

(Translated from Arabic)

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
IN ACCORDANCE WITH ARTICLE 16 OF THE INTERNATIONAL
COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

REPLIES BY THE GOVERNMENT OF YEMEN

**To the list of issues (E/C.12/Q/YEM/1) to be taken up in connection with
the consideration of the initial report of YEMEN concerning the rights
referred to in articles 1-15 of the International Covenant on Economic,
Social and Cultural Rights (E/1990/5/Add.54)**

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I. GENERAL INFORMATION

1. Article 2 of the Yemeni Constitution specifies that Islam is the religion of the State. The Muslim population of Yemen is not divided into different Islamic communities. There are schools of Islamic law (*fiqh*), known as *madhahab islamiyah/fiqhiyah*, which take their names from their founders, i.e. Shafi`i, Hanafi and others. None of this has any effect on the level or extent to which these groupings enjoy the rights guaranteed them under prevailing laws and legislation.

Moreover, Islamic doctrines such as Zaidism, Isma`ilism and Baharism are not divisions of Islam, nor are they sources of a new body of law; they are merely different approaches to understanding the Shariah, interpreting its texts and establishing rules based on Shariah sources. They represent a form of diversity based on free choice with respect to the manifestation of belief and performance of religious observances. However, they all agree on the principles of the Islamic Shariah. This means that they do not create division, disputes or strife among the population such as could undermine social stability and security. Moreover, the social, human and economic dimensions of overall development are not adversely affected in any way by the existence of these diverse forms of religious observance.

2. Arabic is the official language of the Yemeni Republic (article 2 of the Constitution). It is the language of communication, education and information. As for Amharic and Suqutri, these dialects are spoken, in addition to Arabic, by a few hundred persons in the governorate of Mahra in the easternmost part of Yemen and by the population of Suqutra island in the Indian Ocean. According to the Italian orientalist Ignazio Guidi, they are dialects that have no literary value.

Scholars refer to the living dialects of Yemen, namely Amharic and Suqutri, as modern South Arabian. They have noticed certain similarities between the rules these dialects follow and those observed in the ancient Yemeni texts that have been preserved for posterity in inscriptions (the *Masanid*). Amharic and its sister dialect Suqutri continue to puzzle the scholars, even though the first studies of these dialects began as far back as the century before

last. The population of Suqutra island can trace its origins to the ancient Suqutris (believed to be of Himyaritic stock) and to Yemeni migrants from Mahra in Aden. Studies show that the inhabitants of the island are of Yemeni descent and that their kingdoms once stretched all the way along the southern coast of the Arabian Peninsula, from Oman to the Red Sea. Evidence taken from engravings, inscriptions and goat, sheep, hand and foot imprints suggests that they could be descendants of the ancient southern Arabs.

According to an anthropological study by the well-known Russian orientalist Vitali Naumkin, the languages spoken by the Maharis and Dhofaris are close to Suqutri. These languages are not known outside these areas.

Suqutri is less subject than other languages to external influence, particularly from Arabic. The roots of Amharic, Dhofari and Suqutri are closely related to the ancient Yemeni languages: Sabaean, Minaean, Himyaritic and Qatbanian. All this information offers additional evidence of the close affinity between the Suqutris' forebears and the ancient inhabitants of Yemen.

At the same time, the development that has taken place on the island in recent years and the care the Government has taken, in coordination with international aid agencies, institutions and Governments, to create basic infrastructure and social development projects and services as well as projects to protect the island's natural resources have helped overcome the cultural isolation to which the use of this language can give rise; Suqutri being the product of different languages that are spoken by only a very few people in Yemen, representing a tiny fraction of the population.

The Southern Semitic languages were those spoken by the peoples of Yemen in ancient times. Although they are now extinct, they form the basis of several languages that still survive to this day. The new languages in this group can be broken down into two subgroups of the Yemeni language: Ethiopian and Amharic. Thus, one cannot argue that Suqutri can trace its origins directly back to Sabaean.

3. The fact that the population growth rate in Yemen amounts to 3.7 per cent does have an impact on different social groupings and sectors in the population. A number of policies, procedures and measures have been introduced in this connection. They aim at:

- Giving top priority to social development in the context of the first five-year plan for economic and social development (1996-2000) and the second five-year plan (2001-2005);
- Restoring balanced economic growth as a fundamental determinant of social development through the implementation of structural adjustment programmes to redress the overall economic imbalance and support market mechanisms;
- Maximizing existing capacities and focusing on the development of productive capacities and of the economic infrastructure of the State;
- Developing social services by increasing government spending, encouraging private sector participation in the educational, health, social services, information and distribution sectors, and enacting legislation that provides incentives to achieve that objective;
- Promoting grass-roots and civil participation in the development of social services, and enacting legislation in accordance with that trend, which has already produced thousands of civil institutions and organizations;
- Tackling the problem of poverty through the adoption of appropriate policies and the establishment and strengthening of a social security network and related mechanisms, institutions and funds, with a view to generating employment opportunities and mitigating poverty and its adverse effects on the acquired rights of individuals and communities;
- Strengthening national unity and social cohesion among citizens through the integration of economic and social projects at the central and local levels;

- Instilling democratic principles through affirmation of the citizens' right to vote in parliamentary, presidential, and local elections and enactment of legislation that upholds this right;
- Devoting attention to remote and deprived regions by ensuring access to basic and essential services for their communities;
- Promulgating the Local Authority Act No. 4 of 2000 with a view to widening opportunities for local participation in the running of social affairs in order to guarantee equitable distribution of services, programmes and projects, to give effect to the principles of equality of opportunity and balanced regional development, and to grant the governorates a broad degree of independence in running their affairs without heavy centralization and free from the bureaucracy of government bodies and institutions in the capital;
- Increasing participation of women in socio-economic activities and providing them with appropriate opportunities to join in the formulation of development policies and decision-making. This objective has already borne fruit, with women having won top positions as leaders and senior executives in the Government and various State institutions.

The measures described below have been adopted to achieve these aims and objectives by channelling every available resource into securing the minimum rights of all citizens to a standard of living which ensures their survival and a free and dignified existence.

Economic policies and national strategies for poverty reduction

The first five-year plan (1996-2000)

In mid-1995, as a complement to its financial and administrative reform programmes and other structural adjustment plans, the Government embarked on the preparation of the five-year plan for 1996-2000, which was approved in 1996. The plan helped raise the average annual

growth rate of GDP by almost 5.5 per cent, a 2 per cent increase in the annual rate of real per capita GDP, or an overall increase of approximately 13.8 per cent. This indicator was one of the areas for improvement which the plan had targeted to help raise the population's standard of living.

The plan included some immediate objectives aimed at improving the mechanisms for distributing the fruits of economic development among all the governorates and reducing the disparities between different social groups and geographical areas. It also sought to guarantee equal opportunities for everyone at all levels and to create favourable conditions for productive employment by raising educational standards, diversifying and developing skills and strengthening the entrepreneurial spirit among citizens through incentives for community participation in the implementation of economic and social projects.

The plan included objectives linked to boosting economic growth and accelerating social development as far as possible in order to help improve the population's standard of living, generate employment opportunities and encourage the growth of domestic savings.

2. *The second five-year plan (2000-2005)*

The second five-year plan (2000-2005) was designed to increase total GDP in real terms by achieving an average rate of growth of 5.6 per cent, compared with the figure of 5.5 per cent attained under the first five-year plan. This can be accomplished by reaching an average annual rate of growth of real per capita GDP of 2.3 per cent, thus partially realizing the simultaneous objectives of improving standards of living, creating employment opportunities and alleviating poverty.

3. *The social security network*

During the implementation of the second phase of the economic reform programme, the Government devoted considerable attention to the situation of social groups suffering from the side effects of the reform programme, particularly price increases, the removal of subsidies on goods and basic services, and the sharp and sudden increase in the incidence of poverty throughout society. In 1995, it took steps within the context of the second and intermediate

stages of the economic, financial and administrative reform process to establish a social security network and ensure that it met social, humanitarian and developmental requirements. The social security network was designed with the following aims in mind:

- (a) To reduce the cost of living burden for the poor and for low-income families;
- (b) To create job opportunities for the unemployed and those who are fit for work;
- (c) To expand grass-roots participation in social, charitable and voluntary work;
- (d) To integrate economic and social development;
- (e) To strengthen social cohesion.

It is generally recognized that this network should be strengthened further in order to ensure the success of the State's structural adjustment programme. The plight of low-income groups, the poor and the marginalized has also been given serious consideration within the framework of a clear national policy aimed at cushioning citizens against the impact and consequences of poverty. Over a four-year period, the social security network became a concrete reality, providing benefits to the groups covered by the services it offered following the establishment of its mechanisms and institutions, some of which began to function effectively in 1996, 1997, 1998 and 1999. Several of these mechanisms and institutions have now been developed further to keep pace with the growing needs of the groups concerned.

The promulgation of Council of Ministers Decree No. 12/98, concerning the Higher Committee for the Social Security Network, which is chaired by the Prime Minister and includes members from relevant Ministries and civil society organizations, made a positive contribution to the creation of a coordinated policy framework for the eradication of poverty that utilizes the tools supplied by the social security network.

The State has also devoted attention to increasing the proportion of basic services geared towards the education, training, health, and social welfare sectors. It decided to raise the level of government investment in basic infrastructure with a view to creating the necessary conditions for economic growth and speeding up development in the light of the aims and objectives of the

first five-year plan (1996-2000), since investment is one of the main factors that boosts economic growth by expanding productive capacities in the different branches of the economy and increasing the level of exploitation of existing capacities to improve production technology in economic units.

In the prevailing circumstances in the country, the State guarantees economic stability, is creating a favourable climate to attract further private sector investment and is establishing and completing infrastructure projects in which the private sector is unable to take part. The State is endeavouring to improve the public highway network, which urgently needs to be expanded in order to create links between areas of production and distribution and facilitate the transportation of inputs. There is also a need for dams to be built to improve the quality of cultivable land and develop water resources. High-capacity electricity stations and high-voltage transmission lines have been installed between the main populated areas.

In the social domain, the State continues to expand basic education both horizontally and vertically and to widen access to basic public health services. It aims at supplying the population's housing needs through urban planning projects in a number of major towns where the population density is particularly high. A special bank, known as the Housing Bank, has been set up to assume the responsibility for this task.

