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

**Initial reports submitted by States parties under
articles 16 and 17 of the Covenant**

Addendum

YEMEN

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CONTENTS

| | <u>Paragraphs</u> | <u>Page</u> |
|--|-------------------|-------------|
| Introduction | 1 - 11 | 3 |
| Article 1. Right of self-determination | 12 - 14 | 6 |
| Article 2. Obligations of State parties | 15 - 34 | 7 |
| Article 3. Equal legal rights of men and women | 35 - 49 | 12 |
| Article 4. Limitations | 50 - 57 | 19 |
| Article 6. The right to work | 58 - 90 | 21 |
| Article 7. The right to enjoy just and favourable conditions of work | 91 - 96 | 27 |
| Article 8. The right to form and join trade unions | 97 - 102 | 29 |
| Article 9. The right to social security and social insurance | 103 - 112 | 30 |
| Article 10. Protection and assistance for the family | 113 - 130 | 34 |
| Article 11. The right to an adequate standard of living | 131 - 135 | 39 |
| Article 12. The right to enjoyment of the highest attainable standard of physical and mental health | 136 - 150 | 41 |
| Article 13. The right to education | 151 - 155 | 47 |
| Article 14. The right to compulsory primary education free of charge | 156 - 164 | 49 |
| Article 15. The right to take part in cultural life and enjoy the benefits of scientific progress | 165 - 166 | 51 |
| References | | 53 |

Introduction

1. Particular importance is attached to the basic provisions of the International Covenant on Economic, Social and Cultural Rights and to the Vienna Declaration and Programme of Action, in which the measures to be adopted by Governments with a view to practical fulfilment of their international legal obligations at the national level are discussed, together with the fundamental importance of drafting legislative measures and providing for judicial remedies. Equally important is the requirement to implement the provisions of the Covenant by means of national legislative enactments which are consistent with the stipulation that provisions of domestic law may not be invoked as justification for failure to implement a treaty. The Covenant stipulates the adoption of legislative measures in cases where existing legislative enactments contravene the obligations of which fulfilment is undertaken thereunder. Emphasis is laid on implementation of the Limburg Principles, paragraph 19 of which stipulates that "States parties shall provide for effective remedies, including, where appropriate, judicial remedies." Reliance is therefore placed in the existence of such laws and remedies as are required at the national level.

2. The national and local judiciary should be positively regarded as a mechanism for furthering the course of national law. Moreover, the interpretation and application of national law in a manner consistent with the provisions of international human rights instruments ratified by the State should be guaranteed. From the perspective of international law, it is an essential principle that courts must avoid placing Governments in a position that breaches the provisions of any international treaty which they may have ratified and which additionally require the formulation of national legislation and appropriate national standards and norms in conformity with the rights enunciated in the International Covenant on Economic, Social and Cultural Rights. Furthermore, means of lodging legal complaints in connection with rights must be available.

3. On those premises, the Yemeni Government is both committed to and aware of the importance of the provisions of the Covenant, which was adopted and opened for ratification by a resolution of the United Nations General Assembly on 16 December 1966 and ratified by Yemen on 16 November 1986.

4. The preamble to the Covenant states that all members of the human family have equal and inalienable rights which derive from the inherent dignity of the human person, who enjoys his economic, social and cultural rights, as well as his civil and political rights. The main substance of the provisions and articles of the Covenant stresses the need to:

- Ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant and promote the general welfare in a democratic society;
- Ensure a decent living for workers and devote attention to the provision of safe and healthy working conditions;

- Recognize the right to work, including the right to work which is freely chosen, and to develop the programmes needed to achieve realization of that right and the enjoyment of just conditions of work which ensure equal remuneration for all workers without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
- Ensure equal opportunity for everyone to be promoted in his employment on the basis of seniority and competence, as well as determine working hours, periodic holidays and other ways and means of ensuring the principle of equality of work for both sexes;
- Ensure the right of everyone to form and join trade unions and the right to establish federations and organizations;
- Recognize that the widest possible protection and assistance should be accorded to the family in order to facilitate the care and protection of dependent children;
- Recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions;
- Recognize the right of everyone to the enjoyment of the highest attainable standard of mental health, education, higher education and to take part in cultural life;
- Recognize the right of everyone to enjoy the benefits of social security, including social insurance;
- Recognize that marriage must be entered into with the free consent of the intending spouses and that no one may be compelled to marry;
- Recognize that special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits;
- Recognize that special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law and employment age limits should be set.

5. The provisions of the Covenant in its overall context thus specify the legislative and legal arrangements and measures required for fulfilment of the obligations provided for in its first 15 articles, which enshrine the international standards for human rights. The Covenant goes hand in hand with various other international treaties and conventions dealing with subjects such as women's rights, the right of the child, employment rights, the rights of disabled persons and the rights of the aged.

Implementation of the provisions of the Covenant at the national level

6. The Government of the Republic of Yemen recognizes the importance of the International Covenant on Economic, Social and Cultural Rights, which represents a major international legal framework for the protection of human rights. It acquired binding legal force on the ratifying States following its entry into force on 3 January 1976 and by 1996, it had been ratified by 122 States, each of which made a voluntary undertaking to implement its provisions.

7. The implementation of the provisions of the Covenant can be demonstrated by the extent to which the application processes have been accommodated, initially in the context of general legislative and legal measures and the legal provisions contained in a number of specific laws dealing with the economic, social and cultural rights covered under the provisions of the Covenant.

8. Various legal articles and provisions have been developed to harmonize consistently with economic and social rights, in accordance with the commitment to formulate general policy arrangements and legal measures which accommodate the legislative requirements stipulated in the provisions of the Covenant. Those provisions have been further reflected in the process of transforming the principles which they articulate into plans and programmes of action and national legislative enactments. These legislative and legal frameworks are continuously reviewed and the programmes are periodically assessed in the light of their practical application. The other frameworks are related to the importance of creating appropriate mechanisms to carry out the tasks of recording, monitoring, follow-up and assessment in order to guarantee the implementation of these laws and their translation into programmes of action.

9. This report aims to provide answers concerning the practical levels of application of the provisions of the Covenant, based on the fundamental elements, principles and procedures which the Republic of Yemen used as a starting point in putting into practice its obligations to implement the articles of the Covenant. In that regard, it took into account the resolutions and recommendations of international conferences, particularly those of relevance to the Covenant, such as the Fourth World Conference on Women. Such resolutions and recommendations have now been implemented either in the context of the State's overall plan or in that of the sectoral action programmes of government institutions and non-governmental organizations with a view to strengthening and promoting those areas of social, economic and cultural development which stem from the principles of the Constitution, from the political and economic principles of the national system and from the development strategy and policies adopted.

10. These points of departure concur with the Government's position in regard to the obligations stipulated by the provisions and principles of the Covenant in a manner consistent with its political, economic, social and cultural system, with its economic and social capacities and with its own outlook on the horizon.

11. Specific details concerning the areas of application of the provisions of the Covenant follow below.

Article 1. Right of self-determination

12. In regard to social matters, the Constitution covers the rights and duties of citizens, stipulating as it does that citizens are guaranteed the right of self-determination, as stated in both general and particular legislative provisions. These provisions have already been discussed in connection with previous subjects contained in this report, as the Constitution encompasses these rights and duties of citizens within the scope of social, economic and cultural matters. The criteria for social integration, which promotes Yemeni society in its self-determination, are derived from the Constitution. Under the laws in force, in particular the General Elections Act No. 13 of 2001, Yemeni citizens of both sexes, without distinction, are accorded the right to vote and stand as electoral candidates, meaning that both men and women are considered to have full legal competence. The legislature is aware that there are considerable administrative, organizational and social obstacles which may hamper any individual's enjoyment of the right to self-determination and to elect representatives of the people, particularly where the participation of women is concerned. Special provision has therefore been made to encourage women to exercise their full voting rights by taking every practical measure that will help to turn the provisions of this law into a practical reality, thereby emphasizing the right of citizens to strive for freedom in both the short-term and the long-term in the interests of successful economic, social and cultural development by engaging in economic, social and cultural activities of a charitable, voluntary, occupational or creative nature. Sometimes, however, social and cultural practices based on social values and prevalent cultural traditions have an adverse impact on the effective contribution made to the economic and social development process by groups such as disabled or disadvantaged women and socially marginalized groups, such as the disabled, the elderly and domestic servants, a situation which is attributable to social factors and causes, primarily:

- Poor social awareness of the rights and needs of these groups, such as their right to equality and the right to determine their choices in life;
- The difficult economic conditions in which they live;
- The rigid social and economic customs and traditions imposed on them by such a life;
- The high rate of literacy among their members;
- The inability of social, economic and cultural institutions to cater to the needs of these groups, which vary according to their family and social circumstances, whether in urban or rural areas.

Adopted policy measures aimed at changing social and cultural patterns

13. The Government is aware of these difficulties and obstacles, which demand a change in the present circumstances of citizens in every group and sector, such as young people, women, disabled persons and children. With a view to meeting future challenges, it therefore assumed that task of effecting change within the context of the national strategy and action plan on

population and the sectoral and specific strategies of government institutions, which it began to put into practice in a bid to improve the status and conditions of these groups in order to strengthen their abilities to participate and assume responsibility and thus promote their right of self-determination.

14. These cultural and social patterns will nevertheless remain subject to the social and economic changes taking place in society, whether progressive changes or steady changes linked with circumstances and variables on the individual and communal fronts.

Article 2. Obligations of States parties

15. Under this article, each State party undertakes to take appropriate steps, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant. This undertaking is clear in the legislative measures and safeguards adopted by Yemen in formulating various laws to guarantee the realization of these rights and the means to ensure the progressive enjoyment of their benefits in line with the political, economic and social changes taking place at the public and private levels. Any person following the stages undergone in order to produce these legislative enactments and correlate them with the needs imposed by the imperative to promulgate and enact them will see the extent to which their wording is compatible with the need to apply them, which makes for satisfactory interplay with their application in a developing country such as Yemen. Endorsed at the national, regional and international levels, these legislative enactments take the stages of history into account, as well as political, economic and cultural circumstances and the social awareness of these rights, the aim being to avoid any disparity between the provisions of legislative enactments and their application in practice. This is clearer still with specific reference to the different national legislative acts, which are largely consistent with the principle of non-discrimination on grounds of race, colour, sex, language, religion, political or other opinion, based as they are on the main principles of:

- Recognition of the principle of fundamental social justice in economic relations aimed at developing production and achieving solidarity and social equilibrium;
- The provision of equal opportunities and an increased standard of living for inhabitants;
- Legitimate competition among the public, private, cooperative and mixed sectors and equal treatment of all sectors;
- Protection of and respect for private ownership, which may not be violated except in the public interest, as necessary, and in return for fair compensation in accordance with the law and on the basis of those fundamental elements and constitutional principles and the key focuses of the political and economic system in the Republic of Yemen, which is aware of the importance of applying international instruments, declarations and covenants, in particular the International Covenant on Economic, Social and Cultural Rights, with a view to securing individual and collective rights and the rights of local communities, which are now a genuine reality as a result of the implementation of domestic laws derived from that and other Covenants.

Adopted policy measures

16. The purposes of these measures are:

- To accord particular priority to social development in the context of the first five-year plan for economic and social development (1996-2000) and the second five-year plan (2001-2005);
- To restore balanced economic growth as a main thrust of social development by implementing structural adjustment programmes aimed at rectifying the overall economic imbalance and supporting market mechanisms;
- To increase the use of existing capacities and emphasize the development of productive energies and the overall economic structure of the State;
- To develop social services by increasing government spending and encouraging operation of the private sector in the fields of education, health and social, information and distribution services, as well as promulgate incentive laws in order to satisfy that objective;
- To promote grass-roots and civil involvement in the development of social services and promulgate laws and legislative acts to match that trend, which has produced thousands of civil institutions and organizations;
- To address the problem of poverty by adopting appropriate policies and establishing and strengthening the social security network and its mechanisms, institutions and funds in order to increase employment opportunities and reduce severe poverty and its adverse effects on the acquired rights of individuals and communities;
- To strengthen national unity and social ties among citizens by means of integrated economic and social projects at the central and local levels;
- To establish the principles of democracy by affirming the right of citizens to vote in parliamentary, presidential and local elections and promulgate legislation which realizes this right;
- To devote attention to remote and deprived regions by ensuring access to basic and essential services for their inhabitants;
- To promulgate the Local Authority Act No. 4 of 2000 with a view to providing opportunity for the widely decentralized administration of social affairs in order to ensure the fair distribution of services, programmes and projects, as well as the achievement of equality, balanced regional development and a broad degree of independence for the provinces in running their affairs without heavy centralization and free from the bureaucracy of the bodies and institutions in the capital;

- To increase the participation of women in economic and social activities and to provide them with suitable opportunities for involvement in drawing up development plans and in decision-making, as manifest in the assumption by women of the highest leadership and executive positions in government and in a variety of State institutions.

