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Committee on Economic, Social and Cultural Rights

Forty-sixth session

Summary record of the 12th meeting

Held at the Palais Wilson, Geneva, on Monday, 9 May 2011, at 3 p.m.

Chairperson: Mr. Pillay

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The meeting was called to order at 3.05 p.m.

Consideration of reports:

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Second periodic report of Yemen (E/C.12/YEM/2; HRI/CORE/1/Add.115; E/C.12/YEM/Q/2; E/C.12/YEM/Q/2/Add.1 (document available in English and Arabic only))

1. *At the invitation of the Chairperson, the delegation of Yemen took places at the Committee table.*

2. **The Chairperson** welcomed the delegation of Yemen and invited it to introduce the State party's second periodic report.

3. **Mr. Al-Rassas** (Yemen) said that his Government, in an endeavour to continue fulfilling its obligations under international human rights instruments and promoting the implementation of all economic, social and cultural rights, considered its dialogue with the Committee essential. Through dialogue, the Government could accurately portray the situation on the ground and the challenges it faced, particularly given the events that were disrupting the region and the resulting obstacles for the full respect of human rights, especially in terms of safety and security.

4. Under the Constitution, which encompassed all layers of society and enshrined human rights principles and fundamental freedoms, sovereign power was vested in the people, and local and national legislative bodies were responsible for enforcing rights. Justice, freedom and equality, which were at the heart of Yemeni society's values, guaranteed equal opportunities for everyone. The authorities had the duty to protect women and children, and the army and law enforcement agencies had both rights and duties. The principles relating to equality could be amended in exceptional cases only. Since the country's unification, all citizens, including women, had enjoyed their fundamental rights and actively participated in political life. Decisions were taken by the people within the framework of a multiparty system based on freedom of expression and administrative and financial decentralization, with the participation of civil society.

5. With support from donor countries and in cooperation with civil society organizations, Yemen was taking steps to enhance and modernize its legislation governing fundamental rights, particularly those of women and children, in accordance with the international instruments to which it was a party. However, much as the changes had been positive, they had been introduced only recently. It therefore remained particularly difficult to eliminate human rights violations completely, not because of the gaps in legislation, but more often owing to existing traditions and customs, that required patience and awareness-raising as well as cooperation between the authorities, the opposition and civil society.

6. Over the previous three years, Yemen had adopted several laws and strategies concerning women, with a particular focus on women's development, employment and reproductive health, which aimed to address the gap that separated women from men at every level. A department for girls' education had been set up within the Ministry of Technical Education and the Ministry of Education. The Council of Ministers had approved the recommendations of the Committee on the Elimination of Discrimination against Women and had adopted mechanisms relating to early childhood, trafficking in children, street children and violence against children, as well as vocational retraining, corruption, money laundering, and financing of terrorism. Moreover, as a result of legislative amendments, the children of Yemeni women who were married to foreigners could now obtain Yemeni nationality.

7. At the international level, the Government had approved the International Convention for the Suppression of the Financing of Terrorism, and laws and amendments had been adopted with a view to Yemen's accession to the World Trade Organization. In addition, the country had drawn up a 2011–2015 national reform strategy and its fourth development plan for 2011–2015, which focused on promoting economic growth and eliminating poverty and unemployment, whilst strengthening social protection. The Government had also adopted a bill on the Yemeni workforce employed in the countries of the Gulf Cooperation Council, and had created over 60,000 jobs nationwide for university and technical institute graduates. An additional 500,000 people were now benefiting from social security, bringing the total number of beneficiaries to 1,230,000. Furthermore, the country had been declared polio-free in 2009 and legislation had been adopted and laws amended in the areas of public health, the fight against HIV/AIDS, illiteracy and higher education. Strategies had also been approved in the fields of health, mental health and food security.

8. Although Yemen was on the road to political and economic stability, which were essential for the protection of rights and freedoms, it could not escape the global food and economic crises, the negative repercussions of which were still being felt, as were those of climate change, the rebellion in the north of the country and Al-Qaida attacks. Those factors of instability were detrimental to foreign investment and capital, which were nonetheless necessary for economic recovery. As in other Arab States, Yemen was undergoing upheavals resulting from exceptional circumstances, which affected the policies that were being implemented. In accordance with its Constitution and democratic values, Yemen had always been a proponent of peaceful transition. It remained convinced that conflicts, particularly of a political and social nature, could be resolved only through transparent, responsible and serious dialogue, and it therefore intended to take the different political parties' ambitions into consideration.

