



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 9 OF THE CONVENTION**

**Sixteenth periodic report of States parties due in 2005**

**Addendum**

**YEMEN\* \*\***

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[16 November 2005]

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\* This document contains the fifteenth and sixteenth periodic reports of the Republic of Yemen, due on 17 November 2005, submitted in one document. For the eleventh to fourteenth periodic reports submitted in one document, and the summary records of the meetings at which the Committee considered those reports, see document CERD/C/362/Add.8 and CERD/C/SR.1535, 1536 and 1549.

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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## Introduction

1. The Republic of Yemen received with interest the concluding observations adopted by the distinguished Committee on the Elimination of Racial Discrimination following its discussions with the delegation of the Government of the Republic of Yemen at its 1535th and 1536th meetings (CERD/C/SR.1535 and 1536) held on 12 and 13 August 2002 in Geneva and at the 1549th meeting (CERD/C/SR.1549) held on 21 August 2002 in the context of its consideration of Yemen's combined eleventh, twelfth, thirteenth and fourteenth periodic reports on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination.

2. Our country has pleasure in presenting the distinguished Committee with its combined fifteenth and sixteenth periodic reports elucidating the points raised in the Committee's concluding observations.

3. The Republic of Yemen has made positive advances with regard to democratic practice, parliamentary structures and freedom of the press, in which areas progress is being made every year. Over the years since unification, accumulated experience has shown that the Republic of Yemen does not treat human rights standards as merely a fixed set of international norms, but rather as a keystone of the cultural foundations on which a democratic and just society that affords everyone the enjoyment of his or her rights is built.

4. With regard to theoretical support and full constitutional and legal safeguards for human rights and fundamental freedoms, our country has made major strides by enacting appropriate legislation, which it uses to guide all its public activities, and by reviewing its body of domestic law with a view to eliminating any provisions that create discrimination or conflict with human rights values or international treaties. Our country has ratified over 56 international documents, covenants and instruments.

5. It is against this backdrop that we present you with this report, outlining and analysing all the legislative developments, policies and measures that the Republic of Yemen has seen since the submission of the previous report. The report also contains information and data in response to the Committee's recommendations and observations on the previous report. Here, we should like to mention that the Republic of Yemen has reviewed the reservations that it made to provisions of the Convention on the Elimination of Racial Discrimination that do not conflict with its Constitution and domestic laws. In the near future, the provisions in question will be incorporated into its domestic law.

6. Finally, the Government of the Republic of Yemen expresses its profound gratitude and appreciation to the esteemed members of the Committee for their ongoing efforts to promote human rights in all countries throughout the world.

## I. LAND AND PEOPLE

### Population and demographic indicators

#### Location and area

7. The Republic of Yemen is situated in the southern part of the Arabian Peninsula between latitudes 12° and 20° N and longitudes 41° and 54° E. Bordered by the Kingdom of Saudi Arabia to the north, the Arabian Sea and the Gulf of Aden to the south, the Sultanate of Oman to the east, and the Red Sea to the west, Yemen has an area of approximately 474,580 km<sup>2</sup>. The Bab al-Mandab straits, in south-west Yemen, are divided in two by the Yemeni island of Miyun (Perim), which dominates the approaches to Yemen. The island of Suqutra and its islands are found in the Arabian Sea. The Red Sea also contains a large number of islands forming a virtual archipelago in front of the Yemeni coast. The island of Kamaran is the most important and the largest of the Yemeni islands in the Red Sea. Topographically, Yemen can be divided into five regions (mountains, highlands, the coast, the Empty Quarter, and the Yemeni islands).

8. While the vast majority of Yemenis are Arabs, a small number are of African or Indian descent. Trade contributed to this ethnic diversity, which is of negligible proportions.

#### Religion

9. Islam is the religion of the State (Constitution, art. 2). Over 99.7 per cent of Yemenis are Muslims, who can be divided into two main groups: the larger group are adherents of the Shafa`i school, one of the four Sunni schools of Islamic law, and the smaller group are adherents of Zaidism. There is a section of the population which adheres to Ismailism, a creed with deep historical roots in Yemen and extensive influence among Muslims in India, where it is known as the sect of Bohraism.

10. Yemen has a Jewish minority, estimated at not more than 5,000 persons, living in the towns and villages of Amran and Sa`dah. There used to be more, before many of their numbers emigrated to Palestine in 1948.

11. All the Christians in Yemen are foreigners who are living there for professional reasons. They are free to perform religious observances in designated places of worship.

#### Language

12. Arabic is the official language of the Republic of Yemen (Constitution, art. 2). It is also the language of communication, education and the media. The Mahra and Suqutri languages are spoken by minorities in the governorate of Mahra, in the easternmost part of Yemen, and on the island of Suqutra in the Indian Ocean. The Government is making a considerable endeavour to study these languages, to analyse their specific characteristics, and to preserve them. In recent years, the teaching of English has spread, particularly among private schools.

## Education

13. Ever since its establishment on 22 May 1990, the Republic of Yemen has endeavoured to provide an education that is accessible to all children, both in rural and urban areas alike, since education is the key to sustainable human development and the attainment of a better quality of life. Education is also the main mechanism by which society achieves comprehensive socio-economic development. Thus, Yemen passed the Public Education Act No. 45 of 1992 and the Adult Literacy and Adult Education Act No. 28 of 1998. The Public Education Act describes education as a legitimate human right which is guaranteed by the State, is provided free of charge to all children throughout the country, and is compulsory at the basic stage. The Act affirms the principles of social equality, equal opportunities for all, and the need to take account of families' socio-economic circumstances. The Adult Literacy and Adult Education Act emphasizes the importance of eradicating illiteracy among Yemenis of both sexes. Yemen endeavours to deliver education by the following means:

- Establishing universal basic education with priority given to deprived areas and groups.
- Developing general education to meet the needs of individuals and society in all domains.
- Expanding the scope of basic education services to include the provision of health services and school supplies.
- Developing children's learning aptitudes, including their creativity, critical spirit, and objectivity, and equipping them with skills that are suited to their intellectual and physical development as well as their immediate environment.

14. Educational data points to a significant increase in the rate of enrolment in basic education; the number of boys and girls enrolled in basic education rose from 3,401,508 in 2000/01 to 3,955,751 in 2003/04. Some 81.5 per cent of boys were enrolled in basic education, as compared with 51.5 per cent of girls. Taken together, 66.5 per cent of boys and girls of school age enrolled in education. In the past three years, there was a marked increase in the female enrolment rate in basic education, rising from 46.7 per cent in 2000/01 to 51.5 per cent, an increase of 4.8 per cent. The same held true for secondary education, where student numbers reached 588,995 in the 2003/04 academic year, representing 57.8 per cent of boys and 25 per cent of girls or 41.4 per cent of all boys and girls of school age.

15. The educational data also show a significant rise in the female enrolment rate in basic education; the number of female students increased from 1,294,820 in the 2001/02 academic year to 1,530,306 in 2003/04. There was a large jump in the number of female students enrolled in secondary education - from 143,422 in 2001/02 to 177,979 in 2003/04.

16. For those whose circumstances prevent them from pursuing formal education, informal educational programmes are offered from the first grade of basic education up to the secondary (pre-university) stage.

17. In the areas of technical and vocational education and training, policies and programmes have been introduced to increase enrolment in colleges. The Government has established vocational colleges and centres which take in trainees with nine years of basic education, two of them at the post-primary, intermediate stage. A total of 15 vocational training centres were in operation in 2003. As for vocational colleges (three years following the primary stage), there were 25 such colleges in 2003, in addition to 10 health colleges. These vocational colleges, institutions and centres are located in different governorates of the Republic and are staffed by a select group of specialists and qualified teachers who teach and train the students in specialized areas such as electricity, electronics, mechanics, motor vehicles, agricultural equipment, production mechanics, construction, refurbishing, carpentry, hotel work, tourism, agriculture, and veterinary science.

18. Since unification in 1990, university education in Yemen has flourished not only in terms of the numbers of governmental or private universities and the number and variety of faculties but also in terms of student numbers. In Yemen, there are seven governmental universities comprising many different faculties, including faculties of applied sciences and their various departments and humanities faculties with different departments. In 2003, there were a total of 175,536 students attending university; 130,516 of them were males and 47,706 were females.

### **Economic foundations**

19. The economy is built upon free enterprise, free trade and investment which serve the interests of the national economy, guarantee justice to individuals and society, and strengthen national independence in accordance with the principles of social equity in economic relations, social solidarity and equilibrium, equal opportunities, raising society's living standards, legitimate competition between different economic sectors (the public, private, cooperative, and mixed sectors), equal treatment for all sectors, and protection of, and respect for, private property.

20. The State's economic policy is founded on scientific economic planning that optimizes all resources and develops the potential of all economic sectors in every area of economic and social development.

21. The State encourages cooperation and savings, and safeguards, protects and encourages the establishment of cooperative enterprises and activities of all kinds. The law sets the level of wages, salaries, remuneration, aid and indemnities to be paid for out of the State coffers.

22. Public assets and public property are inviolable and must be safeguarded and protected by the State and all members of society. Any misuse of, or attack upon, such property is regarded as an act of sabotage and an assault upon society itself. Public property cannot be expropriated and private property can only be expropriated pursuant to a court order.

### **Social and cultural foundations**

23. Yemeni society is founded on social solidarity based on justice, freedom and equality. The family is the basis of society and its mainstays are religion, morals and patriotism. The law preserves family cohesion and strengthens family ties.

24. The State guarantees equal political, economic, social and cultural opportunities for all citizens. Education, health and social services are the basic pillars of society and of social progress, and society and the State help to deliver them.
25. The State guarantees freedom of scientific research and of literary, artistic and cultural output and provides the means to exercise this freedom. It encourages scientific and technical innovation and artistic creativity, and protects the fruits thereof.
26. Work is a right, an honour and a prerequisite for social development. Every citizen has the right to undertake work of his own choosing in exchange for a fair wage.
27. The State protects motherhood and childhood and cares for the rising generation and young persons.
28. The protection of the environment is the responsibility of the State and society and is a religious and national duty incumbent on every citizen.
29. The Constitution affirms a number of principles relating to the rights and obligations of every citizen, the most important being: the principle of equal public rights and duties; the principle of participation in economic, political, social and cultural life; the principle of the right to vote, to stand for election, and to express one's opinion; the principle of the right to a nationality and the right not to lose or forfeit one's nationality; the principle that no Yemeni citizen may be extradited; and the principle of non-extradition of political refugees. The Constitution also expounds a number of principles concerned with protection of the human right to security and to public life. The law punishes anyone who violates these principles and grants the right to appropriate compensation for injury suffered by individuals as a result of wrongdoing. The use of physical or mental torture at the time of arrest or during detention or imprisonment is designated as an offence which is not time-barred from prosecution and anyone who practises, orders or participates in torture will be punished. The most important of these principles are: the principle of individual criminal responsibility; the principle that there can be no crime or punishment unless stipulated by law; and the principle of the presumption of innocence.

### Key indicators

<i>Indicators</i>	
Total population (preliminary results of 2005 general census)	21 421 643
Population growth rate (percentage)	3.2
Average number of persons per household	7.4
Average number of persons per family (family size)	7.8
Total fertility rate (2003)	6.2
Rural	6.7
Urban	4.5



<i>Indicators (continued)</i>	
Median age of population (2003, both sexes estimated)	15.5
Males	16.9
Females	15.1
Number of primary schools	10 199
Number of primary school students	3 955 751
Boys	2 425 445
Girls	1 530 306
Number of classes	119 091
Average class size	31.09
Number of teachers in basic education	91 654
Yemeni teachers	90 927
Non-Yemeni teachers	727
Student/teacher ratio	40.40
Number of secondary schools	280
Number of secondary school students	588 995
Boys	411 016
Girls	177 979
Number of classes	14 610
Average class size	36.96
Number of teachers in secondary education	5 966
Yemeni teachers	5 530
Non-Yemeni teachers	436
Average class size	90.50
<i>Intermediate vocational education (two years post basic education)</i>	
Number of vocational centres	15
Number of students	3 273
Boys	3 272
Girls	1
Number of teachers	523
Yemenis	507
Non-Yemenis	16
<i>Vocational education (three years post basic education)</i>	
Number of colleges	25
Number of students	4 803
Boys	4 250
Girls	553
Number of teachers	498
Yemenis	453
Non-Yemenis	45

<i>Health colleges</i>	
Number of colleges	10
Number of students	2 635
Males	1 820
Females	815
Number of teachers	249
Yemenis	249
Number of universities	7
Number of university students	175 536
Males	130 516
Females	45 020
Female-headed households (Yemeni family survey 2003)	7.2
Rural	6.8
Urban	8.4
Average life expectancy at birth for both sexes (in years)	62.9
Males	62
Females	63.8
Infant mortality rate (per 1,000 live births)	75.0
Pre-adjusted	74.8
Post-adjusted	28.4
Under-5 mortality rate (per 1,000 live births)	99.8
Rural	105.2
Urban	79.3
Males	100.3
Females	99.3
Maternal mortality rate (per 100,000)	365
Percentage of population with access to safe drinking water	35.9
Rural	40.2
Urban	80.9
Percentage of persons who are illiterate (10 years and over)	47.0
Rural	53.2
Males	31.1
Females	57.7
Urban	27.7
Males	15.2
Females	40.5

<i>Health colleges (continued)</i>	
Health service coverage (percentage of population)	50
Incidence of malaria (percentage of population)	25.50
Percentage of mothers without access to antenatal care	54.9
Rural	61.7
Urban	30.8
Percentage of mothers without access to post-natal care	87.2
Rural	89.3
Urban	80.1
Percentage of married women who currently use family planning methods	23.1
Rural	17.7
Urban	40.9
Percentage of children aged 12-23 months who have completed their vaccinations	(37.2)
Urban	67.2
Rural	29.1
Percentage of married women who have had at least one miscarriage during their childbearing years	33.4
Total fertility during five years prior to 2003 Yemeni family health survey	6.2
Urban	4.5
Rural	6.7
Percentage of persons (15 years and over) who are unemployed	11.5
(Females)	8.2
(Males) Statistical yearbook	12.5
Percentage of population with disabilities	2.9
<i>Disability rate (per 1,000 population)</i>	
Males	20.3
Females	17.8
Percentage of households connected to public water network	19.5
Urban	52.4
Rural	9.6

## II. STRUCTURE OF GOVERNMENT IN YEMEN

### The political system

30. Article 1 of the Constitution of the Republic of Yemen states: “The Republic of Yemen is an independent and sovereign Islamic Arab State.” It also affirms that the State of Yemen is indivisible and that it is a republic.

31. As stated in article 5 of the Constitution, the political system of the Republic is based on political and party pluralism geared towards the peaceful alteration of power.

32. The political system in Yemen is a parliamentary democracy founded on the following principles:

- Yemen is a constitutional, republican and unitary (a single unit, not a federation or confederation) Islamic Arab State.
- In international relations, the system is based on recognition of and compliance with the Charter of the United Nations, the Universal Declaration of Human Rights, the Pact of the League of Arab States and all the generally recognized rules of international law (Constitution, art. 6).
- Power is based on the notion of popular sovereignty; thus, the people are the holders and the source of power which they exercise directly through referendums and general elections and indirectly through the legislature and the executive, as well as elected local councils.
- Citizens are equal before the law, without distinction as to their rights and obligations.
- The system of government is based on the principle of separation of, and cooperation among, the different State powers.
- Yemen conducts judicial reviews and amends the Constitution in accordance with the relevant conditions and procedures.
- The economy is based on free enterprise and is managed according to legal, administrative, procedural and impartial rules that guarantee social justice, the development of production, social equilibrium, equal opportunities, legitimate competition between the different economic sectors, and respect for private property.
- The State’s social system is based on the family, whose mainstays are religion, morality and patriotism, and on society, whose mainstays are solidarity and mutual support based on justice, freedom and equality.

## State powers

### (a) The legislature

#### The House of Representatives

33. The House of Representatives is the State's legislative authority. It enacts laws and draws up the State's general policy, the general plan for socio-economic development, the general budget, and the final accounts. It also monitors activities of the executive in accordance with the Constitution, which vests it with a range of oversight functions, including the right to summon individual ministers or the entire Cabinet to demand an explanation of issues raised by members of the House and the right to withdraw confidence in the executive. The House of Representatives consists of 301 members who are elected by secret, general, free, direct and equal suffrage. The Republic is divided into equal electoral districts that are drawn up according to population size, with a margin of plus or minus 5 per cent. Each district has one member. Members represent all the people and protect the public interest. There are no restrictions or conditions attached on their representational functions. The House has a term of six Gregorian years beginning on the date of its first session. The President of the Republic calls on the electorate to vote for a new parliament not less than 60 days before the end of the parliamentary term. At its first session during the two weeks following the announcement of the election results, the House of Representatives, at the invitation of the President of the Republic, elects from among its members the Speaker and three Deputy Speakers, who together preside over the House. Decisions of the House are taken by an absolute majority of the members present, unless the Constitution and the House's rules of procedure will accept a majority vote.

34. House sessions are held in public, but may be conducted *in camera* at the request of the Speaker, the President of the Republic or at least 20 members of the House. Two regular sessions are held each year. The House of Representatives has 19 standing committees, including the Human Rights and Public Freedoms Committee. Each committee has between 11 and 15 members. Members are free to join these substantive committees, which are highly important, because their focus on specific areas allows them to give in-depth consideration to the matters within their remit. These committees' recommendations are vitally important and influence the decisions of the House.

35. Since its inception, the Republic of Yemen has had four parliaments:

(a) The Transitional House of Representatives from 22 May 1990 to 27 April 1993: this was the first parliamentary assembly to be formed after the establishment of the Republic of Yemen. It included the members of the Advisory Council of the former Yemen Arab Republic (159 members) and the Upper House of the former People's Democratic Republic of Yemen (111 members), together with 31 prominent political and social actors who are appointed by a decision of the Presidential Council;

(b) The House of Representatives from 27 April 1993 to 27 April 1997: all its members were elected directly by the people;

(c) The House of Representatives from 27 April 1997 to 27 April 2003: all its members were elected directly by the people;

(d) The House of Representatives from 27 April 2003 to 27 April 2009: all its members were elected directly by the people.

### **The Advisory Council (Majlis al-Shura)**

36. The Advisory Council was established to replace the Consultative Council pursuant to the amendments made to the Constitution in 2001. Although the Advisory Council is not a legislative body, it does exercise constitutional powers in accordance with article 125 of the Constitution. The Council consists of 111 members who are appointed by the President of the Republic for a five-year term and have particular skills and expertise or are prominent political and social actors from different parts of Yemen. It was established to expand participation in opinion-making and to utilize domestic talent and expertise. The Council has a number of substantive committees, including the Human Rights and Public Freedoms Committee. What distinguishes the Council from its predecessor (the Consultative Council) is the fact that it is vested with numerous constitutional powers, of which the most important are: nominating, in conjunction with the House of Representatives, candidates for the presidency of the Republic; approving socio-economic development plans and treaties and agreements on such matters as defence, alliances, peace and borders; deliberating on the recommendations issued by the President of the Republic; overseeing the press, civil society organizations and the local government experiment and recommending ways of enhancing and improving their effectiveness; reviewing reports of the Audit and Accounting Board and reporting on them to the President of the Republic.

### **(b) The executive**

37. The executive is made up of two main bodies: the Presidency and the Government. Article 105 of the Constitution stipulates that the President and the Cabinet exercise executive power on behalf of the people and within the limits laid down in the Constitution.

### **The President of the Republic**

38. The President is the Head of State and is elected in accordance with the Constitution. He has a deputy, whom he himself appoints. The President of the Republic is elected by the people in competitive elections. The President of the Republic is the person who gains an absolute majority of the votes cast. If no candidate wins such a majority, a new election, using the same procedures as before, will be held between the two candidates with the highest number of votes.

39. The President of the Republic must implement the will of the people, uphold the Constitution and the law, protect national unity and the principles and purposes of the Yemeni revolution, abide by the peaceful alteration of power and oversee the exercise of sovereignty with regard to defence of the Republic and the State's foreign policy, while discharging his functions in the manner specified by the Constitution. The mandate of the President of the Republic is seven calendar years from the date on which he takes the constitutional oath. No one

may occupy the office of President for more than two terms (each term lasts only seven years). The President's numerous responsibilities include: calling on the electorate, at the designated time, to vote for the House of Representatives; calling national referenda; nominating the person who will form the Government and issuing a republican decree appointing the members of the Government; formulating the State's general policy in conjunction with the Government, and overseeing its implementation in the manner prescribed by the Constitution; promulgating laws approved by the House of Representatives and issuing implementing decrees; issuing decrees ratifying treaties and conventions approved by the House of Representatives; and granting political asylum.

### **The Cabinet**

40. The Cabinet is the Government of the Republic of Yemen. It is the State's highest executive and administrative body and all State administrative departments and organs and executive institutions, without exception, are answerable to it. The Cabinet is formed by the party that gains a majority of the parliamentary votes cast at each competitive election. The Government consists of the Prime Minister, his deputies and ministers. The law specifies the general principles regulating ministries and State organs. The Prime Minister chooses the members of the Cabinet in consultation with the President of the Republic. The Government wins confidence after taking the constitutional oath before the President of the Republic and presenting its programme to the House of Representatives for approval. The Cabinet takes the necessary steps to preserve the internal and external security of the State, to protect the human rights of citizens and to approve treaties and conventions before they are referred to the House of Representatives or the President of the Republic. The Prime Minister represents the Cabinet with regard to the implementation of the State's general policy and oversees the implementation of Cabinet decisions. The President of the Republic and the House of Representatives are entitled to have the Prime Minister, his deputies or ministers investigated or tried for any offences which they may commit in or during the course of their duties. A decision of the House of Representatives to impeach must be proposed by not less than five members and will be adopted only with the approval of two thirds of the House. The investigation and trial will be conducted in accordance with the law. The House of Representatives places its confidence in the Cabinet in the light of the programme which the Cabinet presents to it.

41. The vision behind the programme produced by the Government that was formed in 2003 was orientated towards the promotion of public freedoms and human rights; the programme affirms that guaranteeing human rights is an objective in the context of efforts to establish a State that is built on institutions and to create a free and pluralist society that affords Yemenis a decent life and opportunities for development.

42. The Government's programme was designed to strengthen the foundations of the institutional structure in order to create a better future, building on the outstanding national achievements scored, in the domains of democracy and human rights, following Yemeni national reunification. The programme emphasizes the importance of human rights by showing constant concern for the promotion of public freedoms and human rights, the improvement of the means to achieve a safe and decent life and the development of citizens' awareness of their political

rights and the rights and freedoms guaranteed by law. The values of freedom and human rights are entrenched by: consistently allowing all citizens to choose their representatives in the constitutional institutions and local government bodies; allowing citizens to scrutinize the activities of such bodies in accordance with their constitutional rights; encouraging the press to play its role of criticizing, monitoring, and raising political awareness; encouraging the private and political party press to guarantee diversity of opinion and focus on the elimination of a culture of violence, extremism and terrorism; expanding democratic practice as a sign of respect for diversity of opinion and rejection of efforts to monopolize “the truth”; respecting the opposition’s political right to compete and to express its views by all means guaranteed by law; firmly applying the rules of transparency and accountability so as to allow for institutional and popular scrutiny of executive organs; strengthening the role of institutions that carry out independent monitoring of government activities; and strengthening the effectiveness of the Ministry of Human Rights in continuously monitoring procedures and policies in order to prevent any government action from encroaching upon human rights and public freedoms. With regard to women, this task entails: strengthening women’s role and participation by consistently addressing women’s issues and increasing women’s involvement in public life, particularly in the economic and political domains; identifying future needs with regard to educational and training activities; targeting poor women in social safety net programmes and mechanisms; supporting governmental and non-governmental institutions concerned with women’s issues; revising legislation on women’s participation in economic life in order to enable women to reconcile their role as mothers with their contribution to social development; providing women with educational and training opportunities to enhance their participation in the labour market and policy- and decision-making; and sending a cultural message through the media about changing social attitudes and norms that are prejudicial to women. With regard to civil society organizations, the Government’s programme stresses the importance of: working more closely with civil society institutions to develop democratic awareness and widen popular participation; establishing and implementing programmes that enable such institutions to become involved in economic and development activities; and developing their role in political, social and economic life.

### **Local government**

43. The shift towards decentralization is the ideal option for expanding local community participation in the design and implementation of comprehensive development policies based on the precise identification and fulfilment of citizens’ needs. It helps to guarantee the delivery of services to rural and remote areas and to generate new employment opportunities which combat poverty and improve citizens’ living standards. It also helps to consolidate the democratic principles of political participation and development of human rights, and to realize the aims and objectives of human development. In order to supplement existing local government legislation, the Local Government Act No. 4 was issued in 2004 and amended by Acts Nos. 25 and 71 of 2000, together with Presidential Decree No. 269, concerning the implementing regulation for the Local Government Act. Cabinet Decision No. 283 was issued in 2001, setting local tariffs for all the governorates and specifying the actual value of resources to be allocated to each main local administrative unit. The implementing regulation for governors’ and provincial chiefs’ offices was issued pursuant to Republican Decree No. 265 of 2001. The basic provisions deal



with the regulation of the offices' work and the functions to be carried out by their administrative units in each governorate and province. This marked a significant turning point in institution-building in the State. The Local Government Act defines the tasks and functions of local councils, their relationship with the central authority, and the resources at their disposal. The year 2001 marked the beginning of institutional transformation in Yemeni society in the direction of financial and administrative decentralization. On 22 February 2001, the first local council elections were held throughout all the governorates and provinces of the Republic. Republican Decree No. 264 was issued establishing a higher committee, under the chairmanship of the Prime Minister, to support and develop decentralization. The committee has a technical committee which serves as its technical secretariat.

44. Local councils in the provinces perform a range of tasks and functions, most importantly: debating citizens' public affairs; learning about citizens' demands, needs and grievances in order to analyse and evaluate them and submit detailed reports on them to the local council and other relevant bodies; making appropriate recommendations to strengthen the protection of rights and freedoms; and protecting public and private social, professional and creative assets, while providing the requisite facilities therefor. Every member of local government, at the governorate or provincial level, is entitled to: question the chief of an administrative unit or the director of any local executive body in accordance with the procedures laid down by law; oversee the implementation of environmental policies and legislation and take appropriate measures to protect the environment; propose rules and regulations on citizens' contribution to services; oversee the implementation of literacy promotion programmes and encourage citizens to enrol in them; ensure compliance with the principle of compulsory education; and guarantee school health care. Local councils hold an annual national conference, under the auspices of the Prime Minister, to: discuss and evaluate the system of local administration, its modus operandi, and ways of supporting and developing it; propose legislation on developing the system; and discuss the level of socio-economic development resulting from the local government experiment, as well as the feasibility of electing local council chiefs from among elected members. Local councils' tasks include, inter alia: promoting the advancement of women; caring for mothers and children; using population studies to further the development process, organize projects and achieve demographic equilibrium; improving women's economic, social and cultural conditions and supporting women's participation in development; establishing public awareness plans and programmes on the aims and benefits of managing and running self-help services projects; studying and reviewing issues pertaining to the quality of social welfare and social security schemes; conducting social field surveys on the implementation of social welfare schemes; combating poverty through the establishment of income-generating projects; combating homelessness and providing shelter to the homeless; providing incentives for, and encouragement to, local initiatives, micro-enterprises and trades and crafts; developing farmers' know-how through agricultural advice and information programmes and the implementation of agricultural, irrigation, livestock and fisheries projects; establishing rehabilitation centres for persons with disabilities, including the profoundly deaf, as well as welfare homes for orphans, the sick, older persons and the blind and centres, homes and camps for young persons; promoting adult literacy and adult education; supporting mothers' and children's welfare homes and centres and family planning and social development centres; supporting productive families; creating

primary health units and rural health units; providing safe water, health care and sanitation; registering the civil status of citizens, including marriages, divorce, births and deaths; and issuing personal and family identity cards.

45. In the framework of coordination between the Ministry of Human Rights and the Ministry of Local Administration, and with a view to boosting the role of local councils in the promotion and protection of human rights, the Ministry of Local Administration issued a circular in August 2004 appointing the chairman of the social affairs committee of each governorate's local council as human rights coordinator for the governorate. The coordinator is entrusted with several tasks, including receiving and processing complaints and making sure that the competent authorities in the governorate take the necessary action thereon. The human rights coordinator also submits periodic reports to the governor and to the Ministry of Human Rights on all human rights violations in the governorate and the action taken to deal with them.