17. In order to achieve these objectives and guidelines by channelling every available resource into securing the minimum rights of all citizens to a standard of living which guarantees their survival and a free and dignified existence, the measures below were adopted.

Economic policies and national strategies for poverty reduction

The first five-year plan (1996-2000)

18. In mid-1995, in an integrated approach to the programmes for other financial, economic and structural reforms, the Government embarked on preparing the five-year plan for 1996-2000, which was approved in 1996. As a result, an average annual growth rate of 5.5 per cent was achieved in the gross product, meaning an annual increase in the real domestic product per capita of 2 per cent, or, in other words, an overall increase of 13.8 per cent. This indicator reflects one aspect of the progress in living standards which the plan aimed to achieve.

19. The plan included immediate objectives in connection with improving the mechanism for distribution of the benefits and yields of economic development throughout the provinces and reducing the disparities among social groups and geographical regions. It also aimed to guarantee equal opportunities for all individuals at all levels and create favourable conditions for productive employment by enhancing education standards, distributing and developing skills and strengthening the sense of initiative in citizens by offering incentives for community participation in the implementation of economic and social projects.

20. It also included objectives to boost economic development and accelerate social development as far as possible in order to promote improvement in the living standards of inhabitants, create employment opportunities and encourage the growth of domestic savings.

The second five-year plan (2000-2005)

21. The second five-year plan (2000-2005) aims to achieve a real increase in GDP through average growth of 5.6 per cent, compared with an actual average of 5.5 per cent during the period of the first five-year plan. This can be done by achieving an annual real growth average of 2.3 per cent of GDP per capita, thus partially furthering the simultaneous objectives of improving the standard of living, creating employment opportunities and alleviating poverty.

The social security network

22. While implementing the second stage of the economic reform programme, the Government devoted substantial attention to the condition of social groups suffering from the

consequences of the reform programme, in particular price rises, the removal of subsidies on goods and essential services and the worsening phenomenon of poverty. In 1995, it took steps to establish the social security network during the second and middle stage of the economic, financial and administrative reforms and ensure that it satisfied social, human and developmental requirements. The aim of the social security network is to achieve the following:

- (a) To reduce the burden of living costs on low-income earners and the poor;
- (b) To create job opportunities for those who are unemployed and capable of work;
- (c) To expand the base of grass-roots involvement in social, charitable and voluntary work;
- (d) To integrate economic and social development;
- (e) To strengthen the principles of social integration.

23. It is generally recognized that this network should be maximized in order to ensure the success of the structural reform programme adopted by the State. The suffering of low-income groups, the poor and the marginalized has been taken into serious consideration in the context of a clear national policy to limit the impact of poverty and its repercussions on citizens. Over a four-year period, the social security network became a concrete reality, providing benefits reaped by the groups included under its services following its establishment of functioning mechanisms and institutions in 1996, 1997, 1998 and 1999, some of which were further developed in order to keep pace with the growing needs of such groups.

24. The promulgation of Council of Ministers Decree No. 12/98 forming the higher committee of the social security network under the chairmanship of the prime minister and with the membership of the competent ministers and representatives of civil organizations had a positive impact on creating a coordinated framework of policies to alleviate poverty through the mechanisms of the social security network.

25. The State also devoted attention to augmenting the number of essential services geared to the sectors of education, training, health and social welfare. Government investment in the basic infrastructures was therefore intentionally increased in order to guarantee the requirements of economic growth and speed up development in the context of the objectives under the five-year plan (1996-2000), as investment provides the main boost to economic growth by expanding productive capacities in the different branches of the economy and increasing the rate at which existing capacities are used in order to improve the production technology in the economic units.

26. In the country's current circumstances, the State ensures economic stability, offers a favourable climate for increased private sector investments and establishes and completes infrastructure projects in which the private sector is unable to participate. It has also

endeavoured to improve the public highways, which are urgently needed in order to increase connections between the production and distribution areas and facilitate the movement of production essentials. Dams are also needed to improve the cultivable land area and develop water resources. In addition, high-capacity electrical stations and high-voltage transmission lines to the main areas of population have been built.

27. In the area of social matters, the State is seeking to continue the horizontal and vertical expansion of basic education and access to basic health services. It has also sought to ensure the housing needs of the population through urban planning projects in a number of major towns where the population density is particularly high, to which end it set up a dedicated bank, known as the Housing Bank, to take the matter in hand. In addition, it has endeavoured to supply inhabitants with their water requirements, particularly in rural and remote areas, through government projects or by encouraging the grass-roots and civil sectors to build similar projects, having confirmed the need for such projects to increase production directly or indirectly. In economic terms, the government investment in infrastructure is intended to restructure the economy and thereby re-proportion the GDP sector to match the availability of economic resources within the sectors and their potential development in the future on the one hand and the number of inhabitants who are either in work or whose income generation depends on the sector's production on the other. The government investment criteria are therefore guided by the strategies, objectives and policies of sectoral development in the medium- and long-term.

28. The Government also directed its attention to increasing private sector investment as a prerequisite to greater economic growth. It therefore created a favourable investment climate through introduction of the Investment Incentive Act No. 14 of 1995 with a view to facilitating the flow of capital for use in the country's different economic fields.

29. In addition, it focused further attention on vital economic areas by increasing exports in order to counter the shortage of hard currency, which is essentially used for economic growth and development. Even now, the private sector continues to face a number of difficulties and obstacles which hinder its rapid development, prompting the Government to emphasize the importance of tackling such problems swiftly by completing the material and institutional infrastructure and passing or amending laws, regulations and administrative rules. Current problems in connection with the existing economic imbalances include inflation, the recessionary effect of the Government's economic, financial and monetary policies and a relative rise in short-term investment costs. Moreover, private sector institutions are in themselves inadequate and the private sector is in need of top experts to manage its activities and enhance its capacity to absorb new technology.

30. Despite these problems, the prospects for private sector investment appear to be firm and wide. Tremendous expansion of the economy's capacity for absorption is therefore anticipated, 1,321 investment projects having been implemented between 1992 and 2000, providing immediate job opportunities for over 50,000 workers and employees. Domestic and external funding from private and government sources and international organizations was used to

finance a number of investment projects in all sectors, a substantial number of which have been implemented. Moreover, the five-year plan is expected to pump large investments into the oil and natural gas sector, which, during the first five-year plan, saw annual investments ranging between 21 and 38 billion riyals, thus preparing more favourable conditions for the private sector to play a greater role in development.

31. In regard to article 2, paragraph 2, which is concerned with strengthening judicial review and other appeal measures in the event of unfair discrimination that has a negative impact on the enjoyment of the rights enunciated in the Covenant, or, in other words, gender bias. The subject is addressed in both general and specific legislative enactments, including Republican Decree-Law No. 30 of 1993 concerning practice of the legal profession by either sex. There is no discrimination against women engaged in the legal profession. The Practice of Legal Profession Act stipulates the conditions for obtaining a licence to engage in the profession, in which connection male gender is not taken into account as a main criterion, as affirmed in practice, since there are 53 women practising as lawyers, compared with 919 men. Although the proportion of women may appear small, it is in fact a positive indicator of the change in the number of women engaged in the profession, which, in other Arab States, is regarded as confined exclusively to men.

32. The overall substance of the Penal Code is concerned with ensuring that the measures needed to improve the position of litigants in need of protection are adopted in the form of legal articles and provisions aimed at securing their equal enjoyment of the economic, social and cultural rights gained or sought.

33. The Judicial Authority Act No. 8 of 1990, moreover, does not stipulate male gender as a prerequisite for appointment as a court judge or an officer of the Department of Public Prosecutions. Yemen is one of the few countries in the Arab world to have accorded women the right to hold office in the judiciary, the courts and the Department of Public Prosecutions. In all, 25 women have been appointed to positions in the Department of Public Prosecutions, representing a positive move towards the employment of women in the professional fields of justice and the judiciary.

34. The Code of Civil Procedures No. 28 of 1992 also constitutes a highly progressive step towards ensuring the essential needs of litigants of both sexes in terms of judicial review and other appeal procedures in cases where a litigant is subjected to material or moral harm.

Article 3. Equal legal rights of men and women

35. In order to secure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the Covenant, signed by the Yemeni Government, and in recognition of the need to provide the legal guarantees required for men and women to have the same legal rights as those set forth in the Covenant, Yemen took steps to ensure that the Yemeni Constitution and other laws in force recognize those rights. In order to furnish information on the legal status of women and the rights which they have acquired in this connection, it is helpful to review the legal status of women as provided for in general legislative acts.

36. Over the last several decades, the Republic of Yemen has undergone rapid economic, social, cultural and political changes associated with the process of building and structuring a variety of modern social, economic and cultural institutions.

37. Owing to these factors of change, particularly following the unification of 22 May 1990, it proved necessary to amend various legislative enactments and promulgate new laws to keep the pace with the political, economic, social and cultural changes taking place, including recognition of the right of women to exercise all their economic, social and political rights. During the 1990s, progress was therefore achieved which reflected the degree of social, economic, political and cultural development. During this period, women became increasingly involved in political, economic and social life and acquired worth, meaning that the development of Yemeni laws and legislative acts occurred mainly as a result of the development of social conditions in general. The status of women therefore began to evolve in a positive direction. These changes began to make their mark on society, and on development planners, policy makers and decision makers in particular, following the increased proportion of girls and women in education, training and employment and in economic and cultural activities and the expanding base of their participation in these areas.

38. In the main, these laws helped to uproot harmful traditional practices which effectively made women inferior and exploited or marginalized their role and status in both family and society. As such, they permitted women to start assuming the status which they deserve.

39. The improvement in the legal status of women has greatly enhanced the quality of their lives and allowed them to break into various positions as a result of the rights acquired. This has been a crucial catalyst in the process of change towards assuming rights, even if not all of the laws provide the desired outcome, as laws alone are insufficient to guarantee the full enjoyment of such rights, which depend on effective application and which are the basic prerequisite for advancement of the status of women and for the elimination of any bias against them, without the part of the law. It is therefore essential that a change in the laws should overlap with a change in the lawmakers' view of the growing needs imposed by economic, social and cultural imperatives, which dictate amendment of the laws and a change from harmful social values, including traditional values, so that legal reforms are sufficient to eliminate all forms of discrimination against women and establish the principle of male and female equality in laws and in the practical application of those laws.

40. At this juncture, the discussion will be confined to the main legislative acts having an immediate connection with women's economic, social and cultural rights and a positive impact on women.

41. These laws are tantamount to institutional policies, measures and procedures adopted by the legislative and executive establishments with a view to achieving equality of the sexes.

The legislative and institutional status of women

The Constitution

42. The Constitution of the Republic of Yemen recognizes the principle that all citizens are equal in accordance with article 41, which stipulates that: "All citizens have equal public rights and duties." Article 42 also stipulates that citizens have the right to participate in political, economic, social and cultural life and article 43 guarantees the right to vote, stand as an electoral candidate and express an opinion by referendum. It also emphasizes that women are the sisters of men and have rights and duties guaranteed by the Shariah and stipulated in law, as stated in article 31.

In political matters

The Electoral Act No. 13 of 2001

43. Under this Act, women are accorded the right to vote and stand as electoral candidates. The Act makes no distinction between the sexes in regard to the recognition of this right and the enjoyment of its benefits, as they both have legal competence.

The Judicial Authority Act No. 1 of 1990

44. The Judicial Authority Act makes no distinction between men and women when stipulating the conditions for the appointment of court judges and officers of the Department of Public Prosecutions, although it does stipulate that appointee judges must have obtained a certificate from the Higher Institute of the Judiciary, which limits the opportunities for the appointment of women. The certificate could provide a framework of incentive for those in influential leading positions to promote women to senior administrative positions in this field. Primarily, this would entail enhancing the capacity of both sexes, advocating their legal rights and their exercise of those rights to the same degree and allowing women to become involved in the highest levels of the judicial authority. Women would then be in a position to acquaint themselves with the potential opportunities and the legislative enactments and benefit from their advantages.