The State supplies the population with the water it needs, particularly in rural and remote areas, through government-run projects or encouragement of the grass-roots and civil sectors to undertake similar projects. It does all this after having established that such projects are necessary for the purposes of increasing production, whether directly or indirectly, all government investment in basic infrastructure being geared towards restructuring the economy and realigning sectoral contributions to GDP in accordance with the economic resources available to, and the future potential of, those same sectors, as well as the number of people they employ or who rely on what they produce for their incomes. In other words, the Government's investment criteria are guided by medium- and long-term sectoral development strategies, objectives and policies.

The Government has furthermore shown concern to increase private sector investment as a prerequisite for economic growth. The passing of the Investment Act No. 14 of 1995 created a favourable climate for investment, facilitating inflows of capital for deployment in various economic areas in the country.

The Government has focused its attention on key economic areas and stepped up exports to offset the shortage in hard currency on which economic growth and development ultimately rely. The fact that the private sector still faces numerous difficulties and obstacles which hamper its rapid development has prompted the Government to focus on taking swift action to address these problems through the completion of the physical and institutional infrastructure and passing or amending of administrative laws, regulations and rules. The problems currently posed by existing economic imbalances include inflation, the recessionary impact of the Government's economic, financial and monetary policies, and a relative increase in short-term investment costs. Moreover, private sector institutions are themselves poorly developed and require considerable expertise to manage their affairs and improve their capacity to absorb new technology.

In spite of these problems, the outlook for private sector investment certainly looks promising. The economy's absorption capacity looks set to expand at a tremendous rate, with 1,321 private investment projects having been implemented between 1992 and 2000, offering immediate employment opportunities to over 50,000 blue- and white-collar workers. Domestic and external funding from private and government sources and international organizations has been used to finance investment projects in all sectors, a substantial number of which have already been implemented. Moreover, the five-year plan is expected to pump large investments into the oil and natural gas sector, in which annual investments of between 21 and 38 billion riyals were made under the first five-year plan. This has created more favourable conditions for the private sector to play a wider role in development.

4. General legal framework within which human rights are protected

Since ratifying the International Covenant on Economic, Social and Cultural Rights, the Government has taken steps to bring the country's legal provisions, texts and policies into line with the provisions of the Covenant. This has been achieved through ongoing monitoring of the

implementation of the provisions of the Covenant and the use of other mechanisms to review the policies, programmes and plans produced by human rights institutions, notably the Higher National Committee for Human Rights, a government body that concerns itself with human rights issues in Yemen. Within the context of its general strategies and policies, the Committee seeks to strengthen its relations with national, local, Arab, regional and international human rights institutions and organizations. [In conjunction with law enforcement and judicial agencies,] it has recently organized a number of joint activities to explain the substance, aims and principles of all human rights conventions and covenants with a view to increasing awareness of those instruments among the employees in such agencies.

5. The International Covenant on Economic, Social and Cultural Rights

The Covenant enjoys the same status as national legislation and laws, beginning with the Constitution and ending with specific laws. There are no legal, institutional, regulatory or administrative obstacles to prevent a person from invoking the articles of the Covenant before the Yemeni courts, since the majority of Yemen's laws are consistent with the provisions and articles of the Covenant and the human rights principles, concepts and precepts enshrined therein.

6. The Government constantly strives to create a proper institutional climate for civil society organizations concerned with winning and defending human rights. It offers them all kinds of financial and technical support, mostly in connection with general policies aimed at strengthening and consolidating the realization of economic, social and cultural rights of various kinds. If one studies and analyses the provisions and articles of the Covenant, one can see that they have been incorporated into prevailing laws and legislation and are applied by the civil society organizations and institutions that work to give effect to these laws by translating them into programmes of work and projects based on their mission statements and declared policies and goals.

State encouragement of, and support for, these associations has now become a fixed objective of State policy. The Government provides associations and federations with more than 100 million riyals per annum in financial assistance, while the State offers them the

requisite support through the granting of tax and customs exemptions. The State is keen to attract resources to support these associations, as part of an effort to boost civil society still further. It has recently taken steps to flesh out the legislative and legal framework within which civil associations and cooperative societies operate and grant them the privileges they need. The Cooperative Associations and Federations Act No. 39 of 1998 and the Civil Associations and Institutions Act No. 1 of 2001 were both promulgated with that aim in mind. The rapid proliferation of such institutions has become a matter of course in the country in view of the role they play in construction and development efforts and their status as key partners in governmental efforts.

7. The Yemeni Government has adopted a series of policies and measures to provide all those working in the legal, justice and judicial fields and all persons with a professional involvement in the human rights issues mentioned in the Covenant with opportunities to learn more about the provisions of the Covenant. These endeavours, which have already helped raise awareness of several issues, are intended to achieve better implementation of the Covenant, particularly on the part of staff employed in penal and security institutions, in accordance with the principles and terms of the Covenant.

Ms. Mary Robinson, the former United Nations High Commissioner for Human Rights, paid a visit to Yemen between 5 and 6 February 2002 to attend the intersessional workshop held at Sana`a on economic, social and cultural rights and the right to development in the Asia-Pacific region. The High Commissioner's visit also helped to strengthen the joint cooperation and coordination established between Yemen and the United Nations to improve and support a better future for human rights in Yemen within the framework of a new United Nations programme known as the Human Rights Strengthening Programme (HURST). After meeting with Yemeni State officials, the High Commissioner despatched a task force that will operate under the auspices of the United Nations office in Sana`a for the Programme of Technical Cooperation.

From time to time, the Higher National Committee for Human Rights organizes human rights awareness seminars for law enforcement officials and members of the Department of Public Prosecutions focusing on the rights of the accused person vis-à-vis the investigation authorities. One noteworthy example is the seminar that was held in the capital, Sana`a,

between 17 and 20 October 1999 as part of an ongoing campaign to cover all governorates in the country by 2000. The aim of the seminar was to provide training and education in human rights, particularly the rights of the accused person, to police department chiefs, their deputies, political security officers, the Department of Criminal Investigations, members of the Department of Public Prosecutions, intelligences officers, military officers and the military police in every governorate. The seminar was designed to prevent the commission of violations due to ignorance of the proper procedures to be followed whenever a person is arrested, investigated and interrogated. It also concentrated on the principles of the sovereignty of the law and of respect for human rights in Yemen, looking at two central themes: the human rights of the accused person under domestic and international law and potential violations and the penalties prescribed therefor under the same law. A special workshop for members of the Council of Representatives and the Consultative Council was also organized. In addition, a human rights workshop for investigation officers was held between 13 and 15 April 2002 and attended by 30 participants from the judiciary, the Department of Public Prosecutions and the Ministry of the Interior. The workshops covered a number of themes, such as legal and moral codes of conduct for police officers, the provisions of the law prohibiting torture and ill-treatment, and protecting individual rights, and a number of the principles of humanitarian and legal work.

A national seminar on human rights and development was held at Sana`a between 26 and 28 May 2001 and a round table discussion on poverty alleviation strategies from a human rights perspective was held on 20 January 2002. The Ministry of the Interior and the Ministry of Social Affairs have also organized numerous seminars and workshops, as have many non-governmental organizations that are active in Yemen and the names of which are too numerous to mention here.

All these activities, events and actions have helped develop the capacity of the country and its human resources to tackle these issues, which have not been paid the requisite attention hitherto.

The legal framework within which human rights are protected is briefly described hereunder.

The rights and freedoms guaranteed by the Constitution

Laws have been enacted, strategies and policies have been formulated and governmental and non-governmental mechanisms have been put in place to ensure adequate protection of all the general rights and freedoms guaranteed by the Constitution, including:

- The right of citizenship, which is guaranteed by law;
- The right to equality, which is one of the fundamental rights that, like equality of economic, social, cultural and political rights, is guaranteed under articles 24 and 42 of the Constitution;
- The right to a stable and secure life, which is enshrined in article 48 of the Constitution and consists in ensuring that individuals may not be deprived of the enjoyment of their freedoms;
- The right to protection of the inviolability of one's home, property and dignity, which is specified in article 52 of the Constitution;
- The right to freedom of expression and opinion, which the law assures in various ways in accordance with the provisions of article 42 of the Constitution;
- The right to protection and maintenance of the freedom and confidentiality of correspondence, which is established in law in accordance with article 53 of the Constitution;
- The economic and social freedoms and rights that are guaranteed to citizens;
- The right to enjoy a life of freedom, dignity and security.

Given their importance for the creation of a stable and secure economy, the most important rights and freedoms in the economic and social domains include the right and freedom to work; the right to own property; the right to invest and to engage freely in any economic or commercial activity free from legal, institutional or administrative barriers; as well as the freedom to transfer domestic capital as provided for under the Investment Act.

By this Act and other laws, the Government guarantees investors the right to protection of whatever they produce and guarantees consumers the right to benefit from services and basic consumer goods. It also imposes restrictions and regulations against all kinds of monopolies and provides incentives, through its policies and plans, to stimulate private capital investment in different areas of development.

National institutions for the protection of human rights

The Public Rights and Freedoms Committee of the Consultative Council: This Committee plays an advisory role in the protection and promotion of human rights and the welfare of media and civil society organizations. The Committee, attached to the former Consultative Council which was modified in accordance with a recent constitutional amendment, investigates human rights cases and incidents, particularly in prisons.

The Public Rights and Freedoms Committee of the House of Representatives: This Committee, which is one of the standing committees of the House of Representatives, plays an important role in the ratification of international human rights instruments. It is responsible, inter alia, for ensuring that the national legislation promulgated by the House of Representatives is consistent with the obligations imposed by international conventions. It is competent to look into human rights issues and investigate any violations that might occur. It is also empowered to question the Government and call it to account for any alleged violation of human rights.

The Grievances Committee of the House of Representatives: This Committee, which is one of the standing committees of the House of Representatives, plays an important role in addressing and discussing grievances relating to human rights. Its functions include examination of the complaints submitted to it and the investigation of any violations that might occur. In its capacity as a parliamentary body, it is empowered to question the Government and call it to account for any alleged violations of human rights.

The Higher National Committee for Human Rights: Since the establishment of the Republic of Yemen on 22 May 1990, the Government has shown concern for human rights and public and private freedoms, as illustrated by the Constitution and other legislation it has promulgated. This concern has also been reflected in its rapid signature and ratification of international and regional human rights instruments and conventions. Responsibility for human

rights matters was vested in a number of governmental bodies until 1997, when a government committee known as the Committee on Political and Civil Human Rights was established by a decision of the Prime Minister.