### **The judicial authority**

46. The judiciary enjoys judicial, financial and administrative independence and the Department of Public Prosecutions is one of its organs. The courts adjudicate all disputes and offences. Judges are independent and in their judgements are subject to no authority other than the law. There can be no interference from any quarter in court cases or matters of justice; any such interference is designated as an offence which is punishable by law and is not time-barred from prosecution. The judiciary is an integral entity. The law regulates judicial bodies and their levels and defines their areas of competence. It also defines the criteria which judges are expected to meet and the conditions and procedures for appointing, transferring and promoting judges, as well as other relevant guarantees. Special courts may not be established under any circumstances. The Higher Council of the Judiciary, which is chaired by the President of the Republic, is an administrative body that is regulated by law. It oversees judicial matters such as the appointment and promotion of judges, the application of safeguards for judges, and disciplinary questions.

47. The Republic's Supreme Court is the highest judicial body in the land. The law regulates the composition of the Court and defines its functions and procedures.

48. The Court carries out the following tasks in particular:

- It rules on cases and pleadings relating to the non-constitutionality of laws, regulations, statutes and decisions.
- It rules on disputes over the jurisdiction of judicial bodies.
- It examines and delivers its opinion on challenges submitted by the House of Representatives concerning the legality of the membership of any member of the House.
- It rules, in accordance with the law, on appeals against final judgements handed down in civil, commercial, criminal and personal status cases, administrative disputes and disciplinary proceedings.

- It tries the President of the Republic, his deputy, the Prime Minister and his deputies, and ministers and their deputies in accordance with the law.

49. In principle, the Court conducts its sessions in public, unless it decides to hold them *in camera* for reasons of public order and public morals. In any case, verdicts must be pronounced in open court.

#### **A. Governmental and non-governmental human rights organizations**

50. The establishment, pursuant to Republican Decree No. 105 of 2003, concerning the formation of the Government and appointment of its members, of a separate ministry for human rights as the main governmental body concerned with the protection and promotion of human rights was the culmination of many previous endeavours. In this section, we shall describe the key stages in the development of governmental mechanisms which promote and protect human rights, beginning with the formation of the first governmental committee ever to take up the issue of civil and political rights. With the expansion and evolution of action to deal with human rights issues came a growing awareness of the importance of the principle of the interdependence and indivisibility of all political, civil, economic, social and cultural rights. This prompted the Yemeni Government to form the National Higher Committee for Human Rights, whose members came from the most important relevant government bodies and which operated as the country's main national human rights body. Those efforts were boosted by the decision to appoint a minister of State for human rights to an executive role as Secretary of the Committee. At the same time, a technical body was set up to coordinate and follow up the Committee's work. Convinced as it was of the importance of promoting national human rights mechanisms and the necessity of creating an effective and integrated technical and administrative body to coordinate governmental efforts in this domain, and of creating and strengthening channels of coordination and cooperation with non-governmental organizations and international organizations, the Government established a ministerial portfolio for human rights in 2003. This section will discuss the different phases of this development and will describe the working mechanisms of the Ministry of Human Rights.

#### **B. Development of governmental human rights mechanisms**

##### **(a) The Committee on Civil and Political Rights**

51. The Committee was established pursuant to Prime Ministerial Decision No. 95 of 1997 for the purpose of defining our country's position vis-à-vis the international treaties to which it was a party. The Committee was tasked with receiving and replying to reports from the Office of the High Commissioner for Human Rights.

##### **(b) The National Higher Committee for Human Rights**

52. The Committee was established pursuant to Republican Decree No. 20 of 1998, as amended by Republican Decree No. 92 of 1999, and was chaired by the Deputy Prime Minister, the Minister for Foreign Affairs, and the Deputy Director of the Office of the President of the Republic. Its members included a number of ministers whose work had a bearing on human

rights, namely, the Minister for Foreign Affairs, the Minister of the Interior, the Minister for Social Affairs and Labour, the Minister of Information, and the Minister for Legal Affairs. It also included the chiefs of several judicial and security organs such as the Attorney-General, the chief of the Central Political Security Agency and representatives of the Office of the President of the Republic and the Prime Minister's Office.

53. Pursuant to the decree by which it was established, the Committee was vested with several functions, of which the most important were: formulating policies, plans and programmes to safeguard human rights in the Republic of Yemen; strengthening the role of relevant bodies in dealing with human rights issues and generally protecting human rights in accordance with the Constitution, prevailing laws and the international treaties to which Yemen is a party; overseeing the proper and correct implementation of international human rights treaties by the national bodies concerned; overseeing preparation of the reports which national bodies submit to international organizations on the implementation of relevant international human rights treaties; and commenting and expressing its views on human rights laws, treaties and reports.

54. The decree establishing the Committee also provided for the creation of a standing subcommittee made up of representatives of members of the higher committee. The subcommittee's meetings were chaired by a general coordinator, who liaised with the higher committee. The standing subcommittee met once a month, or as and when the need arose. Its tasks included receiving reports from individuals, bodies and international institutions concerned with human rights and considering and responding to the reports sequentially and in accordance with the regulations and principles established by the higher committee in that regard. The general coordinator had a secretariat made up of a number of staff from the Ministry of Foreign Affairs. They prepared the meetings of the standing subcommittee and the advisory body. The decree also provided for the establishment of an advisory commission, comprising social actors, academics and human rights specialists, together with representatives of relevant civil society organizations, trade unions and confederations and professional associations.

55. After the post of Minister of State for Human Rights was created in 2001, the National Higher Committee for Human Rights was restructured pursuant to Republican Decree No. 89 of 2001. The level of representation was raised so that the Prime Minister assumed the chairmanship of the Committee and the Minister of State for Human Rights was admitted (as Committee Secretary). The Decree annulled the membership of the Chief of the Judicial Inspection Authority, replacing him with the Minister of Justice.

56. After the restructuring exercise, the Committee carried out several tasks within its remit. It organized numerous human rights awareness events and activities and training and further training for public servants and implemented a comprehensive programme of field visits to all prisons, social welfare homes and psychiatric clinics throughout the country. With regard to complaints and reports, the Committee is receiving a growing number of complaints about the matters within its remit and monitors and logs daily and weekly press reports about human rights violations, verifying their accuracy and taking action to address them. The Committee has prepared and drafted a series of international reports on our country's obligations under the

international treaties and instruments to which Yemen is a party. It also implemented the Administration of Juvenile Justice Project, in cooperation with the Office of the United Nations High Commissioner for Human Rights (UNHCHR).

**(c) The Ministry of Human Rights**

57. The Ministry of Human Rights is the main governmental body responsible for the protection and promotion of human rights. By virtue of its legal status, it is considered part of the executive, although its organizational structure and duties and functions are consistent with many of the principles relating to the status and work of national institutions for the protection and promotion of human rights (the Paris Principles) adopted by the Commission on Human Rights in its resolution 1992/54 of 3 March 1992. We shall explain how the Ministry's work complies with the Paris Principles when we discuss the Ministry's functions, organizational structure and activities. The Ministry discharges its functions in accordance with the implementing regulation issued by Presidential Decree No. 255 of 2003.

**Goals and functions of the Ministry of Human Rights**

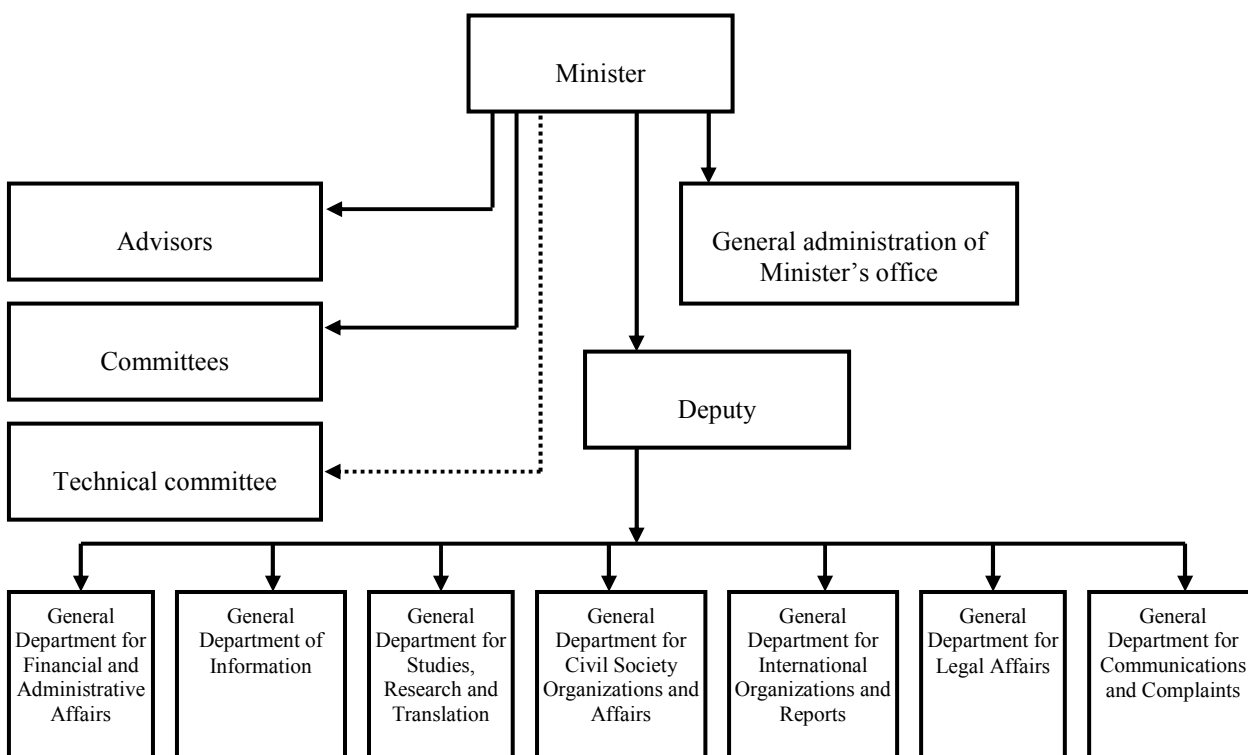
58. According to principle 1 of the Paris Principles:<sup>1</sup> "A national institution shall be vested with competence to protect and promote human rights." This is consistent with article 2 of the implementing regulation, which stipulates: "The Ministry of Human Rights shall promote and protect human rights in coordination with the competent ministries, agencies and bodies and shall activate national mechanisms for the protection and promotion of human rights in keeping with our country's commitments under the international conventions, pacts and covenants which it has ratified." In pursuance of this objective, the same article enumerates the duties and functions which the Ministry must perform in order to achieve its aims, as follows:

- Recommending policies, plans, programmes and measures to promote and protect human rights and implementing them in conjunction with the relevant bodies.
- Studying legislation and laws to determine how far they are consistent with the principles and norms embodied in the international human rights treaties to which our country is a party and recommending the necessary amendments to domestic laws in accordance with the Constitution and the laws in force.
- Receiving complaints from citizens, organizations and institutions and examining and dealing with any that come within the Ministry's remit, in coordination with the competent bodies.
- Developing citizens' legal awareness by advising them on the rights guaranteed by the Constitution and the law; disseminating a human rights culture in society using different methods of awareness raising; and strengthening cooperation with civil society organizations and institutions devoted to human rights.
- Preparing periodic reports, in conjunction with the competent bodies, on our country's international obligations.

- Liaising and developing cooperation with international human rights organizations.
- Collecting, analysing and documenting information on human rights and the Government’s human rights policy.

**Organigram of the Ministry**

59. According to article 6 of the implementing regulation, the Ministry’s organizational structure is the one shown in the following diagram:



**The General Department for Communications and Complaints**

60. The Paris Principles<sup>2</sup> refer to the role of national institutions in submitting opinions, proposals and recommendations on any matters which they decide to take up and hearing and considering complaints and petitions on matters within their competence. This Department receives, scrutinizes, summarizes and categorizes complaints from individuals, bodies and institutions and recommends ways of addressing complaints which fall within the Ministry’s competence, including internal and external complaints. If the matter in hand is not one for which the Ministry has competence, the Department will advise the party which submitted the complaint or communication about the procedures to be taken to resolve the situation.

### **The General Department for Legal Affairs**

61. This Department reviews national legislation to ensure that it is in harmony with international conventions and treaties, participating in legal committees which recommend appropriate amendments to laws to bring them into line with the treaties to which our country is a party. This is consistent with the Paris Principles<sup>3</sup> as they relate to the role of national institutions in examining legislation and laws, making recommendations and proposals thereon, and harmonizing national legislation with the international instruments to which the State is a party. The Committee, in conjunction with the relevant international bodies and agencies, prepares draft official replies to international human rights reports and communications, and explores cooperation with such bodies. It logs, documents, studies, summarizes and categorizes international treaties and examines specialized and general draft international treaties, exploring the feasibility of acceding to them. These tasks are consistent with the Paris Principles<sup>4</sup> concerning the responsibilities of national institutions for preparing reports on the national situation of human rights in general, encouraging ratification of any international instruments to which the State is not a party, contributing to the preparation of periodic reports which States are required to submit to United Nations bodies and committees, and cooperating with the United Nations and any other organization in the United Nations system as well as with the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights.

### **The General Department for Civil Society Organizations and Affairs**

62. This Department carries out a series of tasks relating to civil society organizations and women's and children's rights, many of which are consistent with the methods of operation of national institutions enumerated in the Paris Principles<sup>5</sup> as they pertain to the role of national institutions in developing relations with the non-governmental organizations devoted to promoting and protecting human rights. The Department strives to implement these principles by exploring opportunities for cooperation with civil society human rights organizations and institutions in furtherance of human rights. It partners such organizations in implementing activities and programmes designed to increase awareness of human rights and develop areas related to human rights. It also liaises with organizations that take an interest in women's and children's rights in order to strengthen partnerships with them and assure the enjoyment of guaranteed rights.

### **The General Department of Public Information**

63. The Department implements the Ministry's information policy of increasing human rights awareness in accordance with the section of the Paris Principles<sup>6</sup> that deals with the dissemination of human rights principles. It does this by: recommending and implementing plans and programmes to raise public awareness of the rights guaranteed by the Constitution and domestic laws; organizing and running seminars, meetings, workshops and other cultural and human rights-awareness activities in coordination and conjunction with relevant governmental and non-governmental organizations; channelling resources towards the provision of education and awareness-raising in accordance with the priorities given to human rights issues; monitoring, analysing and documenting press and magazine articles and media stories that touch upon the Ministry's work.

### **The General Department for Studies, Research and Translation**

64. The Department performs a series of tasks, including conducting its own human rights research and studies and participating in the preparation of studies and research in coordination with other departments and agencies. It collects, analyses and utilizes human rights studies and research in a manner consistent with the Paris Principles, which underline the role of national institutions in helping to conduct scientific research into human rights.

### **The General Department for Financial and Administrative Affairs**

65. The Department performs a range of tasks in the areas of finance, accounting and human resources.

### **Specialized bodies and committees**

66. The Ministry has a group of committees and specialized bodies which perform specific tasks.

### **The Technical Committee**

67. This Committee was established pursuant to Prime Ministerial Decision No. 111 of 2004, after the appointment of the Minister for Human Rights pursuant to article 17 of the implementing regulation. The Committee replaced the standing subcommittee of the (former) Higher National Committee for Human Rights. It is made up of representatives of the foreign, planning and international cooperation, information, internal, social affairs and labour, justice, and legal affairs, ministries, as well as of the Office of the President of the Republic, the Prime Minister's Office, the Attorney-General's Office, and the Central Political Security Agency.

68. The Committee's functions include commenting and expressing its views on international treaties, domestic laws and legislation and the fulfilment of Yemen's obligations under the human rights treaties to which it is a party, and supplying data and information about complaints and all human-rights issues referred to the bodies which it represents. The Technical Committee meets regularly once a month and is chaired by the Minister for Human Rights.

### **The Advisory Commission**

69. This body was established pursuant to Ministerial Decision No. 1 of 2004. It has 27 members, representing non-governmental organizations, the directors of associations, federations and trade unions, and various human rights activists.

70. The Commission undertakes a range of tasks, of which the most important are: giving its views and advice on the questions referred to it; advising on suitable ways and means of promoting partnerships with civil society organizations; expressing its views on training programmes designed to improve the performance, develop the skills and capacities, and increase the knowledge, of human rights workers; and recommending policies and plans on the



promotion of human rights and the protection of the values and principles enshrined in the Constitution and the law. The Commission's meetings, which are chaired by the Minister of Human Rights, are held regularly once every three months.

### **Technical working group on the Human Rights Strengthening Programme (HURIST)**

71. Yemen, through the Higher National Committee for Human Rights, applied to participate in the HURIST programme, which is run by the United Nations Development Programme (UNDP) in cooperation with UNHCHR. The programme is implemented in five areas and Yemen chose the second one, which focuses on mainstreaming the human rights perspective in national development plans and strategies. For the purposes of implementation, Yemen chose education, health and food as the sectors of national priority. The application was approved, making Yemen the only State in the Asia-Pacific region to take part in the programme.

### **Other specialized committees**

72. In addition to the above-mentioned committees, the Ministry sets up specialized committees, such as those which conduct field missions in order to investigate conditions in prisons or the situation of refugees, or that deal with specific issues. Last year and this, committees like these undertook several field visits to prisons and correctional facilities in different parts of the country.

## **The Ministry's main functions**

### **Complaints and communications**

73. Dealing with complaints and communications about violations of the rights of individuals and groups is an area to which the Ministry accords the highest importance. Between 2002 and 2004, a total of 1,232 complaints and communications were received from individuals, civil society organizations or international human rights organizations, or were picked up by monitoring the press. The Ministry has developed a specific mechanism to deal with complaints and communications, investigate the facts behind them, identify the rights violated, and then liaise with the relevant non-governmental organizations to take adequate and appropriate measures to deal with violations.

74. The complaints and communications relate to a range of practices involving violations of personal liberty, including detention without a legal warrant, unlawful extension of detention and breaches of the competence to detain. The Ministry contributed to the adoption of a Cabinet decision by which the Minister of Justice and the Attorney-General were instructed to act swiftly to remedy the legal plight of persons being held in preventive detention, to expedite consideration of their cases and ensure that the cases were settled without delay. The Attorney-General's Office is furthermore notified of all complaints reported to the Ministry concerning the rules on conditional release and cautions. These matters are dealt with in the reports prepared by the committees responsible for conducting field visits to central prisons.

75. The Ministry took up several cases of arbitrary dismissal that the competent authorities subsequently by administrative means recommended reinstatement in some cases and retirement

in others. Following the Ministry's intervention in several complaints about court procedures and the enforcement of court judgements, the Minister of Justice instructed the courts concerned to take steps to ensure that judgements and decisions were enforced and that the relevant parties benefited from them, and to report any difficulties and obstacles to enforcement. In the same context, the Attorney-General instructed the competent prosecutor's offices to promptly transmit to the courts files on which decisions must be taken in accordance with the law. The Minister of the Interior instructed all criminal investigation departments to make sure not to break the law on the referral of accused persons to the Department of Public Prosecutions.

76. Prompted by concern over health conditions in prisons, the Ministry drafted a series of reports for the relevant authorities and submitted them to the Cabinet in the form of recommendations for inclusion in executive decisions designed to address deficiencies and shortcomings in the standard of, and access to, health services in prisons.

77. With regard to complaints relating to the right to security, the Minister of the Interior issued guidelines on the measures to be taken to prevent the recurrence of any complaint in this area, through prompt settlement of matters before the security authorities, the referral of cases to the competent bodies, and the resolution of disputes in accordance with the law. As for reports about physical assaults on persons being held for questioning, the Ministry of Human Rights investigated 17 complaints about torture, forced confessions and ill-treatment. Several persons who had been accused of committing torture were brought before the disciplinary board of the Ministry of the Interior after being summoned by the Department of Public Prosecutions for questioning in connection with alleged breaches of the law. Several of the culprits were dealt with through internal proceedings instituted by the Ministry of the Interior; others were referred to, and tried by, the courts.

#### **Field visits to welfare homes and correctional facilities**

78. The Ministry, in conjunction with the Ministry of the Interior, the Ministry of Social Affairs and governors, runs a programme of regular field visits to central prisons, detention centres and social welfare homes. The programme includes visits to central prisons in the governorates of Sana'a, Aden, Ta'izz, Hadramaut, Lahaj, Dhamr, Baida', Ibb, Al-Hudaidah and Amran, to all detention facilities in the capital and to social welfare centres in the governorates of the capital, Aden, Ta'izz, Ibb and Al-Hudaidah. Reports are written on the outcome of visits and copies are forwarded to the relevant bodies. The comprehensive reports which are submitted to the Cabinet affirm the importance of concerted action to improve the standard of services in welfare homes, correctional facilities and specialized centres and guarantee inmates adequate access to those services. They also accord special importance to evaluating the persons responsible for running such institutions and assessing their needs in order to develop and rehabilitate the institutions in an appropriate manner.

#### **International reports and cooperation with international organizations**

79. In the framework of Yemen's accession to a number of international conventions and treaties, the Ministry of Human Rights prepares periodic reports on Yemen's implementation of international treaties and sends teams to discuss them with treaty bodies. The table below shows the reports that were submitted between 2001 and 2004.

**National reports submitted to the human rights treaty bodies  
between 2001 and 2004<sup>7</sup>**

Item	Treaty name	Name of report and date submitted	Date of consideration of report	International treaty body
1.	International Covenant on Economic, Social and Cultural Rights (CESCR)	Initial report of the Republic of Yemen on the implementation of the Covenant - submitted on 27 April 2002	12-13 November 2003	Economic and Social Council - Committee on Economic, Social and Cultural Rights
2.	International Covenant on Civil and Political Rights (CCPR)	Third periodic report of the Republic of Yemen on implementation of the report - submitted on 13 July 2001 Fourth periodic report of the Republic of Yemen on implementation of the Covenant - submitted on 1 August 2004	17-18 July 2002  July 2005	Human Rights Committee
3.	Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	Fourth and fifth periodic reports on implementation of the Convention - submitted in December 2001	14 August 2002	Committee on the Elimination of Discrimination against Women
4.	Convention on the Rights of the Child (CRC)	Third periodic report on implementation of the Convention - submitted in May 2003	The Republic of Yemen submitted its report on implementation of the Convention on 14 November 1994, then the Ministry of Social Insurance and Social Affairs submitted a supplementary report in August 1997 on the situation of children in Yemen in the light of the Convention	Committee on the Rights of the Child
5.	International Convention on the Elimination of All Forms of Racial Discrimination (CERD)	Eleventh, twelfth, thirteenth and fourteenth periodic reports of the Republic of Yemen on implementation of the Convention - submitted on 10 September 2001	Report discussed by the Committee on the Elimination of Racial Discrimination at its sixty-first session on 12-13 July 2002	Committee on the Elimination of Racial Discrimination
6.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	Initial report of the Republic of Yemen on implementation of the Convention - submitted in May 2002	17-18 November 2003	Committee against Torture

80. The Ministry of Human Rights is convinced of the importance of working with non-governmental human rights organizations and inviting them to prepare reports on the enjoyment of rights and freedoms in our country. The Ministry prepared a series of periodic reports for submission in 2005, as shown in the following table:

**Table showing the reports to be submitted for consideration in 2005**

Item	Aim	Deadline for submission of reports	Comments
1.	Consideration of third periodic report on implementation of the Convention on the Rights of the Child	May	Report discussed by the Committee on the Rights of the Child in coordination with the Higher Council for Motherhood and Childhood
2.	Consideration of Yemen's fourth periodic report on the implementation of its obligations under the International Covenant on Civil and Political Rights	July	
3.	Information for the Working Group on Arbitrary Detention of the Office of the High Commissioner for Human Rights in Geneva concerning the findings of the National Committee of Inquiry which undertook a field visit to investigate arbitrary detention and enforced disappearances	Not specified	
4.	Preparation of the fifteenth and sixteenth periodic reports on the implementation of the Convention on the Elimination of All Forms of Racial Discrimination	November	Asked to prepare and submit a report by the stated deadline. The previous report was submitted on 10 September 2001 and considered on 12 August 2002

81. In addition to preparing and submitting periodic reports, the Ministry drafts official comments on the annual reports produced by States and international organizations on the situation of human rights in Yemen.<sup>8</sup> Most recently, the Ministry prepared and submitted Yemen's official comments on the report issued by the United States Department of State, in April 2004, on the situation of human rights in Yemen. It also prepared the official comments of the Republic of Yemen on the 2003 report by the Amnesty International organization on the situation of human rights in Yemen. It furthermore liaises with the representatives of the States and international organizations which consider these reports, providing them with any explanations or clarifications that they require prior to the issuance of their reports. In this connection, it has received delegations, inter alia, from Amnesty International and Freedom House.

82. The Ministry of Human Rights represents Yemen at annual meetings of human rights committees and receives delegations from UNHCHR which come to Yemen. It participates in the annual session of the Commission on Human Rights in Geneva and the Sub-Commission on

the Promotion and Protection of Human Rights and delivers statements on various agenda items. With regard to delegations from UNHCHR, last year, it received the Independent Expert on the question of human rights and extreme poverty and provided her with the information that she needed for her report to the Commission on Human Rights at its sixtieth session. It also received the Arab Region Team Coordinator for the Office of the High Commissioner for Human Rights, who came to discuss the different forms of technical support which the Office will be offering to Yemen.

83. In the context of cooperation between the Ministry and international organizations, the Ministry is completing the investigations into the remaining cases of enforced disappearances in Yemen reported by the Working Group on Enforced or Involuntary Disappearances. In September 2004, it submitted a supplementary reply on 77 of those cases. Earlier, the Ministry had received a note from the Working Group indicating that the latter was discontinuing its consideration of 62 per cent of the cases on which Yemen had provided replies in 2002.

84. The technical cooperation agreement which the Ministry has signed with the Office of the United Nations High Commissioner for Refugees (UNHCR) is one form of cooperation which the Ministry has established with international organizations. In this framework, a number of training courses have been run to raise awareness of the Convention relating to the Status of Refugees and its Protocol. The Ministry also produced an assessment report, in coordination and cooperation with the Ministry of Foreign Affairs, the Ministry of the Interior and the UNHCR Office in Sana`a, on the situation of refugees in our country.

#### **Legislation and decisions relating to the Ministry's mandate**

85. The functions of the Ministry of Human Rights include recommending policies and measures on the promotion and protection of human rights and implementing them in coordination with the competent bodies. Over the course of the past two years, the Ministry prepared or participated in the preparation of several reports on the realization of human rights and protection of the rights of many sectors of civil society. The Ministry was successful in its efforts to secure the adoption of a number of Cabinet decisions, including the following:

- Decision No. 106 of 2003, concerning the establishment of a committee, under the chairmanship of the Minister of the Interior, to carry out field visits to prisons in order to verify prisoners' and prison conditions and report to the Cabinet thereon.
- Decision No. 129 of 2004, concerning the implementation of executive proposals on coordination of the work of the Ministry of Human Rights with other ministries and human rights bodies.
- Decision No. 28 of 2004, concerning the establishment of a committee to investigate violations of émigrés' rights in host countries.
- Decision No. 198 of 2004, approving the recommendations set out in the report of the Ministry of Human Rights on detention facilities in the capital district.
- Decision No. 199 of 2004, concerning the internal supervision and management of women's prisons.

86. In the field of awareness-raising, the Ministry was able to produce and distribute a number of human rights publications on domestic legislation, international treaties and national reports, and to gather data and information on human rights activities inside and outside the Ministry. The information was reviewed, stored electronically and published on the Ministry's website. The Ministry also arranged for the media to cover its events and activities and organized press conferences and interviews. Recently, the Ministry ran a programme designed to educate schoolchildren at 12 schools in the capital about human rights in general and the rights of the child in particular.

### **Cooperation with civil society organizations**

87. The leadership of the Ministry of Human Rights believes that the promotion and protection of human rights in our country is a momentous task, that the numerous difficulties and challenges to be overcome are beyond the capacity of any single national institution operating in this domain, and that the concerted and coordinated efforts of all governmental bodies and non-governmental organizations are indispensable if these difficulties are to be resolved or overcome. Accordingly, the Ministry adopted a programme designed to strengthen its cooperation and coordination with civil society institutions, holding numerous meetings with different civil society organizations in 2004.

