnic origin and had for 14 centuries clung to the tolerant teachings of Islam in respect of relations between races. He further indicated that, prior to unification, the two Yemeni States had signed and ratified numerous international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination. The Republic of Yemen had assumed the international obligations previously entered into by the two predecessor States. In Yemen access to justice and to public services, such as health and education, was guaranteed to all; freedom of the press was assured and democratically established political parties would be participating in a general election to be held in November 1992. The Government of Yemen actively promoted non-discrimination and friendly relations with other peoples.

162. Members of the Committee welcomed the end of the division of Yemen and the submission by the newly formed State of the reports under article 9 of the Convention, which had been prepared in accordance with the Committee's guidelines. They wished to know whether the Convention would prevail over domestic law; whether it could be invoked before the courts and administrative authorities; and whether its provisions could be enforced by those bodies. Members requested information on the demographic composition of Yemeni society and wished to have more detailed information with respect to the Yemenis of African origin and on the tribal and nomadic affiliations which had existed before independence and which might still persist. They also wished to know what special programmes had been undertaken to improve the socio-economic situation of persons belonging to tribes; whether it was intended to eliminate habits and customs, such as blood feuds and collective punishment; and what measures had been taken to prevent and solve the disputes and problems arising between tribes. They wondered whether the 100,000 persons of Indian origin residing in the country were considered as citizens or aliens, and whether they enjoy the same rights as Yemeni citizens.

163. With respect to article 2 of the Convention, members of the Committee requested that the next report should furnish information on all aspects of that article.

164. In connection with article 3 of the Convention, members of the Committee noted that the obligations arising under that article seemed to have been duly complied with.

165. With regard to article 4 of the Convention, members of the Committee stressed that compliance with article 4 was compulsory for States parties and that the provisions of that article should be fully implemented, in particular in the penal laws.

166. With reference to article 5 of the Convention, members of the Committee inquired whether the lower courts had been merged; whether the former court systems continued to function in the respective halves of the country; and what the position was of divisional and provincial courts. They

congratulated Yemen on the introduction of multi-party democracy and the wide range of civil rights guaranteed to all without distinction as to race, colour, descent or national or ethnic origin. They also commended Yemen for accepting some 10,000 refugees from Ethiopia and Somalia. In that connection they wished to know whether article 3 of the 1951 Convention relating to the status of refugees was being applied and whether identify papers had been issued. They drew attention to the fact that the information provided in the report with respect to article 5 was of a general character and did not deal with racial discrimination.

167. In connection with article 6 of the Convention, members of the Committee pointed out that, in spite of the statement in the report that no complaint involving racial discrimination had been brought before the courts by any individual or group of persons, the examination of the situation prevailing in Yemen had shown that there were indeed examples of informal and institutionalized discrimination.

168. With respect to article 7 of the Convention, members of the Committee asked what legislative and administration measures had been taken to assure its full implementation; whether teacher-training programmes and programmes for other professionals, magistrates and police officials included subjects that would help promote knowledge of human rights issues and engender better understanding, tolerance and friendship among nations and racial or ethnic groups; and whether children were taught about the purposes and principles of the Charter of the United Nations and other international human rights instruments.

169. With regard to article 14 of the Convention, members of the Committee inquired whether Yemen was willing to make a declaration under that article.

170. The representative of the reporting State, replying to the questions asked and comments made by the members of the Committee, pointed out that, owing to the changes that had taken place in Yemen, information provided in the report did not always reflect the most recent developments. He said that in the process of consolidation of the newly formed State the most positive aspects of both systems had been combined. The interim Constitution was a great achievement and had ensured a period of stability and progress. It had also ensured that the Convention and its principles were reflected in legislation. Under article 22 of that Constitution the independence of the judiciary was guaranteed. Members of the various tribes in the country were now considered Yemenis and no distinction was made among them; the only difference among tribal groups was their occupations. Most of those tribes were now settled, had received an education and were contributing to the social and economic life of the country. Isolated cases of tribal vendettas still occurred, but were rare. There were no minorities in Yemen, since all were considered Yemeni citizens.

171. With reference to the treatment of refugees, the representative pointed out that over 1 million Yemeni citizens had recently returned to their country from the Gulf area, and all had been absorbed and provided with housing, health care and education. In addition Yemen had taken in 50,000 Somali refugees as well as refugees from Ethiopia. The treatment accorded to them was in conformity with the provisions of the 1951 Convention relating to the status of refugees.

172. With reference to article 4 of the Convention, the representative stressed that no incitements or acts, referred to in that article, had been known to occur throughout the history of Yemen and

consequently there had been no need to bring complaints of racist propaganda or racial discrimination before the courts; nor had there been any need to ban organizations which promoted racial discrimination, as required under article 4, paragraph (b), since no such organization had ever existed.

173. With regard to article 5 of the Convention, the representative pointed out that the country's Constitution and legislation were not based solely on the precepts of the Sharia but also on other principles and assured that all the rights provided for under the Convention were given sufficient protection.

174. Referring to articles 6 and 7 of the Convention, the representative stated that racial discrimination was strongly condemned not only in the country's schools and educational institutions but also in the press and other mass media. In schools great emphasis was placed on teaching children to respect and value the culture of other countries and peoples. The Universal Declaration of Human Rights formed part of the school curriculum. Human Rights Day was regularly celebrated and was used to instil awareness of the abhorrent nature of racial discrimination.

