



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

Seventy-eighth session

14 February –11 March 2011

### Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

#### List of themes to be taken up in connection with the consideration of the seventeenth and eighteenth periodic reports of Yemen (CERD/C/YEM/17-18)

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the seventeenth and eighteenth periodic reports of Yemen. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues will be raised in the course of the dialogue.

1. **Lack of data on the demographic composition of the population including the number of non-citizens living in the State party**
  - (a) Lack of demographic data to understand the ethnic composition and number of non-citizens living in the State party and to determine the trends and progress made in the elimination of all forms of racial discrimination (CERD/C/YEM/17-18, paras. 20-22 and 94; CERD/C/YEM/CO/16, para. 8).
2. **The Convention in domestic law; legislative and policy framework for its implementation and measures to combat racial hatred (arts. 1, 2 and 4)**
  - (a) Update on the progress made to incorporate into domestic law a definition on racial discrimination that is in line with the Convention (CERD/C/YEM/17-18, paras. 23 and 82; CERD/C/YEM/CO/16, para. 9).
  - (b) Update on the concrete steps taken to establish a national human rights institution for the promotion and protection of human rights in line with the Paris Principles adopted by the General Assembly in its resolution 48/134 (CERD/C/YEM/17-18, para. 7).
  - (c) Lack of data on the number of complaints received and handled by the Ministry of Human Rights that relate to racial discrimination (CERD/C/YEM/17-18, para. 3).

(d) Update on the progress made in reviewing the Penal Code in order to proscribe all conduct that falls under article 4 of the Convention in order to afford more protection against racial discrimination and racial hatred (CERD/C/YEM/17-18, paras. 62, 77 and 88; CERD/C/YEM/CO/16, para. 12).

**3. Integration, combating racial prejudices and the situation of non-citizens (migrant workers, asylum-seekers and refugees) (arts. 2, 5 and 6)**

(a) Lack of information on measures taken to halt forced returns of foreign nationals who ran a risk of being subjected to human rights violations in the country of destination. Measures taken to ensure that the National Committee on Refugee Affairs follows due process and affords applicants seeking international protection, the right to appeal against unfavourable decisions (CERD/C/YEM/17-18, para. 165. See also A/HRC/12/13, p.14, paragraph 8; CAT/C/YEM/CO/2/Rev. 1, paragraph 9).

(b) Update on measures taken to define the rights of refugees under domestic law and to improve their living conditions in particular their access to education and health care (CERD/C/YEM/17-18, para. 165).

(c) Measures taken to protect the rights of migrants, refugees and internally displaced persons, and people with disabilities (A/HRC/12/13, p. 20, para. 101).

(d) Update on the new Labour Code and how it affects the rights of foreigners and other migrants in accessing employment and their conditions of employment (CERD/C/YEM/17-18, para. 238).

(e) Update on measures taken to withdraw reservations to article 5 (c) and (d) (vi) and (vii) of the Convention (CERD/C/YEM/17-18, paras. 62 and 63).

**4. Respect for the rights of religious minorities and descent-based discrimination (arts 2, 5 and 7)**

(a) Specific measures taken to protect the rights of religious minorities such as the Jewish and Baha'í communities and to prevent the recurrence of threats against them (A/HRC/12/13, p.20, para. 100; A/HRC/WG.6/5/YEM/2, para. 31).

(b) Measures taken to protect the rights of marginalized groups such as the Al-Akhdam by eliminating descent-based discrimination and all forms of exclusion in all spheres of life (CERD/C/YEM/CO/16, para. 8; A/HRC/WG.6/5/YEM/2, paras.13 and 50).