



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

Distr.
GENERAL

CERD/C/SR.1765
10 August 2006

Original: ENGLISH

COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-ninth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1765th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 4 August 2006, at 10 a.m.

Chairperson: Mr. de GOUTTES

later: Ms. DAH
(Vice-Chairperson)

later: Mr. de GOUTTES
(Chairperson)

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY
STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fifteenth and sixteenth periodic reports of Yemen ((continued)

* The summary record of the second part (closed) of the meeting appears as document CERD/C/SR.1765/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fifteenth and sixteenth periodic reports of Yemen (continued) (CERD/C/YEM/16; HRI/CORE/1/Add.115)

1. At the invitation of the Chairperson, the members of the delegation of Yemen resumed their places at the Committee table.
2. The CHAIRPERSON invited members of the Committee to put their remaining questions to the delegation.
3. Mr. TANG Chengyuan commended the delegation on a number of positive measures the Government had adopted, particularly its efforts to eliminate poverty, which had yielded significant results. He requested clarification of whether there was any discrimination against persons of African descent, as alleged in NGO reports. He also wondered whether members of the Al-Akhdam minority, the so-called “servant class” of African descent, currently owned land or whether they even had the right to own property. He noted that there were many policies aimed at eliminating discrimination and raising the living standards of persons of African descent, and wondered what results they had yielded in practice.
4. Mr. LINDGREN ALVES commended the delegation on its very thorough report and its human rights situation, which was particularly positive when compared with that of some of its neighbours, especially in the areas of civil and political rights, women’s rights, refugees, its lively civil society and the broad activities of NGOs. He welcomed the fact that Yemen had ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.
5. Mr. THORNBERRY recalled that the governing concept of the Convention was racial discrimination, defined on the grounds of race, colour, descent, national and ethnic origin. It was not exclusively tied to the notion of race, which was rarely used by the Committee. The latter dealt much more with notions such as national or ethnic origin and descent, or focused on castes or caste-like groups. The Al-Akhdam group could be considered a descent-based group, or might come under other grounds for discrimination. The Committee’s general recommendation No. 29 invited States parties to reflect on the Committee’s guidance in that respect. Recognition of such groups amounted to an acceptance of reality, which was the first step in addressing racial discrimination. The concepts which the Convention employed did not necessarily match the specific ideas in each State, but were broad transcultural categories which were considered adequate to capture the essence of situations and relate local situations to international standards and general experience. The categories in the Convention were designed to improve understanding and policy and, if conscientiously employed, would assist States in their ambition to promote justice and equality for all.
6. Ms. JANUARY-BARDILL said that the references to marginalized persons contained in the report gave the impression that there had been no agency shaping the nature of that group of

people. Discrimination was often referred to as a passive process rather than something which might have been active. The question of the marginalized people in Yemen should be reconsidered in terms of the active part some institution might have played in creating the group.

7. She also wished to know what mechanisms were employed by the State to ensure that local administrations complied with international conventions, how they were monitored and what reporting system was in place. Specifically, she would welcome information on housing, particularly the rehousing of some marginalized groups, and wished to know to what extent local authorities were involved in the State's attempts to address the material consequences of those groups' social status.

8. She welcomed the references to gender in the report. Perhaps in the next report, more information could be provided on the impact of marginalization on women.

9. Mr. SHAHI commended the delegation on a number of positive aspects, particularly the fact that the Government was taking steps to improve the situation of marginalized groups and that most of the basic rights under the Convention had been granted to hundreds of thousands of refugees. Under the Constitution, nationals and refugees alike enjoyed legal protection against violations of human rights, but legislation defining the rights of refugees and asylum-seekers needed to be fully implemented. He regretted that refugees appeared to convey a negative image among the Yemeni population. He welcomed Yemen's ratification of the International Labour Organization Convention concerning Discrimination in Respect of Employment and Occupation and the reported absence of discrimination on grounds of political opinion, social origin or national extraction. He also welcomed the fact that the United Nations Development Programme and the Office of the United Nations High Commissioner for Human Rights had been working since 2004 to establish a national human rights institution or independent Ombudsman's office.

10. He expressed concern that there was no specific legislation to implement article 4 of the Convention, the absence of which exposed some groups to extreme marginalization and social exclusion. In particular, it seemed that there was a long history of descent-based and work-based discrimination against the Al-Akhdam or servant class. In Islam, the prophet Mohammed had placed particular emphasis on the equality of human beings, and therefore, as an Islamic society, Yemen was under the obligation to end the marginalization of Al-Akhdam. In addition, although the State had been generous in granting the same rights to refugees, it appeared that asylum-seekers, particularly from Eritrea and Somalia, encountered significant difficulties.

11. Mr. YUTZIS said that the marginalized persons referred to in the report came under the category of racial discrimination on the grounds of descent. He expressed concern at the terminology used to refer to them, and suggested that the term "servant class" should be replaced, as it reinforced the position of that group in society. Many commendable measures were being adopted in favour of that group, but the most important task was to change its stereotype in Yemeni society, which was primarily an educational task.