In the social field

45. The relevant laws in this field include:

(a) The Personal Status Act No. 20 of 1992. This Act covers the rights and duties of spouses and the rights of minor children. Certain rights concerning the wife and home are, however, unspecified, particularly in the case of polygamy. In the case of divorce, the question of a home for the wife and children is crucial to ensure the stability of the family and the factors necessary for the protection of the family and its members. The Act also lacks regulations to interpret some of its articles, while some of its provisions require amendment as befits women's

needs and their evolving circumstances within the family and society. Accordingly, the House of Representatives finally approved the amendments submitted by the committee formed by Council of Ministers Order No. 97 of 2001 concerning the review of draft amendments to certain laws in connection with women's rights. It thus approved the new version of article 47 of the Personal Status Act No. 20, as amended by Act No. 27 of 1998 and Act No. 24 of 1999, which provides that either spouse has the right to an annulment if his or her partner has a gross flaw, whether at the time of contract or thereafter;

(b) The Personal Status and Civil Registration Act No. 48 of 1991. This Act emphasizes the principle of full equality and non-discrimination among citizens in regard to the protection and recognition of rights through recourse to the courts for the purpose of claiming a right, without distinction on grounds of sex. The provisions of this Act are therefore consistent with those of the Yemeni Constitution and those of international conventions, declarations, instruments and treaties. The Council of Ministers approved the draft amendment to article 2, paragraph 1, of the Personal Status and Civil Registration Act No. 48 of 1991, submitted by the committee charged with reviewing draft amendments to certain laws in connection with women's rights. The article concerns persons charged with notify births and emphasizes that mothers are among those entitled to notify the official authorities of the birth of a child, in addition to the parties stipulated in the law in force;

(c) The Penal Code No. 12 of 1994. Under the Penal Code, women and men are equal in regard to the death penalty and custodial penalties, as stipulated in the Koran. The provisions of this Code are applied, although a clear distinction is made between women and men in article 42 in connection with the blood money (*diyya*) payable for women, which is half of that payable for men. This provision should therefore be reviewed in order to ensure the equality of men and women in this matter;

(d) The Code of Criminal Procedures No. 12 of 1994. The Code of Criminal Procedures contains provisions of relevance to women in certain aspects. It sets out their rights and circumstances, in particular while they are pregnant or nursing, as motherhood is a social function which they perform at a stage of their lives and they need to care for and nurse their children. Article 84 of the Code therefore stipulates that the death penalty or penalties involving doctrinal punishment (*hadd*) or retribution (*qasas*) must be suspended in the case of expectant mothers until they give birth and in the case of nursing mothers until the nursing of their child is complete. Some provisions of the Code also strengthen respect for women's rights in connection with family matters;

(e) The Prisons Act No. 48 of 1991. This Act provides for the welfare of women prisoners who are pregnant and ensures that they receive medical care and attention in accordance with the instructions of the competent doctor and if they give birth in prison, an event which must not appear in the official prison records. No child may remain in prison with his mother after he reaches 2 years of age. When he must be handed over to his father or a relative, unless the doctor decides that the condition of the child does not permit such course of action. The amendment recently approved by the Council of Ministers requires that a woman prisoner who is pregnant or who gives birth should receive special care and that her newborn child should be cared for in homes dedicated to that purpose;

(f) The Social Welfare Act No. 1 of 1996. The Social Welfare Act No. 1 of 1996 was promulgated to cater for specific groups and poor people, such as destitute and disadvantaged women, disabled persons, orphans and people in need. It devotes particular attention to women who have no provider and other groups covered by the social welfare specified in the Act. This Act defines a woman who has no provider as any woman, whether or not she has children, whose husband has died or divorced her and who has not remarried, as well as any woman over 30 years of age who has never married. In all such cases, the woman must be incapable of work and have no fixed income and no legitimate provider who can support her if she is unable to obtain work;

(g) The Arbitration Act No. 22 of 1992. The Arbitration Act stipulates no conditions for arbitrators which might differentiate between men and women on grounds of sex. In accordance with the Act, an arbitrator may be either a woman or a man and there is no legal impediment to prevent women from undertaking such work;

(h) The Nationality Act No. 6 of 1990. Under this Act, a Yemeni woman married to a non-national is entitled to retain her nationality in accordance with the conditions stipulated. The equality of men and women is neglected, however, when it comes to acquiring nationality; a Yemeni woman married to a non-national, even if he is Muslim, is not entitled to enjoy the same privileges as a Yemeni man married to a non-national and they are unequal in regard to the conferral of citizenship on their children. In a significant move, however, the Council of Ministers recently approved the proposed amendment to the Nationality Act with the addition of a new article, pursuant to which the children of a Yemeni woman married to a non-national are, in the event of her divorce, accorded the full rights enjoyed by children whose parents are both Yemeni and may be granted Yemeni nationality after they attain 18 years of age, if they so choose;

(i) The Education Act No. 45 of 1992. This Act accords to both sexes equal rights to benefit from the educational opportunities granted by educational institutions and includes the right of girls to acquire an education equal to that of boys in accordance with their wishes and abilities;

(j) The Civil Service Act No. 19 of 1991. The Civil Service Act states that the assumption of public office is based on the principle of equal opportunities, a right which is supported in a number of articles according special privileges to women, including:

- Maternity leave of 60 days with full pay and 20 additional days in the event of a difficult delivery, a Caesarean section or the birth of twins;
- A fixed period of five working hours for a nursing mother until her child has completed its sixth month;
- Leave without pay for female employees up to a maximum period of one year, as determined by the administrative unit, where such leave is needed;

- A reduction in working hours to not more than four for a pregnant woman, beginning with her sixth month of pregnancy and continuing until delivery;
- Marital leave of up to four years without pay for a spouse who agrees to accompany his or her partner abroad;

(k) The Labour Act No. 5 of 1995. This Act provides for full equality between men and women in the assumption of public office, employment, pay, training, promotion and leave in accordance with the provision of article 11. Application of the provisions of this Act have not, however, met the demands of women, particularly in regard to promotion, allowances, bonuses, training and further training;

(l) The Insurance and Pensions Act No. 25 of 1991, as amended by Act No. 1 of 2000. This Act applies to all civil servants and government workers, both male and female, in the public and mixed sectors. This Act accords a number of privileges to women, taking into account their social circumstances. The rights and guarantees in question are represented by insurance benefits for old age, incapacity, death, health and work injury. The Act also includes special provisions for women which take into account their household responsibilities and social circumstances on account of the dual social role which they perform in the home;

(m) The Social Insurance Act No. 26 of 1991. This Act makes no distinction in according guarantees and rights to men and women who are insured. Privileges are enjoyed by workers in the private sector and by Yemeni workers abroad. These rights and guarantees are represented by insurance benefits for work injury, incapacity and old age for women when they reach 55 years of age, a right which is not accorded to men until they reach 60 years of age.

In economic matters

46. The law dealing with economic matters is as follows.

47. The Civil Code No. 9 of 1992. Pursuant to this Code, Yemeni citizen are granted legal competence on attaining 15 years of age, in which regard no distinction is made between males and females. The Code moreover stipulates that, on attaining that age, girls have the right to conclude contracts and enter into financial transactions. It also accords them the right to sale, purchase and ownership, as well as the right to obtain financial loans, without distinction between them and men. Difficulties are encountered, however, in putting this Code into practice, which may lead to discrimination in favour of men.

48. Having surveyed these legal provisions on women's rights and duties in private and public life, it is clear that women are provided with adequate and appropriate guarantees on the following basis:

(a) Emphasis on sexual equality. Any discrimination which does occur is attributable to the social roles of women and men based on the specific division of labour between them;

(b) Prevailing social and cultural patterns, which exaggerate certain features of the stereotyped roles and responsibilities of women and men, some aspects of which have negative consequences for the drafting and implementation of laws.

Adopted policy measures

49. The purposes of these measures are:

- To implement various institutional arrangements in a bid to improve women's conditions and achieve fair and equal social policies which derive from the Islamic view of women as the sisters of men and which are consistent with the international guidelines laid down in the Covenant and at international conferences, in particular the International Conference on Population and Development, the World Summit for Social Development and the Fourth World Conference on Women, which called for the need to achieve justice, equality and fairness between the sexes;
- To develop general legal provisions and articles relating to women's issues which strengthen the status of women and allow them wider scope for effective involvement in public life;
- To give women leading positions in the higher structures of power, the diplomatic corps, social insurance establishments and other government institutions;
- To ensure that the components of the updated national strategy and action plan on population include women and development, thereby guaranteeing equality and fairness in all walks of life in the light of the provisions of the Islamic Shariah;
- To ensure that the five-year plan and the government programme devote attention to women's issues and emphasize the greater involvement of women in economic and social activities;
- To establish a national government committee on women to devise and propose strategies and plans for women and determine the priorities for women's development projects;
- To instruct the national committee on women to formulate a national strategy for women, which was ratified in 1997 and determined that the essential objective was to turn Yemeni women into an effective force in both the family and society, as commensurate with their strength in numbers on the one hand and the vitality of their social and economic roles on the other. This strategy specified general guidelines for implementing the strategy on women in Yemen with a view to reducing poverty, helping disadvantaged women, educating women and raising their standard of health;
- To enable women to play a part in formulating development policies by establishing new mechanisms for women in various ministries and developing some of the existing mechanisms for women;

- To devote attention to improving the collection of statistical data and indicators, broken down by gender, for use in developing national programmes which are gender-specific, redesigning strategies and policies from the gender perspective and incorporating the issues and concerns of both sexes into the national plans and programmes demanded by the requirements of comprehensive development;
- To implement government programmes and projects for women and devote particular attention to setting up women's training centres. Under the chairmanship of the prime minister and with the membership of the competent ministers and the chairwoman of the National Committee for Women, the Higher Council for Women's Affairs was recently established as a high-ranking structure intended to have an immediate and palpable effect on the formulation of policies and priorities in connection with strengthening the role and status of women.

Article 4. Limitations

50. The substance of this article is covered by general and particular legislative provisions and forms part of their practical application. Particular mention should be made of Republican Decree No. 22 of 1991, as amended by Republican Decree-Law No. 14 of 1995 on investment. This law aims to encourage and regulate the investment of Yemeni, Arab and foreign capital subject to its provisions within the framework of the general policy of the State and the objectives and priorities of the national plan for economic and social development in a manner consistent with the provisions of the Islamic Shariah in the following sectors: industry, energy (excluding oil, gas and mining, which are governed by special agreements), agriculture and animal resources, including fish-farming and fishing, tourism, health, education and technical and vocational training at every level, transport and communications, construction and housing.

51. This law specifies the guarantees and benefits accorded to projects in chapter II, article 12, paragraph (a), which also specifies that all products from projects are exempt from compulsory pricing and profit-fixing, provided that the project does not constitute a monopoly or enter into monopoly practices and that no express or implicit attempt is made to fix prices in agreement with producers or sellers of similar services.

52. Article 12, paragraph (b), of the same chapter states that, in exception to the provisions of paragraph (a), the Council of Ministers may, in cases of necessity, subject any of the following products to compulsory pricing:

- (a) Flour and bread;
- (b) Milk and children's foodstuffs;
- (c) Children's foodstuffs;
- (d) Medicines.

53. Article 13, paragraph (a), stipulates that projects may not be nationalized or appropriated. Similarly, their assets may not be impounded, sequestered, frozen, seized or placed under control other than through the courts.

54. Paragraph (b) stipulates that property owned by a project may not be seized in whole or in part other than in the public interest and in accordance with the law by means of a court ruling and in return for fair compensation on the basis of the cost value of the property at the time when the ruling is delivered, provided that payment is not delayed for any longer than three months after the date when the ruling is delivered. If payment is delayed beyond this period, the amount of compensation is reviewed, taking time and place into account. If the asset in question is foreign, the amount of compensation may be freely transferred abroad, regardless of any other law or decree which stipulates otherwise. Paragraph (c) provides that project licences issued in accordance with that particular law or on the basis of any right or exemption granted in accordance therewith may not be annulled except by a court ruling.

55. The general substance of Republican Decree No. 25 of 1992 concerning appropriations in the public interest is that it restricts the rights of individuals to make such appropriations in a manner which does not prejudice the principle of the public good; article 1 of chapter I concerning the permissibility of appropriation states that: "Ministries, departments and public institutions may, in the public interest and in return for fair compensation in accordance with the provisions of this law, appropriate property, including land, for the implementation of projects for the public benefit."