88. The Ministry also participated in the coordination and supervision of a promising experiment involving the staging of elections for the Children's Parliament on 15 April 2004, as well as training and participation in the first training workshop for members of the Children's Parliament which was held at the House of Representatives in 2004. It contributes to the Coordinating Committee for the Legal and Social Protection of Minors, a committee consisting of representatives from the Ministry of Justice, the Ministry of Social Affairs and Labour, the Higher Council for Motherhood and Childhood, the Salih Charitable Foundation, the United Nations Children's Fund (UNICEF) and the Swedish Rädde Barnen (Save the Children) organization. The Ministry took part in the preparation and organization of a workshop on the draft Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities and in the implementation, in coordination with the General Department of Public Information, of an awareness programme for schoolchildren at several schools in the capital.

### **The International Humanitarian Law Committee**

89. This Committee was established pursuant to Republican Decree No. 408 of 1999.

90. The Committee reviews the relevant legislation in force to ensure that it is in harmony with the provisions of international humanitarian law. It submits recommendations on developing such legislation to keep pace with changes in international humanitarian law and on the adoption of plans and programmes to disseminate international humanitarian law, raise awareness of its provisions among different sectors of society, follow up on its implementation, identify implementation mechanisms, measures and procedures, and oversee the implementation of Act No. 43 of 1999, regulating and prohibiting the misuse of the symbols of the Red Crescent

Societies and the International Committee of the Red Cross (ICRC). The Committee runs seminars and all kinds of national events on the subject of international humanitarian law and participates in relevant regional and international conferences and in studies and reviews of draft international conventions and protocols on international humanitarian law, on which it makes appropriate recommendations. The Committee strives to develop cooperation and exchange experiences with regional and international organizations operating in the field of international humanitarian law and helps the government bodies concerned to prepare studies and reports at the request of the aforementioned organizations. It also coordinates governmental and international efforts in the field of international humanitarian law.

91. According to the third annual report on the application of international humanitarian law in the Arab region up to 2004, states, with respect to the dissemination of the provisions of international humanitarian law, international humanitarian law is taught at the faculties of sharia and law at the University of Aden and the University of Ta'izz and is currently a subject of study at faculties of sharia and law in Sana'a and al-Hudaidah. Lectures on international humanitarian law are run for fifth-year students at faculties of medicine. A number of study courses have been run in conjunction with ICRC in Sana'a, the most important being a course on international humanitarian law for members of the House of Representatives and the judiciary. During a children's festival held in three districts of the governorate of Ibb, talks were given on international humanitarian law. In addition, ICRC ran a workshop on the Statutes of the International Criminal Court for members of the House of Representatives of the Republic of Yemen.

#### **The National Committee for Refugee Affairs**

92. The Republic of Yemen shows considerable concern for refugee issues, because it is well aware of its humanitarian responsibilities towards refugees. This concern is reflected in our country's accession, pursuant to Republican Decree No. 24 of 19 November 1978, to the 1951 Convention and the 1967 Protocol on the Status of Refugees and in the ratification of the 1967 Protocol to the Convention pursuant to the document issued by the Deputy Prime Minister and Minister for Foreign Affairs on 1 July 1979. With a view to effectively implementing the Convention and creating a national institutional mechanism to deal with refugee issues, the National Committee for Refugee Affairs was established pursuant to Cabinet Decision No. 64 of 2000.

93. Several joint programmes have been implemented in the framework of cooperation between the Republic of Yemen and the UNHCR office, such as the programme to register and issue identity cards to Somali refugees dispersed throughout the different governorates of the Republic. The programme ran from mid-2002 to mid-2003 and a total of 47,000 refugees were registered. Work is being done in coordination with the Ministry of the Interior to establish six permanent registration centres.

94. We should mention that we do not yet have precise figures on the number of refugees in Yemen; the numbers of Somali refugees are estimated to be in the hundreds of thousands, judging from the steady and continuous influx of migrants. The number of new refugees between 1999 and April 2004 amounted to approximately 60,857, according to the figures for the Mifa'ah Centre alone.

95. The Government and UNHCR have made efforts to make all those who deal with refugees aware of refugees' rights and duties. In 2003, the Government, as represented by the Ministry of Human Rights, signed a memorandum of understanding with UNHCR. The memorandum was renewed in 2004 and a number of training courses were run for different government bodies which work on refugee issues in the governorates. UNHCR signed another memorandum of understanding with the faculty of sharia and law at Sana'a University on teaching the subjects of migration and refugee and human rights. The Ministry of Human Rights dispatched expert field teams to inspect conditions at refugee reception centres in Mifa'ah in the governorate of Shabwah, the Basatin district of the governorate of Aden, and the Kharz region.

96. Yemen is in the process of drafting a national refugee law, which is being prepared by a special technical committee established pursuant to Prime Ministerial Decision No. 46 of 2003.

### **Higher Committee to Investigate Prison and Prisoners' Conditions**

97. The Higher Committee to Investigate Prison and Prisoners' Conditions was established under instructions issued by the President of the Republic on 6 December 2000. It is chaired by the President of the Supreme Court and the Deputy Director of the Office of the President of the Republic, and its members include representatives of several ministries and related bodies such as the Ministry of the Interior, the Ministry of Justice, the Ministry of Human Rights, the Ministry of Social Affairs and Labour and the Attorney-General's Office. The Committee's work includes verifying prisoners' conditions, identifying problems, devising appropriate solutions and recommending the provision of financial aid for impoverished prisoners.

98. The Committee has established a set of criteria for early release of prisoners. It also pays field visits to prisons. As a result of its work, large numbers of prisoners were released in the past few years after serving three quarters of their sentences and receiving assistance, pursuant to orders from the President of the Republic, together with aid provided by charity workers. A total of 2,274 prisoners were released in 2001, as compared with 1,500 in 2002 and 2,539 in 2004.

99. In addition to the above-mentioned governmental committees, there are committees in other governmental organizations and bodies with competence for promoting and protecting human rights in general and receiving complaints from individuals or institutions in particular. The most important of these bodies are described hereunder.

#### **(i) Office of the President of the Republic**

100. The Office of the President of the Republic deals with major complaints which citizens submit to the President in the form of petitions, requests and grievances. The complaints submitted by citizens and organizations are not just petitions for redress or action, but are also a measure of the shortcomings of the authorities concerned, the socio-economic conditions facing citizens and all issues relating to their rights and fundamental freedoms. The Office of the President has a general department on rights and freedoms which performs the following functions:



*The General Department of Rights and Freedoms*

101. The Department's most important tasks and functions are: to receive and follow up on reports, communications and complaints on cases relating to human rights and freedoms in our country, and to analyse and produce the necessary comments thereon; to keep track of violations of public rights and freedoms and other human rights, following up on the actions taken with respect to the perpetrators and victims of these violations; to follow up on, and evaluate, policies, decisions and procedures relating to human rights issues and to submit proposals and recommendations to help promote and strengthen the role of the organizations concerned in dealing with these cases and protecting human rights and freedoms in general; to review periodic reports on the implementation of the international human rights treaties to which our country is a party, in cooperation with the relevant sections of the Office; to follow up, assess and comment, as appropriate, on our country's relations with international human rights organizations and bodies; and to study and make observations on draft laws, conventions, regulations and decisions on rights and freedoms.

*The General Complaints Department*

102. The Department's most important tasks include: receiving and studying complaints submitted to the President of the Republic and transmitting them to the competent authorities for processing in accordance with established legal procedures; responding to the authors about the action taken on their complaints; giving citizens instructions and guidance and informing them of the authorities to which they must apply for a remedy in cases where their complaints should not have been submitted to the President; presenting summaries of complaints for perusal by the President of the Republic.

**Table showing the number and percentage of complaints and petitions in 2003**

Nature of complaint or petition	Number	Percentage
Legality	393	22.9
Murder and revenge	20	1.2
Robbery	5	0.3
Abduction	-	-
Assault	62	3.6
Prison	24	1.4
Military	135	7.8
Administrative infractions	87	5.1
Financial irregularities	26	1.5
Land and property	43	2.5
Education	42	2.4
Political parties	11	0.6
Project applications	44	2.5
Aid applications	390	22.7
Petitions about pay	152	8.8
Compensation applications	46	2.7
Miscellaneous petitions	228	13.3
Replies of competent authorities	12	0.7
Total	1 720	100

*Source:* General Complaints Department, Office of the President of the Republic.

**(ii) Prime Minister's Office**

103. The Prime Minister's Office has two departments; the first receives and processes complaints in accordance with the established procedures, and the second, the Civil Society and Human Rights Department, performs a variety of functions that have to do with civil society and human rights organizations.

*The Complaints Department*

104. This Department receives individual complaints which citizens submit to the Prime Minister. It examines the complaints and forwards them to the competent authorities, depending on their legal status. It tracks the processing of complaints and informs the authors of the action taken. It also analyses the subject matter of complaints to devise appropriate solutions that will address the root causes. It refers major complaints to the Director of the Prime Minister's Office, who in turn refers them to the Prime Minister or his deputies for a suitable decision.

*The Civil Society and Human Rights Department*

105. This Department performs a series of tasks connected with human rights and civil society organizations, including: following up on human rights issues and reports issued by domestic, regional and international organizations; submitting and summarizing reports; monitoring relevant bodies to ensure compliance with relevant Cabinet orders and reporting back thereon; and presenting ideas on the development and promotion of civil society organizations.

**(iii) The Ministry of Justice**

106. The Ministry of Justice has its own judicial inspection authority which monitors the conduct of judges. The Authority has a complaints department which receives, studies, investigates and verifies complaints from citizens about alleged judicial misconduct. It submits its findings to the Chairman of the Authority, who in turn refers them to the competent committees to write advisories to the judges concerned. These committees conduct field visits to investigate cases in which complaints have been proven but judges are not complying with the Authority's advisories.

**Human rights committees attached to the House of Representatives and the Advisory Council**

**(a) House of Representatives**

107. The legislature, as represented by the House of Representatives, has set up internal committees to deal with citizens' complaints and grievances and general human rights issues. Two committees have been established for this purpose, the General Freedoms and Human Rights Committee and the Grievances and Complaints Committee. The General Freedoms and Human Rights Committee comprises 15 members of the House of Representatives. Its tasks

include: reviewing and studying draft laws and conventions on general freedoms and human rights; reviewing, studying and following up on all issues relating to general freedoms and human rights; defending rights and freedoms in accordance with the Constitution and prevailing laws; and monitoring the authorities in order to guarantee the correct application and non-violation of the laws on general freedoms and human rights.

108. As for the Grievances and Complaints Committee, it is made up of 13 members of the House of Representatives and reviews and investigates complaints and petitions submitted to the House of Representatives, reporting thereon to the Speaker of the House or one of his deputies and offering whatever recommendations and opinions it deems appropriate to deal with the content of complaints. It also monitors the competent structures to ensure that they implement the recommendations made by the House and the Speaker's Office on complaints and petitions and it reports to the House regularly on this matter.

**(b) The Advisory Council**

109. Similar procedures have been put in place at the Advisory Council. The 2001 constitutional amendments provided for the establishment of an advisory council consisting of 111 members whose powers are defined in articles 125-127 of the Constitution. Several committees were established pursuant to Act No. 39 of 2002, concerning the Council's rules of procedure. The committees include the Human Rights, General Freedoms and Civil Society Committee, which performs various tasks involving human rights and civil society organizations. With regard to human rights and general freedoms, the Committee's tasks include: monitoring human rights and general freedoms; providing input and advice on the promotion of human rights and freedoms; reviewing and consolidating the human rights enshrined in the Constitution and prevailing laws; expressing its views on the implementation of laws and the extent to which they are upheld by governmental and civic organizations, trade unions, the private sector, etc.; giving its views and advice to the competent State authorities on improving legislation on rights and freedoms and helping to address shortcomings in the form and application of laws; devoting attention to the rights of women and children; and enhancing women's participation in public life.

110. As for non-governmental organizations, the Committee focuses attention on strengthening the role of such organizations and gives its views on ways of overcoming the difficulties that they face in discharging their functions. It also gives its views on legislation affecting non-governmental organizations and ways of improving and developing it. It monitors, analyses, and expresses its views on, international, regional and domestic trends with respect to such organizations and endeavours to develop closer ties and to exchange views and experiences with international and regional organizations that deal with non-governmental organizations in Yemen.

**Organizations that deal with women's and children's rights**

111. A series of specialized higher committees and councils operate in the women's and children's domain. In this section, we shall briefly detail their functions and achievements.

**(a) The Higher Council for Women**

112. The Council was established pursuant to Prime Ministerial Decision No. 68 of 2000 as a mechanism for improving the lot of women in various domains. It was restructured pursuant to Republican Decree No. 35 of 2003 under the chairmanship of the Prime Minister. Its members include a group of ministers whose portfolios have a general bearing on women's issues (the Ministry of Planning and International Cooperation, the Ministry of Youth and Sports, the Ministry of the Civil Service and Insurance, the Ministry of Education, the Ministry of Social Affairs and Labour, the Ministry of Public Health and Housing, and the Ministry of Human Rights), in addition to the Chairperson of the National Committee for Women, who serves as the Council's Rapporteur. Other members include the Vice-Chairman of the National Committee for Women, a chamber of commerce representative, and six well-known female public figures.

113. Under the above-mentioned Decree, the National Committee for Women became an executive and consultative body of the Council endowed with administrative and financial independence.

**(b) The National Committee for Women**

114. The Committee was formed in 1996 by a decision of the Prime Minister and in response to the recommendations of the 1995 Beijing Conference which call on Governments to establish national women's committees. Pursuant to the decision, the Committee was set a series of goals, the most important being: to contribute to the formulation and recommendation of women's policies, strategies and plans; to improve the situation of women in towns and rural areas; and to define the priorities for women's development projects.

**(c) The Higher Council for Motherhood and Childhood**

115. When the Council was first established, pursuant to Presidential Decree No. 53 of 1991, it was known as "The Yemeni Council for Motherhood and Childhood". It was chaired by the then Minister of Social Insurance and Social Affairs and its members included a number of deputy ministers whose work pertained to the subject of motherhood and childhood, such as the deputy health and education ministers. Other members included the Secretary-General of the Red Crescent Society and the Secretary-General of UNESCO (the United Nations Educational, Social and Cultural Organization). In 1999, the Committee was restructured under the terms of a republican decree issued on 20 December of that year. It was renamed the "National Committee for Motherhood and Childhood" and its level of representation was raised to include the Prime Minister as Chairman, with members including ministers from eight ministries that deal with women's and children's issues, including the Ministry of Social Insurance and Social Affairs, the Ministry of Education, the Ministry of Health, the Ministry of Culture, the Ministry of Finance and the Ministry of Information. The Committee's members also include the Secretary of the Council, the Secretary of the National Housing Council, and four representatives of non-governmental organizations. Prime Ministerial Decision No. 20 of 2000 acknowledged the legal personality and financial independence of the Committee and defined its many tasks, of which the most important was to create strategies and design general policy on motherhood and childhood in a manner consonant with the Constitution, the laws in force and the State's human development strategies.

**Table showing the treaties ratified or signed by Yemen and date of ratification**

Item	Treaty name	Date of entry into force	Date of ratification
1	Universal Declaration of Human Rights adopted and proclaimed by United Nations General Assembly resolution 217A (III)	10 December 1948	Article 6 of Yemeni Constitution as amended on 29 September 1994
2	International Covenant on Economic, Social and Cultural Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI)	Accession: 16 December 1966 Entry into force: 23 March 1976	29 February 1987
3	International Covenant on Civil and Political Rights adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI)	Accession: 16 December 1966 Entry into force: 23 March 1976	29 February 1987
4	International Convention on the Elimination of All Forms of Racial Discrimination adopted and opened for signature and ratification by General Assembly resolution 2106 (XX)	Accession: 21 December 1965 4 January 1969	18 October 1972
5	International Convention on the Suppression and Punishment of the Crime of Apartheid adopted and opened for signature and ratification by General Assembly resolution 3068 (XXVIII)	Accession: 30 November 1973 Entry into force: 18 July 1976	17 August 1976
6	International Convention against Apartheid in Sports adopted and opened for signature and ratification by General Assembly resolution 40/64	Accession: 10 December 1985 Entry into force: 3 April 1988	Signed by Yemen on 16 May 1986, but not ratified
7	Convention on the Prevention and Punishment of the Crime of Genocide adopted and opened for signature and ratification by General Assembly resolution 260A (III)	Accession: 9 December 1948 Entry into force: 12 January 1951	9 February 1987
8	Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes Against Humanity adopted and opened for signature, ratification and accession by General Assembly resolution 2391 (XXIII)	Accession: 26 November 1968 Entry into force: 11 November 1970	9 February 1987
9	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted and opened for signature, ratification and accession by General Assembly resolution 39/46	Accession: 10 December 1984 Entry into force: 26 June 1987	5 November 1991

Item	Treaty name	Date of entry into force	Date of ratification
10	Convention on the Elimination of All Forms of Discrimination against Women adopted and opened for signature, ratification and accession by General Assembly resolution 34/180	Accession: 18 December 1979 Entry into force: 3 September 1981	30 May 1984
11	Convention on the Political Rights of Women opened for signature and ratification by General Assembly resolution 640 (VII)	Accession: 20 December 1952 Entry into force: 7 July 1954	9 February 1987 Yemen declared its acceptance of the final sentence of article 7 and made a reservation to article 9
12	Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25	Accession: 20 November 1989 Entry into force: 2 September 1990	1 May 1991 3 April 1997
13	Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages opened for signature and ratification by General Assembly resolution 1763A (XVII)	Accession: 7 November 1962 Entry into force: 9 December 1964	9 February 1987
14	Slavery Convention at Geneva on 25 September 1926 and amended by the Protocol done on 7 December 1953	Accession: 25 September 1926 Entry into force: 9 March 1927	9 February 1987
15	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others approved by General Assembly resolution 317 (IV)	Accession: 2 December 1949 Entry into force: 25 July 1951	6 April 1989
16	Convention relating to the Status of Refugees adopted by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons	Accession: 28 July 1951 Entry into force: 22 April 1954	18 January 1980
17	Protocol relating to the Status of Refugees adopted by the Economic and Social Council in resolution 1186 (XLI) and taken note of by the General Assembly in resolution 2198 (XXI) of 16 December 1966	Accession: 18 November 1966 Entry into force: 4 October 1967	18 January 1980
18	Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, adopted by the Diplomatic Conference held at Geneva in 1949 for the purpose of revising the Geneva Convention for the Relief of the Wounded and Sick in Armies in the Field and at which the three other Conventions mentioned below were also adopted	Accession: 12 August 1949 Entry into force: 21 October 1950	16 July 1980

Item	Treaty name	Date of entry into force	Date of ratification
19	Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea	Accession: 12 August 1949 Entry into force: 21 October 1950	16 July 1980
20	Convention relative to the Treatment of Prisoners of War	Accession: 12 August 1949 Entry into force: 21 October 1950	16 July 1980
21	Convention relative to the Protection of Civilian Persons in Time of War	Accession: 12 August 1949 Entry into force: 21 October 1950	16 July 1980
22	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I)	Accession: 8 June 1977 Entry into force: 7 December 1978	17 April 1990
23	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) - both Protocols were adopted by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts	Accession: 8 June 1977 Entry into force: 7 December 1978	17 April 1990
24	Weekly Rest (Industry) Convention (International Labour Organization (ILO) Convention 14)	Accession: 1921 Entry into force: 19 June 1923	29 July 1976
25	Minimum Age (Trimmers and Stokers) Convention (ILO Convention 15)	Accession: 1921 Entry into force: 20 November 1922	14 April 1969
26	Medical Examination of Young Persons (Sea) Convention (ILO Convention 16)	Accession: 1921 Entry into force: 20 November 1922	14 April 1969
27	Equality of Treatment (Accident Compensation) Convention (ILO Convention 19)	Accession: 1925 Entry into force: 8 September 1926	14 April 1969
28	Forced Labour Convention (ILO Convention 29)	Accession: 1930 Entry into force: 1 May 1932	14 April 1969
29	Minimum Age (Sea) Convention (Revised) (ILO Convention 58)	Accession: 1936 Entry into force: 11 April 1939	14 April 1969

Item	Treaty name	Date of entry into force	Date of ratification
30	Minimum Age (Industry) Convention (Revised) (ILO Convention 59)	Accession: 1937 Entry into force: 21 February 1941	14 April 1969
31	Contracts of Employment (Indigenous Workers) Convention (ILO Convention 64)	Accession: 1939 Entry into force: 8 July 1948	14 April 1969
32	Penal Sanctions (Indigenous Workers) Convention (ILO Convention 65)	Accession: 1939 Entry into force: 8 July 1948	14 April 1969
33	Labour Inspection Convention (ILO Convention 81)	Accession: 1947 Entry into force: 7 April 1950	29 July 1976
34	Contracts of Employment (Indigenous Workers) Convention (ILO Convention 86)	Accession: 1947 Entry into force: 13 February 1953	14 April 1969
35	Freedom of Association and Protection of the Right to Organise Convention (ILO Convention 87)	Accession: 1948 Entry into force: 4 July 1950	29 July 1976
36	Labour Clauses (Public Contracts) Convention (ILO Convention 94)	Accession: 1949 Entry into force: 20 September 1952	14 April 1969
37	Protection of Wages Convention (ILO Convention 95)	Accession: 1949 Entry into force: 24 September 1952	14 April 1969
38	Right to Organise and Collective Bargaining Convention (ILO Convention 98)	Accession: 1949 Entry into force: 18 July 1951	14 April 1969
39	Equal Remuneration Convention (ILO Convention 100)	Accession: 1951 Entry into force: 23 May 1953	29 July 1976
40	Abolition of Penal Sanctions (Indigenous Workers) Convention (ILO Convention 104)	Accession: 1955 Entry into force: 7 June 1958	22 September 1969
41	Abolition of Forced Labour Convention (ILO Convention 105)	Accession: 1957 Entry into force: 17 January 1959	14 April 1969
42	Discrimination (Employment and Occupation) Convention (ILO Convention 111)	Accession: 1958 Entry into force: 15 June 1960	22 August 1969
43	Employment Policy Convention (ILO Convention 122)	Accession: 1964 Entry into force: 15 July 1966	30 January 1989



Item	Treaty name	Date of entry into force	Date of ratification
44	Minimum Wage Fixing Convention (ILO Convention 131)	Accession: 1970 Entry into force: 29 April 1972	30 January 1976
45	Holidays with Pay Convention (Revised) (ILO Convention 132)	Accession: 1970 Entry into force: 30 June 1973	1 November 1986
46	Workers' Representatives Convention (ILO Convention 135)	Accession: 1971 Entry into force: 30 June 1973	29 July 1976
47	Minimum Age Convention (ILO Convention 138)	Accession: 1973 Entry into force: 19 June 1976	Approved by the Cabinet on 15 February 2000; procedures for ratification by the House of Representatives not yet completed
48	Tripartite Consultation (International Labour Standards) Convention (ILO Convention 16), 1976	Accession: Entry into force:	
49	Workers with Family Responsibilities Convention (ILO Convention 156)	Accession: 1981 Entry into force: 11 August 1983	13 March 1989
50	Termination of Employment Convention (ILO Convention 158)	Accession: 1982 Entry into force: 23 November 1985	13 March 1989
51	Vocational Rehabilitation and Employment (Disabled Persons) Convention (ILO Convention 159)	Accession: 1983 Entry into force: 20 June 1985	18 October 1991
52	Worst Forms of Child Labour Convention (ILO Convention 16)	Accession: 1999 Entry into force: 19 November 2000	28 December 1999
53	Convention relating to the Status of Refugees	Accession: 28 July 1951 Entry into force: 22 April 1954	18 January 1998
54	Charter of the United Nations	Accession: 26 June 1945 Entry into force: 24 October 1945	Article 6 of the Constitution of the Republic of Yemen
55	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction	Accession: 3 December 1997 Entry into force: 1 March 1999	December 1998

Item	Treaty name	Date of entry into force	Date of ratification
56	Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction	Accession: 13 January 1993 Entry into force: 29 April 1997	5 July 2000
57	Optional Protocol to the Convention on the Elimination of Discrimination against Women	Accession: 6 October 1999 Entry into force: 22 December 2000	December 2004

### **Non-governmental organizations working in the field of human rights**

116. Over the past few years, the number of civil society organizations has grown and several human rights organizations have begun to play a more prominent role in organizing public awareness activities among different sectors of society about economic, social, political, civil and development rights. Some organizations play an important role in monitoring compliance by governmental organizations with the fundamental human rights principles. Besides disseminating a human rights culture, they monitor violations by governmental organizations, para-governmental organizations and even individuals. As the role of human rights organizations has expanded, some party newspapers have begun to devote regular columns to reports about violations of individual and collective rights.

117. In the light of international and governmental trends which favour partnerships between the State and civil society, these organizations have become more effective in promoting human rights and combating violence against women in particular. They have expanded the scope of their activities aimed at women's advancement in all domains, guaranteeing their effective participation in organizations that deal with women's issues and developing laws to protect women's rights. In a climate of relative freedom and independence, civil society organizations do their part to disseminate a human rights culture through training courses, workshops, meetings, seminars, lectures, studies, field research, working papers, regular publications and reports, including the shadow reports which they submit to United Nations treaty bodies commenting on the Government's official reports to the United Nations.

118. The activities of some of these organizations extend to the organization of Arab and international events that transcend national concerns and demonstrate solidarity with human rights issues all over the world. A number of events were organized on the subjects of human rights in the Occupied Palestinian Territory, the updating of the Arab Charter for Human Rights, the impact of the events of 11 September on the situation of human rights, the overthrow of the Iraqi regime and its implications for rights and freedoms in the Arab world, condemnation of the torture and the repugnant offences perpetrated against prisoners in Guantánamo and Abu Ghraib prison, and appeals to States to ratify the Rome Statute of the International Criminal Court.

119. Some organizations have widened participation in training and debating events, staging regional events for participants from the Arab region and different countries of the world. One such event was the first regional conference on total integration and a better life for persons with disabilities. The conference was organized by the Arab Human Rights Foundation and hosted disability professionals and experts from several Arab countries. Over the space of a few short years, the Human Rights Information and Training Centre has run Arab human rights training courses with wide participation from different Arab countries. Using the slogan: “For the Effective Promotion of Human Rights”, the Sisters’ Arab Forum for Human Rights organized a regional seminar on the rights of women prisoners which was attended by human rights experts and researchers from nine different countries. In December 2004, the Forum organized the First Democratic Convention of Arab Women’s Non-governmental Organizations, which focused on the subject of political empowerment of women as a necessary step towards political reform in the Arab world. The Convention was attended by a select group of women leaders who are actively involved in civil society organizations in different Arab States.

120. Many activities of local organizations are carried out at the non-local level. Following the 1993 elections, affiliates of the Civil Society Forum took part in an exercise whereby they shared their experience of local election monitoring with other Arab States. They also took part in Arab and international training courses on modern methods of local electoral monitoring, civic education, and women’s participation. In a pioneering experiment in this field, the Human Rights Information and Training Centre organized two regional events, the first in Cairo on the draft update of the Arab Convention on Human Rights, and the second in Amman on the use of small arms. New forms of cooperation between local organizations and their counterparts elsewhere, included, for example, the joint preparation of studies on the right of women married to a foreigner to transmit their nationality to their children and the importance of giving women access to identity papers (personal identity cards). These studies were carried out with the participation of the Women’s Aid Centre of the Democratic Civil Support Foundation.

121. The relationships between civic, international and regional organizations take many different forms. Some Yemeni organizations are linked to one another through membership of civic, international and regional networks and through the Civic Network of Civic Organizations in Cairo. Two associations have managed to acquire consultative status to the United Nations Economic and Social Council and many Yemeni civic associations and organizations participate actively in most international and regional conferences, especially those on women and human rights.<sup>9</sup> Some of these organizations are well-reputed and respected internationally and have been nominated to perform coordinating functions at the level of the Arab region.

122. Organizations have emerged which play a substantial role in defending rights and freedoms and directly observing the work of prosecutor’s offices and the courts in order to monitor cases of arbitrary detention carried out in violation of the Constitution and the law. The National Commission for the Defence of Rights and Freedoms is one organization that is actively involved in this type of activity.

123. Some organizations pursue activities that mirror the most important political events in our country. From the time of the 1997 elections until the most recent parliamentary elections in 2003, the Yemeni Institute for the Development of Democracy monitored elections and later published a book, entitled “Democratic Transformation in the Republic of Yemen”, in which it describes its experiences. In response to the reform process, the Institute held a national seminar, with the participation of some 120 party activists and members of civil society organizations, to discuss national perspectives on, and ways of implementing, reforms.

124. A number of specialized organizations have been established to promote awareness of women’s rights and improve women’s knowledge of, and ability to exercise, their rights. By way of example, the Women’s Study and Training Group organizes events focusing on women’s issues and ways of raising awareness of those issues.

