

		CCPR/C/YEM/Q/5	
	ADVANCE EDITED VERSION		Distr.: General 20 April 2011 Original: English

Human Rights Committee**101st session**

New York, 14 March-1 April 2011

**List of issues to be taken up in connection with the consideration of
the fifth report of Yemen (CCPR/C/YEM/5)**

Self-determination (art. 1)

1. Please explain the constitutional and political processes which in law and practice allow the exercise of the right to self-determination. What measures has the State party taken, if any, to respond to calls for secession from the southern part of the country?

Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. Please provide information on all cases in which the provisions of the Covenant have been invoked before domestic courts.

3. Please state the specific steps that have been taken since the consideration of the previous State party's report to establish a National Human Rights Institution in line with the Paris Principles (General Assembly resolution 48/134, annex)? (see CCPR/CO/84/YEM, para. 7).

Counter-terrorism measures and respect of Covenant guarantees

4. According to information before the Committee, the State party has been a target of terrorist attacks and has as a result developed amendments to the Counter Terrorism Act which have been criticized as over-broad and vaguely worded. Please explain what the State party has done to ensure that its anti-terrorism campaign respects the principle of proportionality and all Covenant rights, especially those that are non-derogable? (see CCPR/CO/84/YEM para. 13).

Non-discrimination, equality between men and women (arts. 2, para. (1), 3, 23 and 26)

5. Please indicate the legislative and administrative measures and recent court decisions, if any, relating to protection against discrimination in all fields, on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

6. Please state the measures being taken, if any, to improve: (a) women's participation in

the political, economic and social spheres of life of the country; (b) levels of employment among women including the proportion of women in senior positions both in the private and public sectors; and (c) the literacy and school enrolment rates for women and girls as compared to those of men and boys. Please indicate the measures which have been taken to bring an end to all traditional discriminatory practices and stereotypical attitudes about the roles of women and men in the family and society which impair the equal enjoyment of rights by women and men (see CCPR/CO/84/YEM, paras. 8 and 10).

7. Please provide information on the measures taken, if any, to end descent-based discrimination and all forms of discrimination against members of marginalized communities including the Al-Akhdam community.

8. Please state the measures taken to amend the Personal Status Law of 1992 which allows polygamy, prohibits the marriage of women without guardianship, and does not require the consent of the woman in order for her guardian to conclude her marriage. The Committee understands that articles 273 and 275 of the State party's Criminal Code criminalize acts of public indecency under which women are systematically prosecuted and that article 232 provides that any male relative may kill a female relative suspected of adultery and not be prosecuted with murder. Will the State party consider repealing these laws? (see CCPR/CO/84/YEM, paras. 9 and 12).

Right to life, prohibition of torture and cruel, inhuman or degrading treatment or punishment (arts. 6 and 7)

9. Please state the concrete measures that the State party is taking, if any, to ensure that in cases in which the death penalty is imposed, it is applied only to the most serious crimes, not imposed for crimes committed by persons below the age of 18 and not contrary to any of the provisions of the Covenant, including article 14. Further, please specify all crimes that incur the imposition of the death penalty and explain how these are consistent with the provisions of the Covenant. Also, please indicate the method of execution prescribed by law and explain how it is consistent with the provisions of the Covenant (see CCPR/CO/84/YEM, paras. 15).

10. According to information provided to the Committee, a number of individuals were subjected to extrajudicial killings in the aftermath of the Sa'dah war because they had allegedly taken part in the activities of the Southern Movement and were suspected of belonging to Al-Qaeda. Please provide information on this incident and statistical data on the number of individuals killed. Please explain how the aerial raids and indiscriminate attacks by security forces in 2009 in Al Ma'agala village (Abeen Governorate), Al-Talh market (Sa'dah Governorate) and Al-Adi camp that led to the killing of civilians comply with the provisions of the Covenant. Please state the measures adopted to combat the pervasive incidents of extrajudicial killings and enforced disappearances committed by State agents. Does the State party intend to promptly investigate reports of abuses by its own forces committed during the war in northern Yemen and punish as appropriate those responsible?

11. Please explain how the definition of torture in the national Constitution and laws is consistent with international human rights standards. Please inform the Committee on the steps that are being taken to ensure that the definition of torture is revised to cover all elements of torture and enables the sanction of all persons who are complicit in such acts.

12. Please provide information on: (a) the investigations and number of complaints received by the Office of the General Prosecutor against security officials, law enforcement and detention personnel related to incidences of torture and ill-treatment; (b) the number of cases in which the General Prosecutor has authorized the prosecution of law enforcement officers and security officials; (c) the number of cases dismissed, and the reasons for their dismissal; (d) the number of officials disciplined and the sanctions imposed; and (e) concrete measures taken for the rehabilitation and compensation of victims.