56. Article 3 of the same chapter specifies that the public benefit means anything relating to the following activities:

- The construction of squares, playgrounds, markets, public gardens and waterways;
- The construction of mosques, military barracks, airports, police stations, hospitals, health centres, schools, institutions, abattoirs, orphanages, homes for the elderly, cultural centres, sports clubs and in general all building and facilities for public uses and activities;
- Agricultural activities and facilities, irrigation and drinking water projects and dams;
- Oil, gas, electricity, water, mineral and industrial projects;
- The construction of shelters, trenches and accesses needed for purposes of security and defence;
- Tourist, development and housing facilities and facilities and projects in connection with the implementation of approved development and investment plans;
- All projects included as part of the functions and tasks of any public authority or institution, as specified in the laws and regulations in force in accordance with approved government plans.

57. Together with other national laws and legislative acts in force, these two laws are deemed to support the rule of law and order. They also promote the establishment of security and economic and social stability, as well as strengthen the institutional, regulatory and administrative structure of the constitutional, legislative and executive establishments, which ultimately aim to increase public prosperity and provide appropriate opportunities to create the right conditions for strengthening democracy and instilling it in thought, behaviour and practice.

Article 6. The right to work

58. The right to work, which is a core concern of the International Covenant on Economic, Social and Cultural Rights, is recognized in Yemen, whether through ratification of the Covenant or through the national recognition of international instruments on the subject, particularly those drawn up by the International Labour Organization (ILO) concerning workers' rights. All such instruments, of which there are too many to review, emphasize the right to work, as specified in the Covenant, which stipulates recognition of the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts. Appropriate steps are being taken to safeguard this right.

Adopted policy measures

59. The right to work is a key objective of the principles and provisions contained in the Constitution of the Republic of Yemen. It is covered under article 29 of the Constitution, article 5 of the Labour Act and article () of the Civil Service and Administrative Reform Act.

60. In accordance with the provisions of the Covenant, which are appropriately reflected in national legislative acts and in their implementation in the official, mixed, private and civil sectors, the Government took steps to regulate the situation of State employees through a series of measures and policies, which were then adopted and are now in effect. These included the establishment of the General Organization for Vocational Training in accordance with Council of Ministers Decision No. (), the strategies, objectives, policies and programmes of which focus on the provision of vocational guidance and training programmes. The Organization is in charge of a number of training institutions offering vocational training and retraining to those who wish to avail themselves of its services, which are based on standards and conditions in accordance with which trainees are awarded certificates that qualify them for jobs on the official or unofficial job market. As well as advice, it obtains various forms of material and technical support for training programmes and projects from Governments and international donor organizations, in particular the International Labour Organization. All these policies, programmes and projects have promoted economic, social and cultural development.

61. The Vocational Training Fund established pursuant to Republican Decree No. () of () is an important fund with programmes which focus on training and retraining aimed at enhancing the skills of those employed in State institutions.

62. Attention has also been devoted to all technical and vocational training and education centres, schools and institutes within a unified institutional framework. The quality of training has also been improved and greater involvement in vocational and technical training activities is now demanded of employers, who are required to pay 1 per cent of their monthly total bill for

wages, allowances, benefits and emoluments towards worker training. The establishment of the General Organization for Vocational Training, the National Council for Vocational and Technical Training and the Technical and Vocational Training Fund are evidence of the Government's interest in this matter.

63. Together with a number of State authorities, the Government focused on support for training projects, to which it contributed at the local level. Further contributions were provided by Japanese projects, loans from bodies such as the International Development Association, the World Bank, the Common European Market and support from a German project.

64. Between 1995 and 2000, the number of technical training centres and institutes rose from 34 to 37 and a national institute for vocational training was created. The number of students attending these establishments rose from 7,788 to 11,000.

65. Notwithstanding the efforts to re-establish the foundation of vocational and technical training, there are still shortcomings which need to be addressed, such as the wide discrepancies in the number of student applicants and the number of graduates, as well as the conspicuously low number of females enrolled in vocational and technical training institutes; during the period 1990-1996, there were 9,932 male trainees and only 134 female trainees. During the 1996-2000 plan, there were 8,000 male graduates and very few females. The second five-year plan (2000-2005) aims to establish 60 further training institutes and centres with a view to increasing student capacity to 25,000.

66. The reasons for the low uptake in vocational and technical education include the following:

- The lack of any clear vision of the inputs to and outputs from technical and vocational education as part of a comprehensive admission policy linked to development needs in order to provide a basis for determining the amount and type of programme expansion needed to prepare and train vocational and technical personnel;
- The lack of available employment opportunities, which demands the adoption of methods to promote self-employment opportunities for graduates, including the development of small rural and urban projects. The particular problems facing vocational and technical education include:
 - The poor standard of educational bodies and their failure to keep pace with recent developments in the field of training;
 - The failure of some of these centres and institutes to fill their places to capacity, the effect of which is to increase training costs;
 - The poor linkage between education, work and production;
 - The low standard of technical equipment and its incompatibility with the new technological developments in the labour market;
 - The poor specialist approach to following up new developments and developing curricula.

67. Productive work and the workforce are the two main elements of development. In particular, work provides the main source of income on which people depend for their livelihood and survival. Work is also a basic right which enables enjoyment of the right to construct a life and acquire food, clothing and accommodation, as well as the enjoyment of other rights relating to health and to education, which is of growing importance, especially in view of the emerging unemployment problem. All such matters raised in connection with the productive workforce and the reduction of unemployment are therefore considered key to the human identity, particularly in view of the increasing need for the improvement of essential services.

68. Accordingly, matters relating to productive employment are closely linked with the main themes and thrusts of economic and social development as far as tackling poverty in Yemen is concerned.

69. Taking into account the important components of the right to work, as spelt out in the Covenant, it would be useful at this point to review some of the main issues in regard to employment in the Republic of Yemen, which are firmly linked with the need to recognize that right, boost the employment rate and reduce poverty.

70. Since the late 1980s, employment has been directly affected by the consequences of the deep-seated development crisis resulting from the structural imbalances in the national economy, the rapid annual population growth and finally the recessionary impact of the economic restructuring policies, which is immediately visible in the rate of participation in economic activity, the size of the labour force, the features of the job market and the widespread unemployment.

71. The housing and demographic survey, conducted in 1994, and successive population forecasts show an annual rise of 3.7 per cent in the population growth rate, which is one of the highest in the world. Employment is therefore directly affected by the widening base of the age composition of the population, specifically the increase in the number of young people (about 3 per cent) among the total.

72. Relatively speaking, this means that there is continuous pressure to develop human capacities, essentially through the education process, by producing high numbers of workers for the official and unofficial job sectors. This is particularly true in view of the fact that the rate of participation in economic activity by the population is still low (about 35 per cent).

73. In 2000, the total number of individuals in the Yemeni workforce amounted to about 4.3 million, of whom about 3.8 million were in work, representing 89.5 per cent of the total workforce, compared with 11.5 per cent who were out of work. Members of the 15-39 age group accounted for approximately 66.1 per cent of those in work. Males accounted for 74.2 per cent and females for 25.8 per cent. Over half of the individuals in work (53.2 per cent) were employed in the sector of agriculture and fishing, followed by the social and personal services sector. Overall, 65.6 per cent of individuals in work were employed in the goods sectors and 34.3 per cent in the service sectors. In 1999, the labour force in the agricultural sector fell by 7 per cent against 1991 figures and by a tiny amount of not more than 1 per cent in the conversion industries, mining, quarrying, transport and storage. It has risen by 6 per cent in the social services sector and by a tiny amount of not more than 1 per cent in the construction, trade and restaurant sectors.

74. The number of workers entering the employment market is estimated at between 120,000 and 150,000 annually. Some of these annual estimates are cumulatively added to the numbers who are out of work in subsequent years.

75. Unemployment in Yemen results from the interplay between a number of economic and social causes which affect the labour supply and demand, both directly and indirectly, as well as the linkage between the system of further education and employment policies. These causes include the fact that, in terms of quantity and quality, the outputs from the education and training systems on the one hand fail to match the requirements of the job market on the other. The employment growth rate has fallen as a result of the fall in economic growth rates.

76. Unemployment is widespread in key sectors such as building and construction, where 29.3 per cent of previously employed labourers are out of work. The figure stands at 21.7 per cent in the trade, restaurant and hotel sector, 12.7 per cent in the conversion industries, 12.4 per cent in transport and communications and 7 per cent in agriculture and engineering. In addition to the above factors, the measures for restructuring public institutions owned by the State or the mixed sector, as well as those now privatized, will, in combination with the anticipated administrative reform measures in the State apparatus, continue to increase the number of people not covered by the pension system who are in search of other alternatives to their former jobs in such institutions. In 1997-1998, the number of such people was estimated at 70,000 in the public sector and 30,000 in the administrative apparatus of the State. In the face of this chronic situation, the question of increasing the volume and type of employment moved to the fore of the objectives and purposes of development under the first five-year development plan for the period 1996-2000.

Adopted policy measures

77. In recognition of the right of the Yemeni citizen to work, the State adopted various policies, measures and arrangements aimed at guaranteeing that right. It also adopted more comprehensive policies in line with the international guidelines indicated by the World Summit for Social Development, held in Copenhagen in 1995. Intended as an incentive to increase productive employment, these measures were the essential starting point in addressing the imbalances in connection with the structural adjustment policies. The goal of developing policies for overall economic growth is linked with the policies for growth in the productive sectors on which the second five-year development plan for the period 2001-2005 depends for the expansion of employment and consequently employment opportunities by providing 896,000 additional jobs during the years of the plan, as well as by stimulating relatively high annual growth in labour-intensive sectors such as the conversion industry, mining, construction, agriculture and oil and gas extraction.

78. The measures for implementing the plan focus on a number of factors, primarily:

- Increasing government investments in building, expanding and developing the basic economic and social structure;
- Supporting and promoting the role of the private sector in increasing economic growth on the basis of the market economy and free competition;

- Encouraging Arab and foreign investments, as well as small investments in the informal private sector.

79. The principal measures themselves entail the following:

(a) Annual investment programmes which divide government investment spending among infrastructural projects involving agriculture, road construction, expansion of the communication network and electrical power;

(b) The expansion of education and health services and improvement of the environment through application of the Investment Incentive Act by issuing licences to locally resident and expatriate investors;

(c) An increase in the size of mixed national and foreign investments through special banks, the Agricultural Lending Bank, the Industrial Development Bank and the Small Industries Development Unit.

80. It should be pointed out that the objectives and purposes of the first five-year plan did not include any increase in employment in the different sectors. As a result, no projections for the workforce have been made, despite the attention devoted in the plan to employment as a main development issue. Apparently, therefore, the view adopted in the plan is that that employment will result automatically from economic growth.

**Breakdown of the workforce aged 15 years and above by economic activity
during the period 1994-1999 (figures in thousands)**

| Economic activity | 1994 | | 1998 | | 1999 | |
|------------------------------|---------|------|---------|------|---------|------|
| | | | | | | |
| Agriculture and fishing | 1 667.3 | 52.3 | 1 928.1 | 49.2 | 1 995.5 | 48.4 |
| Mining and quarrying | 9.8 | 0.3 | 13.2 | 5.3 | 13.3 | 5.3 |
| Industry | 130.7 | 4.1 | 188.1 | 40.8 | 206.0 | 5.0 |
| Public utilities | 13.5 | 0.4 | 20.6 | 0.5 | 21.0 | 0.5 |
| Construction | 216.8 | 6.8 | 341.0 | 8.7 | 381.9 | 9.3 |
| Trade | 331.6 | 10.4 | 415.4 | 10.6 | 439.6 | 10.7 |
| Transport and communications | 149.8 | 4.7 | 196.0 | 5.0 | 210.1 | 5.1 |
| Finance and real estate | 35.1 | 1.1 | 47.0 | 1.2 | 49.4 | 1.2 |
| Social and personal services | 223.6 | 7.0 | 364.9 | 9.3 | 412.4 | 10.0 |
| Government services | 409.8 | 12.9 | 404.7 | 10.3 | 389.8 | 9.5 |
| Total | 31 880 | 100 | 3 919 | 100 | 4 119 | 100 |

Source: Data from the housing and demographic survey, 1994, and estimates of the Ministry of Planning and Development for the years 1998-1999.

81. The lack of any quantitative goals and the failure to monitor the statistical results of the progress achieved in implementing employment policies are issues to which more attention should be given. In the absence of such chronological statistical data and indicators, the few pieces of information and statistics occasionally available remain insignificant in terms of assessing the overall effects of such economic policies on social development.