125. Some organizations devote the bulk of their activities to children. In March 2004, the Democratic School organized elections for the Children’s Parliament, the second experiment of its kind for Yemeni children with 30,000 boys and girls participating.

126. The political leadership attaches importance to the establishment of joint cooperation mechanisms with civil society organizations that work in the field of human rights. The Ministry of Human Rights has held numerous meetings with civil society organizations and political parties to set priorities, identify the obstacles to implementation and find ways of overcoming them. According to the Declaration issued by the Sana`a Conference on Democracy, Human Rights and the Role of the International Criminal Court, which was held from 11 to 12 January 2004 with wide participation by civil society organizations, proper democratic governance and respect for human rights require a freely-functioning civil society and an appropriate legal framework within which civil society can operate in a spirit of partnership and participation and organized social action. Civil society must play its role responsibly within the framework of the law and the principles of democracy and respect for human rights.

127. Civil society organizations that work to promote human rights face many obstacles, including the fact that their personnel often lack the skills to translate the aims of the organizations into practical realities. In addition, these kinds of organizations have no coordinating mechanisms to streamline their activities and facilitate exchanges of information. Some have no real or well-defined areas of specialization that would enable them to optimize their resources in a particular area. Others tend to work on specific areas such as poverty and women’s issues because they have traditionally done so. However, as they have no clear or specific goals, the quality of their work suffers, while the wide range of areas that they cover dilutes their effectiveness. Most organizations focus on towns at the expense of rural areas. The social development activities of civil society organizations in Yemen are generally of a low standard and concentrate on traditional areas. The same pattern is found even at the very local level. The type of work which each association or institution does and its external links depend on the most important person in the structure. Disagreements among senior managers point to the absence or a low level of democratic practice in these organizations.<sup>10</sup>

### **III. GENERAL INFORMATION ABOUT THE CONVENTION**

#### **(Implementation by the Republic of Yemen of the Convention on the Elimination of All Forms of Racial Discrimination)**

##### **Article 1**

128. We confirm what was written in our previous report, i.e. that the Government of the Republic of Yemen complies with the principles enshrined in this article.

##### **Article 2**

###### **Paragraph 1**

129. Further to the information provided in Yemen's previous report, it is worth adding that the Government honoured its commitment to a policy of eliminating all forms of racial discrimination by reviewing all its general (national and local) policies on civil, economic, social and cultural matters. That commitment was given a further boost by the Constitution of Yemen, chapter II of which spells out citizens' fundamental rights and obligations and affirms that all citizens have equal public rights and duties without discrimination.<sup>11</sup>

130. The State uses all necessary means to enable citizens to exercise their rights. It guarantees full freedom to political, trade union, scientific and social organizations and institutions in order to fully protect citizens without excluding, ignoring or omitting any group, class or segment of society.<sup>12</sup>

131. All these provisions urge compliance with the principles of social solidarity, based on equality, equity and justice, the enjoyment of public freedoms and equal treatment for all citizens. These principles are consistent with the aims and purposes of the Convention and its general principles and provisions.

###### **Paragraph (a)**

132. With reference to the constitutional and legal principles which guide the work of public (national and local) institutions and prohibit them from engaging in any practice of discrimination against persons, groups of persons or institutions, we can confirm that the legal system itself requires all State institutions to uphold the principles of equality, justice and non-discrimination in their policies towards, and treatment of, groups or institutions. Article 5 of the Constitution states: "Government posts or public money may not be used to serve the interests of a particular political party or organization." The Constitution furthermore regulates the economic foundations of the Republic of the Yemen on the basis of free enterprise which benefits individuals and society, and social equity in economic relations, directed at the development of production and the realization of social integration, social equilibrium, equality of opportunities and higher living standards. The Constitution also ensures equal and equitable treatment of, and legitimate competition between, all economic sectors (public, private and mixed). It emphasizes the importance of protecting and respecting private property, which

cannot be expropriated except in the public interest, in exchange for compensation, and in accordance with the law.<sup>13</sup> The Constitution makes the interests of society and the achievement of social equity among citizens the basis for taxation and public spending.<sup>14</sup>

133. With regard to the social and cultural foundations of society, the Constitution explicitly stipulates that the State must guarantee to all citizens equality of opportunity in the political, economic, social and cultural domains.<sup>15</sup> Yemeni society is founded on social solidarity based on justice, freedom and equality as defined by law.<sup>16</sup> As stated in article 28 of the Constitution: “Public office is a duty and an honour. Persons in public office must serve the public interest and the people. The law shall establish the conditions of eligibility for public office and the rights and duties of those who hold it.”

#### **Paragraph (b)**

134. The Constitution and all domestic laws make it a criminal offence for any person or organization to sponsor, defend or support racial discrimination, as shall be explained in this report.

#### **Paragraph (c)**

135. The Constitution expounds many principles regarding the procedures to be followed when reviewing (national and local) government policies which may have the effect of creating or perpetuating racial discrimination. Article 92 of the Constitution grants the House of Representatives the right to submit recommendations to the Government about public issues of any kind that have a bearing on the performance of its work or the discharge of any member’s duties: the Government is obliged to implement such recommendations. The Constitution entitles the House of Representatives to form a special committee or entrust any of its existing committees with the investigation of matters involving acts contrary to the public interest or the activities of any ministry, public body, institution or section of the public or mixed sectors, or a local council. In exchange, if the President of the Republic ascertains that the House of Representatives has submitted a law containing provisions that are or appear to be discriminatory, he has the constitutional right to ask for a revision of the bill as approved by the House of Representatives. He must explain his reasons for doing so and follow the relevant procedures set out in the Constitution.<sup>17</sup>

136. The Constitution gives the Advisory Council - established by a presidential decree and consisting of experts, professionals and well-known persons - various powers with regard to government policies. Of these, the most important are: submitting studies and proposals to assist the State in formulating its development strategies; helping to mobilize popular efforts in order to strengthen democracy; and presenting proposals to ensure the effectiveness of State institutions, to help resolve social problems and to consolidate national unity.<sup>18</sup>

137. The Cabinet is legally responsible for implementing the State’s general policy in the political, economic, social and cultural domains and must protect citizens’ rights and guide, coordinate and review the work of ministries, administrative bodies, public institutions and entities, and the public and mixed sectors, in accordance with the law.<sup>19</sup>

138. In concrete terms, the joint meeting of the House of Representatives and the Advisory Council which approved the second five-year plan for economic and social development for 2001-2005,<sup>20</sup> advised the Government to take account of the importance of the social dimension in development plans, combating poverty by reducing the numbers of poor persons and distributing the fruits of development among all citizens and regions. It also recommended that support be given to local councils to strengthen their role in discharging their functions and to use that role to push the development process forward and strengthen popular participation and financial and administrative decentralization. On the legislative front, the joint meeting recommended that a review be undertaken of the legislation regulating different sectors in order to take account of the policies set out in the plan on the development of the State's institutional machinery. The meeting also recommended that the legislation on government institutions be supplemented in order to further the implementation of administrative, financial and judicial reforms. On the question of economic policies, the joint meeting re-emphasized the need to take account of the adverse impact of economic policies that lowered living standards, reduced per capita income, increased the incidence of poverty, widened the poverty gap and pushed up unemployment. The meeting affirmed that the Government must take steps to avert and address the adverse effects of such policies. In the cultural domain, the meeting recommended that the necessary steps be taken, particularly at the local level, to involve the community in cultural development. The joint meeting adopted the above-mentioned recommendations as an integral part of the second five-year plan.

139. We must explain that government policies accord primary importance to the principle of social justice in economic and labour relations as a means of achieving social integration. In accordance with these constitutional imperatives, precepts and principles, the priorities laid down in the country's socio-economic development plans and human resources policy have been to guarantee and give effect to these rights, including through the implementation of the first and second five-year plans, which took account of human rights issues for the purposes of implementing government policies geared towards balanced and sustainable socio-economic development. It follows from the foregoing that any procedures which the Government adopts are generally designed to eliminate any provisions that create or perpetuate racial discrimination. Its judicial and administrative legislation, as it applies to national and local government institutions, prohibits the pursuit of any activity that promotes racial, sectarian, tribal or class divisions.

140. In pursuance of partnerships aimed at the realization of the Millennium Development Goals (1990-2015), the Government decided to link national strategies, plans and programmes to the Millennium Development Goals, making major efforts to liaise with all government sectors, the private sector, civil society organizations and the specific social groups targeted by these programmes and strategies in order to come up with a third five-year plan shaped around the Millennium Development Goals and designed to alleviate poverty in accordance with the eight Goals.

141. Many government policies are in harmony with the principles embodied in the Durban Declaration and Programme of Action on combating racism, racial discrimination, xenophobia, and related intolerance. As a sign of the Yemeni Government's concern to promote and protect

human rights and its belief in the need to benefit from experiences and programmes that could help to support this endeavour, the Government applied to join the Human Rights Strengthening Programme (HURIST).<sup>21</sup> The Programme comprises a wide range of activities and programmes which are grouped together under what used to be known as the Programme's main "windows". Yemen signed up for the second "window", which aims at mainstreaming the human rights perspective in national development plans and strategies by focusing on national priority areas such as poverty alleviation, education, health, water, women's rights and minority rights. The application was approved, making Yemen the only State in the Asia-Pacific region to be included in this "window" of the Programme.

142. In order to revise legislation creating racial discrimination in areas affecting women, together with the Press Act, the Judicial Authority Act and laws incompatible with the exercise of local authority, the Government set up committees to examine the domestic laws in question and verify their compatibility with international conventions and covenants. Prime Ministerial Decree No. 29 of 2004 established a legal committee to study domestic laws and legislation in order to determine how far they complied with the international treaties to which our country is a party.

**Paragraph (d): Prohibition and elimination of racial discrimination by persons and organizations**

143. We reiterate the information provided in our previous report about this paragraph.

**Paragraph (e)**

144. In conformity with the provisions of this paragraph, the Government of Yemen has actively encouraged multiracial organizations and movements devoted to eliminating barriers between races by enacting explicit legal provisions on this subject. For example, the Trade Unions Act grants the Republic's General Confederation of Trade Unions the right to join, and participate in the establishment of, Arab, regional and international trade union federations.

**Paragraph 2**

145. Article 7 of the Constitution enunciates the principle of social justice in economic relations, focusing on the growth and development of output and the realization of social integration, equality of opportunity and better living standards for society as a whole.

146. In order to guarantee this right so that every person and his family has an adequate standard of living which supplies their nutritional, clothing and housing requirements and guarantees their right to steadily improving conditions of life, the State and society must address the problem of poverty, through appropriate policies and the creation and strengthening of a social security net and related mechanisms, institutions and funds designed to increase employment opportunities and alleviate poverty and its adverse effects on the acquired rights of individuals and groups.



147. The 1998 Family Field Survey showed that 17.6 per cent of the population of Yemen was living below the food poverty line, while 41.8 per cent was unable to procure all its nutritional and non-nutritional requirements, i.e. food, housing, health, education and transport. These figures point to the grave plight facing some 6.9 million impoverished citizens and to the situation of many others living close to, and in fear of slipping below, the poverty line. The poverty gap has grown by an estimated 13.2 per cent, while the incidence of extreme poverty has risen by 8.5 per cent.<sup>22</sup>

148. Poverty in Yemen is a predominantly rural phenomenon; Yemeni society remains largely rural, even though the process of urbanization is moving forward steadily. In 1998, approximately three quarters of the population lived in the countryside: approximately 83 per cent of poor persons and 87 per cent of persons suffering from food poverty live in rural areas.

149. Hence, the phenomenon of poverty has become one of the main priority challenges for the State, and the past few years have seen increasing efforts to combat it through the adoption of numerous measures and the implementation of projects designed, directly or indirectly, to eradicate the problem and its adverse effects on society.

150. The State's main policies to improve citizens' living standards are described hereunder.

#### **The second five-year plan, 2001-2005**

151. During the period 1996 to 2000, the national economy did not improve in a sufficient number of key social indicators to raise the population's living standards and generate productive employment capable of sustaining growth and alleviating poverty. It was then that the Government realized the importance of steering all policies and measures towards economic growth and employment generation as a means of alleviating poverty, improving citizens' living standards and guaranteeing economic and social stability. Thus, the second five-year plan incorporated a poverty alleviation strategy into its policies and goals, making poverty eradication and alleviation efforts national goals in all general and sectoral policies. With a view to devising appropriate policies and measures, the Government decided to conduct a family field survey in 1998, followed by a comprehensive survey of poverty in 1999, in order to obtain the necessary information for a proper evaluation of the phenomenon of poverty, its causes and consequences.

152. The plan, in the framework of the Strategic Outlook for Yemen 2005, was designed to reduce the incidence of food poverty to 21.7 per cent by 2005 and halve it by 2015, while bringing down the upper poverty rate to below 10 per cent by 2025. This task relies on the adoption of a number of poverty alleviation policies and strategies based on three balanced objectives, namely:

- Achieving steady economic growth capable of generating sufficient employment opportunities; distributing income and wealth fairly; and expanding economic opportunities for the poor and those living close to the poverty line;

- Increasing social spending on key basic services, improving their effectiveness, and targeting the poor, especially in rural areas, as the beneficiaries of those services;
- Evaluating, restructuring, improving, targeting, and expanding social safety net schemes, particularly those designed to empower poor families, strengthen their capacities, and increase the return on their assets.

### **The social safety net**

153. This mechanism was created to mitigate the adverse, recessionary effects on social protection programmes of economic reforms and spending cuts in general and the removal of government subsidies on basic goods and services in particular.

### **The national poverty alleviation strategy, 2003-2005**

154. The poverty alleviation strategy comprises a series of policies, measures and activities aimed at creating an enabling environment for poverty alleviation and achieving specific, time-bound goals based on the attainment of economic growth, the generation of employment, the improvement of basic services and the establishment of an effective social safety net for the poor. The strategy focuses on four main areas of intervention: generating economic growth; developing human resources; improving infrastructure; and providing social protection.

155. The growth rate of real gross domestic product (GDP) stood at 4.2 per cent in 2003, half a percentage point higher than the strategy target. However, it was unable to bring down the poverty rate, because the population grew by around 3.5 per cent, offsetting the increase in total GDP per capita by bringing it down to 0.7 per cent, as compared with the strategy's target of 1.2-1.7 per cent.

156. In order to bring down the poverty rate, improve living standards and create sufficient jobs to eliminate unemployment, this margin must be raised to the target levels. The poverty alleviation strategy set a specific goal of reducing the poverty rate by 13.1 per cent during the reference period. This was to be achieved by increasing real GDP through growth in the non-petroleum sector and by reducing the population growth rate to 3 per cent.

157. In spite of the difficulty of evaluating poverty indicators in the absence of updated household budget surveys, which were first carried out in 2005, the World Bank estimated that, during the period from 1998 to 2003, the poverty rate fell slightly, from 41.1 per cent to 40.1 per cent. This is very slow progress, although there was greater improvement in the poverty gap, which shrank by 3 per cent, pointing to a narrowing of poverty differentials and thus to a reduction in poverty inequality and the incidence of poverty, which fell by around 3.5 per cent.

### Strategic goals and indicators for poverty alleviation

Goal	Indicator		Baseline 2000	2001	2002	2003	2004	2005
Increase real gross domestic product	Growth in real gross domestic product		5.1	3.3	4.1	3.7	5.3	4.5
Increase real non-petroleum gross domestic product	Growth in real non-petroleum gross domestic product		4.7	4.0	5.0	5.7	6.5	7.0
Increase per capita gross domestic product	Population growth rate		1.6	0.1	0.8	0.5	2.2	2.4
	Population size (in millions)		18.3	18.9	19.5	20.1	20.7	21.4
	Total fertility rate		5.9	5.7	5.6	5.5	5.3	5.3
	Maternal mortality rate (per 100,000 live births)		351	342	333	333	314	305
	Infant mortality rate (per 1,000 live births)		67.8	66.2	64.6	63.1	61.5	59.9
	Under-5 mortality rate (per 1,000 live births)		94.1	91.6	89.1	86.6	84.1	81.6
Control population growth	Population growth rate		3.5	3.4	3.3	3.2	3.1	3.0
Reduce poverty	Poverty rate (1998)	Total	41.1	41.5	40.6	39.7	38.0	35.9
		Urban	29.9	29.6	28.6	27.7	26.1	34.4
		Rural	45.1	45.0	44.2	43.3	41.6	39.3
Increase health service coverage	Health service coverage rate (percentage)	Total	50	35.8	56.0	58.3	63.8	65.0
		Urban	80.0	80.0	80.0	80.0	80.0	80.0
		Rural	25.0	29.5	32.9	34.8	39.6	42.0
Increase school enrolment rate	Enrolment rate (basic education) (percentage)	Total	62.0	63.9	64.5	66.0	67.6	69.3
		Urban	77.2	78.4	79.4	80.2	81.2	82.4
		Rural	43.9	45.9	48.1	50.4	52.7	55.0
	Increase number of graduates with educational specialization		12.2	13.1	14.1	15.0	15.6	16.0

Goal	Indicator		Baseline 2000	2001	2002	2003	2004	2005
Increase water and sanitation coverage rate	Percentage of population with access to water network	Total	57.4	58.1	60.8	62.4	64.5	66.2
		Urban	64.0	64.0	65.5	66.0	68.0	69.0
		Rural	55.0	57.0	59.0	61.0	63.0	65.0
	Percentage of population with access to sanitation services	Total	6.2	6.6	7.0	7.4	7.8	8.0
		Urban	33.0	33.0	34.0	36.0	40.0	44.0
Increase access to electricity supply	Percentage of population with access to electricity network	Total	30.0	32.0	34.7	38.0	38.5	40.3
		Urban	65.7	85.2	81.3	90.2	96.9	98.2
		Rural	17.0	19.0	20.0	21.0	22.0	22.2
	Percentage of users	38.0	36.0	33.0	30.0	28.0	25.0	
Connect rural areas with markets and facilitate access to services by expanding road network	Length of asphalted roads		6 586	890	1 200	950	1 100	1 250
	Length of gravel roads		3 915	700	650	800	950	1 200
	Length of repaired asphalted roads		-	258	229	112	121	101
	Length of asphalted roads assessed and improved		-	50	80	110	210	127
	Length of roads routinely maintained		-	794	794	1 032	1 111	1 270
Strengthen role of social welfare	Size of caseload		450 160	476 899	510 160	540 160	570 160	600 610
Expand insurance coverage	Number of persons covered	Govt/ public	415 000	425 727	433 257	442 605	450 949	459 635
		Private	45 000	50 000	57 000	62 000	66 000	70 000
	Number of recipients of retirement pensions	Public sector	40 473	43 913	47 654	41 695	56 089	60 857
		Private sector	1 120	2 125	3 282	4 455	8 728	7 199
Reduce the gender gap	Evidence of gender development (2001/02 National Human Development Report)	0.428						

158. Concrete efforts to take account of the provisions of this paragraph were made by introducing government measures to improve the lot of certain groups in Yemen society, including very poor and marginalized groups, persons with disabilities and refugees. We shall discuss this subject in detail hereunder.

**(a) Marginalized and highly impoverished persons**

159. The term “marginalized persons” has come to use in recent years in Yemen to describe the “servant” class. In this sense, Yemen has had many marginalized groups throughout its history. Land was the most important resource in traditional Yemeni society and anyone who owned agricultural land and took part in the management of natural resources was entitled to participate in the taking of major decisions on behalf of society. Such persons were regarded as the ruling group or class. Those who did not own agricultural land were unable to engage in the main production activity in rural areas (agriculture). They worked in marginal occupations and services and became part of the servant class. In other words, members of the servant class were not marginalized because of their physical characteristics (such as dark skin) or on grounds of descent. Skin colour was not a factor in marginalization; many Yemenis have a similar skin colour to that of members of the “servant class” but they are not marginalized. As for family origins, while ethnographic and historical studies have yet to identify the origins of this social group, its members are nevertheless Yemeni citizens who have Yemeni nationality and enjoy their full rights and freedoms.

160. The State in Yemen looks at the issue of marginalization of the “servant class” from the socio-economic point of view, as this is one of the poorest social classes (according to human poverty indicators) and also one of the least fortunate.<sup>23</sup> As the legislative framework does not discriminate among citizens, the Yemeni Government has not enacted laws on the rights of socially marginalized persons. The principle of equal citizenship underlying the Yemeni legislative system is a guarantee that the situation of the members of this class will change with time. These persons are citizens who have the same rights and responsibilities as other citizens, in accordance with articles 41 and 42 of the Constitution. The situation of some members of marginalized groups has improved somewhat, although the living conditions of others remain wretched. The future will doubtless see a similar change in the circumstances of the “servant class” as a whole. The speed and depth of the change will depend on the scale of the capacity-building and empowerment projects and programmes which governmental and non-governmental organizations offer to marginalized groups.

**Institutional mechanisms and programmes to guarantee marginalized groups their rights and enable them to exercise them**

161. Government institutions protecting, and facilitating the exercise of, the rights of marginalized groups pursue their activities in the light of the goals set down in general and sectoral development plans, strategies and programmes, particularly the 2003-2005 poverty alleviation strategy, the national population strategy, the second five-year plan for health development (2001-2005), the health sector reform project, the expansion of basic education

project, the comprehensive national strategy for sustainable human development, and the children's development project. If most of these strategies, programmes and projects establish quantitative goals for the rights of certain special needs groups, such as street children, they deal with the rights of marginalized groups in the context of principles and guidelines precepts; some outline the principles and guidelines on which policies focusing on the poorest social groups are based.

162. The second pillar of the national population strategy of the Republic of Yemen (2001-2025) stipulates: "The indicators point to growing poverty and the spread of unplanned, marginalized dwellings, particularly on the edges of towns. These indicators call for concerted action to be taken to establish a national housing policy and create mechanisms for its implementation."

163. Besides these general and sectoral strategies and plans, some government institutions involved in the protection of marginalized groups pursue activities based on the objectives of special projects; in 2002, two comprehensive social services centres (in Sana`a and Aden) were established to provide educational, training and welfare services to poor families, especially marginalized groups. In 2003, the two centres carried out a number of activities in the domains of education, health, training, rehabilitation and social welfare. A total of 4,123 persons used the centres' services in 2003, and the main beneficiaries were children (2,602), followed by women (1,457), male adults with disabilities (18), and, finally, older men (4). The main activity of both centres is to provide health services for children and women.

#### **Efforts by the Municipality of Sana`a**

164. A total of 1,300 public housing units were built in the Sa`wan district of municipal Sana`a and supplied with a range of infrastructure services. Work is being done, in coordination with the competent authorities, to provide other social services such as a school and a health centre.

165. To begin with, most marginalized groups living in makeshift tin huts were moved from the following areas: the Adhban mosque district (185 units were given to 185 families); the Bab Yemen area (403 units were given to 403 families); work is still going on in the Shari` district to transfer 45 families to their new homes.

#### **Residents' current situation**

166. On the housing front:

1. The changes wrought by the new housing scheme have given residents a sense of stability and eliminated all the problems associated with the previous situation.

2. The new houses have reduced the level of household overcrowding from which residents suffered previously.

3. The infrastructure services for the residential city, including water, sanitation and electricity, have improved the quality of drinking water.

4. The standard of personal and domestic hygiene improved with the increase in household consumption of water, which is available free of charge 24 hours a day.

### **Electricity services**

167. The supply of free electricity via official grids that conform to safety standards provides households, which used to use kerosene, with a clean environment, and reduces the incidence of chest and lung infections, as well as fire hazards.

### **Education and health**

168. Services are available close to the site and neighbouring schools have taken in boys and girls from the old shanty town. Treatment is available at health centres in the district, while the municipality has taken practical measures to complete the social services plan for the residential complexes, in coordination with ancillary agencies.

### **Changing the pattern of women's daily lives**

169. This project has helped to improve the situation for women by providing them with basic services which reduce their workload and the burden of fetching water, and by making it easier for women and children to shoulder their daily burdens.

### **Economic activities**

170. Some families in the area engage in buying and selling, while others pursue manual trades, have opened up businesses in the complex, make water jugs out of hub caps or pursue other trades and cultural activities.

171. The following steps were taken by the municipality of Sana`a to promote the development of new residential areas:

(a) It established a department to manage urban development and ensure its sustainability in partnership with civil society institutions;

(b) It established an ongoing development programme, in coordination and cooperation with relevant organizations and funds, to build the capacities and improve the living conditions of poor communities and marginalized groups that are transferred to the new districts, based on the implementation of the following projects:

- Training and capacity-building for marginalized groups;
- Support for sustainable micro-enterprises which use the complex as a production site;

- The creation of productive employment opportunities;
- The creation of better educational opportunities.

### **Efforts of non-governmental organizations to protect marginalized groups**

172. These groups of marginalized persons have formed their own associations in the capital and the governorates with support from the State. The associations implement projects for their constituents with assistance from international organizations, especially UNICEF (the United Nations Children's Fund). No fewer than 10 associations now cater for these groups.

173. Civil society institutions devote particular attention to awareness-raising activities, studies, seminars and workshops designed to change cultural attitudes and discriminatory social value systems and to embed a human rights culture based on the principles and values of justice, equality, freedom and dignity. During the 2001 local elections and the 2003 parliamentary elections, some civil society organizations ran awareness campaigns targeting marginalized groups living in shanty towns. The Foundation for Civil Democracy played a leading role in this endeavour. In 2003, the Association for Women's and Children's Development conducted a major study on conditions among residents in marginalized districts of the governorates of Sana'a, Aden and Hadramaut. As it is difficult to provide a detailed description in this report of the many activities undertaken by civil society institutions to protect, and facilitate the exercise of, the rights of marginalized groups, we shall confine ourselves to citing some examples of the projects and programmes which they run.

### **Social integration programme for marginalized groups in the city of Ta'izz**

174. This is one of the programmes run by the Human Rights Certification and Training Centre. After the floods in the city of Ta'izz, the World Bank entered into negotiations with the Governor of Ta'izz on funding of 46 residential units for marginalized families stricken by the disaster. The residential complex was named the City of Hope and the Human Rights Certification and Training Centre set up and oversaw the implementation of a programme to rehabilitate marginalized persons in general and the inhabitants of the City in particular. A number of activities were implemented in the City in the domains of education, health awareness, literacy promotion, reproductive health, empowerment and capacity-building.

#### **(b) Persons with disabilities**

175. The Yemeni Government inaugurated the Day of Disabled Persons, turning it into an open celebration of the achievements of recent years and the goals for the new year. The idea is that it is necessary to discuss disabled issues openly, to build on what is good and eliminate the bad, and to find whatever solutions are possible to resolve problems. Hence, the Cabinet adopted Decision No. 150 of 1990, proclaiming 7 December the National Day for Disabled Persons.



### **Legal framework regulating the rights of persons with disabilities**

176. The general aims of the Welfare and Rehabilitation of Disabled Persons Act No. 61 of 1999 are consistent with the rights enshrined in the World Declaration on the Rights of the Disabled adopted by the General Assembly of the United Nations on 9 December 1985. These aims were promoted and these rights were more precisely defined in Cabinet Decision No. 284 of 2002, concerning the implementing regulation for Act No. 61 of 1999. According to article 3 of the Act, persons with disabilities are entitled to exercise all the rights guaranteed by the Constitution. They are entitled to free rehabilitation and social welfare (art. 4) and should be given priority when it comes to enrolling in government colleges and institutions (art. 9). Article 13 of the Act requires the Ministry of Health to provide disabled persons with assistive devices and prosthetics, while article 27 affirms the right of persons with disabilities to establish non-governmental organizations. The Ministry of Social Affairs and Labour is required to help persons with disabilities to establish and develop their own associations and local committees. A total of 70 associations for persons with different kinds of disabilities are run by disabled persons themselves. Articles 15-24 of the Act grant persons with disabilities the right to work and state that 5 per cent of all vacancies in the State administration and private and mixed economy sectors must be filled by disabled persons. In addition, disabled persons in employment are guaranteed benefits, insofar as the law provides that they cannot be denied any of the benefits or rights accorded to other workers, on account of their disabilities.

177. Under article 24 of the Civil Service Act of 1991, government bodies and institutions are required to set aside a certain percentage of posts for disabled persons. The percentage is determined by the Ministry each year. Article 49 of the implementing regulation issued pursuant to Republican Decree No. 122 of 1992 states that such tasks as are allocated to disabled persons must be compatible with their abilities. The same article states that not less than 5 per cent of posts must be allocated to disabled persons.