9. Referring to the initiative taken by the ministers for foreign affairs of the countries of the Gulf Cooperation Council in favour of the peaceful settlement of political problems, he said that the authorities and the opposition must cooperate, with the support of the Gulf States, the European Union and the United States, in order to guarantee the rights of the people of Yemen in a healthy and stable climate, and to deal with the different problems, such as strong demographic growth, the geographical dispersion of the population, the absence of foreign investment, the high illiteracy level, instability in the Horn of Africa, flows of refugees, the growing number of pirate and terrorist attacks and the increase in foreign debt owing to the shortage of resources. The Government was striving to increase the per capita gross domestic product, control inflation, rationalize expenditure, manage the fiscal deficit and consolidate the social safety net. Emphasizing that a country could not function unless all stakeholders were committed to protecting human rights and respecting human dignity, he concluded by saying that the Government awaited the Committee's comments and questions with interest.

Articles 1 to 5 of the Covenant

10. **Mr. Kedzia** (Country Rapporteur), noting that the State party's written replies to the list of issues were incomplete, underlined the need for rigorous assessment of the impact of investments and projects on economic, social and cultural rights. He requested additional information on the follow-up to the Committee's recommendations. He asked what status the Covenant had in the domestic legal system, whether it was binding and whether its provisions could be invoked before domestic courts. He asked whether the State party planned to set up a national human rights institution in accordance with the Paris Principles.

11. He also wished to know whether Yemen planned to enact a general law on equality and to introduce measures to protect the economic, social and cultural rights of vulnerable

groups. He noted the particularly low number of women standing as candidates in elections, members of the Advisory Council (*Shura*), ministers, ambassadors and judges, and the continuing obligation for all women who were looking for work in the public sector to obtain permission from a male relative. He was also concerned at how slowly the initiatives aiming to eliminate discrimination against women were being implemented, and asked what steps had been taken to bring domestic legislation into line with the Covenant. Noting that the Akhdam often faced multiple forms of discrimination, and with reference to the Committee's general comment No. 20 (2009) which highlighted systemic discrimination, he asked if the Government planned to take steps to eliminate discrimination against that group.

12. **Mr. Kerdoun** wished to know whether the gender gap, especially in the field of education, was due to poverty, tradition and custom, culture, religion, or economic reasons. He enquired about the root cause of the difficulties women encountered in the field of education, given that they had access to all levels of education – primary, secondary, higher, technical and vocational.

13. Noting that the State party had opted for decentralization in the wake of national unification, which devolved powers to local authorities (art. 145 of the Constitution), he wished to know whether investments were shared out equitably between the different administrative units and whether there were enough to implement development projects and programmes at the local level, given that the central authorities were still in charge of finances. He also raised the question of the degree of independence of the Ministry of Human Rights and asked whether, in cases of violations of human rights, the Ministry was required to conform to the decisions of the Government and the Council of Ministers.

14. **Mr. Tirado Mejía** said that it was disappointing that Yemen had not taken more account of the recommendations that the Committee on Economic, Social and Cultural Rights had made when the country had submitted its initial report, particularly with respect to gender equality. While women now had the right to pass nationality on to their children, there were still many areas where progress was needed. Several factors could come into play in the area of discrimination, such as culture and sometimes poverty, but what was needed above all, was political will and financial resources. The argument that discrimination against women was a cultural issue applied almost worldwide, but that in no way precluded countries from making progress in combating the problem. It was not sufficient to enshrine equal rights in the Constitution, as Yemen had done, without taking concrete measures and adopting more comprehensive legislation that specifically focused on gender equality. It was disappointing that the State party had not criminalized honour crimes or made marital rape a crime. He wished to know what specific measures had been taken for the *Akhdam*, particularly bearing in mind that 90 per cent of Akhdam children did not reach secondary education. He asked what steps were being taken to combat the consumption of Qat which, apart from its harmful effects on health, monopolized part of household incomes. In order to find solutions to the problems it was facing, Yemen could request the support of the international community and in particular, it could call on the many United Nations bodies that specialized in the areas concerned.