82. The second object of the employment policies relates to the measures and programmes designed to alleviate the recessionary effects resulting from the policies of economic caution and structural reform followed since 1995. There are four main programmes in this area:

- (a) The Public Works Project;
- (b) The Social Fund for Development;
- (c) The Small Industries Development Unit;
- (d) The Productive Family Programme.

83. These programmes all aim to create employment opportunities for the poor and the unemployed and to increase employment opportunities for impoverished women in rural and urban areas. They also aim to create training and retraining opportunities for women and disabled persons.

84. These programmes, most of which are recent, were launched at the same time as the financial, economic and monetary reform programmes. Nonetheless, they achieved excellent tangible results; specifically, they led to the creation of many thousands of job opportunities.

85. **The Public Works Project** was established in 1996 as part of the social security network with the aim of creating the largest possible number of job opportunities, improving infrastructural services, health, education and the environment and promoting social participation. The project operates on the system of small labour-intensive contracts and trains unskilled workers. During the last five-year plan (1996-2001), it successfully delivered services to the majority of directorates and subdistricts, especially in remote areas. The overall number of projects completed or under way amounted to 1,344 and a total of 5 million people benefited from them. In all, the project provided 138,700 job opportunities throughout the provinces and included the implementation of projects in the fields of education, health, roads and water.

86. **The Social Fund for Development** was launched in 1998 in order to slow the repercussions of the economic reform programme through improving conditions for the poorest social groups by providing essential services, creating job opportunities, developing local communities, providing assistance to civil organizations and establishing small income-generating projects. By 1999, the Fund had implemented a total of 782 social and service projects, providing many thousands of permanent and temporary job opportunities. By the end of December 1999, its loan programmes had benefited a total of 5,453 people, 48 per cent of whom were women.

87. **The Small Industries Development Unit** is a finance institution which specializes in providing loans to small investors in order to combat unemployment, provide new job opportunities, increase self-employment values and raise awareness among job-seekers who are graduates of vocational training institutes and centres of the worth of self-employment in small low-income businesses. During the period 1995-1999, the Unit was able to offer loans, amounting to approximately 458 million riyals, from which some 600 males and 300 females benefited. It also provided 4,600 employment opportunities, including 623 for women.

88. **The Productive Family Programme** was established with the aim of providing vocational skills training for poor families, particularly those dependent on social security assistance. In 2000, there were 51 centres catering throughout the provinces to the productive families involved in the programme. No fewer than 12,000 disadvantaged women received training in skills such as dressmaking, decoration and furnishing, secretarial work, computing, accessorizing, sculpture and carpentry. They also received classes in health awareness and literacy.

89. Also established was **the Vocational Training and Skills Development Fund**, which is run by the trio of employers, labour organizations and workers. It comprises all vocational training centres and institutes and helps to finance their vocational and technical training operations.

90. In addition, the Government's programmes, annual budgets and five-year plans are geared towards promoting the growth of employment opportunities as a major development theme, as it is thought that these plans and the economic development achieved will automatically produce an increase in employment that has a positive impact on the standard of living.

Article 7. The right to enjoy just and favourable conditions of work

91. The rights mentioned in this article are guaranteed under the Civil Service Act and the Labour Act and are put into practice in matters of labour, both in government institutions and by employers in the private and mixed sectors. Any breaches, which occur only rarely, are followed up by the Labour Inspectorate at the Ministry of Social Affairs and Labour and by the Department of Occupational Health at the Ministry of Health, which are responsible for the follow-up and monitoring of factories, businesses, companies and laboratories in order to determine whether these laws are being implemented to extents which guarantee adequate protection of workers' rights, as spelt out in the above paragraphs of the Covenant. Women's labour rights are guaranteed and protected under the relevant legislative enactments and they are accorded privileges and facilities which enable them to combine their responsibilities of home and work.

92. Although there are no legal restrictions on the employment of women and their enjoyment of the same working conditions as men, such as equal pay and promotion, numerous difficulties and obstacles arise when it comes to applying the relevant laws in practice.

Frequently, they are not used in ideal fashion to achieve the objectives which they outline and therefore become a two-edged sword in that some are correctly put to good use and others to improper use. Hence, the return is not always positive and they are open to exploitation and to discriminatory and arbitrary application.

93. These legislative provisions refer to restrictions and controls, which should conform with the general policies of the State aimed at protecting the rights of working women and at taking into consideration the eligibility for those rights, which may be abused, misconstrued or exploited by the responsible administrative authority. It is therefore essential to review the tasks and responsibilities assigned to the authorities which inspect and monitor employers' institutions, especially in the private sector, in order to determine their degree of commitment to and compliance with the provisions criteria, laws and procedures adopted in connection with the rights of workers of both sexes, particularly women, who are subjected to more discrimination than men.

94. Aware of these difficulties and obstacles, the Government developed a number of policies to deal with them.

Measures adopted to counter the obstacles to improving the quality of labour and the labour force

95. In order to improve the quality of labour and the labour force, the Government has made efforts during the past few years to promulgate national legislative acts which provide legal protection for the rights of workers in accordance with the provisions of the Covenant and with international and Arab labour standards in connection with the regulation of terms and conditions of service, including insurance and health care. These legislative enactments are strengthened by the principle of respect for fundamental labour rights and by establishment of the concept of labour relations between workers and employers and the right of workers to form and join their own organizations voluntarily. They also contain provisions regulating the employment of women and young people and make no distinction between men and women. On the contrary, they stipulate equal wages, promotion and training. Women are also accorded concessions in their working hours if they are nursing or pregnant, as from the sixth month, as well as other concessions in their retirement years.

96. In its programmes, the Government adopted policies and measures aimed at improving the quality of labour and the labour force by:

- Reviewing the legislative, legal and regulatory structure in line with the country's economic and development progress;
- Emphasizing the importance of coordination among the trio of employers, labour organizations and workers in order to ensure that laws are activated as a safeguard of labour rights;

- Enhancing efficiency in the offices dealing with employment, labour inspection, health, occupational safety and labour disputes so that they can play an effective role in improving terms and conditions of service;
- Regulating occupational work in order to protect jobs in factories, workshops and shops in the private sector, determine the conditions for performance of the job and apply job descriptions in order to promote the development of occupational work and improve standards;
- Encouraging the private sector to transfer modern technology in order to reduce the health risks to which workers are exposed.

Article 8. The right to form and join trade unions

97. It should be stated that the Government of the Republic of Yemen is fully committed to the full substance of article 8 of the Covenant concerning the rights of citizens to form and join trade unions.

98. Ever since unification, civil and cooperative activities have been typically growing and are now so widespread that they cannot be overlooked. They are palpably thriving as a result of democratic trends, the multiparty approach to politics and the enormous focus on completing the establishment of civil society institutions.

99. Experience has shown that the federations, trade unions and organizations in Yemen are stepping up their role and effectiveness as an essential partner in the development and construction efforts of the Government, which cannot single-handedly build a cohesive society. On that basis, the State has endeavoured to assist and promote the establishment of trade unions and federations, as well as the practice of their activities in freedom and independently of the official institutional system. It is also endeavouring to improve the facilities and requirements needed to further develop their activities and programmes and translate their identified objectives into action plans which meet the needs of the target groups. In the last three years, trade union activities have noticeably increased and many trade unions have channelled their efforts into helping to reduce poverty and caring for special groups.

100. In evidence of the above, at the end of 2001, there were 2,876 associations, federations and trade unions involved in charitable, cooperative, social, vocational and cultural activities and in caring for special groups, as well as mothers and children. The number of cooperatives, civil associations and unions is expected to exceed 3,500 by the end of 2002.

101. These associations, federations and cooperatives are found in every province of the Republic of Yemen, although the concerned State authority, namely the Ministry of Social Affairs and Labour, is unable to provide any accurate and comprehensive assessment of the role and contribution of these organizations. A start has recently been made, however, in surveying these associations and federations as a preliminary to conducting a full assessment of their situation. Based on the findings, assistance could then be increased with a view to surmounting

the difficulties which they face, bearing in mind that the State's encouragement and promotion of such associations and federations is now a firm policy. As such they receive in excess of 100 million riyals annually in support from the Government, which also grants them tax and customs exemptions and attempts to attract resources for their promotion in the interests of strengthening civil society.

102. The State has recently taken steps to complete the legislative and legal structure for the functioning of civil and cooperative associations and to accord them the priorities which they need by promulgating the Cooperative Associations and Federations Act No. 39 of 1998 and the Civil Associations and Federations Act No. 1 of 2001. The rapid proliferation of these organizations in Yemen is now a matter of course in view of their role and status in construction and development and they are regarded as essential in partnering official efforts.

Article 9. The right to social security and social insurance

The Social Security Act

103. In order to guarantee the rights provided for in the Covenant under this article, the Social Security Act provides insurance benefits for old age, disability, incapacity, permanent injury and death. Many groups in society, however, particularly self-employed workers in the agricultural sector, still fail to benefit from the services of the social security programme provided for under this Act, either due to ignorance of its benefits or the inability to pay contributions. In such cases, families who lose their breadwinner feel the impact when it comes to obtaining alternative sources of income. The investment activity of the Social Security Fund still provides only modest employment opportunities. It therefore requires support in order to increase its services to disadvantaged groups and diversify its investment programmes in different areas, thus helping it to provide non-essential needs in a manner which serves a variety of evolving and new needs.

104. Within its programmes, the Government is endeavouring to implement policies and measures with a view to strengthening opportunities for groups in society with special needs and improving their circumstances by:

- Expanding the social security umbrella to include different types of groups who are in fragile economic and social circumstances and considered to be in masked unemployment through their connection with productive income-generating activities;
- Investing the assets of the Pensions and Social Security Fund in projects with a guaranteed benefit.

The Social Welfare Fund

105. Established by Act No. 31 of 1996, this Fund provides direct cash assistance to the poor, whom it defines as groups and categories with no provider, in particular widows, the elderly, the incapacitated, the disabled and others who have no means of livelihood. In 1998, the State allocated some 4.5 billion riyals to this Fund, which has branches throughout the provinces.

In 1998, about 100,000 people benefited from its assistance. In view of the increasing need, however, in 2000, the State raised the Fund's capital to 10 billion riyals, from which 450,000 people benefit.

106. The following table shows the number of married women, widows and divorcees with children to care for who benefit from the services of the Social Welfare Fund.

| Widows with children | Divorcees with children | Families of women in prison | Families of absent or missing persons | Total |
|----------------------|-------------------------|-----------------------------|---------------------------------------|--------|
| 42 855 | 3 317 | 1 190 | 1 719 | 50 081 |

107. The above table shows the extent to which women and families benefit from the Fund's services. The maximum social security assistance which can be received in one month is 2,000 riyals. There are 100,162 women receiving welfare from the Fund, which allocates an estimated monthly sum of some 127,209,000 riyals for the support of disadvantaged groups.

108. The following table shows the number of other groups of women who benefit from the Fund's services in comparison with women who have children:

| Childless widows | Childless divorcees | Unmarried women | Total |
|------------------|---------------------|-----------------|--------|
| 26 394 | 5 632 | 2 699 | 34 725 |

109. These statistical indicators and data in this and the previous table reflect the needs of applicants, who are largely women and families with minor dependents. The assistance granted to these groups is one of the main forms of social protection which the Fund provides for the groups covered by the Social Welfare Act with a view to helping them to assume their social and economic functions by providing their essential needs in order to start them on the path to a decent livelihood.

Social protection and social insurance systems

110. The Constitution of the State stipulates that systems of social protection must be provided for the groups in need of such protection. In essence, this task has been assigned to the Ministry of Social Affairs and Labour and other relevant ministries. The Ministry of Social Affairs and Labour has a number of social centres and homes and uses its available resources and support obtained from domestic and international civil organizations and businessmen to develop and enhance the services in those centres and homes.