Believing in the importance of human rights, the Yemeni Government established the Higher National Committee for Human Rights pursuant to Presidential Decree No. 20 of 1998, as amended by Decree No. 92 of 1999, to replace the Committee on Political and Civil Human Rights. Both decrees were designed to ensure that the Higher Committee represented the largest possible number of government bodies directly concerned with human rights questions and issues, as well as non-governmental organizations and prominent social personalities. They provided for the establishment of an advisory body for the Committee, comprising a number of experts, academics and representatives of civil society organizations that are active in the field of human rights. The decrees defined the Committee's competences and methods of work based on its internal structures and statutes as well as those of its subcommittees. Under the terms of the decrees, the chairmanship of the Committee was assumed by the Deputy Prime Minister and Minister for Foreign Affairs or, in his absence, by the Director of the Office of the President of the Republic. The Committee's members included Ministers and heads of agencies whose functions have a bearing on human rights questions and issues, including the Minister of the Interior, the Minister for Social Insurance and Social Affairs, the Minister for Legal and House of Representatives' Affairs, the Minister of Justice, the Minister of Labour and Vocational Training, the Minister of Information, the Attorney-General, the Director of the Judicial Inspection Authority, and the head of the Central Political Security Agency. The composition of the Committee was subsequently discussed with a view to the inclusion of the Minister of State for Human Rights, a new portfolio that was added during the governmental restructuring in April 2001.

Presidential Decree No. 89 of 2001 raised the level of representation in the Higher National Committee for Human Rights and modified its organizational structure. The chairmanship was assumed by the Prime Minister, and the Minister of State for Human Rights Affairs took the post of General Secretary, replacing that of General Coordinator. The seat reserved for the Director of the Judicial Inspection Authority was withdrawn, the membership of the Minister of Justice, to whom the Authority reports, having been deemed sufficient for the purposes of representation.

The Higher National Committee for Human Rights consists of the following:

- (a) A higher committee;
- (b) A standing subcommittee;
- (c) An advisory body;
- (d) A technical secretariat.

Non-governmental human rights organizations

Following the establishment of the Republic of Yemen in 1990, which ushered in an era of democratization and active civil institutions, there was a substantial increase in the number of non-governmental organizations and civil institutions carrying out activities relating to the preservation and promotion of human rights in general, or focusing on specific rights such as political, civil, economic or cultural rights or the safeguarding of the rights of a specific sector of society such as women, children or disabled persons. At present, there are approximately 2,000 such organizations.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2: Non-discrimination

Q8. Yemeni society has several popular dialects, but they are not languages. However, anthropological studies show that, throughout history, certain languages merged and then died out. As for new languages such as Suqutri, which is spoken by the population of the island of Suqutra, many questions relating to the use of this language can be attributed to historical factors, the origins of the language and the way it interacts with Arabic and the local dialect that is used as a colloquial language. As already explained, there are no religious or racial groupings that could cause division or strife among the members of Yemeni society; the existence of different doctrines (schools of Islamic law) has no bearing on the enjoyment of economic, social and cultural rights, since all the schools agree on the principles of the noble Islamic Shariah.

Article 3: Equal rights of men and women

QQ9 +10. It is not true that social indicators show the status of Yemeni women to be the lowest in the world. Yemeni women enjoy equal status with men, as the provisions of the Constitution and prevailing laws and legislation clearly show. The Government, as represented by its agencies with competence for women's issues, designs policies, programmes, plans and projects and carries out social field studies in conjunction with non-governmental organizations to raise awareness of gender mainstreaming issues and plan for and analyse these issues from a viewpoint that takes account of gender needs and differences across all operational programmes and projects. The Government's concerns and future objectives leave adequate scope for these activities, which also receive support from international donor agencies and organizations that sustain women's projects in Yemen. Of the most noteworthy efforts being made in this domain, suffice it to mention the following examples:

- Preparation of a national report on women and men in Yemen (a statistical picture) by the Central Statistics Organization in collaboration with the Economic and Social Commission for Western Asia (ESCWA). The report seeks to present a clear and objective picture of the roles and status of women and men, as reflected in statistical indicators and quantitative data;
- Preparation of an annual national report on the status of women by the Women's National Committee. The report compares the situation of women and men in all spheres;
- Action to heighten awareness of the roles of women and men in Yemeni society, to identify gender gaps, particularly with respect to positions at the centre of decision-making, to highlight the need for policy reforms and to collect, disseminate and analyse accurate information and data;
- Implementation of the Post-Beijing Phase II project, especially programmes on gender mainstreaming; implementation of a training programme on gender issues planning; and participation in foreign training programmes on analysis of gender mainstreaming issues and planning solutions to gender gaps.

The Government has adopted a series of legislative and legal policies to strengthen the principle of equal economic, social and cultural rights. These policies are described below.

The necessary amendments have been made to general and specific laws, particularly discriminatory provisions and laws affecting the rights of women.

- Yemen's national population policy for 2001-2025 has been moulded around the issues of justice and equity and shows clear concern for the empowerment of women with a view to granting them the equal right to participate in public life and to enjoy political and economic rights.
- The population programme of action for 2001-2005 features the themes of justice, equity and empowerment for women. It aims at providing women with the necessary resources to realize their full potential, strengthen their participation in sustainable development and policy formulation and grant them greater access to basic services such as education and health. It also aims at getting more women into productive employment and decision-making, with a view to closing the gender gap in education, health and employment, increasing participation by women in political, economic and working life and advancing their status in the family and society. The programme focuses on the following specific objectives:
 1. To attain a substantial degree of equality and equity by narrowing the gender gap in the fields of education, employment and other social services, amending laws and regulations that are incompatible with the principles of equality and equity, and adopting a series of measures to eliminate customs and traditions that adversely affect the family and society;
 2. To promote participation by women in social, economic, environmental and cultural activities, through the adoption of a number of measures;
 3. To take steps to develop women's skills and aptitudes in order to improve their social, economic and political standing and strengthen their capacity to participate in decision-making at all levels;

4. To formulate sectoral policies relating to women's rights in institutions and organizations. In this connection:
- Women's rights issues have been incorporated into the Government's third five-year plan.
 - Women's rights issues have been incorporated into the Government's strategic vision up to the year 2002. The Women's National Committee has devised a national gender mainstreaming strategy for 2001 and submitted it to the Government.
 - Preparations have been made to allow women to take part in presidential, parliamentary, and local elections.
 - Preparations have been made to allow women to take part in the parliamentary elections scheduled for April 2003.
 - Women are included in the membership of the Advisory Council.
 - A portfolio and a Ministry for Women have been created and are headed up by a woman at the rank of Minister of State for Human Rights Affairs.
 - A woman has been appointed to an ambassadorial post.
 - Women have been appointed to leading positions in the diplomatic corps.
 - The proportion of women in positions of authority and decision-making has been increased among executives in a number of Ministries, institutions, research centres and so on, with a view to enhancing the status of women and allowing them to realize their economic, social and cultural rights.

Q11. The Government is committed to implementing international instruments relating to women in general, of which the International Covenant on Economic, Social and Cultural Rights is one example, and the laws and decisions concerned with the protection of women's rights and the family in Yemeni society in particular. This is clearly reflected in the following measures:

- Prime Ministerial Decision No. 68 of 2000 was promulgated to provide for the establishment of the Higher Council for Women's Affairs which is chaired by the Prime Minister, and for the formation of the Women's National Committee to help the Council accelerate the realization of equal rights between the sexes by ensuring women the enjoyment of their economic, social, political and cultural rights. This is a matter of women's human rights and it is a necessary and essential condition for the achievement of social justice and the realization, consolidation and implementation of human rights.

A number of statutes and laws containing a clear gender bias have been amended in a bid to improve the legal status of women and enable them to attain their full rights. Some of these statutes have already entered into force. They include:

1. *The Personal Status Act No. 20 of 1992*

This Act covers the rights and duties of spouses and the rights of minor children. However, it makes no mention of certain rights relating to marriage and the home, particularly in the case of polygamous marriage. The question of a home for the wife and children in the event of a divorce remains a crucial issue for the stability of the family and the protection of the woman and her children. Since the Act needed to be supplemented by an implementing regulation that explained a number of its articles, and since some of its provisions needed to be amended to take account of women's needs and their changing status within the family and society, the Council of Ministers gave its final approval for a number of amendments thereto that were submitted to it by the joint committee established by Council of Ministers Order No. 97 of 2001 to review draft amendments to certain laws relating to women's rights. The Council approved an amendment updating the provisions of article 47 of the Personal Status Act No. 20, as well as amendments to Acts Nos. 27 of 1998 and 24 of 1999, granting both spouses the right to an annulment if, at the time of the marriage contract or thereafter, the other spouse is found to have a gross flaw;

2. *The Personal Status and Civil Registration Act No. 48 of 1991*

This Act emphasizes the principle of full equality and non-discrimination among citizens as regards the protection and safeguarding of their right to have recourse to the courts to claim

any right without any discrimination among them on grounds of sex. The provisions of this Act are therefore consistent with those of the Yemeni Constitution and international conventions, declarations, instruments and treaties. The Council of Ministers approved the draft amendment to article 2, paragraph 1, of the Personal Status and Civil Registration Act No. 48 of 1991, submitted by the committee charged with reviewing draft amendments to certain laws relating to women's rights. The article concerns persons charged with notifying births and emphasizes that mothers are among those entitled to notify the official authorities of the birth of a child, in addition to the parties stipulated in the law in force;

3. *The Prisons Act No. 48 of 1991*

This Act provides for the welfare of pregnant women prisoners by guaranteeing them medical care and attention as directed by a competent physician. If a child is born in prison, the fact must not appear in the official municipal records. No child may remain in prison with his mother after reaching the age of 2. At this time, he must be handed over to his father or a relative, unless a doctor decides that the child's condition does not permit such a course of action. According to an amendment that was recently approved by the Council of Ministers, a woman prisoner who is pregnant or who gives birth in prison must receive special care. Her newborn child should be cared for by a specialized welfare facility;

4. *The Nationality Act No. 6 of 1990*

Under this Act, a Yemeni woman married to a non-national is entitled to retain her nationality in accordance with the criteria specified therein. Equality between men and women is neglected, however, when it comes to acquiring nationality; a Yemeni woman married to a non-national, even if he is Muslim, is not entitled to the same privileges as a Yemeni man married to a non-national and they are unequal in regard to the conferral of citizenship on their children. In a significant move, however, the Council of Ministers recently approved a proposed amendment to the Nationality Act with the addition of a new article, pursuant to which the children of a Yemeni woman married to a non-national are, in the event of her divorce, accorded the full rights enjoyed by children whose parents are both Yemeni and may be granted Yemeni nationality, if they so choose, after reaching the age of 18.