175. As far as article 14 of the Convention was concerned, the representative said that since no racial discrimination existed in the country, there was no need for the procedure foreseen in that article.

176. In conclusion, the representative declared that the comments of the Committee, especially those concerning the Penal Code of Yemen, would be conveyed to his country's authorities.

Concluding observations

177. The Committee appreciated the Republic of Yemen's desire to enter into a dialogue so soon after the unification of the country.

178. The Committee commended the State's willingness to accept such a large number of refugees from Ethiopia and Somalia. It noted that the report lacked adequate information on the status of the Convention in domestic law and the demographic composition of the population and that articles 2, 4, 5 (e), 6 and 7 were not yet fully implemented. The Committee noted that Yemen had stated that, since no forms of discrimination existed in the country, specific legislation in respect of article 4 was not required. Calling the attention of the State party to the Committee's General Recommendation I, the Committee reiterated that that was not a legally defensible interpretation of the obligations that a State assumes on acceding to the Convention.

CERD A/57/18 (2002)

451. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of Yemen (CERD/C/362/Add.8), submitted in one document, which were due on 17 November 1993, 1995, 1997 and 1999, respectively, at its 1535th and 1536th meetings (CERD/C/SR.1535 and 1536) held on 12 and 13 August 2002. At its 1549th meeting (CERD/C/SR.1549), held on 21 August 2002, it adopted the following concluding observations.

A. Introduction

452. The Committee welcomes the eleventh, twelfth, thirteenth and fourteenth periodic reports, submitted in one document, as well as the additional information that the State party's delegation provided during its oral presentation and its detailed and frank answers to the wide range of questions formulated by members of the Committee. The Committee also expresses its appreciation for the opportunity to renew its dialogue with the State party after a lapse of 10 years.

B. Positive aspects

453. The Committee welcomes recent developments in the State party with regard to human rights, in particular the measures of social welfare undertaken by the State party to improve the living conditions of marginalized individuals and groups.

454. The Committee welcomes the State party's willingness to cooperate with United Nations bodies and NGOs in the field of human rights, including on issues relating to racial discrimination, and the progress made by Yemen in opening up a dialogue with civil society.

455. Noting with satisfaction the appointment of a Minister of State for Human Rights in Yemen, the Committee welcomes General Electoral Act No. 27 of 1996, including its amendments of 1999, and the Political Parties and Organizations Act recognizing fundamental freedoms, including political and party pluralism.

456. The Committee welcomes the establishment of a Higher National Human Rights Committee which monitors the fulfilment of the State party's obligations.

C. Factors and difficulties impeding the implementation of the Convention

457. The Committee acknowledges that, as a result of the civil war in mid-1994, the State party suffered serious socio-economic and political difficulties which affect its capacity to implement fully the provisions in the Convention. The Committee recognizes that some of these difficulties persist in the State party.

D. Concerns and recommendations

458. The Committee expresses concern about the fact that the national legislation of Yemen does not contain explicit provisions prohibiting discrimination on the grounds of race or ethnic and national origin, in conformity with the provisions of the Convention.

459. The Committee regrets the lack of information in the report, despite the Committee's previous requests, concerning the demographic composition of the population and the socio-economic status of ethnic groups. The Committee recommends that the State party in its next report provide detailed information on the composition of the population, as requested in the reporting guidelines of the Committee. It also recommends that the State party provide specific information on the economic and social status of all groups covered by the Convention, as well as on their participation in public life.

460. The Committee is not satisfied with the claim by the State party that there is no racial discrimination in Yemen. It recommends that the State party take effective measures to prevent racial discrimination and give full effect to the provisions of the Convention.

461. The Committee expresses concern at the absence of an explicit penal provision in the State party's legislation in respect of the mandatory provision prohibiting the dissemination and promotion of racial discrimination and violence formulated in article 4 of the Convention. The Committee recommends that the State party revise its Penal Code in order to introduce specific legislation and implement the provisions of article 4.

462. While noting that the State party has provided information under article 5 of the Convention despite the reservations lodged, the Committee invites the State party to continue to provide specific information on how this article is implemented and to consider formally withdrawing those reservations.

463. Given recent political developments, the Committee also invites the State party to consider formally withdrawing its reservations to articles 17, 18 and 20 of the Convention.

464. The Committee notes the information given by the delegation regarding the conditions governing the acquisition of Yemeni nationality. The Committee recommends that the State party take effective measures to ensure the right to acquire nationality for non-citizens, including for non-Muslims and children of mixed couples, without any discrimination.

465. With regard to the right to equal treatment before the courts, the Committee notes the absence of information in the report on cases relating to racial discrimination. It recommends that the State party include in its next periodic report specific information on any such cases.

466. In connection with the implementation of article 7 of the Convention, the Committee suggests that the State party consider intensifying human rights education and training of law enforcement officers, teachers, social workers and public servants, and draws attention to its general recommendation XIII in that regard.

467. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at the national level.

468. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

469. It is noted that the State party has not made the optional declaration provided for in article 14 of the Convention, and the Committee recommends that the possibility of doing so be considered.

470. The Committee recommends that the State party submit its fifteenth periodic report jointly with its sixteenth periodic report, due on 17 November 2005, that it be an updating report and that it address the points raised in the present concluding observations.