111. Some civil organizations have also set up their own social insurance and security centres. The social welfare centres run by the Ministry of Social Affairs and Labour are as follows:

| Type of centres and social services | Number | Capacity |
|--|--------|----------|
| Welfare and guidance homes for juvenile delinquents and juveniles at risk of delinquency | 4 | 600 |
| Rehabilitation homes for the disabled | 7 | 660 |
| Homes for invalids and the elderly | 4 | 200 |
| Rehabilitation centres for disadvantaged women in productive family centres | 23 | - |

112. In addition, the network of social security institutions and activities established by the State are in themselves integral to social protection. As already mentioned, the State endeavoured to strengthen the areas and channels of cooperation with other States, Arab organizations and international donor agencies with a view to developing the working mechanisms of these institutions. Cooperation with these sources of support produced the following outcomes:

(a) The project to promote the national programme to reduce poverty. The project comprises a number of components aimed at increasing employment and vocational training, developing small projects (small loans) furthering local development and helping productive families. At a cost of \$39 million, the project began in 1997 for a period of five years. Its overall aims are to:

- Plan the national structure for poverty reduction;
- Devise and implement a strategy for the development of small and minor projects;
- Build the capacity of the Government to formulate and implement policies on labour, employment and human resource development;
- Set up an information system and monitor poverty;
- Assist the Government in formulating and testing the implementation of national housing policies for low-income groups;
- Help local government and non-governmental organizations to establish a structure for planning and implementing local development and combating poverty;

(b) Projects for the advancement of women and their integration in development. The aim of these projects was to train women and provide them with access to specific levels of education and training in accordance with the needs and circumstances of the target groups. The cost of the projects amounted to approximately \$1.5 million, or 22 million Yemeni riyals;

(c) Project for the social rehabilitation of disabled persons. The aim of this project was to enhance the facilities at two main centres for social rehabilitation by establishing new workshops, improving existing workshops and training personnel. It also aimed to set up a community rehabilitation experiment in rural areas. The cost of the project amounted to approximately \$1 million, or 14 million Yemeni riyals;

(d) Project for the social rehabilitation of children. The aim of this project was to rehabilitate disabled children within their families and local communities. In progress since 1993, the project annually provides services to 2,250 children;

(e) Project to promote civil organizations. The aim of this project is to create legislation more relevant to the country's democratic development, develop the institutional structure of civil organizations and fund the implementation of various projects. Costing \$750,000, the project is still in the process of finalizing the remaining legal documents;

(f) Social insurance. The State endeavoured to regulate social insurance for workers in the government, public, mixed and private sectors through promulgation of the Insurance and Pensions Act No. 25 of 1991 and Social Insurance Act No. 26 of 1991. Both of these laws aim to provide security in old age and compensation for invalidity, death and work injury. The first Act is dedicated to the provision of medical care through health insurance for workers in the private sector, with the exception of those who cannot easily be encompassed within the framework of the Act such as temporary agricultural workers and animal herders. Insurance for old age, invalidity, death and work injury in the private sector is also applicable in the case of companies employing five or more workers and the Act states that it is possible for such insurance to cover workers in smaller private companies. The following table shows the number of retired persons who benefit from social insurance and the services of the Social Welfare Fund as a whole.

Number of retired persons and insurance entitlements

| Sector | Number of retired persons | Insurance entitlements |
|------------------------------|---------------------------|------------------------|
| Government, public and mixed | 32 852 | 2 149 788 575 |
| Private | 694 | 51 926 985 |
| Total | 33 546 | 2 201 715 560 |

Number of retired persons by year and sector

| Sector | 1995 | 1996 | 1997 | 1998 | 1999 (estimate) |
|-----------------------------|--------|--------|--------|---------|--------------------|
| Government public and mixed | 16 946 | 29 544 | 32 852 | 37 074 | 52 074 |
| Private | 447 | 570 | 694 | 894 | 1 164 |
| Total | 27 393 | 30 114 | 33 546 | 370 968 | 53 238 |

Growth in number of beneficiaries of both sexes of assistance from the Social Welfare Fund and amount of assistance by year

| Year | Number of direct beneficiaries | Amount disbursed |
|-----------|--------------------------------|------------------|
| 1975 | 1 600 | 44 167 |
| 1981 | 3 495 | 957 335 |
| 1982 | 1 852 | 620 716 |
| 1986 | 7 688 | 2 712 509 |
| 1994 | 30 255 | 12 237 701 |
| 1995 | 40 454 | 175 155 994 |
| 1997-1998 | 105 134 | 2 269 797 513 |

Article 10. Protection and assistance for the family

113. The rights spelt out in article 10 of the Covenant are applied in accordance with paragraphs 1, 2 and 3, as explicitly contained in the constitutional and legislative framework in the legal provisions and articles in the laws in force, including the Personal Status Act, the Labour Act and the Civil Service and Administrative Reform Act.

114. The family occupies a prominent position in the heart of Yemeni society. It is the source of morals and strength of its members, as well as a basis for its cohesion. Bearing in mind the family's position as a small social institution with a moral foundation, the State took steps to design policies and programmes to protect the family, mothers and children.

115. There are a number of social institutions which aim to provide such protection. Care has also been taken to draft legislative enactments and laws covering family protection, a subject to which civil society institutions also devote their attention.

Adopted policy measures

116. The main aspects of family welfare are covered under the Constitution, which stipulates that the family is the basis of society and that it is founded on religion, morals and patriotism. It also stipulates that the law safeguards the family as an entity and strengthens family ties.

117. In the legislative and legal field, there are a number of laws which safeguard the rights of the family and its care and protection, including the Personal Status Act No. 20 of 1992, which regulates relations between family members, the Social Welfare Act, the Social Insurance Act, the Insurances and Pensions Act, the Labour Act and the Civil Service Act.

118. The national strategy on population for the period 1991-2000 also devoted attention to family issues, emphasizing maternal and child welfare and family planning, while the updated demographic action plan (1996-2000) highlighted family needs in accordance with the relevant State policies and guidelines, in conformity with the international guidelines which emerged from the World Summit for Social Development held in Copenhagen, and the International Conference on Population and Development. The attention thus devoted to maternal and child care and family planning reflects Yemen's concern for the subject, which is consistent with the international concern. The strategic goal laid down by the plan is to strengthen the status of the family, support the family structure and achieve family cohesion.

119. Government institutions also devoted attention to the family through mechanisms and programmes which they established or within the context of developing family-driven plans, programmes and projects. At this point, mention should be made of the official mechanisms concerned with the family, which include:

(a) The General Department for Women's and Children's Affairs at the Ministry of Insurance and Social Affairs;

(b) The General Department for Productive Families and the Development of Society at the Ministry of Insurance and Social Affairs;

(c) The Women and Children's Division of the Higher National Committee for Human Rights;

(d) The Department of Reproductive Health at the Ministry of Public Health;

(e) The Gender Statistics Department of the Central Office of Statistics;

(f) The Literacy Office at the Ministry of Education.

120. Non-official women's mechanisms and programmes engaged in family-related activities are:

(a) The Yemeni Family Welfare Society;

(b) The Society for Family Development;

(c) The Society for Productive Families;

(d) The Society for the Development of Women and Children;

(e) The People's Charitable Society;

(f) The Charitable Social Reform Society;

(g) The Tahaddi Society for the Care of the Disabled.

121. These mechanisms strive to implement the programmes of the five-year plan, government programmes, investment programmes and projects aimed at meeting the unfulfilled needs of families.

122. The Social Welfare Fund, the goals and activities of which have already been discussed, contributes by offering considerable assistance, as well as material and other forms of support, to poor and needy families in urban and rural areas. It also offers rehabilitation and training services to poor families and others who wish to benefit from such programmes.

123. A variety of programmes in the media are directed at the family, including television and radio programmes dedicated to the subject of family. Magazine and newspaper pages are also devoted to family issues.

124. These activities and programmes help to educate families, raise their awareness and offer an understanding of their problems and viable solutions to those problems.

125. In regard to the protection of mothers during and after childbirth, the Labour Act No. 5 of 1995 accords special benefits to nursing mothers, as follows:

(a) It specifies five hours of daily work for women as from their sixth month of pregnancy and for nursing mothers until the end of the sixth month. This number of hours may be further reduced for reasons of health on the basis of a certified medical report;

(b) The working hours of nursing women are calculated from the day following childbirth until the end of the sixth month (art. 42). Nursing mothers may not be employed while still on maternity leave and pregnant women are entitled to 60 days of maternity leave with full pay and are granted 20 days in addition to the days mentioned in the following two cases:

(i) If delivery was difficult, on the basis of a medical note;

(ii) If they give birth to twins (art. 45);

(c) With a view to their condition of health, article 44 stipulates that women may not work overtime as from the sixth month of pregnancy or during the six months following their resumption of work after maternity leave. In addition, article 19 of the Civil Service and Administrative Reform Act No. 199, which covers the status of Yemeni women during pregnancy and nursing, provides for the following main benefits:

(i) Pregnant women shall be granted leave of 60 continuous days with full pay and 20 additional days in the event of a difficult delivery, a Caesarean section or the birth of twins;

(ii) The working hours of nursing women shall be reduced from the full quota to five hours in view of their maternity status until the end of the sixth month, thereby providing a legal safeguard during the initial stage of a child's life, which is vital in terms of health, nutritional and psychological care.

126. Properly applied and understood, the protection of mothers at work is a logical step towards introduction of the principle of equality between men and women in matters of employment. By recognizing the right to paid leave and preventing the employment of pregnant and nursing women in jobs which are harmful to their health or to the safety of their unborn child, the national laws strengthen the protection of mothers and children.

127. The legal protection of child workers against economic and social exploitation and against their employment in any job likely to cause them harm is covered by the legislative measures contained in chapter II, articles 48, 49, 50, 51, 52 and 53, of the Labour Act No. 5 of 1995, which regulates the employment of young persons. Child workers, whose numbers rose to approximately 231,655 in the wake of the Gulf War and the civil war, are guaranteed legal protection under these articles in regard to working hours, periods of rest interspersed with the daily hours of work, annual leave, health and safety at work and prohibition of their employment in work or industries which are harmful or which place them at social risk. Various aspects of their health care and their social and psychological welfare are also safeguarded under other provisions and articles.

Legislative and executive measures

128. These include:

(a) Development of the Social Assistance Act to include all categories of children in need of material and other forms of support, in particular disabled children, and application of the provisions of this Act, which benefits children from needy, poor and destitute families;

(b) Drafting of a unified national law on the rights of the child, based on the provisions of the Convention on the Rights of the Child and all international and Arab instruments on maternal, child and family welfare, pursuant to which the State and society are under obligation to provide all the legal guarantees for the welfare, growth and protection of the child, as well as various services not covered by other laws, whether general or specific. This bill has now been approved by the Government and its debate and promulgation by the House of Representatives are expected to take place shortly;

(c) Promulgation of the Disabled Persons' Welfare and Rehabilitation Act, various articles of which provide for all aspects of the institutional, social and psychological care of disabled children in the fields of education, health, culture, rehabilitation and training. This Act covers numerous rights and priorities in regard to the proper care and social integration of disabled persons;

(d) Promulgation of the Personal Status Act, the provisions and articles of which provide for the protection of the family, mothers and children, including a number of guaranteed rights in connection with the marriage contract, inheritance, custody and so on;

(e) Establishment of the Higher Yemeni Council for Maternal and Child Welfare, regarded as an embodiment of the official concern which resulted in the national strategy for mothers and children, which was approved by Council of Ministers Decree No. 22 of 1997. The Council also became involved in an integrated child development project, financed by the World Bank and the Government with a view to providing substantial health, educational and social care services for children in nine provinces.

129. Young people are a main constituent of the family and the youth sector has received an ample share of attention in the policies and guidelines of the State. A number of policies, arrangements and measures have been adopted, including the national youth strategy, which derives essentially from the strategic objective contained in the updated action plan of the National Council on Population and is designed to strengthen the status of the family in society, promote its structure and shield it from breakdown.

130. This population strategy laid down specific policies and measures in family matters with a particular view to:

(a) Developing policies and laws in order to provide better family support and promote family stability;

(b) Strengthening equal opportunities for family members and the rights of women and children in particular;

(c) Ensuring that all social and economic policies harmonize with the diverse and evolving rights of the family and its members and provide the support and protection needed by vulnerable families and their most susceptible members, to which end the measures taken included efforts to:

- (i) Provide and strengthen ways of striking a balance between participation in the labour force and parental responsibilities, particularly where families with small children are concerned;
- (ii) Establish arrangements to ensure the eradication of child marriage;
- (iii) Devote special attention when formulating social and economic development policies to efforts aimed at increasing the earning capacity of adults in economically deprived families, including women employed in the home and elderly persons, and at enabling children to pursue an education instead of being forced into work;
- (iv) Devise housing, labour, health and social security policies which take family interests into account with a view to creating a family support structure;
- (v) Endeavour to create sufficient family entertainment venues conducive to the furtherance of family relations as an alternative to *qat*-chewing sessions;
- (vi) Ensure that, through its educational, social and media institutions and places of worship, society raises awareness of the perils of divorce and its adverse repercussions on family cohesion;
- (vii) Put in place the necessary arrangements to ensure that divorcees obtain the financial maintenance payable by law;
- (viii) Protect the family against poverty and want and support families who are already poor by strengthening the income-generating programmes for productive families so that they can become self-reliant and continue subsidizing poor families so that their needs are safely addressed;
- (ix) Raise awareness of the importance of changing harmful traditional practices and customs which have consequences for the family and society, such as early marriage, the neglect to educate girls, disregard for women's rights and denial of those rights;

- (x) Support households which are headed and maintained by women by increasing their economic capacities through training and retraining, as well as improving their situation through programmes and projects for productive families;
- (xi) Maintain a strict watch on families who drive their children onto the streets to beg or to work under difficult and harsh conditions and offer them support in finding ways and means of becoming self-reliant.