There are also other laws which the National Higher Committee for Human Rights, the Women's National Committee and other bodies concerned with women have played a clear role in promoting among the executive institutions of the Government and the legislative organs of the House of Representatives. The Women's National Committee recently produced a list of articles and provisions that ought to be revised and amended and subsequently monitored by the competent bodies with a view to advancing the status of women.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6-15)

Q12. The Government has taken measures to combat unemployment within the framework of the national population policy of the Republic of Yemen and its programme of action for 2001-2005. According to paragraph 2 of the section of the programme entitled "Population and steady economic growth", the objectives of the programme are to:

- Attain an average annual rate of real growth of gross domestic product of not less than 5 per cent and to work to raise living standards, develop human resources, improve employment opportunities for women, reduce unemployment and contain the spread of severe poverty. This is to be accomplished by the following methods:
- Increasing the contribution made by production sectors capable of generating gross domestic product at annual rates of growth of not less than 7 per cent;
- Maximizing the efficiency of domestic and foreign investments;
- Raising employment levels to counteract the spread of unemployment and prevent the phenomenon from reaching crisis levels;
- Widening opportunities for women to secure jobs in the official labour and production sectors;

- Implementing numerous technical education and vocational training programmes (in-house training, refresher courses, external courses, and so on) to develop and enhance work skills for all economic and services sectors, in accordance with the overall needs of the national economy, and steadily to raise production levels, increase the numbers of skilled persons in the workforce and reduce reliance on foreign workers;
- Accelerating the pace of social development as a means to improve standards of living;
- Strengthening and generally developing poverty eradication programmes; expanding the geographical scope of social welfare activities and the social security network; and lending the requisite importance to the provision of resources and mechanisms to train and retrain recipients of social welfare so that they may earn a living from productive employment rather than temporary assistance;
- Attaining high levels of food production in order to reduce food shortages.

Q13. In accordance with the Covenant, sufficient scope has been left for its provisions in domestic law and the implementation thereof in the governmental, mixed, private and informal sectors. The Government has taken steps to regulate the working conditions of State employees through a series of employment regulations and policies, the most important of which are described hereunder.

- The Government established the Public Institute for Vocational Training, the strategies, aims, policies and programmes of which are focused on vocational counselling and training programmes. Several training institutions affiliated to the Institute offer vocational and technical training programmes to anyone wishing to avail themselves of their services. These institutions apply a series of conditions and standards that allow trainees to gain a certificate that will qualify them for employment in the formal and informal labour markets. The Institute receives

various forms of financial, technical and advisory support from Governments and international donor organizations, particularly the International Labour Organization (ILO), to organize training programmes and projects. All these policies, programmes and projects have contributed to the realization of economic, social and cultural development.

- The Vocational Training Fund, which was established by a presidential decree, is an important fund, the programmes of which focus on improving training in order to increase the efficiency of workers in State institutions.

Efforts are being made to bring all centres, schools and institutes for technical and vocational training and education under a single institutional umbrella and to improve the quality of training by involving employers in vocational and technical training activities. Employers must pay 1 per cent of the total monthly cost of workers' stipends, uniforms, bonuses and training costs. The Government's determination to devote attention to this matter is clearly illustrated by the establishment of the Public Institute for Vocational Training and the National Council for Vocational and Technical Training, followed by the creation of the Technical and Vocational Training Fund.

The Government, together with a number of international donor agencies, has placed special emphasis on supporting training projects through local government participation, Japanese project assistance and lending from other quarters such as the International Development Institute, the World Bank, the European Union, and German project assistance.

During the period from 1995 to 2000, the number of technical centres and institutes increased from 34 to 37, the Public Institute for Vocational Training was established, and the total number of students enrolled in these institutions rose from 7,788 to 11,000.

The rights mentioned in the national population policy and its programme of action are affirmed in the Constitution. They include the right to work, the freedom to choose the type of work one wants to do, under satisfactory conditions, the right to protection against unemployment, and the right to a fair wage. These rights are guaranteed by the law of the country in accordance with article 29 of the Constitution, which reads as follows: "Work is a right, an honour and a necessity for the development of society. Every citizen shall have the

right to engage in the work of his choice, within the limits of the law, and forced labour shall not be imposed on citizens unless required by law for the performance of a public service in return for equitable remuneration.” The relations between workers and employers are regulated by the Trade Union Act.

These rights are also guaranteed under the Civil Service Act No. 19 of 1991, which applies to all employees in the administrative apparatus of the State without any distinction between male and female workers. The Act establishes the criteria, standards and conditions that define what a fair wage is for fair work done by any man or woman, together with social insurance and protection and equal opportunities for all in accordance with the conditions of appointment and promotion applicable to public sector employment. According to article 12 (c) of the Civil Service Act: “Posts in the Civil Service are filled in accordance with the principle of equal opportunities and equal rights for all civil servants without distinction. The State provides resources to enforce this principle through labour inspection bodies. Men and women enjoy the same rights.”

The Labour Act of 1995 contains a number of provisions dealing with equal opportunities for both men and women, as well as holidays, working hours and other matters. They consist in the following:

- Equality between men and women with respect to all employment conditions, rights, obligations and relations (art. 42);
- Equality of opportunity between men and women with respect to employment, promotion, wages, training, further training and social insurance (art. 43 M);
- Restriction of working hours to five hours per day for women in their sixth month of pregnancy or for nursing mothers up to the sixth month of breastfeeding (art. 44 M);
- Prohibition of overtime work for pregnant women, beginning in the sixth month of pregnancy and for the six months following delivery (art. 44 M);
- Provision of 60 days’ maternity leave on full pay for working women. A woman may not work during her maternity leave (art. 45, paras. 1 and 2);

- Provision of 20 days' special leave for women, in addition to the 60 days' maternity leave, if there were complications during childbirth or the woman has had twins (art. 45, para. 3);
- Prohibition of employment of women at night (art. 46 (M), para. (b));
- Requirement that any person who employs women should display, in a prominent place in the workplace, the conditions under which women are employed (art. 47 M).

Article 8: The right to form trade unions

Q14. This right is guaranteed under the Constitution. By Presidential Decree No. 35 of 2000, the State recently promulgated the Trade Union Act, which entered into effect on 31 August 2000. The object of the Act is to:

- (a) Protect and defend the rights and interests of trade union members;
- (b) Ensure the independence of the trade union movement and its ability to carry out its activities in complete freedom without any interference or pressure from any quarter;
- (c) Regulate trade union activities and assert the role of trade unions in the construction and development of Yemeni society;
- (d) Develop relations between members and the trade unions to which they belong and among the members themselves;
- (e) Promote respect for and adherence to employment regulations and establish an effective link between labour relations and productivity improvements;
- (f) Guarantee and defend the right to freedom of expression and freedom of trade union activity as provided for by law;
- (g) Strengthen cooperation and coordination between and among Yemeni, regional and international, trade union organizations, unify their interests and instil a sense of solidarity with respect to national, Islamic and humanitarian issues;

(h) Devote attention to vocational training, industrial training, the promotion of literacy among workers, the protection of the working environment, employment conditions for minors, the eradication of child labour, and the protection of the rights and welfare of minors and disabled workers;

(i) Establish and promote the practice of democracy and the holding of free and direct elections to all trade unions.

Collective bargaining between the parties involved in production is regulated under the terms of the Labour Act No. 5 of 1995, particularly article 32, paragraphs (1), (2), (4), (5) and (6) thereof, as amended. According to article 34, paragraph (1), of the Act, there must be a sufficient number of copies of a collective labour contract for each of the parties thereto to have their own copy. Article 128 of chapter 12 of the Act, which is concerned with the settlement of labour disputes, specifies the legitimate right of workers to take strike action. According to article 129 of the Act, the parties to a dispute must hold a joint meeting to settle a dispute amicably by means of negotiations. Article 129, paragraph (3) states that, in the event of a breach of contract, a trade union committee has the right to submit claims on behalf of its members without needing to appoint legal representation. Article 130 of the Act empowers both sides to a dispute to bring a case before an arbitration tribunal comprised of one member representing employers, one member representing workers and one representing the Government.

The Civil Service Act No. 19 of 1991 guarantees legal protection for employees and workers in the public and mixed economy sectors and grants them the right to form trade unions and to engage in collective bargaining to settle collective labour disputes. Article 126 of the Act reads as follows: “Civil servants have the right to organize and to belong to trade unions and professional associations, the object of which is to promote and defend their interests in accordance with the Trade Union Act and the Associations Act.” According to article 127 of the Act, civil servants are entitled to full protection against punishment, dismissal or the denial of the right to perform their official functions because of their membership in a trade union or participation in the ordinary activities of a trade union which has been formed and in which there must be no interference from any party.

Article 9: The right to social welfare and insurance

Q15. The statistics for 2001 show that a total of 400,000 families receive financial assistance from the Government within the framework of the services provided by the Social Welfare Fund. The Government disburses 11 billion riyals per year in social assistance for the categories entitled to social services under the terms of the Social Welfare Act No. 31 of 1996, as amended by Act No. 17 of 1999. The aim of the Act is to offer practical help to mitigate poverty and counter the additional distress resulting from economic measures by providing the poor, the needy and the indigent with support and assistance.

State employees are another category of worker entitled to receive benefits under the terms of the Social Insurance and Pensions Act No. 25 of 1992. The Act applies to all State employees, both male and female, who work in the public and mixed economy sectors.

Guarantees and rights for insured workers in the private sector are specified in the Social Insurance Act No. 26 of 1991.

Q16. The Social Development Fund

The Social Development Fund was established pursuant to Act No. 10 of 1997 as a governmental mechanism designed to offset the side effects of economic reforms and to ameliorate conditions for the poorest sectors of society. The purpose of the Fund is to soften the impact of poverty and raise people's standards of living in the following ways:

- Creating employment opportunities by supporting income-generating activities and implementing labour intensive projects;
- Delivering basic services via three key programmes, namely:
 - The Social Development Programme;
 - The Small and Micro-Enterprise Development Programme;
 - The Capacity-Building Programme.