178. In addition to the foregoing, the Children's Rights Act contains a special section entitled "Welfare and rehabilitation of children" with nine articles (arts. 115-123) detailing the rights of disabled children.

### **Institutional mechanisms and government programmes and efforts concerning disabled persons**

179. Greater attention has been paid to disabled persons over the past five years. The Ministry of Education issued instructions on the admission of disabled children to schools and the making of certain technical modifications to existing school buildings. The Government is taking the necessary steps to cater for the disabled by offering them social, educational, rehabilitation and training services, in accordance with the laws in force, through welfare and rehabilitation institutions and centres for the blind, the visually-impaired, persons with motor disabilities, deaf and profoundly deaf children, and children with auditory impairments or mental disabilities.

180. The Government, in cooperation with civic organizations, formulated a national strategy on the welfare and rehabilitation of disabled persons. It developed a comprehensive vision for the period 2002-2012, focusing on the implementation of various activities and programmes, in the framework of calls for the declaration of a national decade to mark the Arab Decade for Disabled Persons. The vision includes a number of strategic goals, as described hereunder:

- (a) To honour the Government's commitments under international and Arab treaties, charters and declarations;
- (b) To raise awareness of disabled issues;
- (c) To extend social rehabilitation programmes to include the governorates of the Republic;
- (d) To design policies and programmes for the employment of persons with disabilities;
- (e) To build up institutional and other capacities;
- (f) To involve the media in increasing social awareness of, and receptiveness to, disabled issues;
- (g) To create a database on disabled issues;
- (h) To establish a comprehensive national policy on the integration of disabled children in schools;
- (i) To formulate national policies, plans and programmes on the elimination of disabilities.

181. The Disabled Persons Welfare and Rehabilitation Act fully guarantees respect for the rights of disabled persons as embodied in the Universal Declaration of Human Rights. When the Act was promulgated in 1999, the amount which the Government earmarked to support the rights of disabled persons was approximately 3.5 million Yemeni rials (YRI). In the years that followed, this amount grew significantly, especially after the passing of the Fund for the Welfare and Rehabilitation of Disabled Persons Act of 2001. The figure rose to YRI 7 million, then 20 million, and then 42.5 million between 2000 and 2002. This was in addition to the aid provided by different associations for the disabled and by the social safety net.

182. Over the past few years, the Fund for the Welfare and Rehabilitation of Disabled Persons, the National Federation of Disabled Persons and the Ministry of Social Affairs have liaised with the institutions responsible for implementing the Disabled Persons' Welfare and Rehabilitation Act and giving effect to the rights of disabled persons embodied therein. A special provision was implemented, in conjunction with the Department of

Customs, waiving customs duty on imports of welfare and rehabilitation devices for the disabled. In 2002, the National Federation of Disabled Persons' Associations, in coordination with the Ministry of the Civil Service, helped implement the provisions of the Disabled Persons' Welfare and Rehabilitation Act and its implementing regulation on the allocation of 5 per cent of posts in the general, private, and State administrative sectors for disabled persons and the obligation of employers to earmark the same percentage of posts for persons with disabilities.

183. The National Committee for the Welfare of Disabled Persons was established and its functions were defined in Republican Decree No. 5 of 1991. The Committee is tasked, inter alia, with formulating general strategies and policies on the welfare and rehabilitation of disabled persons, implementing social integration and community participation policies, and encouraging initiatives designed to serve and cater for disabled persons, while providing support to associations that operate in this area.

184. The State, as represented by the Ministry of Social Affairs and Labour and other ministries, plays a fundamental role in offering social protection to disabled persons. The country now has a total of five social welfare centres: the Nur centres for the Blind in Sana'a, Aden and Hadramaut, and the disabled persons' centres in Sana'a and Aden. Other centres have been set up in the governorates of Jauf, Abin, and Mahrah. New centres were built in 2003, namely, the centres for the welfare and rehabilitation of disabled persons in Siy'un, in the governorate of Hadramaut, and in Atq, in the governorate of Shabwah. Three additional centres are under construction.

185. Also in the context of social protection, a community rehabilitation project was set up to help and train disabled persons to develop and run micro-enterprise projects. The project was piloted in the governorate of Hadidah, and 43 loans were given to disabled men and women, in accordance with the principle of equal opportunities, to start up income-generating micro-enterprises.

186. In the framework of the social security net, the number of recipients of direct cash assistance for the poor provided by the Social Welfare Fund amounted to 250,000 in 1998 and 405,000 in 2002-2003. Of these, 223,479 persons were disabled. The total value of the financial assistance disbursed was YRI 7 billion.

187. The Disabled Persons' Welfare and Rehabilitation Fund established pursuant to Act No. 2 of 2002 plays the largest role in giving effect to the Disabled Persons' Welfare and Rehabilitation Act, protecting the rights of disabled persons and facilitating the exercise of these rights. Credit schemes are used as a means to combat poverty among disabled persons: a total of \$50,000 was initially allocated for this purpose.<sup>24</sup> The Fund implemented a number of activities and offered educational training and health services to 4,996 disabled persons during 2003 and the first quarter of 2004. A total of 28,908 persons benefited from the welfare and rehabilitation services which the Fund provided through other governmental and non-governmental organizations. As many as 25 centres affiliated with governmental and non-governmental organizations work with the Fund.

188. Blind persons benefit most from the services offered by the Disabled Persons' Welfare and Rehabilitation Fund and by various government institutions with competence for protecting the rights of persons with special needs. In the past four years, a total of 899 blind persons, in three cities alone, have utilized the services of the Nur centres for the blind.

189. The Ministry of Public Health and Housing plays an important role in the provision of welfare, health and therapeutic services for persons with disabilities, including, in particular, physiotherapy and assistive devices. These services help to resolve some of the daily problems which disabled persons face and provide them - to the extent possible - with psychological, social and physical stability so that they can rely on themselves to supply their daily needs. The Prosthetics and Psychotherapy Centre was set up to deliver a full package of services, ranging from physiotherapy to the production of prosthetic and assistive devices for all disabled persons throughout the Republic. Disabled persons receive assistive and prosthetic devices free of charge, if they are unable to pay for them, although the cost is usually nominal. In addition to the main centre in Sana`a, there is an integrated services complex for the disabled in Aden and a prosthetics and physiotherapy centre in Ta`izz.

190. The current figures for the centre show that the total number of cases referred to the physiotherapy department in 2002 was 97,374, up from 35,267 in 1999. The centre performed a total of 72,000 interventions in 1999, involving either prosthetic or assistive devices. This compares with a figure of 112,000 in 2002.

191. In order to deal with a growing caseload, branches of the centre were established in the most densely populated and geographically remote areas of the main governorates. For example, in 2003, a prosthetics and physiotherapy centre was established in Mukalla in the governorate of Hadramaut. Another centre is being set up in Aden and physiotherapy departments will soon be installed in the country's main hospitals.<sup>25</sup>

**Number of users of Nur centres for the blind in Sana`a, Aden and Mukalla respectively for the period 2000-2003**

Governorate	2000	2001	2002	2003	Total
Sana`a	138	139	138	147	561
Mukalla	75	75	32	32	214
Aden	45	29	25	25	124
Total	258	242	195	204	899

*Source:* Data from the Ministry of Social Affairs.

192. The State, together with non-governmental organizations, contributes to the implementation of training and rehabilitation programmes for disabled persons. The numbers of such centres for persons with different types of disabilities are shown in the next table:

Item	Name of centre	Core activities
1	Intellectual Development Home, Sana`a	This home is a vocational education institution which imparts knowledge to disabled children based on curricula designed by the Ministry of Education and using sign language and lip-reading techniques. Cultural and social activities are organized such as sports events, trips, reading in the school library, and screening of recreational videos for children. Emphasis is placed on various occupations such as carpentry, upholstery, knitting and sewing for men and women, and learning about computers.
2	Aden Centre for Persons with Motor Disabilities	Offers rehabilitation services in various areas, including secretarial work, carpentry, sewing of different kinds, and making shoes and leather bags. The Centre organizes occasional exhibits of products, and runs literacy classes for the disabled.
3	Ta`izz Centre for the Disabled (Profoundly Deaf and Deaf)	This centre is supported by the Child-to-Child Association, a non-governmental association. It also measures hearing ability. The centre teaches children sign language.
4	Zaid Centre (for the Profoundly Deaf and Deaf)	Teaches children and adults sign language.
5	Aman Institute for Rehabilitation of Blind Women	The Institute exemplifies the approach taken by the Social Fund for Development to working with disabled persons, which rejects the charitable approach, guarantees disabled persons their fundamental rights, and enables them to play their role in society and to participate in development by providing them with rehabilitation and educational opportunities.
6	Current projects for the welfare and rehabilitation of persons with disabilities	Community-based programmes are a means of delivering rehabilitation services at all levels, whether locally or nationally, and represent a new strategy for working with disabled persons. Wide-ranging social rehabilitation has been offered in the governorates of Ta`izz, Lahij, Abyan, Ibb and Aden.
7	Support project for the Sana`a and Aden centres	The activities of these centres are partly based on offering community training in districts that are close to cities, like the Thulla district. A limited number of disabled persons are involved and activities are run by the local community, in addition to the State. The centres are now being equipped with basic working materials.
8	Project on the integration of profoundly deaf children of primary school age into government schools	The fashionable approach to educating and training disabled children used to be to segregate them in their own special schools. The Social Fund for Development launched a pioneering project at the beginning of 2001 (in conjunction with the Iradah Association for the Welfare of Profoundly Deaf and Deaf Children in Dhimmarr and the Ministry of Education) to integrate profoundly deaf and deaf children into general schools.
9	Social rehabilitation project for disabled persons	The purpose of this project is to develop two of the main social rehabilitation centres, setting up new workshops, developing existing ones, training personnel and establishing pilot social rehabilitation projects in rural areas. The cost of the programme is approximately \$2 million, i.e. around YRI 14 million.

### Number of users of comprehensive services centres (Sana`a-Aden) in 2003

Users of centres' services	Category of user	Number of users			Service used
		Sana`a	Aden	Total	
Children	Orphans	30	15	45	Monthly grant and assistance from organizations that care for orphans
	Disabled	20	15	35	Coordination of training at rehabilitation centres for disabled persons
	Schoolchildren	2	4	6	Assistance with school materials and study plans
	Attending remedial classes	75	39	114	
	Working children	-	5	5	School enrolment; reconciling study with work
	Yemeni mother, foreign father	4	-	4	Developing hobbies and drawing
	Kindergarten-nursery	20	5	25	Children of working mothers
	Children's health care	321	2 008	2 320	Medical diagnosis and pharmaceutical assistance
	Health and dental certificates	-	48	48	
Total number of children		464	2 139	2 602	
Women	Literacy	32	12	44	
	Vocational rehabilitation (sewing and handicrafts)	50	56	106	
	Disabled	1	12	13	Health services and family visits
	Health awareness and education	18	75	93	
Maternal health care		198	1 003	1 201	
Total number of women		299	1 015	1 457	
Other activities	Follow up on social security assistance for older persons	-	4	4	Follow up with the Social Welfare Fund to obtain monthly assistance for target groups in accordance with Social Welfare Act  Approximately 1,000 poor families in Sana`a and 123 in Aden receive seasonal food assistance which the two centres distributed after receiving it from ministries or other bodies
	Disabled	2	15	17	
	Others	-	43	43	
Total number of users		2	62	64	
Total number of users of centres in 2003		764	3 359	4 123	

Source: National Human Rights Report, 2004.

## Difficulties

193. It is difficult to obtain precise figures on the number of disabled persons, according to age and sex, owing to the paucity of field surveys and scientific research that could help to delineate the problem. Most of the available information on disability in Yemen indicates that the incidence of disability is 10 per cent. One of the difficulties hampering efforts in this domain is the low level of technical and administrative expertise among those running government institutions, as reflected in the scarcity of services available from these institutions. Residential institutions and centres for the disabled are concentrated in the capitals of a few governorates, while there are no welfare and rehabilitation services for disabled persons in rural and remote areas.

194. Educational services in most institutions for the disabled are confined to the basic stage of education and do not extend to higher levels of education. Vocational rehabilitation sections in a number of institutions confine training to one occupation alone or a limited number of occupations that are out of keeping with labour market requirements. Vocational trainers are often poorly versed in teaching methodology and there is a shortage of professionals who specialize in speech therapy, diagnosis, evaluation and treatment; they are mostly technical staff who specialize in the welfare and rehabilitation of disabled persons.

195. Disabled persons do encounter some difficulties when it comes to exercising their right to employment and employment opportunities in accordance with the Disabled Persons Welfare and Rehabilitation Act No. 61 of 1999, article 12 of which stipulates that 5 per cent of posts in all State sectors must be earmarked for disabled persons. There are many obstacles to the implementation of this Act, including the fact that staff of some governmental and non-governmental bodies do not know how to go about implementing it, the fact that there is no working mechanism to provide and facilitate access to employment for disabled persons, and the lack of training for disabled persons to meet the demands of the job.

196. Thus we find that the services currently provided by these institutions do not meet the State's expectations with regard to the promotion of disability issues and the growing need to supply services of this kind. Hence, the question of integrating disabled persons into society must be addressed through the expansion of educational policies and programmes in public schools, as the best means of dealing with the ever-growing need to address the problem of under-capacity in existing centres for the disabled, and through efforts to benefit from international expertise in this domain.

## Refugees

197. The Republic of Yemen plays a positive role in bringing peace and security to the Horn of Africa, since the political leadership understands that unrest or conflict in any State opposite Yemen's shores will adversely affect neighbouring States, including Yemen.

198. The Yemeni Government has expressed its concern for refugee issues in the following manner:

- Yemen signed the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, ratifying them on 18 January 1980.

- In order to implement the 1951 Convention and its 1967 Protocol, the Cabinet issued a decision establishing committees attached to the competent authorities to grant refugee status to all persons of concern to UNHCR in accordance with the definitions set out in article 1 of the 1951 Geneva convention and article 1 of the 1967 Protocol. The decision also provided for the establishment of an appeals committee, made up of relevant ministers and with a UNHCR representative participating as an observer.
- The National Committee for Refugees was established pursuant to Cabinet Decision No. 64 of 2000.
- The Government and UNHCR inform refugees and all those who work with them about refugees' rights and duties. In 2003, the Government, through the Ministry of Human Rights, signed a memorandum of understanding with UNHCR on strengthening refugee protection by training government employees and officials on the 1951 Convention and the 1967 Optional Protocol and on improving the infrastructure for the implementation of migration, refugee and human rights law.
- In March 2003, an additional memorandum was signed with the University of Sana'a and other Yemeni universities, on the teaching of migration, refugee and human rights law. Thirty fourth-year students at faculties of sharia and law were trained for a full academic semester.
- The Republic of Yemen decided, pursuant to Prime Ministerial Decision No. 46 of 2004, to commission a special committee to draft a refugee law.
- Coordination and cooperation with UNHCR resulted in the implementation of a number of successful joint programmes, including, for example, a programme to register, and issue identity papers to, undocumented Somali refugees throughout the country. The programme was launched in mid-2002 and ran until mid-2003. According to UNHCR figures, around 47,000 refugees in 11 governorates were successfully registered in accordance with international standards. Work is being done to set up six permanent registration centres. Nevertheless, our estimate of the number of Somali refugees is not the true figure. There are estimated to be hundreds of thousands of Somali refugees in Yemen, judging from the continuous and steady influx of persons. Between 1999 and April 2004, according to figures for the Mifa'ah Centre alone, there were approximately 60,857 new refugees. If we add to this the figures for the other centres, we should arrive at the true number, bearing in mind that none of the refugees concerned returned home during the period in question.
- There are 4,091 other refugees of different nationalities in Yemen. This figure can be broken down as follows:
  - (a) A total of 2,566 Eritrean refugees;
  - (b) A total of 548 Ethiopian refugees;
  - (c) A total of 977 refugees of other nationalities.



- The Ministry of Human Rights sent a special delegation to inspect conditions at the Mifa`ah reception centre in the governorate of Shabwah.
- The Ministry of Human Rights sent another delegation to the Basatin district (urban refugees) and the Kharaz camp (camp refugees).

199. With regard to the humanitarian services provided by the Government of the Republic of Yemen, in cooperation with UNHCR, the following camps and centres were set up to house refugees from the Horn of Africa:

- The Mifa`ah reception centre in the governorate of Shabwah, which hosts the largest number of refugees (a total of 60,857 between 1999 and 2004).
- The Khawkhah camp in the governorate of Hudaidah, which houses Eritrean refugees who came to Yemen in the late 1960s and early 1990s. The camp continues to play host to over 2,566 Eritrean refugees.
- The Najd Qasim camp in the governorate of Ta`izz, which hosted 534 Ethiopian refugees who fled to Yemen after the fall of the Mengitsu Haile Mariam regime in 1991. The camp was closed down after the refugees left, some of them returning to their home country and others settling in other countries or remaining in Yemen.
- The Mukha camp in the governorate of Ta`izz received 450 Ethiopian and Eritrean refugees following the most recent war between the two countries. The camp was closed after the refugees were voluntarily repatriated when the war ended.
- The Kawd camp in the governorate of Abyan admitted Somali refugees, but was closed down because of the unsuitability of the site.
- The Jahin camp in the governorate of Abyan hosted Somali refugees for several years before they were transferred to the Kharaz camp.
- The Kharaz camp in the governorate of Lahij is now the main camp. It is well built and receives funding from UNHCR. The camp has a school and a health centre operating around the clock. Camp residents receive food aid from the World Food Programme via UNHCR. The camp currently houses 548 Ethiopians and 10,145 Somalis.

200. Refugees are guaranteed freedom of movement in Yemen. There are no restrictions on their movements and they can leave the camp whenever they want. New arrivals prefer not to stay in the camp; they leave a few days after arriving.

### **Article 3**

201. We reiterate the statement made in our previous report, namely, that the Republic of Yemen abides by the principles enshrined in this article.

#### Article 4

202. Yemen respects this right in practice and in principle, since it fully subscribes to the principle of peaceful coexistence among nations and the values of international security and peace. Thus, by peacefully resolving its border issues over the past few years, it has shown that its policy is consistent with the maintenance of regional and international security and peace. There is no better proof of this than the fact that it concluded two border agreements with the Sultanate of Oman and the Kingdom of Saudi Arabia respectively and peacefully regained the Hanish islands through international arbitration. Yemen also concluded a recent border demarcation agreement with the Republic of Djibouti which was signed at Sana'a on 2 October 2005.

#### **Paragraph (a): Criminalization and punishment of acts of racial discrimination, the dissemination of racist ideas, and incitement to racism and violence against any group**

203. According to article 103 of the Press and Publications Act No. 25 of 1990: "It is prohibited to publish and broadcast any material that provokes tribal, sectarian, racial, interregional and ethnic strife, encourages division and dissent among members of society, calls for persons to be declared infidels, or incites the use of violence or terrorism."

204. The Criminal and Penal Code prescribes the penalties for many offences involving discrimination and acts of violence. Article 133 states: "A term of up to 10 years in prison shall be imposed on: 1. Anyone who joins an armed gang in order to appropriate territory or steal property belonging to the State or a group of persons ...; 2. Anyone who joins an armed gang that attacks a group of persons or mounts armed resistance to public law enforcement officers ...; If anyone dies as a result of any of the criminal acts mentioned in the two preceding paragraphs, the penalty shall be a mandatory sentence of death." Article 135 of the Code prescribes a term of up to three years' imprisonment for advocating or inciting the non-application or violation of the law.

205. Article 136 of the Code prescribes a term of up to three years in prison for disseminating false or tendentious news, reports statements or rumours or any form of seditious propaganda designed to undermine public security, frighten the public or prejudice the public interest.

206. Article 137 states: "A term of up to 10 years' imprisonment shall be imposed on anyone who sets fire to, or blows up, a fixed or moveable asset, even if owned by such person, where the act endangers the life or property of others. The penalty shall be not less than three years' imprisonment, if the fire or explosion occurs in a residential building, a place occupied by a group of persons, or a building or facility that is used by the public or designed for public use."

207. Article 138 stipulates: "A term of up to 10 years' imprisonment shall be imposed on anyone who:

"1. Deliberately endangers or in any way disrupts the operation of a means of land, sea or air transport;

"2. In any way disrupts the operation of public wire and wireless communications."

208. Article 193 of the Criminal and Penal Code stipulates that anyone who incites or commits one or more offences shall be deemed an accomplice to the offences in question. The penalty prescribed for such offence(s), unless it attracts a *hadd* penalty [a mandatory penalty under Islamic law] or a *qisas* penalty [the Islamic penalty of retaliation], shall be a term of up to five years' imprisonment or a fine. Article 194 of the same Code stipulates that a term of up to five years' imprisonment or a fine shall be imposed on anyone who: "1. Publicly broadcasts opinions that deride or disparage religion or religious beliefs, practices or teachings; 2. Publicly incites contempt for a confessional group, or promotes ideas of the superiority of a confessional group, such as to undermine public order."

209. Article 198 furthermore prescribes a penalty of up to one year's imprisonment or a fine for anyone who maliciously broadcasts or publicizes false information intended to disrupt public order or prejudice the public interest. If the act leads to a breakdown in public order, the penalty will be doubled.

210. Article 261 criminalizes violations of freedom of belief and prescribes a penalty of up to one year's imprisonment or a fine of up to YRI 2,000 for anyone who damages, defaces or defiles a mosque, any other State-authorized place of worship, or any sacred symbol or objects, and anyone who, by means of violence or threats, deliberately disrupts or interrupts the performance of religious observances by a recognized confessional group.

211. Finally, article 321 of the Code states: "A term of up to one year's imprisonment or a fine shall be imposed on anyone who destroys, demolishes, ruins or damages real or moveable property or plants not owned by such person, or who renders such property unfit for use, or in any way damages or destroys it. The penalty shall be a term of up to five years' imprisonment if the offence is committed by means of force or threats, is carried out by a number of persons, occurs at a time of unrest, civil strife or public disaster, disrupts the operation of a public facility or public service, or endangers public life, health or security. If anyone dies as a result of such an offence, the penalty shall be a mandatory sentence of death. This shall be without prejudice to the right of aggrieved parties to demand *diyah* [blood money] and *arsh* [the penalty for certain wounds], as the case may be."

**Paragraph (b): Illegality of discriminatory organizations and activities**

212. The Constitution and the law embody several principles and provisions prohibiting propaganda for violence, hatred and racism; article 3 of Act No. 66 of 1991, concerning political parties and organizations, stipulates: "No political party or organization may abuse this right in a manner prejudicial to the dictates of the national interest as regards the maintenance of sovereignty, security, stability and national unity." Article 8 of the Act declares illegal discriminatory organizations and the pursuit of discriminatory activities, as follows: "No political party or organization may establish or pursue an activity based on regional, tribal, sectarian, class or professional divisions, discrimination among citizens on grounds of sex,

origin, colour or anti-religious considerations. Nor may they declare other political parties or organizations or society and individuals to be infidels or claim to represent religion, nationalism or the revolution.” The article furthermore prohibits political parties and organizations from resorting to, or inciting, any form of violence or threats in pursuit of their activities and including material in their political programmes or publications which incites or advocates violence.

213. The Act prohibits parties from forming, or helping to form, military or paramilitary groupings.

214. Act No. 1 of 2001, concerning civic associations and institutions, contains numerous articles which state that such associations and institutions must be founded on principles that do not conflict with the purposes of the Constitution and prevailing laws (arts. 4, 68 and 79).

**Paragraph (c): Not permitting the public authorities to promote or incite racial discrimination**

215. As already stated, the Republic of Yemen has no laws that permit the violation of fundamental rights on any pretext whatever, including the promotion or incitement of racial discrimination.

216. No law enforcement officer may invoke orders from a superior officer, for example, as justification for torture or other cruel, inhuman, degrading or discriminatory treatment or punishment. Discrimination is a form of degrading treatment, and psychological and mental torture and cannot be justified under any circumstances. Accordingly, the Constitution and a number of other relevant laws contain provisions that explicitly prohibit inhuman, degrading and discriminatory treatment and that do not allow law enforcement officers to inflict such punishment or incite or tolerate any act or torture on the pretext that they are acting on orders from a superior officer. Further details are provided hereunder.

**The Constitution**

217. The Constitution clearly states that under no circumstances may special courts be set up against any category or group of persons for the purposes of practising racial discrimination. As stated in article 150: “The judiciary is an integral entity. The law regulates judicial organs and their levels, and defines their functions. It also specifies the standards which judicial officers are required to meet, together with the conditions and procedures for the appointment, transfer and promotion of judges and other relevant safeguards. Special courts may not be established under any circumstances.”

**The Criminal and Penal Code**

218. The Criminal and Penal Code contains numerous provisions penalizing acts which the legislature defines as offences against the internal security of the State, including those described hereunder.

219. Article 132 of the Code states: “A term of from 1 to 10 years’ imprisonment shall be imposed on: 1. Anyone entitled to issue orders to the armed forces or police who asks, orders or

commissions them to carry out, for an unlawful purpose, an act which contravenes the orders of the constitutional authorities; 2. Anyone who incites or attempts to incite an armed rebellion against the constitutional authorities; 3. Anyone who provokes or attempts to provoke a civil war by distributing arms to one section of the population or calling on it to take up arms against another community; 4. Anyone who incites the offences of murder, robbery or arson.”

220. Article 163 of the Code stipulates: “A term of up to 10 years’ imprisonment shall be imposed on any public official responsible for protecting the interests of the State or for a public body or institution, or unit thereof, who becomes involved in a deal, transaction or case which prejudices the State’s interests, in order to secure a profit or material gain for himself or others.”

221. Article 165 of the Code provides: “A term of up to three years’ imprisonment or a fine shall be imposed on any public official who:

“1. Uses his official position to undermine the laws, ordinances or regulations, refuses to carry out orders or judgements issued by a court or any competent body, or deliberately prevents their implementation, even though this be part of his responsibilities;

“2. Abandons or fails to discharge his work with a view to obstructing or disrupting such work;

“3. Deliberately makes, proffers or delivers untrue statements that are damaging to others;

“4. Uses his position illegally to force others to work for him or for a third party;

“5. Uses his position to forcibly purchase an object for himself or a third party from the rightful owner.”

222. Article 188 provides: “A term of up to seven years’ imprisonment shall be imposed on any judge who deliberately issues a wrongful judgement as the result of a plea, a suggestion, an intervention or bias in favour of one of the opposing parties.”

223. Article 225, headed “Illegal orders”, provides: “No member of the armed forces shall be responsible for: 1. Executing an illegal order issued by his superior; the responsibility for execution lies with the superior alone, unless the order clearly contravenes a provision of the Criminal Code or public international law, in which case the superior and his subordinate shall both bear responsibility. 2. Refusing to obey an order from a superior officer which clearly contravenes the Criminal Code or international public law.”

224. Article 246 stipulates: “A term of up to three years’ imprisonment shall be imposed on anyone who arrests, detains or deprives another of his liberty by any unlawful means. The penalty shall be a term of up to five years’ imprisonment, if the act is committed by a public official, a person impersonating a public official, a person carrying a weapon, or two or more

persons, or if the purpose of the act was to insult the victim, or if the victim was a minor, an insane or feeble-minded person or someone whose life or health was jeopardized by being deprived of his liberty.”

### **The Code of Criminal Procedures**

225. Article 7, paragraph 1, of the Code of Criminal Procedures stipulates: “Arrests are not permitted except in connection with acts that are punishable by law. They must be carried out on the basis of the law.”

226. Article 16 of the Code states: “Notwithstanding the provisions of article 37, offences against citizens’ liberty or dignity or involving an attack upon private freedom shall not be time-barred from prosecution.” Article 71 provides: “Arrested persons shall be kept in separate quarters from those designated for convicted persons and shall be treated as innocent. They may not be subjected to physical or mental harm in order to extract a confession from them or for any other purpose.”

227. Article 17 states: “1. The Code of Criminal Procedures applies to all criminal acts carried out in the territory of the Republic. 2. The laws of criminal procedure apply to citizens, the nationals of foreign countries, and stateless persons.”

228. Article 85 provides: “Investigation officers operate under the authority and supervision of the Attorney-General for the purposes of law enforcement. The Attorney-General may ask the competent authority to investigate any person who commits a breach of duty or an omission. He may ask for disciplinary proceedings to be taken against the person in question, without prejudice to the institution of criminal proceedings.”

229. Article 131 states: “Persons, homes, postal correspondence, wire and wireless conversations, and personal conversations are all inviolable.”