15. **Ms. Shin** commended the delegation for attending the meeting at such a turbulent time. Noting that the State party encountered many difficulties in protecting human rights, especially economic, social and cultural rights, she asked how much international aid contributed to the national budget. Corruption had assumed such proportions in the State party, despite the mechanisms that had been put in place to combat it, doubtless owing to the lack of transparency and accountability, but also because of the prevailing impunity. It was not therefore so much a question of raising awareness throughout society, as of stopping corruption at the source: all corrupt State officials should be punished and dismissed. Discrimination in Yemen appeared to take on many guises and affected, for

instance, women, ethnic minorities and persons with disabilities. She therefore failed to understand why the Ministry of Human Rights had received so few complaints — about 1,500 — in two years. She wished to know who had brought those complaints, how many had been brought by women, members of ethnic minorities, persons with disabilities or people who were HIV-positive. She asked what action the Ministry took; given that it was not a human rights institution, it could not provide any reparation. She also asked whether a woman could become president of the country, since the wording of article 107 of the Constitution of the Republic of Yemen suggested that the post was reserved for a man. Since early marriage constituted, by its very nature, forced marriage, she regretted that marriage at the age of 15 was permissible in the State party, even if parental authority was required. She asked what steps the State party was taking to combat forced marriage, which was linked to many other problems, such as rape, domestic violence, human trafficking and access to the right to education and health.

16. **Mr. Texier** requested additional information on the budget and powers of the Ministry of Human Rights, which was responsible, inter alia, for raising awareness about all public and private rights and freedoms. He wondered whether that mission might not be more efficiently fulfilled by teaching courses at all educational levels. Likewise, it appeared that receiving and handling complaints — which was also within the Ministry's mandate — would be more appropriately undertaken by judges and prosecutors. He also wondered what course of action was open to Ministry staff if, for example, during visits to detention centres, they observed poor health conditions or overcrowding. He therefore concluded that the State party should establish an independent human rights institution. He asked whether the courts directly invoked the International Covenant on Economic, Social and Cultural Rights. If so, it would be interesting to have examples of the relevant jurisprudence, in the State party's forthcoming periodic report at the latest. He would welcome an indication from the delegation of whether the State party planned to ratify the Optional Protocol to the Covenant in the near future.

17. **Mr. Schrijver** said he was surprised that the core document (HRI/CORE/1/Add.115), which dated back to 2001, had not been updated as was the practice. He was concerned that the statistics, when seen as a whole, showed that a very large number of people were living below the poverty line in Yemen, partly as a result of the significantly high unemployment and illiteracy rates. He requested details of the recent measures to strengthen the effectiveness of the strategies that were being implemented in those areas. It would also be useful to know to what extent implementation of the Covenant might help the authorities to bring about economic stability in the country, in the light of the events that were taking place there.

18. **Mr. Sadi** said that the large, high-level delegation demonstrated the importance the State party attributed to its dialogue with the Committee. Although, as the head of the delegation had said in his introductory remarks, it was often difficult to resolve certain problems because of the weight of cultural traditions, further explanation should be provided, as people who were unfamiliar with Arab traditions might well not understand. The Committee would welcome information on the specific measures being taken to fight corruption and to implement all the recommendations that had been made under the universal periodic review. Having a Ministry of Human Rights was certainly useful, but it could not have the same status as an independent institution that functioned in accordance with the Paris Principles. He urged the State party to establish such an institution. While Yemeni institutions were not alone in counting very few women among their ranks, the authorities should nonetheless work to resolve that issue, perhaps by introducing a quota system. Furthermore, the Covenant should be legally binding in Yemen.

19. **Mr. Ribeiro Leão** said that the documents the State party had submitted gave the impression that the country had a cross-cutting anti-poverty strategy based on the principles

of equality and non-discrimination. Yet, paradoxically, the strategy was not reflected in the statistics that were available to the Committee. He therefore asked the delegation to provide additional details on the strategy and the application of those principles to foreigners.

20. **Mr. Abashidze** asked whether Yemen, as a party to several international human rights instruments, and thus having had to recognize the right of petition before a treaty body once all domestic remedies had been exhausted, was willing to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. He wished to know why, unlike in other Arab countries, Yemeni parliamentarians refused to adopt legislation establishing the minimum age of marriage at 17, because they considered it “un-Islamic”. It would be useful to know whether very young girls who were given in marriage by their fathers had any right to appeal that decision. Since Yemen had traditionally been a country of immigration, it might wish to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

21. **Mr. Abdel-Moneim** welcomed the fact that, in his speech, Mr. Al-Rassas had not denied the existence of human rights violations and had mentioned the reasons why it was sometimes difficult to prevent them. He had also said that the State party needed international cooperation in order to implement the Covenant, as provided in article 2; that was, however, not clear from the periodic report. He requested clarification of Yemen’s position in that regard. He also asked whether the international conference on Yemen, which had taken place in early 2010 in London, had produced any results and whether the State party had received cooperation from the international financial institutions.