Article 11. The right to an adequate standard of living

131. As well as in the Covenant, this right is articulated in the Programme of Action of the World Summit for Social Development, the Beijing Programme of Action produced by the Fourth World Conference on Women, the national strategy on population, the demographic action plan and other policies and strategies, which, as will be discussed in due course, treat poverty as a multifaceted problem with national and international roots. The urgent need for set programmes supported by international efforts and for integrated strategies is apparent, as is the need to draw up and strengthen national plans to eradicate poverty by addressing its structural causes. National plans should also devote particular attention to the creation of job opportunities as a means of eradicating poverty and to the involvement of the poor and their organizations in formulating objectives and devising, implementing, monitoring and evaluating strategies and programmes. Their organization should also be encouraged and assisted so that their representatives can make an effective contribution towards designing economic and social policy and improving the monitoring, evaluation and periodic breakdown of information on the performance of poverty-eradication plans. It is similarly essential to emphasize the need to improve access to productive resources and infrastructures in order to generate more income, diversify activities and improve productivity in poor communities with low incomes.

132. Positive effects are also clearly gained in addressing the problem of rural poverty by expanding and enhancing land ownership through measures such as agricultural reform, better guaranteed land tenure, an increase in fair wages and improved agricultural working conditions. Urban poverty should be tackled through a number of measures, such as promoting and strengthening micro-businesses and small cooperative projects, facilitating moves from the informal sector to the formal sector and taking the necessary measures to meet essential needs, including universal access to basic social services.

133. Poverty is now one of the main challenges and priorities of concern to the Republic of Yemen; during the past three years, it has witnessed greater efforts to combat poverty and a burgeoning number of mechanisms and institutions which adopt and implement projects, directly or indirectly, with a view to alleviating the problem of poverty and its adverse effects on society.

Adopted policy measures

134. The goals of these measures are:

- (a) To implement a comprehensive programme of economic, financial and monetary reform in order to rebalance the economic and financial situation, to which end support to the tune of \$2 billion was obtained from government sources and Arab and international institutions, as well as release from foreign debts amounting to 90 per cent;

(b) To achieve a positive reduction in the budget deficit and in pressure on public spending, as well as reduce the inflation rate and stabilize spending;

(c) To apply the first five-year plan which comprised objectives aimed at increasing economic growth and accelerating social development in order to improve the standard of living, create job opportunities and contain the problem of unemployment;

(d) To establish a social security network equivalent to a social security plan to tackle poverty and unemployment. This network is led by other mechanisms formed to realize its objectives, such as the Social Security Fund, the National Programme for Productive Families and the Development of Society, the draft national programme to reduce poverty and create work opportunities and the Public Works Project (labour-intensive structuring);

(e) To apply the programme of the Government in line with the approach to the alleviation of severe poverty;

(f) To provide suitable family housing in the context of the strategic objective of the updated demographic action plan (1996-2000). The particular policies and procedures focus on the following:

- (i) Formulating a housing policy which takes the population growth rate into account;
- (ii) Finding solutions to current and future problems as a main component plan for development and involve both the private and public sectors in the establishment of large-scale housing projects in an ambitious bid to tackle the housing problem;
- (iii) Introducing soft government loans for individuals of both sexes, as well as for communities, with a view to the creation of housing projects for low-income earners in order to help in solving the housing problem;
- (iv) Promoting the cooperative sector and organizing its activities by establishing a federation for cooperatives;
- (v) Devoting attention to the housing problems caused by the random housing erected in the poor outskirts of large towns by establishing people's housing communities and improving the quality of the services offered to such groups;
- (vi) Increasing public and private sector investment in housing;
- (vii) Enacting appropriate legislation and laws to restrict building on agricultural land, limit artificial waterways on residential land and regulate relations between landlord and tenant.

135. Some of the measures under the plan have been implemented through individual efforts. It would appear, however, that achievement of the housing objective will be extremely difficult, at least in the short term.

**Article 12. The right to enjoyment of the highest attainable
standard of physical and mental health**

136. The rights articulated in article 12 of the Covenant are covered by the objectives of the national policy on population, which aims to influence the quantity and quality of structural changes in the population in line with the needs of society and the requirements for its growth and prosperity. These include changes in the size, growth, distribution and composition of the population and in its particular social, economic, health, educational, housing, household, occupational and environmental features.

137. More specifically, these aims can be summarized as follows:

(a) Reduction of the overall mortality rate by not less than 50 per cent over the next 10 years, or in other words, the achievement of a life expectancy at birth of about 60 years in 2000, compared with 46 years in 1990;

(b) Reduction of the fertility rate during the same period to an average of six live births among married women of childbearing age by the year 2000, compared with the estimated overall average of 8.3 in 1990;

(c) Reduction of the infant mortality rate from 130 per 1,000 births in 1991 to 60 per 1,000 births in 2000 and reduction of the maternal mortality rate to half of the 1990 rate;

(d) Reduction of population growth to approximately 2 per cent annually by 2000, compared with 3.1 per cent in 1990.

138. In regard to health, the strategy aims to improve the quality of health in the population by stepping up efforts in the field of primary health care and improving the preventive and clinical aspects of the health system, with essential emphasis placed on maternal and child health and family planning services. From the strategic perspective, efforts must be made to control the main diseases and epidemics, in particular childhood and genetic diseases and illnesses of pregnancy and childbirth, as well as improve nutrition, food, clean drinking-water supply and family housing conditions.

139. The delivery of basic health services to over 90 per cent of the population of Yemen by the year 2005 is a committed strategic aim.

140. Efforts are also being devoted to the environment and its protection, to creating better shields against the adverse effects of environment and practices on human life, to containing and combating dangerous epidemics and to tackling natural disasters.

Ways and means of achieving the objectives of the population strategy

141. Specifically, these ways and means are to speed up general access to housing services and expand maternal and child health services, as well as family planning services.

142. In Yemen and at the international level, officials and planners working in the field of public health and social affairs are under urgent pressure to increase adherence to the principle of focus on women and children in primary health-care projects, as the two groups combined account for about two thirds of the total population. Moreover, they are the population groups at the highest risk of infectious and transmissible diseases and illnesses caused by environment, malnutrition and high fertility. Consequently, they face the highest death rates.

143. The gloomy picture for women and children as a whole demands the proliferation of efforts at the national and international levels in accordance with the following main focal points:

(a) Emphasis on the option of the maternity insurance strategy arising out of international instruments;

(b) Emphasis on the option of the children's life insurance strategy to which States, international agencies and organizations made a commitment at international and regional conferences and seminars;

(c) Emphasis on the option of the family planning strategy as part of the above two strategies. The conduct of this strategy is consistent with the following objectives and purposes:

(i) It helps to ensure the lives of mothers by ensuring spaced intervals between pregnancies and by averting the risks in connection with a high number of recurrent births. It is estimated that some 20 to 30 per cent of annual maternal deaths could be brought under control by making contraception generally available;

(ii) It helps to ensure the lives of children by creating guaranteed health-care coverage based on the indicators for planned reproduction and proper preparation for children on the part of both spouses. One consequence of planned reproduction is that infants can be fed naturally with their mother's milk, which is the major factor in building a healthy human being, not only at the start of life but during all of its subsequent stages when the growth of body, mind and personality is being completed. From this and other perspectives, about 30 per cent of annual infant deaths could be reduced through general access to family planning services;

(d) Commitment to implementation of the remaining components of the primary health-care programme with a view to improving public health and reducing disease and mortality rates within a viable time frame;

(e) Improvement of the health system capacities, particularly at the middle and lower levels, with emphasis on the preventive and clinical aspects of the administrative, planning, technological and technical features;

(f) Emphasis on ways of making cultural, health and demographic information generally available and of achieving greater and more highly integrated efforts on the part of the formal and informal sectors operating in this field.

144. An in-depth analysis of fertility and mortality trends in the Republic of Yemen shows that the rapid population increase is a problem caused by high fertility and that there is a firm link between the prevailing fertility levels and infant and child mortality levels owing to preventive and compensatory factors, as well as a firm link between fertility levels and maternal mortality levels. The national programme for maternal and child welfare and family planning in the Republic of Yemen therefore comprises systematic efforts to provide access to services and information in connection with family planning and maternal and child health, the essential aim of which is to promote a reduction in the current levels of fertility, infant and child deaths and maternal deaths caused by recurrent pregnancies and births. The programme forms part of all future projects with a view to the achievement of its set objectives and results, which are:

(a) To reduce the infant mortality rate from 83 per 1,000 live births to 60 per 1,000 live births by 2006;

(b) To reduce the under-fives mortality rate from 122 per 1,000 to 35 per 1,000 by 2006;

(c) To reduce the maternal mortality to approximately half of its 1990 level by 2001 and by another 50 per cent per 1,000 births by 2006;

(d) To increase life expectancy at birth, which is currently estimated at 58.5 years, to 61 years by 2001 and 63 years by 2006;

(e) To increase the use of family planning methods from the 1991-1992 rate of 9.7 per cent for all methods among married women of childbearing age to 23.7 per cent by 2001 and 35.7 per cent by 2006.

145. The national maternal and child welfare programme includes a number of direct and indirect projects relevant to the objectives of providing service to the target population groups. In all, there are no less than 22 projects divided among different types of activity, such as the promotion of reproductive health and family planning, the improvement and expansion of community services and services for disadvantaged groups and the involvement of men in family planning.

146. Reproductive health is an important theme in the updated demographic action plan (1996-2001), which incorporates reproductive health components into the core concern of health, with some modification of the quantitative objectives, particularly those relating to maternal and child health and family planning.

147. Primary health-care policies in the demographic action plan include the following:

(a) Educating married couples about the risks of contracting sexually transmissible diseases and informing them about preventive methods;

(b) Educating young people before marriage about reproductive health and responsible parenting, with emphasis on the prevention of sexually transmissible diseases. The national programme for maternal and child health and family planning is a major national programme which devotes attention to matters of health, reproductive health and family health on the basis of the following principles:

- (i) Everyone has the right to the enjoyment of the highest attainable standards of health and the State must take all appropriate measures to ensure that everyone has access to health-care services, including services relating to reproductive health, family planning and fertility treatment for infertile couples;
- (ii) Both spouses have a basic right to decide freely and responsibly on the number of children to have, the timing of their conception and the interval between them. Government agencies and institutions, as well as non-governmental organizations, are required to provide and facilitate access to family planning methods, information and related services and not to impose restrictions which hinder the ability of individuals to exercise that right;
- (iii) Although there is no one ideal family planning method, some methods are more appropriate for certain women at a specific age, depending on their condition, meaning that it is essential to have a wide range of methods available so that this principle may be applied;
- (iv) Reproductive health is an integral part of the concept of comprehensive health care and is directly concerned with the reproductive processes, fertility and all related prevention and health-care problems. It is also concerned with reproductive health services for adolescents, young people and married couples, preventive health-care services in connection with sexually transmitted diseases and fertility treatment for men and women. It also offers family planning information services;
- (v) Breastfeeding is encouraged in view of the enormous benefits for the health of mother and child, as well as generally for enjoyment of the highest attainable standard of physical and mental health.

148. In this connection, official efforts are made to educate and raise awareness of reproductive rights and the exercise of those rights, particularly in the case of married couples, through programmes and projects which include:

- (a) The reproductive health and family planning information project;

- (b) The project for the promotion of reproductive health and the protection of child health;
- (c) The youth and population project;
- (d) The demographic media communication project;
- (e) The project for the integration of women in development.

149. In the field of environment, the demographic action plan comprises the strategic objective of devoting attention to the environment, which includes its improvement and protection.