The policies and activities pursued through the Fund focus on financing projects and programmes comprising the following objectives:

- Targeting of rural and deprived areas;
- Building partnerships with local communities;
- Ensuring transparency in the implementation of measures;
- Providing resources to ensure the sustainability of projects and programmes.

The Fund offers a range of financial grants to supply programme and project requirements. In 1999, a total of 782 social and services projects were implemented through the Fund, creating hundreds of thousands of permanent and temporary jobs. By the end of December 1999, a total of 5,453 persons had benefited from loans programmes, of whom 48 per cent were women.

Article 10: Protection of the family, the mother and the child

Q17. The Government has taken a series of measures and legal, administrative and regulatory steps to protect the family and guarantee working women their rights in all areas of life on the same footing as men and in accordance with the Constitution and the law.

Women and men are entitled to equal treatment before the judiciary. According to article 50 of the Constitution, all citizens, men and women alike, may have recourse to the judiciary to protect their legitimate rights and interests, and may bring complaints, directly or indirectly, before government bodies and institutions. According to article 48 of the Constitution, all citizens, men and women alike, are guaranteed the right to defend themselves or to be defended by another person at every stage of the judicial process and before all courts of law. The State is legally required to provide legal aid for any person who cannot afford to pay.

Pursuant to these laws, women are entitled to bring an action to defend their rights. Women can exercise these rights in order to protect themselves and their families against any violation that might occur in the event of their husband taking more than one wife or of an arbitrary divorce or where the woman or any children in the family are subjected to the use of force.

As for the reciprocal rights of both spouses with regard to the dissolution of the marital bond, the Yemeni legislature largely favours the rights of the wife in accordance with a number of social, ethical and humanitarian considerations. The first of these rights entitles the wife to apply to the courts for an annulment of the marriage contract (i.e. a divorce). Her request will be granted in the following circumstances:

1. If the husband fails to maintain his wife, whether he is rich, but she cannot get him to pay her maintenance, or he is poor, but refuses to get a job in order to earn money;
2. If the husband is absent for one full year at an unknown location outside the country and fails to pay maintenance, or he is absent for two years and does not pay maintenance;
3. If the husband has more than one wife, but he cannot afford to maintain his wives, each wife is entitled to apply for an annulment;
4. If the wife repudiates the husband, does not wish to live with him and would like a divorce. However, in such case, she must return the bride price (*mahar*) to her husband, excluding the cost of the wedding clothes or ceremony;
5. If the husband is addicted to alcohol or drugs, the wife may apply to the courts for an annulment, but she must provide evidence of her husband's addiction.

The law regulates a series of rights applicable in the event of divorce, of which the most important is that a mother cannot be deprived of the right to custody of her children merely because she has asked for a divorce, since this is a right that affects the child. The same applies to the right to receive compensation in accordance with article 71 of the aforementioned Act, which reads as follows: "If a man divorces his wife and the judge determines that he did so arbitrarily and without just cause and that the wife has been wronged, depending on the circumstances and gravity of the arbitrary act, the judge may order the husband to pay exemplary compensation of up to one year's maintenance, in addition to maintenance for the legal waiting period (*idda*). The judge may decide that compensation should be provided in the form of a

one-off payment or in monthly instalments, as the circumstances dictate.” A woman is entitled to custody of her children and to receive maintenance from her former spouse for the duration of the legal waiting period (*idda*), i.e. the period between the divorce and entry into another marriage which is used to ascertain whether she is bearing a child from her former husband.

A number of non-governmental institutions and organizations have been established to defend women’s rights against all forms of violence and violations and to offer women legal aid and assistance.

With regard to the themes of the family, alternative care, family reunification and child maintenance that are covered in articles 16, 18, 19 and 20 of the Convention on the Rights of the Child, the Yemeni Constitution declares in its article 26 that the family is the foundation of society and that it is sustained by religion, morality and patriotism. The law preserves the family unit and strengthens its foundations.

The Personal Status Act regulates all matters relating to the family from the moment of its formation at the time of engagement, to marriage, the fruits of the relationship between the two spouses, their parental responsibilities towards their children, particularly minor children of custodial age, and the rights and duties of parents and children. The Yemeni legislature regulates the subject of child maintenance through the Personal Status Act and the Pensions Act.

Article 158 of the Personal Status Act specifies the maintenance a father must pay, provided that he has the means or can earn a living, in respect of an impoverished child who is a minor or is being cared for by his mother. If the father is poor or is unable to earn a living, the responsibility for maintenance devolves on the mother, if she is wealthy, and, after her, on other wealthy relatives, depending on their degree of kinship under the rules of inheritance. If there are numerous wealthy heirs, they are jointly responsible for the payment of maintenance, each in accordance with his share of the inheritance.

Under the terms of article 292 of the Code of Criminal Procedure, the amount of child maintenance to be paid each month is determined by a court and taken out of the assets of the person accused of failing to pay for his dependents. According to article 161 of the Code, if the

child owns property, i.e. is deemed to be wealthy, but the parents are poor, the parents must be maintained out of the child's assets. In the event of the death of a wealthy person, whether he be male or female, a minor or an adult, the inheritance is divided among his next of kin in accordance with the rules of inheritance. Maintenance of the mother and then of the father takes precedence over the maintenance of other relatives.

With regard to pensions and end of service benefits, the Social Insurance and Pensions Act and the Military Service Act stipulate that pensions and benefits are payable, in equal shares, to the persons whom the insured or retired person was supporting at the time of his death. The payment of such entitlements ceases on the death of the beneficiaries in the following circumstances:

(a) In the case of males, when they reach the age of 18, if they are not in education, or when they reach the age of 21, if they are in secondary education, or when they reach the age of 26, if they are in university education. This does not apply to persons certified as unfit for work by a competent medical board;

(b) In the case of females, when they marry or enter employment from which they earn a wage that disqualifies them from receiving any other pension in respect of their deceased spouse. In the event of divorce, a woman can recover her entitlement to a pension following the expiration of the legal waiting period (*idda*).

According to article 114 of the Child Rights Act, the children of an insured person who dies, whether they be male or female, are entitled to their share of the retirement pension and to any other entitlements in accordance with the insurance laws in force.

According to article 113 of the same Act, child orphans with no family breadwinner and no source of income, children of unknown parentage and child prisoners who will have no family breadwinner until they are released from prison are entitled to receive a monthly allowance from the Ministry that is sufficient for them to be able to lead a normal life.

Adoption and guardianship

The Personal Status Act regulates the question of the transfer of custody between relatives, if such is requested for any reason acceptable to the judge, in accordance with the conditions of custody. Although the situation of foundlings, children of unknown parentage and orphans without relatives has not been regulated, the current practice is for adoption to take place through the court, with the approval of the institution in which the child is living. It is noteworthy that, as stipulated in article 135 of the Act, adoption does not establish links of kinship for persons of unknown parentage and adopted children have no right to inherit from their deceased adoptive parent, who can endow them, by bequest, with no more than one third of his estate.

The Personal Status Act regulates the situation of children whose mother is married to a person other than their father. Article 141 of the Act stipulates that the mother has a greater right to custody of her child, provided that she is found fit to undertake that custody. She cannot forfeit her right to custody unless another person agrees to accept custody, which is one of the child's rights, and her husband cannot prevent her from exercising her right. Even if she is of disreputable character, this does not preclude her right to custody until the child reaches the age of 5. As a general rule, article 139 limits the duration of custody to 9 years of age for boys and 12 years for girls, unless the judge decides otherwise in the interests of the child. This means that the mother has the right to keep her children during the period of maternal custody. She is not permitted to relinquish custody before the child reaches the age of 5, after which point the child has the right to choose the parent with whom he or she wishes to live.

The Yemeni legislature has regulated institutional care in article 105 of the Penal Code, which stipulates that: "If the judge finds that, at the time of the commission of an offence, the person accused thereof was unable to distinguish right from wrong due to a mental disorder, he shall order the said person's placement in an institution for the treatment of mental disorders." Under the same article, the institution is required to report to the judge on the patient's condition at periodic intervals not exceeding six months and, after seeking the opinion and approval of the competent medical authority, the judge may decide to order his release or his delivery into the custody of a relative capable of providing him with care and protection. At the request of the

Department of Public Prosecutions or the persons concerned, and after seeking the opinion of the competent medical authority, the judge may order his readmission to the institution for further treatment if circumstances so require.

Article 36 of the Juvenile Welfare Act makes provision for the following penalties and measures against juvenile offenders:

(a) Placement in a juvenile rehabilitation and welfare home run by the Ministry of Social Affairs and Labour or another approved institution (handicapped juveniles being placed in an appropriate rehabilitation centre) for a period of up to 10 years in the case of a serious offence, 3 years in the case of a minor offence and 1 year if the young person is at risk of delinquency. The institution in which a young person is placed must submit a report on the young person's conduct to the court at intervals of not more than six months;

(b) Placement in a specialized hospital in which the young person may receive the necessary care. The court monitors his need for ongoing treatment at periodic intervals of up to one year, during which time the court receives medical reports. The court may order the person's release, if his condition so permits. On reaching the age of 15, the young person is transferred to a hospital for the treatment of adults, if his condition necessitates further treatment. The rights of the child with respect to suckling, maternal custody and the system of kafalah are specified in chapter 2, sections II and III, of the Personal Status Act.

Q18. Protection of children against violence.

In article 6 of the Constitution of the Republic of Yemen, the State affirmed its adherence to the Charter of the United Nations, the Universal Declaration of Human Rights, the Pact of the League of Arab States and the generally recognized rules of international law, thereby confirming its commitment to the welfare of children who are the victims of conflict. In accordance with that constitutional affirmation, Yemen has an obligation to comply with the Geneva Conventions relating to the following subjects:

(a) Amelioration of the condition of the wounded and sick in armed forces in the field;

- (b) Amelioration of the condition of wounded, sick and shipwrecked members of armed forces at sea;
- (c) Treatment of prisoners of war;
- (d) Protection of civilian persons in time of war.