230. Article 562 provides: “The police shall transmit to the Department of Public Prosecutions all communications and complaints submitted to them, in the condition in which they were sent, so that the proper action can be taken.”

### **Act No. 21 of 1998, concerning military offences and punishments**

231. Article 42 provides: “No one subject to the provisions of this Act shall be responsible for: 1. Carrying out an illegal order from a superior officer. Responsibility for implementation shall be borne by the superior officer alone, unless the order clearly breaches the provisions of this Act or the Penal Code, in which case the superior officer and the subordinate shall be responsible for the action taken. 2. Refusing to carry out an order from a superior which clearly breaches the provisions of this Act or the Penal Code.”

232. Article 47 stipulates: “Without prejudice to the terms of the public Penal Code, a penalty of up to two years in prison and payment of compensation will be imposed on any superior officer who assaults, physically injures, or jeopardizes the health of a subordinate, or

who, for no good legal reason, doubles the subordinate's duty in order to torture such subordinate, or allows others to injure him. The penalty shall be capital punishment if the act proves fatal."

233. Article 23 stipulates: "Should any of the offences enumerated in this section be carried out, the highest ranking officer and the person closest to him in rank shall be held responsible. They shall not be exempt from the prescribed penalty, unless the acts were committed against their will, without their knowledge or in circumstances beyond their control."

234. Article 43, section 9, of the Act, which is headed "Offences involving abuse of authority", stipulates: "A term of up to five years' imprisonment or a fine commensurate with the consequences of the offence shall be imposed on anyone who abuses his position by ordering or requesting the commission of acts unrelated to his official functions or by soliciting gifts or other financial rewards."

235. Article 44 stipulates: "A term of up to five years' imprisonment shall be imposed on anyone who uses his position or rank to order a subordinate to commit an offence. Having due regard to the provisions of the public Penal Code, the commanding officer shall be deemed the author of the act, if it is actually carried out or attempted."

236. Article 47 provides: "Without prejudice to the public Penal Code, a penalty of up to two years' imprisonment and an order to pay compensation will be served on any superior officer who assaults, physically injures, or jeopardizes the health of a subordinate, or who, without legal justification, doubles the subordinate's duty in order to torture such person, or allows others to injure him. The penalty shall be capital punishment if the act proves fatal."

237. Article 52 stipulates: "Without prejudice to the provisions of the public Penal Code, a penalty of up to five years in prison shall be imposed on anyone who batters a subordinate." Article 53 prescribes a term of up to 10 years' imprisonment for anyone who, directly or indirectly, in or during the course of his duties, tortures, coerces or threatens an accused person or witness in order to induce such person to confess to, or proffer statements or information about, a crime. This shall be without prejudice to the victim's right to *qisas*, *diyah* or *arsh*.

238. Article 24 provides: "Subject to the provisions of the public Penal Code, a term of up to 15 years' imprisonment or a fine commensurate with the gravity of the offence shall be imposed on anyone who causes, contributes to, or conspires to provoke, a riot among members of the armed forces. The penalty shall be capital punishment, if the riot leads to loss of life."

239. Article 25 states: "A term of up to seven years' imprisonment shall be imposed on anyone who commits the following offences: (a) Being present at a riot and failing to quell it, even though such be in his power; (b) Failing promptly to report a riot or a criminal conspiracy to cause a riot, even though such be in his power."

240. Article 45 stipulates: “Anyone who ignores a complaint from a subordinate or threatens the complainant with imprisonment shall be liable to a term of up to one year in prison or a penalty consistent with the consequences of ignoring the complaint.”

241. Article 54 provides: “A term of up to five years’ imprisonment shall be imposed on anyone who commits any of the following offences: (a) Using the authority vested in him by his position to infringe the laws, regulations or ordinances in force, to refuse to implement orders and decisions issued by a court or competent body or deliberately to refrain from their implementation even though this be part of his duties; (b) Abandoning or failing to perform his work with a view to obstructing or disrupting it; (c) Deliberately making, proffering or giving untrue statements that are damaging to others; (d) Using his position to appropriate public or private money or to set up illegal military checkpoints.”

### **The Police Authorities Act No. 15 of 2000**

242. According to article 7, section II, of the Act, which is headed “Duties of the police force” “The police shall endeavour to preserve public order, public security, public morals and the public peace. In particular, they shall undertake to:

- “– Protect lives, things and property;
- “– Guarantee the security and peace of mind of citizens and residents;
- “– Run prisons and guard prisoners;
- “– Guard public utilities and assist the public authorities in performing their functions in accordance with the provisions of this Act;
- “– Carry out the duties imposed on them by laws, regulations and decisions.”

243. Article 9, paragraph (b), of the Act states: “They [the police] may not use physical torture or psychological pressure upon any person during questioning, detention or imprisonment.”

244. Chapter 10, section I (Duties of officers), article 89, of the Act provides: “All officers must abide by, and implement, the provisions of this Act. They are furthermore bound: (e) Not to commit any disciplinary breach or violation of the laws or regulations in force.”

245. The recent decision by the President of the Republic to grant an amnesty to all those included on the list of 16 persons who sparked off the civil war, inviting them to come back and contribute to national reconstruction, sent an important signal about the rejection of calls for war, hatred and violence.

246. The Government has reviewed media, cultural and religious discourse as used by the press and media outlets. It has urged Islamic scholars, preachers, college and university professors and mosque teachers to do their duty by teaching worshippers the precepts and lofty aims of Islamic law, depending on their respective areas of concern, or the groups



with which they come into contact, in order to establish a common language between teachers and students to develop a brotherhood of faith, and to avoid conflict or disagreements.

### **Article 5**

247. Article 9 of the Children’s Rights Act stipulates: “The provisions of this Act shall not prejudice the right of children to enjoy all public rights and freedoms, together with the protection and care which the laws in force guarantee to human beings in general and children in particular, without distinction as to sex, colour or creed.”

#### **Paragraph (a): The right to equal treatment before tribunals**

248. The principle of equality before the law is an important principle which Yemeni legislation recognizes as applying to members of Yemeni society. As mentioned above, the Constitution states, in article 41, that: “All citizens are equal with regard to rights and duties”, while article 25 stipulates: “Yemeni society is founded on social solidarity based on justice, freedom and equality in accordance with the law.” In accordance with this constitutional principle, article 5 of the Code of Criminal Procedures states: “Citizens are equal before the law. No one may be punished or harmed on account of his nationality, race, origin, language, creed, occupation or level of educational attainment.”

249. This principle is clearly spelt out in the rules and regulations governing legal remedies; article 2 of the Judicial Authority Act No. 1 of 1990 states: “Litigants are equal before the courts, regardless of their status or circumstances.”

250. In accordance with this paragraph, the Code of Civil Pleadings and Enforcement No. 40 of 2002 enunciates a series of principles governing the administration of justice, as summarized below:

- The law makes it incumbent on the court to maintain the principle of confrontation during litigation, as a sign of respect for both sides and in order to guarantee justice in accordance with the principles of impartiality and equality between the opposing parties in the court, etc. (arts. 16, 19-21, and 26).
- No judge may give hospitality to, or receive hospitality from, a litigant, accept gifts, or breach his profession’s code of conduct or ethics (arts. 26-31). Under the Code, the courts must also grant the opposing parties permission to speak and to enter pleadings. Statements made by the opposing parties during pleadings must be listened to without interruption (art. 164). In order to guarantee equality between the parties during deliberations, the court may not hear one of the parties or accept case documents without informing the other side; otherwise the procedure shall be deemed null and void.
- The Code furthermore states that if a judge violates his profession’s code of conduct or ethics or brings dishonour upon his profession, he shall be subject to criminal or disciplinary proceedings in accordance with the Judicial Authority Act and the laws in force (arts. 32 and 128-156).

- Indeed, the law allows for the filing of civil proceedings against judges or members of the Department of Public Prosecutions for compensation with respect to judicial decisions (art. 144). If the case is upheld, the accused shall be ordered to pay appropriate compensation and court costs and the judgement forming the subject of the suit and any related judicial act shall be declared null and void. The judge or member of the Department of Public Prosecutions shall be suspended from duty and brought before the Higher Judicial Authority so that it can impose whatever penalty it deems appropriate. The bond shall also be returned [to the winning party] (art. 153).

251. Article 325 of the Code of Criminal Procedures further specifies: “All parties involved in a case have equal rights and obligations, including the accused, the defence counsel, plaintiffs and respondents. They are entitled to present and discuss evidence and to ask for it to be examined by experts, with the permission of the court.”

### **Paragraph (b): The right to security**

252. The concept underlying this principle is that every person must enjoy the right to freedom and security of person. Thus, constitutional and legal articles guarantee the right of every individual to personal freedom and inviolability of person. No one may be subjected to arbitrary arrest or detention, nor may a person be deprived of his liberty except in accordance with the law and the procedures laid down therein.<sup>26</sup> In addition, no citizen may be punished or harmed on account of his or her nationality, race, origin, language, creed, occupation, level of education, or social status, and everyone is equal before the law.<sup>27</sup> There may be no encroachment on citizens’ privacy except in the circumstances sanctioned by law. Thus, no one may be arrested unless in connection with the commission of acts that are punishable by law. Arrests must be carried out in conformity with the Code of Criminal Procedures, which regulates such matters and stipulates that no one may be arrested or detained without a warrant issued by the Department of Public Prosecutions or a court on legal grounds.<sup>28</sup> There is no statute of limitations on criminal offences against the freedom and dignity of citizens.<sup>29</sup>

253. It is noteworthy that the Criminal and Penal Code guarantees numerous forms of protection for citizens’ rights; it clearly and explicitly prohibits attacks against persons and punishes public employees who exploit their position in order to violate people’s rights and freedoms.<sup>30</sup>

254. According to the Constitution and the laws in force anyone who is arrested must be informed at the time of his arrest of the reasons for his arrest and must be promptly informed of any charges against him. Article 73 of the Code of Criminal Procedures provides: “Anyone who is arrested must be promptly informed of the reasons for his arrest and shall be entitled to see the arrest warrant and to contact a person of his choosing in order to notify such person of his arrest and request the assistance of a lawyer.”

255. The arrested person must be brought before a judge within 24 hours from the time of his arrest. The investigating officer must take down his statement promptly and refer the police report and the accused to the Department of Public Prosecutions within 24 hours. The Department of Public Prosecutions must decide on his case within 24 hours, or release him.<sup>31</sup> If

the Department of Public Prosecutions determines, upon investigation, that there is a crime to answer for, and if the weight of evidence is against the accused, the Department may institute criminal proceedings before the competent court (art. 221).

256. The Constitution and prevailing laws recognize the right of anyone who is deprived of his liberty as a result of being arrested or detained to bring proceedings before the Department of Public Prosecutions and State authorities in order to secure a ruling, without delay, on the legality of his detention and to obtain an order for his release, if the detention is found to be illegal.<sup>32</sup>

257. The law has established numerous procedures for the investigation of any complaint against law enforcement officers who are members of the Criminal Investigation Department. It entrusts the Department of Public Prosecutions, in its capacity as an independent judicial body, with the investigation of such complaints.<sup>33</sup>

258. Hence, articles 91, 193 and 562 of the Code of Criminal Procedures require criminal investigators to accept a complaint from any individual, including a person who has been deprived of his liberty, to record it in their files and to pass it on to the Department of Public Prosecutions.

259. Members of the Department of Public Prosecutions must undertake to investigate all allegations against members of the armed forces, the police or court officers or employees involving serious offences, whether or not they were committed during the course of their duties.<sup>34</sup> It goes without saying that, if the Department of Public Prosecutions finds that the complaint pertains to the offence of torture, it must bring criminal proceedings against the accused before the competent court.

260. As a matter of fact, in accordance with this principle, legal proceedings were brought in 2003, for example, against several police and security officers found to have broken the law when applying disciplinary measures adopted by the competent authorities in previous years. A total of 54 individuals were questioned, and some were tried and sentenced to a term of detention or imprisonment, or were dismissed. Others were forced to pay compensation to the victims. Some are still awaiting trial, while others remain under investigation.

#### **Legal infractions committed by members of the police in 2002**

Item	Infraction committed	Number of culprits
1	Assaulting a person during interrogation	8
2	Assaulting and using weapons against citizens	19
3	Killing wanted persons during their arrest or in an exchange of fire	15
4	Abusing one's authority to deceive and blackmail citizens	9
5	Assaulting and wounding a colleague	2
6	Committing incitement to murder	1
Total		54

*Source:* Ministry of the Interior.

**Paragraph (c): Political rights**

261. The principle embodied in this paragraph calls for recognition and protection of every citizen's right to participate in the conduct of public affairs, to vote or stand for election in free and impartial elections, and to have access to public service without discrimination of any kind. This participation is furthered by guaranteeing freedom of expression and freedom of assembly and association.

262. In Yemen, this principle is one of the fundamental principles enshrined in the Constitution and Yemeni law, as confirmed by article 4 of the Constitution, which states: "The people are the holders and the source of power, which they exercise directly through public referendums and elections and indirectly through legislative, executive and judicial bodies, as well as elected local councils." In addition, the Elections Act spells out the conditions for participation in public affairs.

263. It is important to stress the need for impartial and free elections that are held regularly in the framework of laws that guarantee the effective enjoyment of electoral rights. Eligible voters must be free to vote for the person of their choice. The previous report contains a full explanation of these principles. We shall not elaborate on them here in order to avoid repetition. We simply confirm the information provided in the previous report.<sup>35</sup>

264. In pursuance of the exercise by citizens of their political rights, particularly the right to vote, since 1990, three rounds of legislative elections have been held on 27 April of the relevant years (1993, 1997 and 2003). Furthermore, a referendum was held on the 1991 Constitution. The first presidential elections with more than one candidate were held in 1999, and on 20 February 2001, a referendum on the amendments to the Constitutions was timed to coincide with local elections, which were held to bring an end to excessive State centralization and devolve more power and decision-making capacity to local councils.

265. In order to conduct an impartial election, an independent electoral commission must be established to oversee the process and make sure that it is handled fairly, impartially and in accordance with the law. This is the role played by the Higher Committee for Elections, a body with financial and administrative independence and legal personality which discharges all the tasks, responsibilities and powers vested in it by law in a fully independent and impartial manner. Under no circumstances can there be any interference in the Committee's affairs or work, or any curtailment of its powers.

266. The law permits all interested parties to appeal to the courts against the Higher Committee for Elections concerning any procedure which they believe to be a violation of the Constitution and the law; the courts must rule on each such appeal.

267. The Yemeni courts investigate, and express their views on, the validity of appeals about the electoral process. The law requires the Supreme Court to set up a commission, consisting of the presidents of the governorates' appeal courts, to help it to investigate and assess the validity of appeals about voting and sorting procedures.

268. The courts alone have competence to impose penalties for breaches of the Elections Act. The Department of Public Prosecutions conducts investigations and interrogations in accordance with the Code of Criminal Procedures and the other laws in force.

269. With a view to guaranteeing the impartiality of elections in Yemen, the electoral system applies the following rules:

- Members of the Higher Committee for Elections must cease all party political activity while working for the Committee and must abide by the duty of impartiality.
- No field electoral committee may be constituted by one political party alone.
- All the Higher Committee's acts and decisions must be rendered public and published in the media.
- Neither the official media nor public funds may be used to benefit a political party or a candidate.
- The army and security forces may not be exploited to benefit any political party or candidate.
- It is forbidden to influence the public by any illegal means and in order to benefit any political party or candidate.
- All political parties and candidates are equal as regards the use of the official media for the purposes of electoral propaganda.
- Voters' lists shall be published so that everyone can scrutinize them.
- Every interested party is entitled to appeal to the courts against any illegality involving voters' lists or decisions or measures taken by the Higher Committee or field committees.
- Special ink that cannot be erased less than 24 hours from the time of voting must be used for voters affixing their thumbprint to the ballot paper.
- Special non-forgable ballot papers must be used, together with symbols that help illiterate persons to make their choice.
- Candidates are entitled to send representatives to every polling station to monitor the voting process.
- Candidates are entitled to monitor the sorting process directly or through their representatives.
- All stakeholders are entitled to challenge the outcome of the counting process before the competent courts.

- All voters and candidates have the right to mount a challenge before the House of Representatives regarding the legality of any representative's membership.
- Political parties and grass-roots and foreign organizations may observe elections and referendums.

**With regard to the right to have access to public service without distinction:**

270. Citizens are entitled to occupy posts in public service on the basis of equality. Therefore, the criteria and procedures applicable to appointments, promotions, suspension from work and dismissal must be objective and reasonable and must apply to all without distinction. Article 12, paragraph (c), of the Civil Service Act No. 19 of 1991 states: "Access to public employment is based on the principle of equality of opportunity and equal rights for all citizens without any discrimination. The State guarantees the means for ensuring the application of this principle." Non-elected positions are available to all citizens, depending on their qualifications, skills and knowledge. There are no legal restrictions preventing any citizen from occupying any post compatible with his or her qualifications.

**Paragraph (d): Civil rights**

**Subparagraph (i): The right to freedom of movement and residence within the border of the State**

271. In addition to the information provided in our country's previous report, we should mention that article 15 of the Criminal and Penal Code stipulates that there can be no restrictions on citizens' freedom of assembly, of movement, of residence and of transit, except as established by law.

**Paragraph (d) (ii): The right to leave and to return to a country**

272. The legal position on this paragraph was explained in our previous report.

**Paragraph (d) (iii): The right to nationality**

273. In addition to the information provided in our previous report, we should mention that the Children's Rights Act No. 45 of 2002 affirms that human personality begins when a child is born alive and ends with death. However, the foetus has legal rights. A stillbirth must be registered in the official records. The State guarantees the preservation of every child's identity, including his or her nationality and family ties, in the manner established by the prevailing laws. Children are also entitled to a name and nationality, which are registered at birth (arts. 45-46 and 49-50).

274. Article 10 of the above-mentioned Act states that every child is entitled to his or her own name, which must be registered at birth, in accordance with the Civil Status and Civil Register Act.

275. The Yemeni legislature guarantees the child's full registration rights after birth, including the right to a name, a nationality and the preservation of his or her identity and nationality in

accordance with domestic law. Articles 37-39 and article 45 of the Act stipulate that human personality begins when a child is born alive and ends with death and that births and deaths must be registered in official legal registers. A person is known by his or her name and father's name or by a distinctive family name.

276. The Civil Status and Civil Register Act contains several articles (arts. 20-21, 23, 25-27, and 29-30) which stipulate that fathers have 60 days from the date on which a child is born to report the birth to the Department of Civil Affairs. As for foundlings, notification must be given following discovery or delivery into the care of a special welfare institution or home. A birth certificate is issued for children [born in transit] upon arrival at the first port of entry in the Republic of Yemen or at the relevant consular office. The following procedures are used to register births:

(a) Children are known by the father's and grandfather's name and all their personal details and the details of their parents are registered.

(b) The Civil Registrar gives the child a full name, which is then recorded in the register of births. The term "foundling" is not mentioned and the column labelled "parents" is left blank, unless one of the parents acknowledges paternity or maternity of the child.

(c) The name of the father or mother of a child born to a person within the proscribed degrees of consanguinity may not be mentioned. If the mother is married and the child is not her husband's, no mention is made of her name. If the father is married and the child is not his lawful wife's, no mention is made of his name, unless the birth takes place before the marriage or after its dissolution. This rule applies to persons who subscribe to a religion that does not permit polygamy.

277. Article 49 of the Civil Status and Civil Register Act requires every citizen of the Republic of Yemen, upon reaching the age of 16, to obtain a personal identity card or a family card, if that person is the head of a family. Article 11 of the Children's Rights Act affirms that every child is entitled to a nationality under the Act and the laws in force.

**Paragraph (d) (iv): The right to marriage and choice of spouse**

278. The legal position on this paragraph was described in the previous report.

**Paragraph (d) (v): The right to own property**

279. The legal position on this paragraph was explained in the previous report.<sup>36</sup>

**Paragraph (d) (vi): The right to inherit**

280. The legal position on this paragraph was explained in the previous report.

**Paragraph (d) (vii): The right to freedom of thought, conscience and religion**

281. The legal position on this paragraph was explained in the previous report.

**Paragraph (d) (viii): The right to freedom of opinion and expression**

282. The legal position on this paragraph was explained in the previous report.

**Paragraph (d) (ix): The right to freedom of peaceful assembly and association****The right to freedom of association<sup>37</sup>**

283. Yemeni legislation fundamentally supports freedom of association and the freedom to establish civic associations, given that the Republic's political system is based on political and party pluralism geared towards the peaceful alteration of power.<sup>38</sup> Hence, the Yemeni Constitution states that, without prejudice to the provisions of the Constitution, citizens throughout the Republic of Yemen have the right to organize along political, professional and cultural lines and to form scientific, cultural and social organizations and national federations which serve the interests of the Constitution.<sup>39</sup> This explicit article of the Constitution is the direct source of the freedoms enjoyed by civil society associations of all types and kinds. What is distinctive about this article is that it imposes no restrictions on this right other than those laid down in the Constitution itself. It does not bind the principle of freedom to any provisions of ordinary law, nor does it confine itself to enunciating the principle of the freedom to form civil society institutions. Rather, it guarantees the unfettered right to organize, on the one hand, and, on the other, it enjoins the State to guarantee and not to restrict this right, and to facilitate its exercise. This provision shows just how progressive the Yemeni Constitution is.

284. Moreover, the Civic Associations and Institutions Act No. 1 of 2001 affirms that civic associations consisting of no fewer than 21 natural persons may be established by licence, while those with no fewer than 40 persons will be established at the founding meeting. If the application for a licence is not approved within 30 days, it is deemed to have been approved by force of law. As for the establishment of civic institutions, the Act states that they can be established by one or more natural or legal persons.<sup>40</sup>

285. The implementing regulation for the Civic Associations and Institutions Act contains the same provisions as the Act with regard to the establishment of civic associations or institutions.<sup>41</sup>

286. The Yemeni Constitution used the word "citizens", to refer to all Yemenis without distinction as to race, sex, language, descent or national or ethnic origin. The Civic Associations and Institutions Act uses the terms "natural persons" and "legal persons", as well as the terms "person", "members" and "bodies corporate". These are legal terms, which refer to all members of society, including men, women, children, etc.

**The individual's freedom to join an association**

287. Article 58 of the Constitution does not refer directly to the right to join associations, but simply mentions the right of citizens to freely form associations. In so far as this article grants Yemenis the right to freedom of association, it therefore includes the freedom to voluntarily join associations, since associations cannot exist without members.



288. The Civic Associations and Institutions Act refers to members without discriminating among them on grounds of sex, opinion, political affiliation, etc.<sup>42</sup> Consequently, there are no restrictions on the freedom to join any association. The Act's implementing regulation establishes general conditions which do not contain any form of discrimination that could prevent an individual from joining any association. The two conditions are: 1. That the person must satisfy all the conditions of membership in accordance with the statutes of the association. 2. That the person must submit a membership application to the chairman of the governing board.<sup>43</sup>

**Paragraph (e): Economic, social and cultural rights**

**Subparagraph (i): The rights to work, to equal pay, and to protection against unemployment**

289. The right to work is one of the fundamental aims inherent in the principles and provisions enshrined in the Constitution of the Republic of Yemen. It is dealt with in article 29 of the Constitution, to which reference has already been made. Furthermore, article 5 of the Labour Code No. 5 of 1995 states that work is a natural right accorded to every citizen pursuant to the same conditions, guarantees and equal rights and without discrimination on grounds of sex, race, colour, belief or language. Article 12 of the Civil Service and Administrative Reform Act No. 19 of 1991 guarantees every citizen the right to take up public employment without any discrimination.

290. The domestic laws, especially the Civil Service Act and Labour Code, uphold the principles of respect for fundamental labour rights and the promotion of good labour relations between workers and employers. They also regulate the work of women and minors.

291. The Civil Service Act regulates the status of workers in the public administration and the public and mixed economy sectors. The Labour Code regulates the rights and duties of private sector employees.

292. The question of job opportunities is one of the most significant challenges facing the Government, and in spite of the ambitious programmes associated with the implementation of the economic, financial and administrative reform programme,<sup>44</sup> the employment situation continues to face numerous challenges, chiefly, the current state of the Yemeni labour market, which is fragmented and inward-looking, with sharp wage differentials between different economic sectors and between men and women and local and migrant workers. It is worth mentioning that the manufacturing sector is unlikely to replace the agricultural sector, which absorbs around 52 per cent of the workforce and 89 per cent of working women. In addition, the labour market is dominated by the unregulated sector, consisting of the self-employed, persons working for their families, freelancers and seasonal and temporary workers. It therefore includes persons working for others without pay.

293. The high population growth rate and the sheer size of the youth population may be among the greatest challenges facing the Yemeni labour market, helping as they do to push up

the workforce participation rate, which outstrips the already high population growth rate. The population of working age (15 and over) increased from approximately 7.6 million persons in 1995 to around 9.3 million in 2000, an average annual growth rate of 4.2 per cent. As a result of the increase in the number of university graduates, of persons not enrolled in formal education and training, and school dropouts, in addition to entry of individuals, especially females, into activities designed to improve their living standards the number of new labour market entrants increased, posing a fundamental challenge to the national economy and the private sector to provide adequate employment opportunities to absorb both them and the currently unemployed. The shortage of jobs and the low level of skills among workers are among the biggest problems facing the workforce.<sup>45</sup>

### Workforce growth

Gender	Workforce (in thousands)		Net increase	Average annual growth
Male	3 220	3 784	564	3.3
Female	1 054	1 366	312	5.3
Total	4 274	5 150	876	3.8

*Source:* Second five-year plan for socio-economic and social development - part II.

294. There are different types of unemployment in the labour market in Yemen.<sup>46</sup> Visible unemployment has begun to increase, as has the number of persons affected by unemployment, as the following table shows:

Item	Detail	1994	1999	2000
1	Number of persons affected by unemployment	277 000	469 000	509 000
2	Unemployed persons as a percentage of the total workforce	8.3%	11.5%	11.9%

*Source:* National poverty alleviation strategy, 2003-2005.

295. Unemployment is not confined to new labour market entrants who graduate from or drop out of, education or training. It also extends to persons who lose their jobs for various reasons. The percentage of unemployed persons who were previously employed rose from 29.7 to 62.8 per cent in the years between 1994 and 1999. The incidence of unemployment in the 15-24 age group was generally higher, rising from 17.9 per cent to 18.6 per cent during the same period.

296. As a result of the rise in unemployment and the freeze on wages in the light of the economic stabilization and structural reform programmes, wages did not improve, while the improved salary scales did not raise salaries even to the real 1995 levels. Although the average nominal monthly wage in 2003 was approximately YRI 30,000, its real value at 1995 prices was less than YRI 15,000. As a result of expansion in the number of civil service employees, salaries and wages accounted for around 12 per cent of GDP and over 30 per cent of total public spending. However, the real wages of government employees declined, so that their value

in 2000 was the same as it was in 1990. For this reason, the Government began working on a national wages and salaries strategy to improve the living standards of civil servants and members of the military and security forces.

297. In order to give effect to the citizen's right to work, the State devised a series of policies, procedures and measures to increase job opportunities, particularly through the third five-year development plan for 2001-2005. The plan, based on projected population and workforce growth rates, assumed that the total domestic workforce would increase by 876,000 units between 2000 and 2005 - an average annual growth rate of 3.8 per cent, representing an increase of some 564,000 male workers, at 3.3 per cent per annum, and of 312,000 female workers at 5.3 per cent per annum for the same period.

298. The second five-year plan generated an estimated 896,000 additional jobs, through growth in the national economy and its different sectors during the plan's reference years. The total number of employed persons rose to 4,661,000, as compared with an available workforce of 5,150,000 (labour supply). Thus, the labour supply surplus was estimated at 489,000 workers, a measure of the scale of ongoing visible unemployment in the national economy. The plan aims at reducing visible unemployment from its current rate of 11.9 per cent to 9.5 per cent by the end of the reference period.

299. Workforce expansion and increasing employment opportunities helped to push up the female participation rate from 22.7 per cent in 2000 to 24.4 per cent in 2005. This is basically attributable to the ongoing importance of the work and the role of women in rural Yemen, coupled with the growing number of females graduating from educational establishments and looking for work. Because of rising living costs, such women are playing an increasing role in supporting or helping to support their families. This trend is consistent with the plan's overall goals and with the Yemen Strategic Vision 2025, which aims at expanding women's economic, social and political participation, developing women's skills and empowering women in the area of decision-making.