13. Reiterating its concern on female genital mutilation (FGM) and domestic violence, the Committee asks the State party to provide information on the measures taken to prevent such violence and ensure its effective investigation and sanction. Also provide information on trainings for judges, prosecutors, police and health officers on FGM and domestic violence as well as awareness-raising campaigns for women on their rights and available remedies. Information should also be provided on: (a) the number of complaints received for such cases; (b) investigations carried out; (c) the types of penalties imposed; (d) compensation awarded to the victims and; (e) the number of safe shelters and any other resources allocated to assist victims of FGM and domestic violence (see CCPR/CO/84/YEM, para. 11).

14. Please provide information on the measures taken, if any, to protect foreign nationals and asylum-seekers from extradition and forced returns to countries where there are likely to be subjected to torture, ill-treatment or suffer serious human rights violations.

15. Please provide information on any measures taken to ensure that criminal sanctions such as flogging, stoning and amputation are abolished. Please also provide the most recent data on the use of flogging and amputations, and explain the steps taken to eliminate all forms of corporal punishment in all settings where it is prohibited but still practised, including within families and at schools (e.g. by offering training in alternative disciplinary measures) (see CCPR/CO/84/YEM, para. 16).

16. What is the State party doing to prevent pro-government militias from using force against government critics and opponents, and to ensure that, if appropriate, they are prosecuted?

Elimination of slavery and servitude, and protection of minors (arts. 8, 23 and 24)

17. Please provide information on measures being taken to intensify the investigation and prosecution of traffickers and to provide assistance to victims. Please also provide the most recent data on trafficking, disaggregated on the basis of gender, age, ethnicity and country of origin, as well as up-to-date information on the number of prosecutions, convictions and sentences imposed on convicted perpetrators, and any measures taken to compensate and rehabilitate the victims (see CCPR/CO/84/YEM, para. 17).

18. Please respond to allegations that: (a) young Yemeni girls are allegedly used for ‘sex tourism’ where they are forced into ‘temporary marriages’ with rich non-Yemeni men from neighbouring countries; (b) guardians of girls under 15 years can marry them off as young as eight years of age; and (c) birth registration is not compulsory, which exposes children to risks of violation of a variety of rights under the Covenant. Please provide information on the specific measures the State party is taking to address these problems and protect children from all forms of abuse and exploitation (see CCPR/CO/84/YEM, para. 21).

Right to liberty and security of person, treatment of persons deprived of their liberty, imprisonment for a debt and fair trial (arts. 9, 10, 11 and 14)

19. Please explain the functions of the Political Security Department. Are its activities in arresting and detaining persons subject to judicial oversight, and in what manner? What other forms of oversight or monitoring exist with regard to detention by the Political Security Department?

20. During demonstrations in 2009, the police allegedly arrested 2,273 people and used excessive force to this end. Please provide information on the measures being taken to put an end to arbitrary arrests, incommunicado detention and excessive use of force when effecting arrests. Does the State party intend to end the arbitrary detention of protestors by security forces, release those who remain in detention without charge, bring remaining detainees speedily before an independent judicial body with the power to review their detention and order their immediate release?

21. Please provide information on allegations that certain tribal leaders such as Sheikh Mohammed Ahmed Mansour run private prisons where they hold individuals. Please provide information on the measures taken to investigate this phenomenon and to prosecute these tribal leaders for operating illegal prison facilities. What measures have been taken to implement the recommendations of the Parliamentary Commission that was set up to investigate the activities of Sheikh Mohammed Ahmed Mansour?

22. Please specify the measures that have been taken, if any, to address the problem of deteriorating prison conditions, overcrowding, lack of medical care and deaths in prison. To what extent has the State party used alternative measures of detention such as bonded bail, suspended sentences and community service as options to address the overcrowding in prisons and detention facilities?

23. According to information before the Committee, there is no segregation in detention and prison facilities between juveniles and adults. It is reported that female detainees have been raped partly because of lack of female personnel in female prisons. Please explain the measures taken, if any, to ensure that juveniles and adults are separated in detention and prison facilities. What procedures exist whereby a complaint of ill-treatment by prison or other officials in places of detention, including in psychiatric institutions, can be filed and duly investigated, perpetrators brought to justice and victims offered redress and compensation.

24. According to information before the Committee, a number of Yemeni citizens have been imprisoned for failing to repay their debts or fulfil their contractual obligations. It is reported that the Prisoners' Committee provides annual assistance to repay debts of insolvents to secure their release. Please explain the measures taken to ensure that no individuals are imprisoned for failing to fulfil their contractual obligations as prescribed by the Covenant.

25. Please explain the legality of the Specialized Criminal Court which was established by a Presidential decision, and how its standards on fair trial conform to the provisions of the Covenant. Furthermore, please explain how the decision issued by the Supreme Judicial Council that expands the list of offences that can be adjudicated by the Specialised Criminal Court complies with the Covenant.