According to articles 2 and 3 of the Compulsory National Service (Defence) Act, every male citizen over the age of 18 must perform military service. However, article 8 of the Act grants full exemption from national military service to certain categories of persons, even if they are over 18 years of age. These exempted categories are: fathers with three or more children, and a man supporting his brothers and sisters who are shown to have no other family breadwinner.

Article 4 of the General Reserve Act stipulates that the general military reserve consists of male citizens between 18 and 50 years of age. Children are therefore excluded.

Article 149 of the Child Rights Act affirms that the State upholds the rules of international law applicable to the protection of children during armed conflict. This it does by:

- (a) Making it illegal for children to bear arms;
- (b) Protecting children against the evils of armed conflict;
- (c) Protecting children against vendettas;
- (d) Ensuring that children do not participate directly in war;
- (e) Ensuring that no person up the age of 18 may be recruited for military service.

Exploitation and sexual abuse

Yemeni law and legislation seek to protect children against exploitation. The Labour Act grants children the right to work and to benefit from employment opportunities under special terms and conditions which effectively ensure that they will not be exploited. The general provisions of the Social Welfare Act also cater for the psychological and material welfare of

families, particularly children, with a view to sheltering them from need, indigence and economic exploitation. The Government's strategies and policies, as reflected in the programmes of the social security network and the Social Welfare Fund, are important props that aim to improve the living conditions of poverty-stricken families in the short and long terms and to address the situation of poor families whose children may suffer because of their economic difficulties.

Yemen has ratified both the Minimum Age Convention, 1973 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182) and has also established a unit to combat child labour. The Penal Code in general and the Narcotic and Psychotropic Substances Act in particular prescribe penalties for the use of such substances. All intoxicants of any kind are prohibited, regardless of the quantity that needs to be absorbed to ensure intoxication. The Act concerning the prevention of illicit traffic in, and use of, narcotic and psychotropic substances, makes it a punishable offence to use or traffic in such substances, unless they are required for medical or scientific purposes, in which case their use is subject to a licence from the Ministry of Public Health specifying the manner in which they may be used for medical purposes or in scientific laboratories.

The Act also prohibits the cultivation and importation of plants from which narcotic and psychotropic substances are extracted, except for the purposes of study and scientific research and subject to certain conditions. It is illegal to abuse or distribute these substances, particularly among young persons, whose health and psychological and social welfare would be damaged thereby.

The Yemeni legislature prohibits and punishes sexual exploitation and sexual abuse. The legal provisions relating to such matters are outlined here below.

Pandering: According to article 280 of the Penal Code, it is an offence, punishable by a term of up to 15 years' imprisonment, for anyone to allow his wife, any of his close female relatives or any female under his guardianship or tutelage to engage in prostitution. Repeat offenders are liable to the death penalty. Any woman who permits her daughters to engage in prostitution is likewise liable to the same penalty;

Procurement: Under article 279 of the Penal Code, anyone who incites another person to engage in an act of debauchery or immorality is liable to a penalty of up to three years' imprisonment. If such incitement actually leads to the commission of the act, the penalty is a term of up to seven years' imprisonment. If the person incited to engage in such an act is a young offender under the age of 15 or a child who depends for his or her livelihood on the acts of debauchery or prostitution to which he or she is incited, the penalty for such incitement can be as high as 10 years' imprisonment. If both circumstances are combined, i.e. incitement and commission of the act, the penalty for such incitement can be a term of up to 15 years' imprisonment;

Debauchery and obscenity: Article 3 of the Juveniles Act stipulates that a young person who engages, inter alia, in acts of debauchery, obscenity or immorality or gambling or drug abuse or who assists persons engaged therein, is deemed to be delinquent and is liable to the penalties prescribed in the Act. According to article 161 of the Child Rights Act, the State must protect children against all forms of sexual and economic exploitation and must adopt strict measures to protect the child against:

- (a) Involvement in any immoral activity;
- (b) Employment or exploitation for prostitution and other illegal practices.

Sexual abuse: Article 272 of the Penal Code prescribes a penalty of up to five years' imprisonment for anyone who, through force or deception, sexually abuses a female under 15 years of age, a male under 12 years of age or any person who is wholly or partly incapable of exercising discretion for any reason whatsoever. The same penalty applies if the offender is an ascendant of the victim or responsible for his or her upbringing;

Rape: Article 269 designates sexual assault involving rape as a criminal offence subject to the penalty prescribed in the Shariah. If, for any reason, this penalty is not applicable, the offender is liable to a term of up to seven years' imprisonment. If the offence was committed by two or more persons, or if the offender was responsible for the supervision, protection, upbringing, custody or treatment of the victim, or if the offence caused the victim to suffer severe physical or health-related injury, or if the victim became pregnant as a result of the criminal act of rape, the penalty is a term of up to 15 years' imprisonment;

Sale, traffic and abduction: Article 249 prescribes a penalty of up to five years' imprisonment for anyone who abducts another person. If the victim of the abduction is a female, a juvenile, insane or feeble-minded, or if the abduction is carried out with the use of force, threats or deception, the penalty is a term of up to seven years' imprisonment. If the abduction is accompanied or followed by bodily harm, assault or torture, the penalty is a term of up to 10 years' imprisonment without prejudice to the right to claim retribution (*qisas*), blood money (*diya*) or compensation for bodily injury (*arsh*), as appropriate, if such is warranted by the harm caused. If the abduction is accompanied or followed by murder, adultery, prohibited sexual assault or sodomy, the offender is liable to the death penalty;

Article 251 prescribes a penalty of up to three months' imprisonment and a fine for anyone who refuses to hand over a young child to the person entitled to legal custody of the child. This penalty does not apply if the abductor genuinely believed that he was entitled to legal custody or was holding a court judgement to that effect. However, if the child was abducted by such a person after a court judgement awarded custody to another, the penalty is a term of up to six months' imprisonment or payment of a fine. In addition, under article 252 of the Penal Code, anyone who abducts, conceals, substitutes or falsifies the parentage of a newborn child is liable to a term of up to five years' imprisonment;

Sale: The law prohibits the sale of human beings. Anyone who owns a human being must liberate that person from servitude, since slavery is forbidden. This is in conformity with the provisions of the Convention on the Rights of the Child and has a direct bearing on the rights of children. According to article 248 of the Penal Code, a penalty of up to 10 years' imprisonment shall be imposed on anyone who:

1. Buys, sells, gives away, or in any other way disposes of a person with a view to committing this illegal act;
2. Causes a person to enter or leave the country with a view to trafficking in the said person.

Chapter 9, section II, articles 147 and 148 of the Child Rights Act addresses the issue of the protection of children against all forms of exploitation.

Q19. Child workers in Yemen in the 6-14 age group account for 9.1 per cent of the total workforce. The results of a 1999 survey show that this percentage increases, if the number of child workers under the age of 18 is included in the calculation.

The proportion of the Yemeni workforce accounted for by children has increased at an annual rate of 3 per cent over the last decade. Girls account for 9 per cent of the total number of children who are officially registered at school, but are actually working.

In Yemen, child labour is linked to the private sector, particularly the informal sector. There is a direct relationship between child labour and the work done by family breadwinners. The results of a 1999 Yemeni workforce survey show that most child workers are supporting their families and that 92 per cent of them are unskilled, while 0.7 per cent are quasi-professionals. Of the total number of children working in the agricultural sector, 54.4 per cent are girls, most of them paid or unpaid workers for their families.

All these problems relating to child workers in Yemen prompted the Government to adopt a series of measures for their protection. The Government also formulated a national strategy and a plan of action for the eradication of child labour for 2001-2002. The strategy was designed to protect child workers against damage to their physical and mental health. Moreover, in order to eradicate the phenomenon, a broad-based alliance was formed between the Government, employers, workers and non-governmental organizations. The strategy is now being translated into operational plans and projects.

In application of article 32 of the Convention on the Rights of the Child, the Constitution includes the following provision in its article 29: "Work is a right, an honour and a necessity for the development of society. Every citizen has the right to engage in the occupation of his or her choice, within the limits of the law. No citizen may be compelled to perform work against his or her will, except as specified by law, as a matter of public service and in return for fair remuneration. Relations between workers and employers are regulated by the Trade Union and Professional Associations Act."

According to the Civil Service Act and its implementing regulation, candidates for public posts must be not less than 18 years of age. It is permissible to employ persons of 16 years of age in jobs and occupations requiring special training at training colleges and centres and in the places of employment specified by the Ministry of the Civil Service. In all cases, a birth certificate or a certificate from a competent medical board must be provided as proof of age.

In keeping with international principles concerning human, civil and political rights and with the Convention on the Rights of the Child and international and Arab labour standards relating to the employment of children, the Yemeni legislature has established constitutional and legal guarantees pertaining to “child labour” that take account of children’s physical capacities and safeguard their integrity, morals, and physical, mental, spiritual, moral and social development.

The Trade Union and Professional Associations Act, which regulates relations between workers and employers outside the public sector, also imposes safeguards and equal rights for workers without any discrimination on grounds of sex, age, race, colour, belief or language. Chapter 8, section I, of the Child Rights Act consists of eight articles (arts. 133-140) devoted to the subject of the welfare of child workers.

Article 2 of the Labour Act No. 5 of 1995 defines a “child” as being any male or female under the age of 15, although it does not explicitly specify a minimum age for employment. Article 144 of the Child Rights Act reads as follows: “For the purposes of the application of the provisions of this chapter, a child worker is a person who has reached the age of 14. No one under that age may engage in employment”. Under the Labour Act, the Minister for Social Affairs and Labour is required to issue decisions specifying the regulations and procedures applicable to the employment of children, the terms and conditions under which they may be employed and the activities, occupations and industries in which they may work.

Yemen has ratified the Minimum Age Convention, 1977 (No. 138) and the Worst Forms of Child Labour Convention, 1999 (No. 182). The Ministry of Social Affairs and Labour has also set up and oversees a unit devoted to combating child labour.

Articles 52 and 53 of the Labour Act stress that the employer must pay the young person, in respect of the work he does, a fair wage that is comparable to that paid to adults working in similar occupations. In any case, the wage must not be less than two thirds of the minimum wage payable to persons working in the same occupation and must be handed over to the young person himself. These provisions do not apply to young persons working for their family or under the supervision of their family members.

The Labour Act devotes an entire section (arts. 48-53) to the regulation of child (young persons') labour. It stipulates the terms, conditions and hours during which children may be employed. It also provides for their protection and prohibits them from undertaking heavy labour or work in hazardous industries, dangerous occupations or remote and sparsely populated areas.

