

YEMEN

CESCR E/2004/22

344. The Committee considered the initial report of Yemen on the implementation of the Covenant (E/1990/5/Add.54) at its 35th to 37th meetings, held on 12 and 13 November 2003, and made public, at its 56th meeting, held on 28 November, the following concluding observations.

A. Introduction

345. The Committee welcomes the submission of the initial report of Yemen, which has been prepared in general conformity with the Committee's guidelines, and the written replies to its list of issues (E/C.12/Q/YEM/1).

346. While welcoming the frank dialogue with the delegation of the State party, the Committee regrets that there were not enough experts in the delegation in all fields of economic, social and cultural rights, who could have provided more information to the Committee on the concrete measures taken by the State party to implement its obligations under the Covenant.

B. Positive aspects

347. The Committee welcomes the various programmes adopted by the State party to promote and protect human rights, including the establishment of the Supreme National Committee for Human Rights.

348. The Committee welcomes the establishment of the National Committee for Women which is charged with, inter alia, the task of reviewing and drafting legislation relevant to women.

349. The Committee welcomes the Local Authority Law No. 4 of 2000 which aims to ensure a fair distribution of services, programmes and projects to the widely decentralized administration of social affairs.

C. Factors and difficulties impeding the implementation of the Covenant

350. The Committee recognizes that the State party suffered serious difficulties relating to its obligations under the Covenant as a result of the civil war of 1994 and of the Gulf war of 1990-1991, which forced about a million Yemeni migrant workers to return home, leaving behind most of their belongings.

D. Principal subjects of concern

351. The Committee is concerned about the persistence of de facto discrimination, within Yemeni civil society, in relation to some marginalized and vulnerable groups, commonly referred to as *akhdam*, *ahjur* or *zubud* (derogatory terms for which no neutral alternatives exist).

352. Despite the measures taken by the State party to advance the status of women in Yemen, the Committee is concerned about the existence of certain customs, traditions and cultural practices which lead to substantial discrimination against women and girls and that there are still persisting patterns of discrimination, particularly in family and personal status law, as well as inheritance law. The Committee is also concerned about the widespread discrimination faced by women in their access to an adequate representation at all levels of decision-making bodies in the State party.

353. The Committee is concerned about the limited progress attained by the State party to combat unemployment and that this remains at a very high rate, particularly among young people.

354. The Committee regrets the absence of a minimum wage.

355. The Committee is concerned about the gap in wages between men and women even if they perform the same work under the same conditions and specifications.

356. The Committee notes with concern that significant segments of society, particularly self-employed and agricultural workers, are not covered by the social security system.

357. The Committee is concerned about the lack of measures to combat sexual and domestic violence as well as the lack of legislation to criminalize such violence.

358. The Committee is concerned about the high rate of infant and maternal mortality and the insufficient availability of health services, especially for women in rural areas. The Committee is also concerned about the lack of a comprehensive sexual and reproductive health programme in the State party.

359. The Committee is concerned that child labour still persists, especially in the informal sector, despite the adoption of a national strategy and a plan of action for the elimination of child labour.

360. The Committee is deeply concerned about the persistence of extreme poverty in the State party, especially in rural areas, and among the disadvantaged and marginalized groups.

361. The Committee is concerned about the living conditions of prisoners and detainees in the State party, especially women, with regard to access to health-care facilities, adequate food and safe drinking water.

362. The Committee is concerned about the persisting water crisis which constitutes an alarming environmental emergency in the State party, and which prevents access to safe and affordable drinking water, particularly for the disadvantaged and marginalized groups of society, and for rural areas.

363. The Committee is concerned about the rising incidence of HIV/AIDS and other sexually transmitted diseases in the State party.

364. The Committee is also concerned that people suffering from HIV/AIDS do not always have full access to the necessary services, food and facilities.

365. The Committee is deeply concerned about the persistent consumption of *khat*, especially when up to about 50 per cent of household incomes are allocated to its consumption.

366. The Committee is concerned about the high level of tobacco consumption in the State party, especially among youth.

367. The Committee is concerned that the policy of compulsory education has yet to be fully implemented. It further notes the high dropout rates, especially among girls in rural areas, and the inadequate training of teachers.

368. The Committee remains concerned that the high level of illiteracy, especially among women in rural areas amounting to over 70 per cent, poses a major problem and has a deep impact on the enjoyment of their economic, social and cultural rights.

369. The Committee is concerned about the lack of adequate human rights training in the State party, in particular with respect to the rights enshrined in the Covenant, especially among the judiciary, law enforcement officials and civil servants responsible for the implementation of the Covenant.

E. Suggestions and recommendations

370. The Committee urges the State party to undertake effective measures, such as awareness-raising campaigns and educational programmes, to combat de facto discrimination, in particular against marginalized and vulnerable groups in society commonly referred to as *akhdam*, *ahjur* or *zubud*.