300. The plan is expected to increase the number of persons employed in the government services sector by approximately 35,000, an average of 1.6 per cent per annum. The private sector remains the main source of the additional job opportunities created under the plan. The number of persons employed in productive (non-petroleum) segments of the private sector is expected to increase by 4.6 per cent per annum, reaching approximately 3,065,000 in 2005, as against 2,449,000 in 2000. In this way, this sector will absorb around 66 per cent of the total number of workers in the non-petroleum sector.

301. After various production sectors comes the non-governmental services sector, where the number of employees is expected to go up from 874,000 to 1,109,000, an annual growth rate of 4.9 per cent for the same period.

302. The 2003 first annual report on the poverty reduction strategy indicates that the number of employed persons rose to 4,049,000 in 2003, as compared with 3,941,000 in 2002, a 2.7 per cent increase. However, this increase was less than the rate of workforce growth, estimated at around 4 per cent per annum. The figure is also a modest one compared to the size of the population, and is the result of the low participation rate in economic activity, especially

among women (approximately 22.7 per cent) - one of the lowest rates in the developing world. The fact that tremendous growth in the size of the workforce has not been accompanied by corresponding growth in national income has reduced the availability of employment opportunities.

303. While the government workforce accounted for 10.9 per cent of the total workforce in 2003, labour market indicators suggest that a decline in government sector employment will lead to expansion in the unregulated sector, estimated to account for around 70 per cent of the workforce and dominated by the agricultural, construction and building sectors. The unregulated sector is the most important segment of the private sector in Yemen, employing more men than women.

### Workforce indicators for 1999

#### Workforce (15 years and over), by sex, status (in the week prior to survey)

Final results of workforce survey, 1999	
1. Total economically active population	4 090 680
Male	3 121 204
Female	969 476
(a) Total currently employed persons	3 621 679
Male	2 731 569
Female	890 110
(b) Total unemployed persons	469 001
Male	389 635
Female	79 366
(i) Total formerly-employed persons who are currently unemployed	294 359
Male	266 015
Female	28 344
(ii) Total currently unemployed who have never worked	174 642
Male	123 620
Female	51 022
2. Total economically inactive persons	4 825 508
Male	1 345 259
Female	3 480 249
3. Total workforce (1 + 2)	8 816 188
Male	4 466 463
Female	4 449 725

Source: 2003 Statistical Yearbook.

#### Paragraph (e) (ii): The right to form and join trade unions

304. The principle here is that every citizen must be given the right to form and join trade unions, whether in association with others or by subscribing to a trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his

economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law. In addition, trade unions must have the right to establish national federations or confederations and to form or join international trade-union organizations. They must furthermore be allowed to function freely, subject to no limitations other than those prescribed by law and which are necessary in a democratic society in order to serve the interests of national security or public order and protect the rights and freedoms of others. Trade unions must be granted the right to strike, provided that this right is exercised in accordance with the law.

305. In accordance with these principles, Yemen's legislation and laws guarantee citizens the right to form trade unions. The State guarantees this right and takes all necessary measures to enable citizens to exercise it. This right is basically regulated under the Labour Code No. 5 of 1995, as amended, and the Trade Unions Act No. 35 of 2002, article 3 of which defines the purposes of the Act, inter alia, as follows:

- (a) To defend workers' rights and gains and the trade union movement; to protect their common interests; and to endeavour to improve their social, economic, cultural and health conditions;
- (b) To fully guarantee and defend trade unions' freedom of expression and action in accordance with the law and without interfering in, or seeking to influence, such action;
- (c) To consolidate and strengthen democratic practice and the holding of free and direct elections for all trade union organizations, bodies and groupings;
- (d) To protect workers' trade union and fundamental social rights and endeavour to implement and respect the relevant Arab and international conventions.

306. With regard to the right to form, join and withdraw from trade unions, the Labour Code No. 5 of 1995, as amended, grants workers and employers the right to form and voluntarily to join organizations for the purpose of promoting and defending their rights and being represented in all relevant bodies, councils, and conferences and in all matters that affect them.<sup>47</sup>

307. This is also consistent with the Trade Unions Act, which acknowledges the worker's right to join or withdraw from a trade union voluntarily. The Act also guarantees any group of more than 15 workers the right to establish a trade union committee in one or more utilities or enterprises of a similar kind pursuing the same or a similar type of activity.<sup>48</sup>

308. In order to ensure that there is no interference in the activities of trade union organizations and thus to guarantee their independence and freedom, the Trade Unions Act states that no party may interfere, directly or indirectly, in trade union activities, nor may they be granted the right to compel a person to join or withdraw from a trade union or to desist from exercising trade union rights. No trade union member may be punished, transferred, dismissed or suspended on account of his or her trade union activities or membership.<sup>49</sup>

309. Trade unions and employers' organizations are entitled to pursue their activities in full freedom and without any external interference or pressure.<sup>50</sup> The Act does not require prior permission or approval for the holding of a trade union meeting, so long as the meeting is held at trade union headquarters. If it is to be held in the workplace, it must be organized in consultation with the management of the enterprise or the employer.<sup>51</sup>

310. Article 56 of the Trade Unions Act prohibits direct and indirect efforts to influence the freedom and impartiality of elections or to vilify, pillory or threaten a candidate or a trade union organization. Anyone who commits any of the offences listed in the article shall be subject to the penalties prescribed by the applicable laws. Trade union elections must be conducted by direct and secret ballot in order to guarantee that they are free and impartial.<sup>52</sup>

311. Article 11 of the Act grants trade unions the right to bring proceedings before any competent arbitral tribunal, court or body regarding the interests of such trade unions, and the individual and collective interests of their members and labour relations bodies.

312. The Act furthermore regulates the right of workers to hold peaceful strikes as a legitimate means by which workers and trade unions defend their rights and legal interests whenever a dispute has not been resolved through negotiations. A strike may not be declared or carried out unless all means of negotiation with the employer have been exhausted in accordance with the procedures set out in the Act.

313. In order to ensure that workers are not harassed for striking, article 43 of the Act states: "No penalties, including dismissal, may be inflicted on workers or particular workers for striking or calling a strike, if they do so in accordance with this Act."<sup>53</sup> The Labour Code furthermore provides, in article 152, that: "No one may impose a punishment of dismissal or any other penalty on a worker's representative who is a member of a trade union committee for pursuing trade union activities in accordance with this Code, the Trade Unions Act, and their implementing regulations."

314. The Trade Unions Act guarantees the General Federation of Trade Unions the right to join, and participate in the establishment of, Arab, regional, and international trade union federations.

315. Since unification, trade union activities have grown and expanded to a marked degree, as a result of democratic trends and the move towards party and political pluralism. Experience has shown that trade union federations and organizations in Yemen are playing an increasing role and participating effectively as key partners in the development and construction process, supplementing the efforts made by Government, which cannot build a cohesive society on its own. As a result of this approach, the total number of trade unions in the country's main and secondary centres stood at 73 by the end of 2003.<sup>54</sup>

#### **Article (e) (iii): The right to housing**

316. The legal position on this article was explained in the previous report.

**Article (e) (iv): The right to public health and social security****The right to public health**

317. In addition to the explanation given in the previous report, we should like to mention that in order to guarantee, through government policies and strategies, the right of all citizens to the highest attainable standard of health, the Yemen Strategic Vision 2025 accords the health sector the utmost importance, giving it a special place in future development efforts for the coming 25 years. The aim is to expand public services, especially primary health services, so as to cover the entire population and all areas. The Yemen Strategic Vision 2025 was devised to enable all citizens to enjoy the right to preventive services and treatment that safeguards their health and guarantees their physical well-being in an environment that is free from disease and epidemics.

318. The country saw slight expansion in geographical coverage of health services in 2003, encompassing 85 per cent of the surface area of Yemen - 80 per cent of urban areas and 35.3 of rural areas. In this context, one goal of the second five-year plan was to increase the health care coverage rate to approximately 65 per cent during the first phase of the Strategic Vision.<sup>55</sup>

319. There has been expansion with regard to the establishment of health units and the construction of provincial hospitals. In 2003, a total of 239 health units were established, bringing the total number of functioning health facilities to 690 temporary health units; 1,518 fixed units; 642 permanent health centres; 124 provincial hospitals; and 40 general hospitals. The total number of persons benefiting from health services amounted to 11.8 million.

**Key health indicators for the period 2002-2004**

Item	Indicator	2002	2003
1.	Number of doctors	4 384	3 195
2.	Number of dentists	274	254
3.	Population-to-doctor ratio	4 447	6 372
4.	Number of families	12 272	12 252
5.	Population-to-bed ratio	1 589	1 662
6.	Total reported cases of illness	1 168 618	1 125 129
7.	Number of malaria cases	383 650 (32.83%)	284 245 (27.78%)
8.	Number of dysentery cases (inflammation of the intestine)	328 862 (28.14%)	383 535 (34.73%)

*Source:* 2003 Statistical Yearbook.

320. A number of preventive and therapeutic health services centres have been established, including the National Epidemic Observatory, the National Centre for the Eradication of Malaria, and the National Quarantine Centre.

321. Nevertheless, the health sector continues to face major challenges and difficulties, mostly because health services are unable to keep pace with the growing demand generated by a combination of high population growth and the steady rise in infectious diseases such as malaria,

diarrhoea, and bilharzia, albeit at differing rates. The strategy aims at having Yemen declared free from infectious and endemic diseases such as malaria, bilharzia, tuberculosis and intestinal parasites by 2010.

### **The right to social security<sup>56</sup>**

322. Article 56 of the Constitution requires the State to create social protection systems for the groups that need them. According to the Insurance Act, all employees of the State and its economic sectors must be included in a compulsory insurance scheme. The Social Security Act No. 31 of 1996, as amended by Act No. 17 of 1999, provides insurance to cover old age, disability, long-term illness and death.

323. In order to deal with the suffering caused to the poorest section of the population by the temporary impact of financial and economic reforms, the Government established a social safety net which, in its current configuration, consists of a set of policies and measures that must be applied to provide a minimum decent standard of living and basic services to groups living below the upper poverty line and to marginalized groups and groups at risk of impoverishment. Social development goals were expanded to go beyond protecting the poorest groups and those worst affected by economic reforms in order to include those at risk of falling below the poverty line.

324. The social security system is currently built on four basic pillars:

- A system of aid and cash assistance disbursed via the Social Welfare Fund;
- A social development system, consisting of social projects and programmes provided through the Social Fund for Development and specific social programmes targeting particular sections of society such as persons with disabilities, women, and the unemployed (the Public Works Programme);
- A social insurance system, offering participants in this segment of the wage-earning population protection for retirement, old age, illness, industrial accidents, etc.
- A system of aid and production subsidies for productive activities in the agricultural, fishing, and livestock, sectors, as provided by the Agricultural and Fisheries Production Subsidies Fund.

325. The following could be described as the most important “mechanisms” used by the social security net to expand social security and social welfare coverage:

#### **(a) The Social Welfare Fund, 1996**

326. The Social Welfare Fund is one component of the social security net that was designed to widen the social welfare umbrella, in accordance with the Social Welfare Act No. 31 of 1996. It offers cash assistance to all the target groups listed in articles 6-8 of the Social Welfare Act. The Fund took on 100,000 new cases in 2003, bringing its total caseload up to 552,105. The Fund



expanded its information network so as to include the governorates. It currently covers approximately 55 per cent of the country's provinces; this allows it to streamline the procedures for taking on new cases.

327. The Fund is part of the social security net offering cash assistance to the groups listed in the Act by which it was established. The groups entitled to assistance from the Fund are individuals with an income that is below the minimum wage. Each beneficiary receives cash assistance of YRI 1,000 per month, in addition to a sum of YRI 200 for each family member, up to a maximum of YRI 2,000, i.e. around \$10.83 per month for a family of up to six persons. A total of 700,000 persons were covered by this assistance in 2004. The objective is to increase the amount of assistance to more appropriate levels.

**(b) The Social Fund for Development, 1997**

328. This Fund was set up to bring about social development and raise the living standards of the poor by improving educational and health services, extending drinking water and sanitation networks, developing credit and savings facilities and helping to create permanent employment opportunities. To that end, the Fund operates three main programmes:

- (i) The Social Development Programme;
- (ii) The Small- and Micro-Enterprise Development Programme;
- (iii) The Institutional Capacity-Building Programme.

329. A total of 3,300 projects received funding approval (from the establishment of the Fund in 1997 until the end of 2003), at an estimated cost of \$350 million. Around \$182 million was disbursed and some 7 million persons were expected to benefit from them directly - 49 per cent of them women. The Fund completed the first phase of its work (1997-2000), at a cost of \$96 million, generating approximately 3 million temporary jobs (worker-days). By the end of 2003, the Fund had managed to complete the second phase, which had begun in 2001, at an estimated cost of \$175 million. In early 2004, the Fund began implementing the third phase of its activities, which are planned to continue until 2008, at a cost of up to \$400 million.<sup>57</sup>

330. A study on the effectiveness and efficiency of the Fund was carried out by a specialized and independent international firm commissioned by the World Bank and paid for by the Netherlands Government. In the educational sector, as of July 2003, the Fund had contributed to the construction, restructuring and completion of 5,396 classrooms, accounting for 7 per cent of the total number of classrooms in the country. Since its establishment, the Fund has helped to create between 30 and 40 per cent of all new classrooms built in the country since 1998. Household surveys show that it had a marked impact on increasing the rate of female enrolment in basic education; in the areas in which the Fund intervened the rate increased from 41.7 per cent in 1999 to 58.3 per cent in 2003. Enrolment rates for both boys and girls in those areas increased from 59.2 to 70.4 per cent during the same period. This is a

positive indicator of the effect which the Fund is having on one of the most important development areas in Yemen, a country which suffers from low levels of enrolment in basic education.

### Indicators pertaining to public education projects (2003 and cumulative)

Item	2003	Cumulative
Number of projects	299	1 696
Estimated expenditure (in millions of United States dollars)	25.3	130.4
Actual expenditure (in millions of United States dollars)	29.4	89.3
Direct beneficiaries (millions)	0.1	1.0
Percentage of female beneficiaries	50	44
Estimated number of temporary workers (millions of day workers)	1.0	5.3

*Source:* Annual report of the Social Welfare Fund for Development, 2003, p. 22.

331. In the health sector, the Fund contributed to the construction of 71 new health units, adding 3.6 per cent to the national stock and to the refurbishment of 12 health centres, an additional 2.2 per cent. The Fund's contribution accounted for 11 and 10.4 per cent respectively of the total increase in the number of health units and centres during the period 1997 to 2002. The study showed that the Fund's interventions helped to increase demand for health services, raising access to treatment by 14 per cent, divided evenly between women and men, if not slightly higher for women and girls. The study also showed a slight improvement in immunization and prenatal services, compared to the situation in 1999.

Item	Health		Special needs groups		Integrated intervention	
	2003	Cumulative	2003	Cumulative	2003	Cumulative
Number of projects	33	301	44	168	11	28
Estimated expenditure (in millions of United States dollars)	2.5	19.4	1.9	11.8	0.5	1.5
Actual expenditure (in millions of United States dollars)	3.5	14.5	2.7	8.0	0.8	1.1
Direct beneficiaries (millions)	0.2	1.4	0.01	0.1	0.05	0.03
Percentage of female beneficiaries	68	54	49	39	48	51
Estimated total number of temporary workers (millions of day workers)	0.08	0.6	0.05	0.3	0.01	0.06

*Source:* Report of the Social Welfare Fund for Development, 2003, p. 41.

332. With regard to microcredit, the household surveys show that it has a positive impact; 62 per cent of loan recipients questioned stated that their standard of living had improved compared with what it had been before raising their loans. The percentage of female beneficiaries was higher than that of male beneficiaries (70 per cent as compared with 53 per cent).

333. The study concluded that the Fund's interventions favoured the poorest of the poor over the least poor; 44 per cent of the Fund's resources were used by the three poorest segments of society, while the least poor received only 4 per cent of its resources. These results are better than those achieved by any other social fund.

**Distribution of the Fund's resources to the population, from the poorest (1) to the least poor (10) sectors of society (percentage of resources)**

Sector	Resources (in US dollars)	Categories of beneficiary									
		1	2	3	4	5	6	7	8	9	10
Education	102 769 793	16.8	15	12	10.9	11.7	8.8	8.8	8.8	6.3	4
Water	32 559 350	18.2	14	14	10.5	10.8	7	7	6.9	6.5	2.3
Health	16 302 322	15.6	14	13	9.6	12	7.9	7.9	7.8	5.2	2.3
Rural roads	11 284 867	15.6	19	14	10.9	10.9	8.9	6.5	6.6	2.3	5.5
Micro-financing	3 890 501	8.2	7	9.8	10.5	7.5	14.1	7.7	14.1	7.6	13.6
Total	166 806 843	16.6	15	13	10.7	11.4	7.4	8.2	8.3	6.0	4.0

*Source:* Report of the Social Fund for Development, 2003, p. 2.

### **The Public Works Project**

334. Launched in 1996, this project was designed to achieve social development by improving educational and health services and helping to create permanent jobs. The first phase of the project (1996-2000) cost \$33 million, \$25 million of which was contributed by the State Development Authority; the remainder was funded by the Government. The importance of the project lies in its ability to strengthen the role of individuals and local organizations by involving communities in the identification of their own needs and priorities. A total of 435 projects were carried out in all basic services sectors, targeting communities in deprived areas. The projects generated a total of 64,000 jobs per month and benefited over 2.5 million persons.

335. The plan for the second phase of the Public Works Project (2000-2004) focused on local communities, developing grass root participation and increasing the allocations for this phase from \$60 million to \$115.7 million. As many as 980 new projects were carried out between 2001 and 2003, at a cost of over YRI 65 million; the educational sector took the lion's share, with 621 educational projects being implemented over the same period at a cost of YRI 39 billion. The projects benefited 9.6 million persons in over 5,021 villages and conglomerations in 20 governorates.

336. In the health sector, 84 health projects implemented in a number of governorates helped to improve the health situation in the target areas and significantly raised the standard of disease prevention services. The rate of child immunization against the deadly diseases, increased by 113 per cent, while the number of women vaccinated against German measles

rose by 35 per cent and the rate of immunization against hepatitis went up by 5 per cent. The project's contribution in this area concentrated on the construction of health centres and units to replace facilities in unsuitable or temporary locations, the restoration of some existing facilities, and coordination with some non-governmental organizations to assist the Ministry of Health in utilizing existing facilities.

337. In the water and agricultural sectors, which ranked second in terms of the numbers of projects implemented during the second phase, a total of 137 projects were carried out in different parts of the country. The stress was placed on creating drinking water reservoirs and other water collection facilities and extending networks, particularly in remote areas.

338. The project contributed to the implementation of road construction works and social, sanitation and environmental activities. Training centres for women and rehabilitation centres for disabled persons were established in different governorates and several sanitation projects were carried out. A total of 39 services projects were implemented.

339. In 2003 alone, 211 projects provided benefits, in different areas, to approximately 1.3 million persons, 715,000 of them women. Details are found in the following table:

Item	Activity	Number of projects	Number of beneficiaries of both sexes	Number of female beneficiaries
1	Education	113	574 000	321 000
2	Health	26	361 000	187 000
3	Water	20	92 000	56 000
4	Sanitation	7	7 000	4 600
5	Public baths projects (public hammams)	6	279 000	148 000
6	Agriculture	15	39 000	18 700
7	Roads	4	7 500	3 750
Total		311	125 950	710 050

### **The National Programme for the Development of Society and Productive Families**

340. This is a social safety net programme which was set up to provide training in income-generation activities for impoverished women, particularly those receiving assistance from the Social Welfare Fund. Between 1997 and 2003, the programme trained approximately 20,000 women for occupations such as sewing, home management and computing. The programme also created and refurbished a number of productive family centres.

### **Al-Amal Microcredit Bank**

341. This bank was established to offer cash loans to poor families which are able to set up income-generating activities, and to provide financial services to target groups and organizations engaged in poverty alleviation activities. The bank has capital holdings of \$5.5 million and will soon be open for business.

## **Social insurance**

342. The purpose of social insurance is to bring peace of mind and stability to workers and civil servants upon retirement or in the event of a work accident. Social insurance schemes are run by two main bodies: the Public Insurance and Pensions Agency, which specializes in insuring employees of the Civil Service and the private, and mixed economy, sectors, and the General Social Insurance Institute, which provides coverage for the private sector. Under the Social Insurance Act, all employees of the State and its economic sectors must be insured. An amendment made to a republican decree in 2000 created some additional allowances and raised the minimum pension to YRI 7,000. However, the purchasing power of the benefits given to pensioners and family survivors remains low and is insufficient to cover these persons' basic needs.<sup>58</sup> The Public Insurance and Pensions Agency acquired an additional 12,611 contributors, consisting of persons employed by the Civil Service, in 2003. This brought the total number of civil servants covered under the Social Insurance and Pensions Act, as at the end of the year, up to 474,879; the number of pensioners was 57,400.<sup>59</sup>

343. In the private sector, only a few individuals are insured. The Government undertook to expand insurance coverage for this sector in order to include 70,000 workers by 2005. While this is a small number, it shows the Government's seriousness about implementing the Social Insurance Act, particularly for private sector workers, and about protecting workers.<sup>60</sup> By 1 July 2003, the social welfare umbrella had been widened to cover the private sector and groups that had formerly been excluded, such as the self-employed, members of the liberal professions, employers, and workers in enterprises with fewer than five persons. As a result, the number of persons covered by the General Social Insurance Institute rose to 64,297, while the number of retirement pension recipients increased to 2,846.<sup>61</sup>

344. It should be mentioned that social insurance continues to exclude health insurance and that efforts need to be made to introduce health insurance for individuals.<sup>62</sup> The Ministry of Public Health and Housing drafted a health insurance bill which was submitted to the Cabinet and passed on to a board of international experts for an in-depth study of the scheme. In spite of its importance in alleviating the suffering of low-income groups, including State employees, the bill has run into difficulties that have delayed its adoption and implementation.<sup>63</sup>

## **Paragraph (e) (v): The right to education**

345. The right to education is a basic condition for the enjoyment of human rights and the promotion of mutual understanding, tolerance and friendship among all nations and all ethnic and religious groups. Moreover, education enables individuals to play a useful role in a free society.

346. Hence, article 54 of the Constitution stipulates: "Education is a right of all citizens which the State guarantees in accordance with the law by establishing schools and cultural and educational institutions at the compulsory basic stage. The State shall endeavour to

eradicate illiteracy and expand technical and vocational education. The State shall undertake, in particular, to care for the rising generation, protect it from delinquency, provide it with religious, academic and physical education and create the necessary conditions for the realization of its potential in all domains.” Article 88 of the Constitution states that basic education is compulsory and must be provided by the State free of charge. Article 81 of the Children’s Rights Act stipulates that the State must guarantee a free education in accordance with the laws in force.

347. Education in Yemen is largely regulated by the General Education Act No. 45 of 1992, which outlines the religious, national and pedagogical principles and precepts underpinning education. Education is not only a legitimate human right guaranteed by the State and provided to all children, but also a long-term investment in the human person and in development. The State strives to guarantee social justice and equality of educational opportunity and to take account of the socio-economic conditions which prevent some families from benefiting from their children’s right to education. Basic education is compulsory and free at all stages in accordance with the law. According to article 18 of the Act: “General education is the same for all students in the Republic of Yemen. It lasts for nine years, is compulsory, and takes in students from the age of 6 years.”

348. Since the delivery of basic education is one of the most important challenges which the Government faces, a number of policies and measures were adopted to expand basic education and improve its effectiveness. These measures included, in particular, the second five-year plan for 2001 to 2005, the national strategy for basic education for 2003-2015, the girls’ education strategy, the 1998 national strategy for the eradication of illiteracy and adult education in the Republic of Yemen, the Yemen Strategic Vision 2025, and the national poverty alleviation strategy for 2003-2005.

349. The above-mentioned strategies were designed to universalize basic education and restructure the educational system in such a way as to enable it to keep pace with scientific and technical changes and cater for the requirements of future development. Other objectives include guaranteeing education for girls, particularly in rural areas, eliminating the gender gap in education and improving the standard of general education.

350. The second five-year-plan was expected to improve educational indicators by the following means:

- Increasing the net admission rate in the first grade by around 12 per cent during the reference period.
- Bringing up the overall enrolment rate in basic education to reach 69.3 per cent for both sexes: 55 per cent for girls (with a focus on rural areas) and 82.4 per cent for boys.
- Raising the overall rate of enrolment at the secondary stage to 41.3 per cent.

### Projections for basic and secondary education

Indicator	2000/01			2005/06		
	Male	Female	Total	Male	Female	Total
Admitted to basic education	295 838	217 900	513 738	372 764	318 432	691 196
Admitted to secondary education	123 299	51 679	174 978	168 824	86 271	255 095
Enrolled in basic education	2 202 996	1 144 513	3 347 509	2 787 529	1 701 724	4 489 253
Enrolled in secondary education	314 613	128 608	443 211	436 360	226 849	663 209
Graduates of basic education	144 072	51 869	195 941	191 874	73 112	264 987
Graduates of secondary education	80 177	29 654	109 831	88 521	37 521	126 042
Basic education teachers	100 079	42 587	142 666	114 020	65 664	179 684
Secondary education teachers	20 301	5 228	25 529	30 049	7 759	37 808

*Source:* Second five-year plan, 2001-2005, p. 223.

351. According to the strategic vision for development of basic education, by the end of 2015, Yemen must have a basic education system that gives every Yemeni child between 6 and 14 years of age access to a high-quality basic education that is in tune with development needs and enables future generations to acquire the knowledge and skills to make them productive members of society with an active role in the realization of sustainable socio-economic development goals.

352. The most important outcomes which the implementation of the basic education strategy is expected to produce are described hereunder:

(a) Increasing enrolment in basic education to 95 per cent of the population in the 6-14 age group, meaning that, by 2015, approximately 8 million children will be enrolled in basic education, 3.5 million of them girls;

(b) Improving the quality of basic education;

(c) Developing the internal efficiency of the basic education system and increasing and diversifying its sources of funding.

353. The national strategy on education for girls helps to narrow the gender gap in education and to apply the principle of compulsory and free education.

354. The 2003 annual progress report on the national poverty alleviation strategy indicates that the rate of enrolment in basic education in 2003 was 67 per cent for both sexes, with the female enrolment rate reaching 53.7 per cent, as compared with target figures of 66 per cent and 50.4 per cent respectively. The rise in enrolment in basic education can be attributed to the expansion of basic education schools. The basic education expansion project saw the

construction of 317 new schools, the rehabilitation of 244 schools and the extension of a further 561 schools. A total of 399 new schools were furnished and fitted out with a range of equipment.

355. The annual progress report points to a fall in school dropout rates: a total of 272,768 students dropped out of school, 157,512 of them girls. This improvement can be ascribed to the implementation of programmes which encourage girls to continue their education by providing incentives in cash and in kind, raising social awareness, and deploying teachers to work in rural areas. The Ministry of Education issued a circular to all governorates instructing them to waive school fees for all boys and girls with social welfare cards. This initiative was taken in accordance with the provisions of the Social Welfare Act and its aim is to support the enrolment of children of poor families. The Ministry designed a new five-year school strategy aimed at encouraging girls to enrol in education and reducing dropout rates in the early years of schooling.

356. In 2003, a total of YRI 2,100 million was allocated for the basic education development strategy and work began on the fast stream initiative.<sup>64</sup> At the same time, the funds earmarked for education in the governorates were redistributed in accordance with the strategy's aim of increasing the allocations for basic education at the expense of the other branches by 10 per cent. Although the allocations for basic education were raised, the increase did not keep pace with rising admission and enrolment rates. Hence, more schools need to be built and several need to be rehabilitated in order to absorb all the children of school age and make up for the huge gap in preschool education.

357. Since no more than 212 private and community-based kindergartens cater for 15,304 children in as few as 15 governorates, the phenomenon of classroom overcrowding is obviously becoming a real and growing obstacle to efforts to improve the quality of education. This problem is exacerbated by the shortage of classrooms and the steady rise in the population growth rate.<sup>65</sup>

**Distribution of the population (aged 6-14 years) not enrolled in school,  
by age, sex and geographical area**

Geographical area	Urban area			Rural area			Total		
	Male	Female	Both sexes	Male	Female	Both sexes	Male	Female	Both sexes
6	46.7	42.5	44.8	64.2	75.4	69.6	60.5	69.0	64.6
7	16.6	21.9	19.3	36.8	55.6	46.1	32.8	48.8	40.8
8	7.5	9.2	8.3	23.2	46.5	43.2	20.3	38.8	29.2
9	5.5	9.4	7.4	16.7	44.2	30.7	14.1	36.7	25.4
10	5.7	7.8	6.8	17.0	42.4	29.3	14.1	35.2	24.8
11	5.8	7.8	6.8	12.1	43.4	26.3	10.7	33.8	21.6
12	7	13	10	14	51	32	13	43	27
13	10.1	16.0	12.9	17.4	59.3	37.8	15.7	50.0	32.3
14	13.9	20.7	17.5	20.8	67.3	43.9	19.3	55.0	37.2
Total	13.5	16.4	14.9	25.5	54.0	39.3	23.0	45.8	34.1

Source: Central Statistics Office, 2003.