Under the Act, the employment of children is prohibited, unless the legal guardian gives his permission and the competent labour office has been notified. Children must undergo a medical examination prior to taking up employment in order to ensure that they are medically fit and are growing properly. Children must also be guaranteed a healthy and safe working environment and must undergo periodic medical examinations to check that they are still fit for work. Children may not in any circumstances do overtime or work at night or on official or weekly holidays.

Under the Labour Act, a person who employs children on his premises must comply the rules and procedures that are set forth in article 51 of the Act. For example:

(a) He must maintain a logbook for child workers, describing their social circumstances, occupation, names, addresses, age, the names of their guardians, the date on which they began working and any other details required by the Ministry of Social Affairs and Labour;

(b) He must have the children medically examined prior to their appointment and periodically thereafter, and as and when such is necessary to ascertain their medical fitness. A medical file must be created for each child worker;

(c) The rules of employment for children and the benefits accorded them under the Labour Act and the implementing regulations thereto must be displayed in a prominent place on the work premises.

With a view to guaranteeing the application of these principles and provisions, penalties have been introduced for employers who violate the provisions of the Labour Act (arts. 48-52) that pertain to the employment and protection of young persons. In 1996, the Minister of Social Affairs and Labour issued Decision No. 50 containing a list of violations and penalties to be imposed on persons who breach the Labour Act. One part of the list is devoted to employment regulations for children. It is noteworthy that the Ministry of Labour and Vocational Training is currently endeavouring to amend the aforementioned list of violations and penalties in accordance with the penalties provided for in the new amendments to the Labour Act.

In this connection, the Government has worked in conjunction with non-governmental organizations concerned with children to begin preparations for a field study, funded by the Swedish Rädde Barnen organization, on the conditions of child workers in the Republic of Yemen. A number of specialists from the Ministry of Social Affairs and Labour, the Ministry of Planning and from Sana`a University have been charged with the preparation of the study.

Beginning in 1996, the Ministry of Social Affairs and Labour exchanged several memoranda and other correspondence on this subject with ILO. In 1997, an ILO committee was despatched to Yemen to study the situation of child workers. This was an excellent beginning to the fruitful cooperation established between the Yemeni Government and ILO, particularly since the latter willingly agreed to offer its support and cooperation to curb the phenomenon of child labour and devise ways to support the implementation of special projects in this domain as part of systematic efforts to combat poverty.

In furtherance of these endeavours, the Ministry of Labour and Vocational Training, in collaboration with ILO, the United Nations Children's Fund and the World Health Organization, organized a national seminar on the eradication of child labour in the Republic of Yemen. The seminar was held at Sana`a during the period 6 to 8 October 1998 and attended by representatives from a number of governmental, non-governmental and international

organizations concerned with child labour. Several working papers on various aspects of the phenomenon were discussed. The seminar produced a joint position statement on the future working strategy for the eradication of the phenomenon of child labour.

Following the establishment of the unit to combat child labour, a number of seminars and workshops were organized and a national strategy to curb the phenomenon of child labour was formulated and approved by the Council of Ministers. The Ministry of Social Affairs and Labour conducted a workforce survey, including child workers, which was supported by ILO.

By setting up the child labour unit within the Ministry of Social Affairs and Labour, the Government has shown concern to protect and support child workers and to complete the legislative and regulatory framework with a view to addressing the gap between the law and its application and to monitoring the implementation of the law as regards child labour.

Under the Labour Act, young persons must not be obliged to work during weekly rest days or on official or other holidays. In addition to the rest periods specified in the provisions of the Act, young persons are entitled to 30 days' annual leave in respect of each year of actual service, calculated at a rate of two and a half days per month of service. Neither the young person nor his guardian is permitted to forego all or part of this annual holiday, even in return for compensation. The purpose of this stipulation is to safeguard the physical and mental health of the young person and enable him to perform his work in a manner compatible with the provisions of the Act, under which young persons can be employed only on the most favourable terms and conditions.

Although these provisions do not apply to young persons working for their family or under the supervision of family members, article 53 of the Labour Act stipulates that such work must be done in appropriate health and social conditions.

It should be noted that the phenomenon of children working outside the family is a new one in Yemeni society and can be attributed to the deteriorating economic situation that obtains in Yemen today. In order to address that situation, the following measures and remedies are required:

(a) The institutional performance of inspection agencies needs to be improved at both the local and central levels;

(b) The role of labour inspection needs to be strengthened to guarantee the proper application of employment regulations;

(c) The role of agencies involved in manpower planning should be upgraded and the scope of socio-economic measures should be progressively expanded in order to mitigate poverty and help raise family income levels;

(d) A sufficient number of training and educational facilities should be provided to curb the phenomenon of child labour.

Article 11: Right to an adequate standard of living

Q20. The results of the 1999 Poverty Survey show that the proportion of the population living under the poverty line amounts to 27.3 per cent. The proportion of families living below an “upper poverty line”, representing severe poverty or food poverty, amounts to 34.9 per cent. The average size of a poor family exceeds that of a non-poor family by one member. In general terms, approximately 30 per cent of the population lives below the food poverty line, while the incidence of malnutrition amounts to approximately 19.1 per cent.

The national plan for the poverty eradication strategy

The Government began discussion of the objectives, working methods and prerequisites for the preparation of the national poverty alleviation strategy, which was designed in the following two phases:

- (a) Preparation of an interim paper establishing a general framework for the strategy;
- (b) Preparation of the full and final strategy paper.

The interim paper, which was finalized in December 2000, identified the following requirements:

- The Government must tackle the problem of poverty through its plans, policies and programmes;

- An analysis must be conducted of poverty in Yemen and the causes and scale of the phenomenon must be defined;
- A mechanism must be created involving all sectors of society and donors in the preparation of the strategy and design of other monitoring and follow-up mechanisms;
- Proposed poverty alleviation policies and measures must be fully integrated into the second five-year plan for economic and social development for 2001-2005 and be taken as a key component of the plan's strategies and goals.

The Government has established national mechanisms to combat poverty, the most important of which are the following:

- The Social Security Network Programme;
- The Social Welfare Fund;
- The Public Works Project;
- The National Programme for Productive Families and Social Development;
- The Micro-Industry Development Unit;
- Micro-Initiatives (Micro Start Programme).

Right to adequate housing

Q23. The practical measures the Government has taken to alleviate the housing shortage need to be viewed within the context of its work on housing policy for the period 2001-2005, which aims at achieving the following objectives:

1. To improve access to adequate housing for every family through the following measures:
 - Preparation of a national housing policy that takes account of population growth and distribution problems;

- Enlistment of the public and private sectors in the creation of large housing projects and housing associations;
- Creation of a sustainable mechanism to offer facilitated loans for housing projects targeted at low-income families;
- Promotion of housing cooperatives and strengthening of the regulatory and legal framework in which they operate;
- Resolution of the problem of makeshift housing through the establishment of associations for low-cost housing and improvement of the quality of services offered for low-cost housing;
- Improvement of the existing legal framework, introduction of laws, statutes and regulations relating to land use and construction, definition of criteria to classify land and its uses and simplification of housing construction and investment procedures and laws.

2. To improve the housing stock and create a healthy living environment through the following measures:

- Expansion of infrastructure development, including water and sanitation networks, better management of hard waste, and upgrading and development of existing systems;
- Expansion of the water network by 16 per cent over the figure for 2001;
- Development and expansion of the electricity infrastructure with a view to ensuring that electricity is supplied to the largest possible number of homes and, in any case, not less than 40 per cent of all households;
- Strengthening of the administrative, technical and regulatory framework for institutions that oversee and implement these services at the national, regional (governorate) and municipal (town and village) levels.

The Housing Bank offers loans for housing projects to anyone who needs them. Some private banks now offer loans on favourable conditions to persons wishing to set up individual housing projects. However, these loans are not sufficient and not everyone who needs these services has access to them. There is still a pressing need for the Government to accord more attention to housing in its plans and programmes for the coming stages.

Right to adequate food

Q25. This subject was explained in our reply under article 11 of the Covenant. The proportion of families suffering from severe poverty or food poverty amounts to 27.3 per cent, while 34.9 per cent of families live below an “upper poverty line”. All these factors have contributed to the rising incidence of malnutrition among the poorest sectors of society such as women, children, disabled persons, the sick and older persons.

The poor, women, children, older persons and the sick are accorded evident attention in the national population policy and programme of action designed by the Government and within the framework of sectoral policies for the competent agencies that cater for these categories of persons. This can be seen both in the policies and legislation that have been adopted and in the implementation of plans, programmes and projects. They have produced a qualitative improvement in the type of services on offer and helped develop operational, coordination and communication mechanisms.

Article 12: Right to physical and mental health

Q26. The population policy for the period 2001-2005 outlines the measures that will be undertaken to address the high rate of maternal mortality, which is attributable to teenage pregnancies, insufficient time between births and other factors such as birth complications, unsanitary conditions and low levels of service coverage. The policy has been designed to raise the average life expectancy to over 70 years and increase the rate of coverage of basic health services to at least 90 per cent by the end of the period. The population programme of action for 2001-2005 contains the following objectives:

1. To reduce the crude mortality rate and the incidence of disease among the population and raise the average life expectancy to at least 63 years through a series of interventions;

2. To promote and expand the basic health services network to cover 70 per cent of the population, through a series of interventions in the domains of child health, maternal health, reproductive health and family planning.

With regard to early pregnancy, the average length of time between one birth and the next is 28 months. The corresponding figure for women in the 15-19 age group is 19 months, i.e. less than two years.