371. The Committee strongly recommends that the State party amend existing legislation to bring it in line with the provisions of article 3 of the Covenant. The Committee requests the State party to provide, in its second periodic report, detailed information on government policies, programmes and measures adopted for the immediate and effective implementation of the legislation on equality between men and women, including the representation of women at various levels of the Government and public administration.

372. The Committee recommends that the State party undertake measures for the effective implementation of the national population policy and its programme of action for 2001-2005.

373. The Committee recommends that the State party establish a system of adequate remuneration which is sufficient to ensure a decent living for workers and their families, in accordance with article 7 of the Covenant.

374. The Committee recommends that the State party undertake effective measures to ensure in practice the principle of equal remuneration for work of equal value.

375. The Committee urges the State party to undertake measures to make its social security system more comprehensive so as to include all workers and their families. In this regard, the Committee encourages the State party to ratify ILO Convention No. 102 (1952) concerning

Minimum Standards of Social Security .

376. The Committee calls upon the State party to adopt and implement the necessary measures to combat domestic and sexual violence and to provide adequate protection for victims of such practices.

377. The Committee urges the State party to increase its efforts to reduce the rate of infant and maternal mortality by providing adequate access to health services and vaccination programmes, especially for women and children in rural areas. The Committee urges the State party to adopt and implement a national sexual and reproductive health programme.

378. The Committee also urges the State party to adopt measures to eradicate child labour and to report on progress achieved in its next periodic report.

379. The Committee further urges the State party to take effective measures to combat the problem of poverty, including the effective implementation of its poverty reduction strategy.

380. The Committee urges the State party to take effective legislative or other measures to provide adequate health-care facilities, adequate food and safe drinking water to prisoners and detainees, especially women. The Committee also urges the State party to ensure the professional and social reintegration of women ex-prisoners, through vocational training.

381. The Committee further urges the State party to introduce strategies, plans of action, and legislative or other measures to address the scarcity of water problems, in particular sustainable management of the available water resources. The Committee recommends that effective water management strategies and measures be undertaken in urban areas, exploring possibilities for alternative water treatment and developing ecological dry sanitation methods in rural areas. The Committee requests the State party to report on these issues, in its next periodic report, bearing in mind the Committee's general comment No. 15 (2002) on the right to water (arts. 11 and 12 of the Covenant), by providing comparative and disaggregated data.

382. The Committee recommends that the State party intensify its efforts to control the spread of HIV/AIDS. The Committee further requests the State party to provide detailed statistical data, disaggregated on a year-by-year basis, on the incidence of HIV/AIDS and on the measures taken to combat this pandemic, including public information programmes.

383. The Committee, in line with its general comment No. 14 (2000) on the right to the highest attainable standard of health (art. 12 of the Covenant), recommends that the State party provide adequate health care for people suffering from HIV/AIDS and that public information programmes be provided to raise awareness of these problems in Yemeni society.

384. The Committee urges the State party to take effective measures to combat the widespread consumption of *khat* and to conduct further studies on the health and economic implications of its consumption.

385. The Committee recommends that the State party undertake immediate measures to

implement the national work plan for tobacco control recently developed by the Ministry of Health.

386. The Committee urges the State party to implement fully its national education for all plan for, taking into account the Committee's general comments Nos. 11 (1999) on plans of action for primary education (art. 14 of the Covenant) and 13 (1999) on the right to education (art. 13 of the Covenant).

387. The Committee requests the State party to adopt effective measures to combat illiteracy and to provide, in its second periodic report, information on the measures it has undertaken and on the results of these measures. The Committee also requests the State party to include disaggregated and comparative statistics in its second periodic report.

388. The Committee recommends that the State party improve its human rights training programmes in such a way as to ensure better knowledge, awareness and application of the Covenant and other international human rights instruments, in particular among the judiciary, law enforcement officials and civil servants responsible for the implementation of the provisions of the Covenant.

389. The Committee also recommends that the State party establish an independent national human rights institution in accordance with the Paris Principles.²⁶ The Committee further recommends that the State party make sure that the mandate of the institution includes economic, social and cultural rights and is accessible through local offices. In this regard, the Committee recommends that the State party seek technical cooperation from the Office of the United Nations High Commissioner for Human Rights.

390. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society and, in particular, among State officials and the judiciary and to inform the Committee, in its second periodic report, of all steps undertaken to implement them.

391. The Committee encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its second periodic report.

392. The Committee requests the State party to submit its second periodic report by 30 June 2008.

Notes

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²⁶ Principles relating to the status of national institutions for the promotion and protection of human rights (see General Assembly resolution 48/134 of 20 December 1993, annex).