12. Mr. ABDULLAH (Yemen) said that, although the refugee situation placed an enormous burden on Yemeni society, his country saw it as its humanitarian duty to offer protection. Many of the refugees came from disease-ridden African countries and Yemen did its utmost to meet

their health needs. The Government cooperated with the Office of the United Nations High Commissioner for Refugees (UNHCR) to address the refugee situation. New camps had been built; the living conditions in existing facilities had been improved, and a centre for refugee registration had been established.

13. The term “servant class” was no longer in use. The social status of that population group, which was most commonly referred to as “marginalized persons”, was not a consequence of their physical characteristics or descent, but rather of their economic situation. They were Yemeni citizens with Yemeni nationality, who lived among other Yemenis and enjoyed their full rights and freedoms. Excessive emphasis was being placed on the issue and the Committee appeared to have been provided with incorrect information. Yemeni legislation enshrined the principle of equality; allegations that special legislation existed for “marginalized persons” were false.

14. Admittedly, those “marginalized persons” had their own customs and their integration into Yemeni society had not always been successful. The Government endeavoured to eliminate disparities between different sectors of society by offering accommodation for vulnerable groups, among others. Unfortunately, the beneficiaries did not always make good use of that offer and some sold the homes provided or chose to live elsewhere. Other measures to improve the situation of marginalized groups included the adoption of a poverty alleviation strategy and of a comprehensive national strategy for sustainable human development.

15. Mr. AL-HAWIRI (Yemen) said that, over the past 15 years, Yemen had seen far-reaching political and economic change. Unification had marked the transition to political plurality and a multi-party system. At present, there were over 5,000 civil society organizations. Although the country’s limited financial resources hampered development and unemployment and poverty levels were high, sustained efforts were being made to address that situation.

16. Collecting data disaggregated by ethnicity or descent was considered discriminatory. The 2004 population census thus did not include that type of information and the delegation was unable to accede to the Committee’s request in that regard.

17. Although no specific data was available on the “servant class”, the Government was well aware of those persons’ social, cultural and educational characteristics and had devised specific policies to enhance their socio-economic status. Yemen was currently home to an estimated 200,000 to 500,000 persons belonging to that group. Due to its geographic location, Yemen had traditionally been exposed to many different cultures. Consequently, no one suffered discrimination based on ethnic origin, descent or language and there was no race-based violence.

18. Mechanisms introduced to implement Yemen’s international obligations were monitored continuously. The country had embarked on far-reaching legislative reforms to bring domestic legislation into line with its international commitments, but progress was slow. The principles of equality, equity, social solidarity and justice were enshrined in the Constitution. The right for all citizens to participate in the country’s political, economic, social and cultural life and the right to equal opportunities were also guaranteed. Criminal legislation established the principle of equality before the law.

19. Some 41 per cent of Yemenis were poor. The poverty alleviation strategy adopted to address that problem focused in particular on areas such as housing, health and education. Implementation of that strategy had commenced in 2003, with the objective of halving poverty by 2010. The attainment of that ambitious goal was nevertheless hampered by a serious shortfall in resources.

20. Many government policies were based on the principles embodied in the Durban Declaration and Programme of Action. The Ministry of Planning and Development worked to strengthen human rights and democracy in all areas in order to create an enabling environment for the enjoyment of those rights by all members of society. Steps had been taken to devise a national strategy for human rights, in cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR). In the area of education, priority was given to improving access for deprived areas and groups.

21. Article 56 of the Constitution enshrined the right to social protection. Social safety net schemes were in place to support vulnerable groups. Through the Social Fund for Development, some 600,000 poor families received monthly allowances and the Ministry of Social Affairs and Labour provided assistance for an additional 650,000 families.

22. The National Committee for Refugees cooperated with UNHCR to inform refugees of their rights, monitor their situation closely, and provide health-care services and cultural activities in camps. The provision of those services incurred considerable costs. Refugees had several avenues for redress. Administrative remedies could be sought through the Ministry of Human Rights, the human rights committees attached to the House of Representatives, the Advisory Council or the Prime Minister's Office. Refugees could also seek judicial remedy through the courts.

23. The report had been drafted with the participation of government institutions, civil society organizations and the private sector. Those same entities, as well as international organizations and donors, were also being consulted in policy-making on human rights-related and development issues.

24. There were no legal impediments to accessing property. Any person who had the necessary funds was free to purchase land in Yemen. The Government was currently discussing the possibility of establishing a human rights institution to complement the work of the Ministry of Human Rights. Consultations with civil society organizations to discuss the modalities for establishing such a body were scheduled for September 2006.