**Distribution of government schools, by type of education, number of classes, and number of students**

Level	Basic				Secondary				Number of basic and secondary schools				Total			
	Number of schools		Students		Number of schools		Students		Number of schools		Students		Students		Total	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
Gover-norate	9 930	116 788	2 185 278	1 216 230	249	13 982	354 743	129 830	3 211	13 390	130 770	2 540 021	1 346 060	3 886 081		
2000/01	9 836	115 141	2 223 298	129 820	251	13 978	369 643	143 422	3 212	13 299	129 119	2 592 941	1 438 242	4 031 183		
2002/03	10 199	119 091	2 297 691	1 404 880	280	14 610	381 680	158 245	3 056	13 555	133 701	2 679 371	1 563 125	4 242 496		

**Total number of students in basic education classes, number of classes per governorate, 2002/03**

Classes	1st grade			2nd grade			3rd grade			4th grade			5th grade		
	Males	Females	Classes	Males	Females	Classes	Males	Females	Classes	Males	Females	Classes	Males	Females	Classes
	Gover-norate	337 483	244 926	17 132	290 184	204 897	16 224	275 368	170 370	15 674	271 438	150 229	15 179	248 859	121 349
2000/01	358 307	265 510	16 759	302 248	212 228	15 936	277 740	188 510	15 540	264 616	155 952	14 747	250 083	133 691	14 060
2002/03	379 261	285 726	17 858	320 320	232 331	16 558	293 133	200 131	15 846	271 823	175 770	15 113	250 477	141 865	14 165

**Total number of students in basic education attending community schools, by governorate, grade and gender, 2002/03**

Classes	1st grade			2nd grade			3rd grade			4th grade			5th grade		
	Males	Females	Classes	Males	Females	Classes	Males	Females	Classes	Males	Females	Classes	Males	Females	Classes
	Gover-norate	188	6 817	4 654	188	6 026	3 837	190	5 099	3 153	187	4 828	2 720	176	4 345
Total	188	6 817	4 654	188	6 026	3 837	190	5 099	3 153	187	4 828	2 720	176	4 345	2 298

**Paragraph (vi): The right to equal participation in cultural activities**

358. The right to participation in cultural life is guaranteed by law. Every citizen is entitled to participate in cultural life and the State guarantees freedom of thought and of oral, written and pictorial expression within the limits set down by law.<sup>66</sup> Article 24 of the Constitution requires the State to guarantee equal access to cultural activities and the State guarantees equality of opportunity to all citizens in the cultural domain and issues laws towards that end. Under article 27 of the Constitution, the State must guarantee scientific research and literary, artistic and cultural production in keeping with the spirit and the aims of the Constitution. It must provide the means by which this is achieved, fully promote the sciences and the arts and encourage and protect the products of scientific, technical and creative innovation. These rights are strengthened by other legal provisions and articles contained in the Intellectual Property Protection Act No. 19 of 1994, concerning the protection of individuals and society and enjoyment of the products of cultural, scientific and creative activities of all kinds.

359. Since culture plays an important part in shaping Yemeni identity, preserving Yemen's cultural authenticity and heritage and promoting dialogue with, and a spirit of openness towards, the outside world, the legislation and government policies adopted in this domain are geared towards raising cultural and artistic standards, improving awareness of Yemeni identity, heritage and values, involving the private sector in investing in culture, arts and handicrafts, and selling projects at fairs and exhibitions held at home and abroad.

360. Yemen's physical and non-physical cultural heritage is particularly diverse. The physical heritage encompasses a number of sectors, primarily heritage sites, museums - there are 21 national museums - and manuscripts. The Manuscripts Museum in Sana'a contains a collection of Koranic parchments which date back to the first three centuries after the *hijrah* [the year when the Prophet and his followers left Mecca for Medina]. It houses 15,000 fragments of parchment and 800 manuscripts. There are over 100 illustrated manuscripts, in addition to 10,315 handwritten tomes. Al-Ahqaf Library in Tarim contains approximately 6,000 handwritten tomes. There are also a number of other private libraries with numerous manuscripts.<sup>67</sup> The physical heritage also includes historical cities. Yemen has an unrivalled array of cultural sites whose richness and diversity fill visitors with wonder.<sup>68</sup>

361. The non-physical cultural heritage is also highly diverse, and includes music, dialects, oral literature, traditional knowledge, customs and traditions, contemporary theatre, books and crafts. (They are too numerous and varied to be described in this section.)

362. On the cultural scene, there are also eight cultural institutions and centres belonging to the Ministry of Culture; 106 civic and private cultural institutions and centres, 42 publishing houses, and 48 prints works, not to mention public libraries and cinemas.

363. In 2003, cultural centres were set up in Mahrah and Si'yun. Maintenance and repairs were done to national cultural centres, museums and archaeological sites. Cultural laws were revised in the context of the Government's bid to join the World Trade Organization; a bill on author's rights and related rights was drafted and a regulation on artistic production was prepared and submitted to the Cabinet. The text is being finalized.

364. A total of 28 cases relating to intellectual property rights were processed. Seventeen rights certificates were issued and 62 artistic contracts involving intellectual property rights issues were registered.

365. Yemen's cultural policy is spelt out in the goals of the comprehensive plan for Yemeni culture, established in 1990, the State's five-year plans and national poverty alleviation strategies, and, finally, the national strategy for culture and national development, which establishes the broad parameters for cultural development in Yemen and aims at stepping up national activities to protect the physical and non-physical heritage. The aims of the strategy are as follows:

- To protect the cultural identity and give expression to the Arab and Islamic character.
- To bring about cultural renewal and intellectual development.
- To build cultural capacities.
- To establish and develop an infrastructure for cultural activities.
- To keep pace with technical, scientific and information technology developments.
- To protect and promote Yemeni creativity.
- To develop crafts and trades.

**Paragraph (f): The right of access to public facilities**

366. The legal position on this paragraph was explained in the previous report.

**Article 6**

**The right to have recourse to national tribunals and other institutions and the right to seek reparation**

367. The independence of the judiciary is an essential goal, if justice is to be achieved in society. The judiciary in Yemen operates independently of the legislative and executive authorities, in accordance with the principle of the separation of the three powers. Article 149 of the Constitution states: "The judiciary is an authority that enjoys judicial, financial, and administrative autonomy, and the Department of Public Prosecutions is one of its organs. The courts adjudicate all disputes and offences and judges are subject, in their judgements, to no authority other than the law. There can be no interference from any quarter in judicial cases or matters. Such interference is a criminal offence which is not time-barred from prosecution." Here, we can see that the text includes a number of constitutional rules designed to strengthen and give practical expression to the notion of the independence of the judiciary.

368. The previous report explained the legal provisions which give citizens the right, without discrimination, to have free recourse to tribunals. Any law enforcement officer who violates a person's human rights according to the Criminal and Penal Code and other prevailing laws shall face administrative proceedings. Disciplinary procedures are taken against such persons by a disciplinary board which must try them in accordance with articles 99 and 101 of the Police Authority Act.

369. These procedures do not, however, prejudice the right of a victim of discrimination to file a complaint with State bodies and to seek redress before the courts. Yemeni laws guarantee every citizen the right to lodge a complaint with State bodies and institutions and to have access to reparation whenever they wish.<sup>69</sup> This is affirmed in article 5 of the Criminal and Penal Code, which states: "The penalties prescribed in the present Code shall be without prejudice to the duty of parties to make restitution and reparation." In addition, article 43 of the Code stipulates: "Anyone who suffers injury arising from a criminal offence may bring civil proceedings before the criminal courts in order to obtain criminal compensation, regardless of its value. Such proceedings shall be heard in conjunction with the criminal case." Other legal provisions grant victims of discrimination the right to bring criminal proceedings and to obtain appropriation reparation.<sup>70</sup>

370. As recognition of the importance of supporting the independence of the judiciary, the Government adopted a judicial reform plan in 1997. It established a detailed timetable for implementation of the plan, in 2001-2002, as contained in Cabinet Decision No. 262 of 2001. The features of this reform began to become clear with the implementation of constitutional and legal provisions on the independence of the judicial authority, the independence of judges' work and the prohibition on any interference by natural or legal persons in the work of judges and the judiciary. Cabinet Decision No. 161 of 2001, concerning proceedings against anyone who interferes in judicial affairs, reflects the efforts being made to support the independence of the judiciary.

371. With reference to paragraph 15 of the concluding observations of the Committee on the Elimination of Racial Discrimination,<sup>71</sup> although there are no specific figures on cases of racial discrimination, we can provide some key statistics and data about citizens' complaints during 2001-2003 and the efforts made by the Judicial Inspection Authority to address them.

- The Judicial Inspection Authority received a number of complaints of different kinds from citizens. A total of 2,339 complaints were examined at public hearings with the Minister of Justice and 2,025 notes on them were sent to the courts in 2002. In 2003, 296 complaints were lodged against judges of courts of first instance and appellate divisions. Field investigations were carried out into 52 complaints and the results were transmitted to the presidency of the Judicial Inspection Authority. A further 10,070 complaints were received by the General Complaints Department between 2001 and 2003. Some were passed on to the competent authorities so that legal proceedings could be initiated. In other cases, complainants were advised on the proper procedures to be taken.

- A number of field inspections were made to domestic courts, to investigate complaints, to make unannounced inspections or to conduct regular inspections. Out of a total of 97 visits, 75 involved the investigation of complaints, 13 were surprise inspections and a further 10 were regular inspections. The Judicial Inspection Authority looked into several complaints, either in the field or at its offices, and uncovered some cases of judicial misconduct and negligence. A total of 21 cautions were issued to the judges concerned in 2001.
- In 2001, a number of judges were summoned to the Authority to answer complaints brought against them by citizens. A total of 41 summonses were issued that year.
- A comprehensive plan of regular and surprise inspections for 2002 was drawn up and adopted. The first phase of the plan was implemented in February 2002 with inspections being made at courts in the district of Sana`a, the city of Sana`a, and Jauf, Amran, Hajjah and Sa`adah. Field inspection committees began implementing the second phase in May 2002, inspecting courts in the governorates of Ibb, Dali`, Ta`izz, Hudaidah, Mahwit, Shabwah and Ma`rib. In 2003, the Judicial Inspection Authority implemented the third phase, focusing on the activities of judges in all courts of first assistance. A supplementary plan was prepared for those whose work had not been inspected during the three phases. The supplementary plan was extended until 2005.
- In 2001, the Judicial Inspection Authority drew up an inspection plan to examine the work of judges and assistants with a below-average performance rating. The task was completed and a total of 58 judges and assistants were subjected to judicial inspection.

## **Article 7**

### **Teaching**

372. With a view to creating a human rights culture among schoolchildren, in 2004, the Ministry of Human Rights, in cooperation with the Ministry of Education and the Radda Barnen organization, implemented the first ever awareness programme for students attending schools in Sana`a. The programme focused on the Universal Declaration of Human Rights, international conventions and laws on children's rights, child protection measures, and the domestic agencies which protect human rights and teach the rising generation the values of charity and tolerance and the principles of equality. The State's objective is to incorporate human rights - especially as they relate to children's rights - into academic curricula so that the rising generation is taught the noble principles underpinning these rights.

373. On 19 September 2004, the Ministry of Education, in conjunction with the Yemeni Institute for Democratic Development, held elections for positions as classroom leaders. The elections were held by secret, free and direct ballot in all schools throughout the Republic and the process gave schoolchildren wide scope to freely express their opinions and aspirations. On that occasion, at 7.30 a.m. on the day of the election, the President of the Republic delivered a

speech that was broadcast across the ether to all schools in the Republic. He recalled the importance of the experiment as a new beginning that would include all civil society and State actors and institutions, particularly educational establishments, in efforts to teach the public basic awareness of democratic values and concepts. In April 2004, 30,000 children took part in the second round of elections for 31 seats in the Children's Parliament and for an additional 4 seats for representatives of deaf and profoundly deaf children, children with disabilities, orphans, and marginalized children. The idea of creating a parliament is a positive one that helps to teach children the basic concepts and principles behind the democratic process.

## **Education**

374. The noble aims of educational legislation and educational principles are spelled out in the document entitled: "General principles for general education curricula". That document deals with such topics as the philosophy of education, the principles and foundations of educational policy in the Republic of Yemen, the aims of the educational system and the overall objectives of academic curricula.

375. In order to determine the extent to which human rights principles and concepts are embodied in the document, one must examine its main principles and objectives as follows:

### **(a) The philosophy of education**

This philosophy is based on numerous humanitarian concepts such as:

- Respect for the dignity and ideas of human beings and encouraging their thirst for knowledge, creativity and inventiveness (para. 3).
- Citing Arab, Islamic and humanitarian ideals of noble character, including respect for human rights and dignity, etc. (para. 4).
- Affirming the right of all Yemeni children - in the framework of justice and equality of opportunity - to exercise their rights and benefit from their country's resources and the public services provided by the State (para. 7).
- Affirming respect for individual freedom and dignity, highlighting the importance of the brotherhood of man, and raising awareness of world cultures and civilizations in keeping with the noble aspirations of the Yemeni people (paras. 15 and 16).
- Emphasizing concern for humanitarian issues and the principles of justice, equality, world peace and mutual respect among peoples and States (para. 17).
- Affirming the importance of a sound family upbringing and of respect, mutual affection and solidarity (paras. 18 and 19).
- Paying attention to the different aspects of the human personality and the development and refinement of the human personality (para. 20).

- Combating negative phenomena such as fanaticism based on doctrinal, regional, denominational, tribal, family and political party affiliations (para. 26).
- Guaranteeing individual needs and emphasizing the importance of political, cultural and social participation in the context of democracy and constitutional principles (para. 31).

**(b) Principles of educational policy**

Emphasis is placed on the following concepts:

- Linking education to development and the principle of diversification in education, research and scientific planning (paras. 1, 2 and 3).
- Emphasizing equitable distribution of educational services and resources among the governorates and provinces; providing free education at all stages and making basic education compulsory; ensuring that families utilize their children's right to education; providing health care at schools of different stages (para. 4).
- Emphasizing the development of all aspects of the personality and of scientific thought, critical analysis, participation and dialogue, as well as the development of society and the State; paying attention to the education of girls and reducing the many obstacles to their enrolment in education (paras. 5-6, 10, 12, and 15).

**Culture**

**Training and information (dissemination of human rights principles)**

376. Various State organs and civil society organizations have adopted a policy of continuous training and awareness-raising for members of the judiciary, the Department of Public Prosecutions and the police on all aspects of human rights, together with the duties of law enforcement officers towards suspects and detainees during arrests, investigations and trials and the execution of penalties. The purpose is to combat racial discrimination by raising the level of awareness among both the public and State organs of the law and rights.

377. The Ministry of Human Rights has organized numerous human-rights awareness seminars for senior police officers and members of the Department of Public Prosecutions to inform them of the rights of the accused vis-à-vis the police. In particular, a seminar was held to provide human rights training and education to police station chiefs and their deputies, political security and criminal investigation officers, members of the Department of Public Prosecutions, military intelligence officers and military police officers throughout the governorates. Special emphasis was placed on the rights of the accused, in order to avoid potential violations arising from ignorance of due process during arrests, investigations and interrogations. The seminar also focused on the principle of the primacy of the law and respect for human rights in Yemen and dealt with the following topics: the human rights of the accused

and the penalties prescribed by Yemeni law and international law for violating such rights. The Ministry has published several books on these subjects and distributed them among police and security academies.

378. Several workshops have been held, including a special workshop for members of the House of Representatives and the Advisory Council and a workshop on human rights and the police which was attended by a total of 30 representatives of the judiciary, the Department of Public Prosecutions and the Ministry of the Interior. The topics discussed included: the legal and moral codes by which the police are bound; the provisions prohibiting torture, discrimination and abuse; provisions on private rights; and numerous humanitarian and legal first principles. In addition, several seminars and workshops have been and are being run by the Ministry of Labour, the Ministry of the Interior and non-governmental organizations. Of these, the most important were the police training workshops run by the Human Rights Information and Training Centre from 1998 to 2003. The others are too numerous to mention here.

379. At the same time, the State trains judges and members of the Department of Public Prosecutions as the persons primarily concerned with these laws and with safeguarding human rights. It endeavours to expand their theoretical and legal knowledge and to develop their capacities.

380. Different laws are taught in conjunction with subjects relating to security and police work at these schools and academies, including the Police Academy,<sup>72</sup> where students undertake intensive study of legislation and laws, including those on human rights. Indeed, the curriculum on this topic and the procedures and measures outlined therein on the prohibition of torture are studied in greater detail. This topic is considered a core subject in the course of study offered at the Police Academy, and students must therefore study it, using the Academy's book on human rights, which was specially written for the purpose.

381. With regard to instruction and awareness-raising via the media, there are numerous informational and journalistic programmes and publications designed to improve legal awareness by providing guidelines and advice on human rights and the prohibition of torture. These materials are disseminated to law enforcement and crime prevention officers and to the general public. The latter are informed about their rights and the ways of guaranteeing and defending them. The Ministry of Human Rights helped to design awareness programmes for senior police officers and police officers, as well as a number of training courses and a special book, which is studied at faculties of law. Other ways of conveying information are provided through the television and radio programmes produced by the Public Relations Department of the Ministry of the Interior and through press publications.<sup>73</sup> The Ministry of the Interior also publishes a specialized magazine called "Juridical Affairs".

382. In addition, the information strategy set out in the second five-year plan focused on a number of themes which affirm democratic values, promote public freedoms and human rights, go hand in hand with the economic liberalization process and are an important indicator of the extent to which the country's policymakers are aware of the importance of using information to



combat all forms of racism. The focuses described hereunder illustrate the credibility of this approach: the second section of the five-year plan, which deals with information, states that information policy is shaped around the following focuses:

- (a) Ensuring respect for human rights; furthering democracy and promoting public freedoms;
- (b) Increasing awareness of the outside world in a manner consistent with the humanitarian values of the noble Islamic religion;
- (c) Participating in national action and contributing to efforts to combat doctrinal and regional disputes and to promote constructive political action.

### Notes

<sup>1</sup> Paragraph 1 of the section on the responsibilities and functions of national institutions.

<sup>2</sup> Paragraph 3 (a), concerning the competence and responsibilities of national institutions, paragraph 2, concerning their methods of operation, and paragraphs 3 and 4 of the additional principles.

<sup>3</sup> See paragraph 3, subparagraphs (a) (i), (b) and (c), concerning the competence and responsibilities of national institutions.

<sup>4</sup> Paragraph 3, subparagraphs (a) (iii), (b), (c), (d), and (e), concerning the competence and responsibilities of national institutions.

<sup>5</sup> See paragraph (g) of the section on the methods of operation of national institutions.

<sup>6</sup> See paragraph 3 (g), concerning the competence and responsibilities of national institutions.

<sup>7</sup> All these and other reports can be found on the website of the Ministry of Human Rights at the following address: [www.mhryemen.org](http://www.mhryemen.org).

<sup>8</sup> All reports and official comments can be found on the Ministry's website: [www.mhryemen.org](http://www.mhryemen.org).

<sup>9</sup> Dr. Fouad al-Salahi, "Analytical study of the situation of Yemeni civic organizations in the light of the new law", p. 9.

<sup>10</sup> Op. cit., p. 15.

<sup>11</sup> Article 41 states that all citizens have equal public rights and duties, while article 42 fleshes out these rights and duties by stating that all citizens have the right to contribute to political, economic, social and culture life and that the State guarantees freedom of thought and of spoken, written and pictorial expression within the limits of the law.

<sup>12</sup> Article 5 of the Code of Criminal Proceedings stipulates: “Citizens are equal before the law and no one may be punished or harmed on account of his nationality, race, origin, language, beliefs, occupation, level of educational attainment, or social status.”

<sup>13</sup> Constitution of the Republic of Yemen, art. 7.

<sup>14</sup> Op. cit., art. 12.

<sup>15</sup> Op. cit., art. 24.

<sup>16</sup> Op. cit., art. 25.

<sup>17</sup> Op. cit., art. 102.

<sup>18</sup> Op. cit., art. 125.

<sup>19</sup> Op. cit., art. 137.

<sup>20</sup> “Recommendations of the joint meeting of the House of Representatives and the Advisory Council which approved, at its session held on 6 January 2002, the second five-year plan for economic and social development (2001-2005)”, *The Five-Year Plan for Economic and Social Development*, part III, p. 265.

<sup>21</sup> HURIST is a pioneering programme run by UNDP in association with OHCHR in several countries throughout the world.

<sup>22</sup> Poverty alleviation strategy, 2003-2005.

<sup>23</sup> See Republic of Yemen, Ministry of Planning and Development, “Poverty alleviation strategy (2003-2005)”, p. 129, reference 1605.

<sup>24</sup> See A. Huda Ali Ahmad, “Legislation and welfare institutions for disabled persons in the Republic of Yemen”, p. 9; working paper submitted by the Ministry of Social Affairs and Labour to the First Regional Conference on Disability held by the Arab Institute for Human Rights, Sana`a, 11-13 October 2002.

<sup>25</sup> See “The role of the prosthetics and naturopathy centre in health care”, p. 3, a working paper submitted by the Prosthetics and Naturopathy Centre to the First Regional Conference on Disability held by the Arab Institute for Human Rights, Sana`a, 11-13 October 2002.

<sup>26</sup> Constitution, art. 48.

<sup>27</sup> Code of Criminal Procedures No. 13 of 1994, art. 5.

<sup>28</sup> Op. cit., arts. 7 (1), 14 and 173.

<sup>29</sup> Op. cit., art. 37.

- <sup>30</sup> Criminal and Penal Code, arts. 166-169 and 246.
- <sup>31</sup> Code of Criminal Procedures, arts. 76-77, 105, 169, 176, 189-191 and 196.
- <sup>32</sup> Constitution, arts. 49 and 51; Code of Criminal Procedures, arts. 8-9, 193 and 532.
- <sup>33</sup> Constitution, art. 149.
- <sup>34</sup> Book of general instructions issued to the Department of Public Prosecutions on the implementation of articles 2-3, 8-9, 30, 44, 62-64 and 69 of the Code of Criminal Procedures.
- <sup>35</sup> The fifth paragraph of the concluding observations of the Committee on the Elimination of Racial Discrimination on our country's previous report states: "the Committee welcomes General Electoral Act No. 27 of 1996, including its amendments of 1999, and the Political Parties and Organizations Act recognizing fundamental freedoms, including political and party pluralism".
- <sup>36</sup> The Government introduced a new investment act, namely, Act No. 22 of 2003. The legal articles mentioned in the previous report of the Investment Act No. 14 of 1995 have not been repealed.
- <sup>37</sup> Working paper entitled: "Freedom of association-a comparison of Yemeni law with international standards in human rights treaties", Dr. Salahudin Hidash, from a series of working papers produced by the symposium on the future of civic action in Yemen held at Sana'a on 18-19 October 2004.
- <sup>38</sup> Constitution, art. 5.
- <sup>39</sup> Op. cit., art. 58.
- <sup>40</sup> Civic Associations and Institutions Act No. 1 of 2001, art. 2.
- <sup>41</sup> Prime Ministerial Decree No. 129 of 2004, art. 2, concerning the implementing regulation for the Civic Associations and Institutions Act.
- <sup>42</sup> Civic Associations and Institutions Act, art. 24.
- <sup>43</sup> Implementing regulation of the Civic Associations and Institutions Act, art. 26.
- <sup>44</sup> In order to lessen the recessionary impact of the economic stability and structural reform policies introduced in 1995, the State established a series of programmes and procedures with the overall aim of creating job opportunities for the poor and the unemployed; expanding work opportunities for poor women in rural and urban areas; and creating training and rehabilitation opportunities for disabled persons and women. This was to be achieved through four main programmes, namely, the Public Works Project, the Social Fund for Development, the Micro-Enterprise Development Unit, and the National Productive Families Programme.

<sup>45</sup> The current educational status of workers points to a clear shortage of intellectual and technical skills. Forty-eight per cent of persons in employment (37 per cent of males and 83 per cent of females) are illiterate. Some 66.2 per cent of unemployed persons are illiterate; this is an indicator of just how many persons drop out of school and try to enter the labour market each year. This category of unemployed persons has great difficulty in integrating into the labour market, because they do not have the qualifications required by the market and new job opportunities. This in turn increases the scale and rate of unemployment.

<sup>46</sup> The unemployment rate among women is 8.2 per cent, as compared with 12.5 per cent for men.

<sup>47</sup> Labour Code No. 5 of 1995, as amended, art. 151.

<sup>48</sup> Trade Unions Act No. 35 of 2002, arts. 14 and 34.

<sup>49</sup> *Op. cit.*, arts. 8 and 10.

<sup>50</sup> Labour Code No. 5 of 1995, as amended, art. 151, para. 2.

<sup>51</sup> Trade Unions Act, art. 41.

<sup>52</sup> *Op. cit.*, art. 68.

<sup>53</sup> Trade Unions Act, arts. 40-43.

<sup>54</sup> General statistics on non-governmental organizations as at 31 December 2003, Ministry of Social Affairs and Labour.

<sup>55</sup> Providing easy access to basic health services for over 85 per cent of the population of Yemen is a binding strategic goal, as stated in the population policy goals for the period 2001-2020, especially taking into account the fact that the total number of functioning hospitals for the period 2001-2003 fell to 68 in 2003 from 74 in 2001 and 2002, while the total number of rural hospitals as at 2003 was 112. The patient/doctor ratio rose from 4,447 patients per 1 doctor in 2002 to 6,372 in 2003.

<sup>56</sup> As stated in paragraph 3 of the concluding observations which the Committee on the Elimination of Racial Discrimination adopted pursuant to its consideration of our country's eleventh, twelfth, thirteenth and fourteenth periodic reports: "The Committee welcomes the recent developments in the State party with regard to human rights, in particular the measures of social welfare undertaken by the State party to improve the living conditions of marginalized individuals and groups."

<sup>57</sup> 2003 Annual report of the Social Fund for Development.

<sup>58</sup> Yemeni Centre for Strategic Studies, Yemeni Strategic Report, pp. 164-165.

- <sup>59</sup> The Government, in the context of its second five-year plan (2000-2005), made efforts to increase the number of recipients of retirement pensions disbursed by the Authority to 60,857.
- <sup>60</sup> Yemeni Centre for Strategic Studies, Yemeni strategic study, p. 165.
- <sup>61</sup> In the context of the second five-year plan (2001-2005), the Government made efforts to increase the number of retirement pension recipients to 7,199.
- <sup>62</sup> Dr. Mohammed al-Afendi, “A study of poverty eradication indicators in the Social Safety Net Programme of the Republic of Yemen”, *Journal of Contemporary Affairs*.
- <sup>63</sup> Poverty alleviation strategy, first-year progress report, p. 63.
- <sup>64</sup> This initiative was designed by the Ministry of Education to implement the basic education strategy and alleviate poverty as a means of achieving the goal of education for all. A number of projects were set up in areas such as internal efficiency, justice, institutional capacity-building, etc.
- <sup>65</sup> Annual progress report on the poverty alleviation strategy.
- <sup>66</sup> Constitution, art. 42.
- <sup>67</sup> National strategy for culture and cultural development, pp. 8-10.
- <sup>68</sup> Op. cit., p. 10.
- <sup>69</sup> Constitution, arts. 48 and 51.
- <sup>70</sup> Code of Criminal Proceedings, arts. 44, 47-48, and 55.
- <sup>71</sup> Paragraph 15 of the Committee’s concluding observations states: “With regard to the right to equal treatment before the courts, the Committee notes the absence of information in the report on cases relating to racial discrimination. It recommends that the State party include in its next periodic report specific information on any such cases.”
- <sup>72</sup> In addition, there is the Higher Institute for Officers, the Police Training School and the Special Institute for Police Officers.
- <sup>73</sup> No Arab country - except for Yemen - has a weekly newspaper called “The Police”. They merely have weekly magazines. The public relations department of the Ministry of the Interior publishes a weekly newspaper “The Guard” in addition to a magazine called “Guards”.