150. The policies and measures adopted in this connection also focused on the following:

(a) Working in conjunction with the responsible authorities and taking into account environmental aspects and their relationship with the population when designing development programmes and other activities by using natural resources and achieving the necessary balance through measures to:

- (i) Strike a balance between population growth and resources and achieve the optimum use of those resources;
- (ii) Limit the patterns of consumption and overproduction of non-renewable resources;
- (iii) Evaluate the environmental impact when conducting economic and technical studies for development projects;
- (iv) Ensure that demographic and environmental factors are incorporated as part of poverty-reduction plans and programmes;
- (v) Control the rapid random growth of urban areas in order to curb the worsening environmental problems in those areas;
- (vi) Collect information and statistics on natural resources and prepare studies on those resources, in particular by completing the environmental map of the Republic, and determining the quantities of underground water and changes in factors influencing the soil, notably erosion and salinization, and the marine environment, in addition to evaluating animal, land and marine resources;
- (vii) Promote implementation of the national plan for environmental protection and the national programme to halt desertification and deal with related matters on the basis of the short- and long-term priorities;

- (viii) Conduct studies to assess the adverse effects of population increase and the change in population breakdown on the environment and propose the remedies needed to deal with them;
- (ix) Develop regulation of the ecotourism sector;

(b) Working in conjunction with the authorities concerned to formulate principles and standards to promote protection of the environment and the health of the population through measures to:

- (i) Halt the deterioration in soil quality produced by the misuse of pesticides and fertilizers and control the disposal of industrial and chemical waste;
- (ii) Halt the deterioration in soil quantity with a view to combating desertification and erosion, rebuild and maintain terraces and limit use which destroys the topsoil;
- (iii) Protect animal resources by regulating and codifying the exploitation of such resources;
- (iv) Prevent marine pollutants by monitoring shipping in territorial waters;
- (v) Monitor local and imported food products and ascertain that they are safe and fit for human consumption;
- (vi) Take measures to prevent any mixture of sewage waste with drinking water;
- (vii) Improve the management of waste disposal and the use of pesticides and fertilizers which affect the safety of the environment and population;
- (viii) Draft laws to control lifestyles and consumption patterns in order to minimize the ill use of natural resources as far as possible;
- (ix) Promote implementation of the comprehensive law on environmental protection approved by the House of Representatives and speed up promulgation of its implementing regulations;

(c) Mobilizing the environmental protection agencies through measures to:

- (i) Strengthen the coverage of and support for the agencies charged with protecting the environment through environmental management based on evaluating the environment, monitoring pollution and categorizing the priorities and options in regard to the use of environmental resources;

- (ii) Promote the establishment of an environmental protection fund to receive all allotments from government and international sources, as well as aid from donor States, in support of environmental activities;
- (iii) Coordinate the efforts of the competent authorities and institutions to manage environmental resources at the national level and coordinate the aid provided within the framework of environmental resources management;
- (iv) Spread environmental awareness among the population and increase community participation in implementing the objectives of the national environment protection plan.

Article 13. The right to education

151. This article concerns the right of everyone to education and the need to direct education to the full development of the human personality and the sense of its dignity and to strengthen the respect for human rights and fundamental freedoms. It also recognizes that education should enable all persons to participate effectively in a free society and promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups.

152. With a view to achieving the full realization of this right, it is recognized that:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved;
- (f) Respect shall be had for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which ensure the religious and moral education of their children in conformity with their own convictions.

153. The right enunciated in paragraph (a) is guaranteed by the Constitution and is discussed in part one of this report. It is also emphasized in the national strategy on population, approved in 1991, and is taken into consideration in the updated demographic action plan for 1996-2001 as

part of the core concern of education, with the strategic objective of specifically ensuring that, by 2005, all boys and girls complete the basic stage of education at the very least. The numerical goals to be achieved by 2006 include the following:

- Access to basic education opportunities for all children of school age in order to increase the enrolment rate among the 6-15 age group from the 1994 figure of 56 per cent to 90 per cent in 2006, as well as among females from the 1994 figure of 37.5 per cent to 81 per cent by 2006 and among males from the 1994 figure of 70.8 per cent to 98 per cent by 2006;
- Reduction of the illiteracy rate among females from the 1994 figure of 76 per cent in 1994 to under 54 per cent by 2006 and among males from the 1994 figure of 36.7 per cent to under 20 per cent by 2006, with emphasis on narrowing the gap between rural and urban areas.

Adopted policy measures

154. In order to ensure the application of this strategic objective in the field of education, the State elaborated a number of policies within the context of the plan, including in particular policies intended to:

- Promote informal education among inhabitants, particularly young people, and guarantee equal opportunities for admission to literacy centres for women and men;
- Link secondary and post-secondary education with the needs of society and development;
- Increase awareness of demographic issues by introducing demography as a curriculum subject in all stages of education with a view to encouraging greater responsibility and awareness of the connection between population and sustainable development, including reproductive health;
- Give special priority to basic and technical education and vocational training;
- Build new girls' schools and use existing schools for two periods, one for girls only;
- Adopt a comprehensive national literacy campaign and increase the number of literacy centres in operation;
- Build new schools in deprived areas, heavily populated towns and secondary towns in an arrangement which ensures the fair distribution of education services with a view to providing the largest number of inhabitants with access to those services;
- Provide and facilitate access to education services and alleviate the problems caused by the lack of schools, crowded classrooms and shortage of teachers and school textbooks;

- Help the vulnerable poor and orphans of school age to enrol in basic education and enable them to continue studying and training in order to teach them self-reliance and also reduce the phenomenon of dropout which occurs among this group;
- Exempt girls in rural and remote areas from payment of school fees;
- Spread ample awareness of the importance of pursuing an uninterrupted education, particularly in the basic stage, with emphasis on awareness-raising in rural areas and among women with a view to reducing the phenomenon of dropout;
- Achieve a balance between the increase in the number of schools, classrooms and teachers and the increase in pupil numbers in each stage of education, with emphasis on improving the quality of education;
- Link education with the needs of society, expand higher education and maintain the necessary diversity between theoretical and technical education as far as economy and development are concerned;
- Open technical and vocational schools in the provinces, expand existing schools and take steps to improve them in order to meet the growing needs in different specialist areas by training young people who are then able to enter the job market and cover the shortage of labour in the desired technological and vocational fields;
- Create vocational training schools, institutes and centres and facilitate optimum conditions for girls to enter the field of work appropriate to their circumstances;
- Provide appropriate incentives for graduates of technical institutes and training centres and schools by encouraging them to set up small workshops and factories with a view to improving the living standards of many young people and helping to create additional job opportunities in order to reduce unemployment and attract more students into vocational education;
- Allocate an adequate and annually increasing proportion of the State budget and national income to supporting all stages of the educational process.

155. In its section on children and young people, the updated national plan includes measures to introduce recommendations on vocational education as part of the programmes and curricula in basic education. The Government has made efforts to improve the material living conditions of those employed in the teaching profession and enacted an education law designed to move the education process forward. This law now applies to educational field workers (instructors and certain administrators covered under the law).

Article 14. The right to compulsory primary education free of charge

156. Despite the guarantee of compulsory education free of charge, which is a principle recognized by the Yemeni Constitution, and notwithstanding the demographic action plan and

the Education Act, the institutions providing the basic stages of education are unable to accommodate all children; approximately 2.1 million children in the 6-14 age group still remain outside the formal educational system, in addition to which failure and dropout rates are high.

157. An open-door policy must therefore be followed for admission to the first year of education. The State must therefore progressively apply this principle and translate it into policies and programmes in accordance with a plan approved by the Council of Ministers.

158. In the second five-year plan, the strategy for development of the education sector is directed to recognizing the State's obligation to ensure access to education at the primary stage for all citizens and to expand and improve the standard of education in its subsequent stages.

159. Stemming from its faith in the principles of justice and equal opportunity and its recognition of the importance of education for both sexes, the Government took steps to draft a national strategy for the education of girls in order to help in narrowing the gap between the education of males and females and in applying the principle of free and compulsory education. In the medium and long term, the strategy aims to promote the role of basic, higher and university programmes of education in modernizing the structure of the economic, social and cultural system in Yemen by fully preparing citizens through a comprehensive spiritual, intellectual, social and scientific education that enables them to keep abreast of scientific progress and knowledge and make an effective contribution to productive economic activities.

160. The five-year plan sets forth the objectives to be implemented within the framework of the strategy geared towards providing basic education for all children of both sexes and encouraging attention to the education of girls, particularly in rural areas, which broadly constitute the base of Yemeni society, and particularly since the difference in the enrolment of girls between 1990/91 and 1997/98 was 366,707. The difference in the enrolment of girls in basic education between 1990/91 and 1996/97 was 26,285, whereas the difference in the enrolment of boys was 46,056. In other words, male enrolment exceeded female enrolment during this period by a total of 19,771 pupils. The difference in male and female enrolment in basic education in 1997/98 was 153,758 and the difference in male and female admission to the first year of basic education in 1996/97 was 153,900. All these statistical indicators point to the growth in female enrolment rates in comparison with the growth in male and female enrolment rates.

Adopted policy measures

161. Having looked at the issues and statistical data in connection with male and female education, the State began to direct attention to formulating a series of comprehensive and integrated measures aimed at realizing the objective of free and compulsory education laid down as a principle. These included steps to:

- Draw up a national strategy for girls' education targeted in the medium and long term at basic, higher and university education programmes for both sexes with a view to satisfying the imperatives of integrated human development, fulfilling the terms and

conditions conducive to the success of social, economic and development plans and addressing the gap and imbalances between the education of males and females, particularly in rural areas, where the gap is much wider than in urban areas. In 1998/99, females accounted for 33 per cent of pupils of both sexes in the basic stage in urban areas, while in rural areas the percentage fell to 28 per cent;

- Draw up national plans and programmes in conjunction with international donor agencies and organizations in order to formulate training programmes for teachers of both sexes and in particular training to enable female teachers to work in the most deprived rural areas;
- Promulgate a law on literacy and adult education and develop a national strategy to eradicate the causes of illiteracy, which will also contribute indirectly to improving the basic education system and the inputs to education, as well as reduce the phenomenon of dropout, particularly during the first stage of basic education.

162. These strategies include quantitative and qualitative objectives guaranteed to facilitate the scientific and objective assessment of their levels of application. Insofar as it is a basic condition for the enjoyment of human rights, education promotes the establishment of democratic principles. There are no legislative or legal obstacles to the enjoyment of the rights spelt out in these two articles in the different stages of basic and secondary education, including technical and vocational education, which the State is seeking to diversify and develop by increasing the size of the allocations made to it. Furthermore, the country's legislative system recognizes respect for the liberty of parents and legal guardians to choose the type of education or schools, whether State or private, in which they enrol their children.

163. University education and further studies are guaranteed. Recognizing the importance of this type of education, the State has, in recent years, taken steps to diversify the fields of education and increase the number of entrants of both sexes. It also stepped up the construction of universities in a number of provinces in order to meet the increasing needs for higher education.

164. The Government moreover encouraged the private sector to establish universities. During the 1990s, university education was distinguished by a number of features, including:

- (a) Horizontal growth through the opening of new universities, bringing the total to nine in 2000;
- (b) Private sector investment in higher education, with the establishment of eight institutions and more in the pipeline.

Article 15. The right to take part in cultural life and enjoy the benefits of scientific progress

165. The rights set forth in the Covenant are guaranteed by legislation in accordance with the provision of article 27 of the Constitution. These rights are supported by other legal provisions

and articles contained in Act No. 19 relating to the protection of individuals and society and enjoyment of the fruits of cultural, scientific and creative activity in all areas of culture. These laws are applied in practice.

Adopted policy measures

166. A number of policies have been formulated and measures taken to achieve these objectives by:

- Establishing cultural institutions, predominantly the Afif Cultural Institution, which is currently operating in the administrative and cultural field with support from the State and from international donor institutions;
- Sponsoring talented and creative individuals in the field of culture and science;
- Promoting the sponsorship of natural creativity and the stimulation of talents in the fields of literature, science, arts and technology and encouraging the production of intellectual and scientific works by the individuals who display such talents;
- Imbuing the spirit of initiative and competition in talented individuals;
- Formulating a national strategy to incorporate young people into development with the aim of directing their attention to matters which further their creative abilities within the family and society;
- Honouring talented young people in the fields of culture, scientific research, the humanities and the social sciences by presenting them with the President's Award in appreciation of their outstanding efforts and as an encouragement for them to release their stored energies and burst onto the stage of scientific and cultural achievement and economic and social development in order to stir the passion and excitement of generations and fill their being with affairs of culture and science.

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