26. According to information before the Committee, there is pervasive corruption in the judiciary and executive interference which stifles judicial independence. Please provide information on the measures being taken to (a) fight corruption, (b) investigate corrupt officials, and (c) discipline judges and court officers. Please also state the measures taken, if any, to ensure judicial independence by distancing the Minister of Justice's role from the disciplining of judges and conforming with the Basic Principles on the Independence of the Judiciary (see CCPR/CO/84/YEM, para. 6).

27. Please respond to reports that, during trials, judges often admit as evidence confessions obtained through torture and other ill-treatment. What measures have been taken, if any, to ensure that such evidence is excluded?

28. Does the State party intend to revisit its criminal definition of rape? As well, given that acts of rape occur out of sight, why does the law require the testimony of four female or two male witnesses to the crime when the alleged rapist denies having committed this crime?

Right to privacy (art. 17)

29. Although the law prohibits it without legally issued warrants, the Committee has learned that the PSO (Political Security Organization) and Ministry of Interior routinely search homes and private offices, monitor telephone calls, read personal mail and e-mail, and otherwise encroach on the privacy rights of citizens. What if anything is the State party doing to address this situation?

Freedom of religion and belief (art.18)

30. Please explain how the law that prohibits Muslims from converting to other religions complies with the State party's obligations under the Covenant. What measures has the State party put in place to ensure the respect of freedom of religion, which includes the right to freely change one's religion? (see CCPR/CO/84/YEM, para. 18).

31. Please respond to allegations that the Government persecutes the Shiite minority, and has in the past targeted the Zaidi and Ithna Asheri sects and suspected members of the Shabab al-Mu'minon. Furthermore, explain the measures taken to deal with the growing anti-Semitism, and the arrest and detention of members of the Bahá'í community in Sana'a by national security officials. What measures has the State party taken, if any, to promote freedom of worship and religious tolerance?

32. Please provide information on (a) the arrangements in place for conscientious objectors to military service to perform alternative services; (b) the number of persons who have used these arrangements since their creation; and (c) the duration of alternative service, as compared with military service (see CCPR/CO/84/YEM, para. 19).

Freedom of movement, freedom of opinion and expression and freedom of assembly (arts. 12, 19, 20 and 21)

33. Please respond to allegations that law enforcement officers at security checkpoints located on the main roads prevent citizens from travelling between provinces to participate in demonstrations and protests. Furthermore, it is alleged that foreigners lawfully residing in the State party are not allowed to move between provinces without official permission from the Ministry of Interior. Please comment on reports that the State requires women to have the permission of a male relative before applying for a passport or leaving the country. Please explain how these restrictions comply with the provisions of the Covenant.

34. According to information before the Committee, freedom of expression and the press is unduly restricted as most newspapers deemed critical of the Government have been shut down and journalists arrested, kidnapped, tortured and some threatened with death. It is also reported that the Ministry of Information is refraining from issuing licenses to newspapers, the State party imposes censorship on war news, and it limits the freedom of movement of journalists. It is alleged that in 2009 alone, about eight newspapers were banned and the Government continued to block online news sites such as Mostakela.net, Al-Ishteraki.net, Yemenat.net, Al-shoura.net, newommah.net, Almasdaronline, Al Mukallah press, and Aden press. Please state the measures that the State party is taking to ensure that freedom of expression and the press are only subjected to the acceptable restrictions prescribed by the Covenant. The State party has reportedly established a court to try cases related to the media. How many trials have occurred to date, for what offences, how many findings of guilt have been made and what punishments have been imposed? What has the State party done to investigate effectively threats and acts of violence against journalists and bring to justice those responsible with a view to combating impunity?

35. In light of the recent and ongoing demonstrations in Sana, Aden, and other areas, please explain what steps are being taken to prevent the misuse of force, and provide information about investigations into the deaths of protesters. Please explain the procedures, if any, you have in place for ensuring a thorough, prompt and impartial investigation in all cases of civilian death caused by State agents.

36. Please comment on allegations that peaceful assemblies and associations by people from northern and southern parts of the country have been unlawfully suppressed by the Government since 2007. What measures has the State party taken, if any, to promote the right to peaceful assembly and association as prescribed by the Covenant?

Freedom of association (art. 22)

37. Please comment on reports of the State party politicizing and attempting to exert control over unions and professional associations (e.g. by influencing internal elections, installing its own personnel within these associations etc.), as well as dissolving labour unions in the absence of a court order.

Right to vote and participate in public affairs (art. 25)

38. What is the State party doing to address the problems of government corruption and fraudulent voter registration? While criminal laws on corruption do exist, what is the State doing to implement these laws effectively, and to end impunity for this crime?

Dissemination of information relating to the Covenant and the Optional Protocol (art.2)

39. Please provide information on the steps taken to disseminate information on the Covenant and the Optional Protocols, the submission of the fifth periodic report of the State party, and its forthcoming examination by the Committee. Please also provide more detailed information on the involvement of representatives of ethnic and minority groups, if any, civil society, and non-governmental organizations in the preparatory process for the report.