In view of the problems associated with the shortage of emergency services, the lack of services to deal with complex pathologies and the difficulty of reaching more than 120,000 communities in both rural and urban areas, the Government adopted a series of measures to meet the real challenges posed by primary health-care policies and programmes and to deliver reproductive health services in response to that part of the programme of action devoted to maternal health. The following actions were envisaged:

1. Delivery of prenatal services to 60 per cent of pregnant women;
2. Making families and society aware of the risks of pregnancy and childbirth and the importance of prevention;
3. Expanding the availability of safe maternity services as part of the reproductive health services delivered in health facilities at all levels;
4. Creation of good quality pre-, peri- and post-natal services for women, especially in rural and remote areas;
5. Improving the quality of reproductive health services through training for gynaecologists, obstetricians and midwives, improvement of the system of patient referrals and monitoring, and provision of the necessary resources therefor;
6. Providing women of childbearing age with advice on health and proper nutrition and supplying them with food supplements where required;
7. Ensuring that up to 60 per cent of women of childbearing age and pregnant women are vaccinated against German measles;

8. Expansion and amelioration of health services for newborns;
9. Elimination of unsafe reproductive practices such as early, late, closely spaced and multiple pregnancies, through the following interventions:
 - Creation of family planning services and expansion of the range of options they offer;
 - Raising awareness among families (men and women) of the benefits of having children at a safe age (20-35 years) and the need to leave at least three years between each birth.

Reproductive diseases

1. In order to deal with the problem of genital infections and sexually transmitted diseases, including AIDS, the following actions have been taken:
 - Advice, consultancy and screening services have been incorporated into health services at different levels and efforts have been made to promote health awareness with a view to preventing these diseases among various sectors of the population, particularly young people and teenagers;
 - Resources have been set aside for the treatment of these diseases.
2. Preventive, diagnostic, early screening and curative services have been introduced for genital diseases and sterility.
 - A system of early screening has been incorporated into various services to treat chronic genital diseases associated with reproduction.
 - The availability of sterility consultancy and treatment has been expanded.
 - Steps are being taken to establish appropriate preventive and curative medical treatments for illnesses and complications that occur after reproductive age.

3. Efforts are being made to upgrade family planning activities and services through:
- Improvement of the quality of services on offer and expansion of the range of available devices at all levels of the service;
 - Creation of model centres that provide services catering for all family planning options and help with training and development of other facilities;
 - Support for training and skills development programmes targeted at personnel involved in the delivery of these services;
 - Expansion of mobile services to include areas where services are not available;
 - Improvement and expansion of consultancy services for men and women.

The Government has also turned its attention to improving reproductive health and child health services through the implementation of the national reproductive health, family planning and child health programme (the updated programme). The programme has identified the problem and created policies, measures and projects that reflect the views of the State and civil society institutions on maternal health, family planning and treatment priorities.

Q27. The Government receives financial support from international organizations for the implementation by Ministry of Health institutions, women's organizations and the relevant non-governmental organizations of a number of maternal health, child health and family planning services. These international organizations include, the United Nations Population Fund (UNFPA), the United Nations Development Programme, the International Planned Parenthood Federation, the European Union, and the World Health Organization. The assistance is allocated for the organization of programmes and projects relating to primary health care, reproductive health services, maternal and child health services and family planning.

Q28. Measures taken to combat sexually transmitted diseases

The endeavours made by the Government in this domain are clearly illustrated in the population programme of action to which we referred earlier in this report in our reply on articles 12 and 24 of the Covenant relating to reproduction.

Considerable attention is paid to this topic, as is clear from other measures that have been adopted as part of the national strategy for youth and from the subsequent implementation of youth and reproductive health programmes financed by UNFPA. Programme activities have focused on making young people aware of the risks of sexually transmitted diseases, particularly AIDS. According to the report which draws a statistical picture of the situation of men and women in Yemen, a total of 806 AIDS cases had been reported by the end of the first quarter of 2000. However, this does not provide a true picture of the scale of the phenomenon. It only shows the number of recorded cases. Cases tend to go unreported because of poor diagnosis of AIDS cases in hospitals, inadequate coverage of health services, the difficulties patients face in getting to hospitals and lack of reporting by private health institutions and laboratories.

Article 13: Right to education

Q30. Progress has been achieved in raising school enrolment rates among children of school age. The total enrolment rate among boys amounts to 71 per cent, as compared with a figure of 37.4 per cent for girls. Taking this as its point of departure, the population programme of action for 2001-2005 set its sights on increasing the numbers of children enrolled in basic education and progressively narrowing the gap between boys and girls with a view to enrolling 76 per cent of boys and 59 per cent of girls in basic education by 2005. In order to achieve this, the following measures have been envisaged:

- Efforts to speed up the construction of new schools, with priority given to deprived rural areas and depressed urban areas, in order to absorb larger numbers of children of school age, particularly girls;
- Efforts to ensure the geographical distribution of schools according to population density and need, based on school map criteria;
- Encouragement of private sector investment in education;
- Encouragement and support for initiatives spearheaded by voluntary and civil society organizations;
- School fee exemptions for girls in rural, remote and impoverished areas;

- Efforts to strike a balance between increasing the total number of pupils, schools, classes and teachers on the one hand and providing girls' schools with the female staff they need on the other;
- Providing support and assistance for poor children and orphans of school age.

All these efforts will help reduce illiteracy among girls. They have been accompanied by other endeavours to formulate a strategy for the education of girls and a strategy for the eradication of illiteracy.

It is noteworthy that the number of female students increased from 516,000 during the 1990/91 academic year to approximately 980,000 during 1999/2000, an annual increase of approximately 19 per cent. The numbers of female students in secondary education have also increased sharply, from little more than 20,000 students in 1990/1991 to around 94,000 in 2000. The achievements scored in the domain of female education can be gauged from the increase in the number of women entering the teaching profession. The number of female teachers climbed from approximately 9,869 to 29,610 over the same period. However, this figure accounted for not more than 20 per cent of the total number of teachers in the academic year 1999/2000.

Educational indicators

Details	2000	2001
No. of basic education schools	9 166	9 930
No. of students in basic education	2 788 281	3 401 503
Boys	1 832 822	2 185 273
Girls	955 459	1 216 230
Boys as a percentage of the total number of students	65.73%	64.2%
Girls as a percentage of the total number of students	34.27%	35.7%
No. of classes	97 688	116 788
Average number of students per class	28.54	29.12
No. of teachers in basic education	113 812	91 384
Yemeni teachers	112 443	90 504

Details	2000	2001
Non-Yemeni teachers	1 369	880
Teacher-student ratio	24.49	37.22
No. of secondary schools	215	249
No. of students at the secondary stage	374 483	484 573
Males	277 024	354 743
Females	97 459	129 830
Males as a percentage of all students	74.0%	73.21%
Females as a proportion of all students	26.0%	26.8%
No. of classes	10 322	13 982
Average number of students per class	36.28	34.66
No. of teachers in secondary education	14 063	5 412
Yemeni teachers	12 817	5 022
Non-Yemeni teachers	1 264	390
Student/teacher ratio	26.63	89.45
No. of schools (basic and secondary)	2 288	3 211

Q31. In response to the Government's concern to improve conditions for teachers at all levels, the Teachers Act No. 37 was promulgated to provide adequate legal safeguards and protection for teachers and create an educational environment that would improve their working conditions and accord them the promotion, rights and privileges guaranteed them by law and under the terms of the Civil Service Act. With the promulgation of the Teachers Act, teachers now have access to other financial benefits and rights.

Q32. The Civil Service determines the conditions and criteria pertaining to teaching qualifications at the different levels of formal education. These are based on graduate examinations and selection, as well as teaching assessments and university grades. Article 25 (c) of the Education Act recognizes the need to improve the specialized knowledge and professional expertise of teachers through training programmes, which are in fact run on a periodic basis.

Q33. Special importance is given to the subject of human rights in academic curricula, as illustrated hereunder.

- A number of educational regulations and directives have been issued focusing on basic human rights in various spheres of life.
- The Higher National Committee for Human Rights is currently promoting awareness of human rights issues in educational institutions through the organization of awareness-raising events and symposia and education of children at different levels aimed at deepening awareness of the human rights perspective in international human rights charters, conventions and treaties.
- Children's parliamentary elections are held in schools as a way of introducing the rising generation to democracy.

Q34. The efforts made by the State to establish a system of basic education are described here below.

- School curricula have been developed in accordance with the evolving needs of the educational hierarchy at the basic education stage.
- Educational projects have been introduced to close the gap between boys and girls in urban and rural areas at the basic stage of education. In coordination with State institutions that support the State Development Commission, educational services are supplied to deprived, remote and the neediest areas in accordance with the principle of equality of opportunity. Two projects have already been carried out in this connection, namely:
 1. A basic education project, which includes a component for the education of girls encompassing the following objectives:
 - (a) To supply women teachers for rural areas as a way of raising the level of school attendance among rural girls;

(b) To set up basic education schools for girls in a large number of rural directorates.

2. A secondary education project focusing on preventing rural girls from dropping out of secondary school by:

(a) Opening basic education and training centres for girls and women in urban and rural areas and according particular importance to rural, remote and poor areas. Literacy and functional programmes are offered to girls and women and numerous skills and occupations are taught at the centres.

Q35. We have no statistical information on schools according to sex and age, since the philosophy and goals of education are not based on these values and concepts. However, there are schools that have been set up especially for girls at the basic and secondary stages of education. They are a simple affirmation of the needs of girls in their local communities.

Article 14: Right to free and compulsory education

Q36. The measures which the State has taken in order to provide free compulsory education for all are set forth in its national population policy and programme of action. They are designed to allow everyone access to the educational services offered by educational establishments. As already explained, action has been taken within the framework of the population programme of action to support and help poor children and impoverished orphans of school age to acquire a basic education and remain in education.

Educational institutions are furthermore encouraged to design plans and programmes and implement projects that help poor students and students living in difficult circumstances in impoverished areas to obtain a free education.

In this connection, civil society institutions are playing an increasing role in supporting poor children by enforcing a proper system of compulsory schooling that encourages poor families to understand the need for children to go to school.

Article 15: The right to culture and to the enjoyment of the benefits of scientific progress

Q37. The Yemeni Government constantly strives to disseminate the values of national culture among the population through cultural, intellectual and creative institutions which are established from time to time as the need arises. The Government furthermore approves the establishment of associations devoted to creating frameworks and areas of cooperation among them and between them and the members of local communities. The Government encourages the formation of Yemeni expatriate communities in a number of countries where Yemenis have lived and been settled for many years.

These measures are a true reflection of the concern and care which the Government has shown to promote the values of cooperation, mutual tolerance and fraternity and to eliminate all forms of discrimination between its people.

Q38. With regard to cultural institutes, there are 21 cultural centres in Yemen. With regard to public libraries, a number of public bodies in the provincial capitals house their own collections of books. Yemen also has university libraries, bookshops and so on. Each of the aforementioned cultural centres has its own library of books, reports, studies and publications.