25. Ms. Dah (Vice-Chairperson) took the Chair.

26. Mr. AL-DORAIBI (Yemen) said that the term "Al-Akhdam" dated back to the days of Ethiopian occupation, when the Ethiopian army had employed servants, whom they had called "Al-Akhdam". Many of those persons had stayed in Yemen after the withdrawal of the occupying force. The use of that term was currently prohibited. The notion of "race" or "ethnicity" was meaningless in a country that had been subject to various colonizing powers throughout history, all of which had intermarried with the local population, and it was impossible to provide data disaggregated by those criteria.

27. The Government was in the process of drafting refugee legislation that was compatible with international norms. Legislative reform was also being undertaken in other areas to bring domestic law in conformity with Yemen's international commitments. There was no hostility against refugees; rather, they were offered hospitality. Although their presence was normally thought to be of a temporary nature and subject to the situation in their country of origin, many decided to stay. There were economic and social problems associated with the large numbers of refugees in Yemen. More and more refugees were leaving the official refugee camps and merging with Yemeni society. The authority mainly responsible for dealing with refugees was UNHCR, which had offices in Sana'a and Aden.
28. He thanked members for their comments. His country was still experiencing some social problems and disharmony, but he was confident that there was no racial discrimination in Yemen.
29. Mr. de Gouttes (Chairperson) resumed the Chair.
30. Mr. BOYD, Country Rapporteur, thanked the members of the Yemeni delegation for their hard work in preparing the periodic report and responding to the Committee's questions. Yemen had clearly made great progress in the implementation of the Convention and other human rights instruments, but there remained a number of areas where the Committee's constructive criticism might help to improve the human rights situation further.
31. Yemeni society might do well to appreciate the distinctive nature of some of the groups which made it up. From the delegation's remarks, it appeared that Yemenis considered their society to be completely homogeneous. No race-disaggregated statistics were collected, for example. However, that made it difficult for the Government, and the Committee, to assess the effectiveness of programmes in areas such as education or social protection, designed to help those most in need. For some of them, at least, race was a factor which negatively affected their situation. The delegation had quoted admirably high levels of homeownership among the "servant class" (Al-Akhdam), but there were other, persistent reports that they were unable to purchase property, even if they had the financial means to do so, or participate in sharecropping. Al-Akhdam appeared to have all the hallmarks of a separate caste.
32. Whether or not the Government acknowledged any factors related to race in the situation of the most vulnerable groups in its society, it was duty bound to adopt special measures to improve their desperate plight. It must work systematically with civil society and relevant international organizations to promote a widespread and fundamental respect for the human worth and dignity of all groups in society, including Al-Akhdam and other marginalized people, and to put an end to stereotyping, condemnation and exclusion. The members of those marginalized groups must be unquestioningly accepted as Yemeni citizens like any other, which was not currently the case. The Government must do more to integrate them into economic, civic and religious life. They must be the focal point of the national poverty alleviation strategy, educational initiatives and strategies to increase access to water supplies, landownership, health services and social protection, if their de facto exclusion was to be remedied.

33. He asked for more specific details of the way in which complaints of discrimination were handled by the legal system. For instance: who were the complainants? What was the nature of their complaints? What was the scope and nature of the subsequent investigation? What had been the outcome of past complaints, and what compensation, if any, had been awarded?

34. The Government should work towards the creation of a comprehensive, effective and accessible anti-discrimination regime, covering all spheres of life - commerce, employment, housing, landownership, health care and social protection. The delegation had cited relevant provisions of the Constitution and civil law, but those were no substitute for comprehensive anti-discrimination legislation.

35. He commended the Yemeni Government on its wide-ranging assistance to refugees, despite the limited means at its disposal. He called upon the Government to continue its efforts to register the refugee population and to adopt a policy of non-refoulement.

36. Mr. ABOUL-NASR assured the Yemeni delegation that the Committee's concluding observations would reflect the views of all members, not just the points highlighted by the Country Rapporteur.

37. Mr. ABDULLAH (Yemen) hoped that the concluding observations would reproduce members' positive comments about Yemen's activities to combat discrimination. He felt that the system for dealing with complaints and discrimination had been adequately described in the report, with relevant statistics.

38. Mr. AL-HAWIRI (Yemen) added that many of the issues raised by the Country Rapporteur, including special measures in favour of Al-Akhdam and the administrative and legal mechanisms for dealing with complaints, were described in detail in the report. He hoped that the Committee would study the available information again and amend its concluding observations accordingly. The creation of a specific anti-discrimination regime seemed superfluous, since there was no racial discrimination in Yemen.

39. Mr. AL-DORAIBI (Yemen) noted that some of the problems encountered by marginalized groups arose within the communities themselves, and were not due to external factors. For instance, some groups were unwilling to work hard, spent money as soon as they obtained it, and made their children beg on the streets instead of sending them to school. Sometimes people rejected housing or jobs offered by the State. However, some members of minority groups had successfully integrated into Yemeni society and held jobs on the same basis as any other citizen.

40. The CHAIRPERSON thanked the delegation for its participation. The Committee's concluding observations would reflect all the information which Yemen had submitted, as well as the delegation's dialogue with the Committee.

The public part of the meeting rose at 12.30 p.m.