22. **Mr. Riedel** recalled that in paragraph 41 of its 2003 concluding observations (E/C.12/1/Add.92), the Committee had urged the State party to take effective measures to resolve the problem of Qat. And yet, paragraphs 143 to 147 of the State party’s second periodic report (E/C.12/YEM/2) painted a rather more positive picture of the cultivation of Qat, particularly noting that the area used for its cultivation had increased by a factor of 18 between 1970 and 2005, to the detriment of other crops. He asked whether the area used to cultivate Qat had increased still further since 2005. He also requested additional details of the content of the third development plan, especially when it had been implemented and the practical results it had achieved. He emphasized the need for data over several years in order to be able to measure developments and progress that had been achieved. Citing the compensatory measures Germany had introduced in the wake of its adoption of anti-smoking legislation, he asked whether the State party planned to bring in solutions of that sort to gradually replace Qat with other crops.

23. **Mr. Al-Rassas** (Yemen) said that, following a high-level discussion among jurists, organized by the University of Sana`a, it had been determined that international instruments, once ratified, became part of domestic law and could be invoked by all lawyers before Yemeni courts. Training in international human rights instruments, particularly economic, social and cultural rights, would be provided within the framework of the bar association. Aligning domestic legislation with international instruments was a significant challenge, for which Yemen intended to develop a plan to seek assistance from the relevant international institutions.

24. The level of funding for the decentralized administration departments depended on the population density in the region concerned, the size of the department, and its particular features, needs and priorities. Far from endorsing discrimination, Yemeni legislation promoted equal rights and obligations for all citizens, men and women alike. Some marginalized groups, especially the *Akhdam*, moved about from place to place, which was why their children did not attend school, not because of any discrimination. Equality was also the rule where nationality was concerned; all citizens of Yemen, men and women alike, who were married to foreigners could pass on Yemeni nationality to the children born of that union.

25. The school dropout rate among girls, which was higher in rural areas, could not be attributed to discrimination either, but was rather the result of ignorance and poverty among families. In wealthy families, girls went to school and on to university. Furthermore, owing to the turbulent political situation, the dropout rate was rising owing to the pressures being exerted by the parties; hopefully that would be a temporary problem.

26. Turning to the Ministry of Human Rights, he said that the Government had set up a joint committee, made up of representatives of the Office of the President and the Ministry of Foreign Affairs, with a view to establishing an independent national human rights institution, which was currently under consideration. The Ministry of Human Rights, an important body that provided the link between the different ministries and organizations concerned with human rights instruments, was responsible for mainstreaming human rights in all Government department activities. It had, for example, submitted bills concerning human rights, such as the legislation on nationality and the minimum age of marriage. While there used to be legislation in place that fixed the minimum age of marriage and political majority at 18, those provisions had been abolished. When they had been resubmitted, they had met with strong opposition from the Islamists. The Government was endeavouring to raise public awareness about the validity of those rules, but it would take time and effort to overcome the traditional and cultural heritage of Yemen that inhibited the exercise of human rights.

27. **Mr. Al-Adoofi** (Yemen) explained that creating a national human rights institution that complied with the Paris Principles and the relevant General Assembly resolutions had been one of over 90 recommendations from the 2009 universal periodic review that had been endorsed by the Government. Many of the recommendations were currently being implemented, particularly those concerning women, discrimination against women and early marriage. A committee was currently examining the possibility of setting up a national human rights institution, with support from civil society and donors. The Government was firm in the belief that it was vital to establish a national human rights institution and saw no contradiction between the Ministry of Human Rights and an independent national institution. The two would be mutually reinforcing, with the institution guaranteeing the necessary degree of transparency, credibility and impartiality.

28. **Ms. Algaefi** (Yemen) said that gender equality came up against many obstacles, particularly in cultural terms. The President and the Government had backed programmes for women and the President had indicated his support for a quota system to increase women's representation. However, faced with the wave of protest the project had provoked, especially among extremists, the Council of Ministers had abandoned it. Illiteracy and school dropout only aggravated the situation of women. The Food and Agriculture Organization of the United Nations (FAO) had provided support to ensure that girls stayed in school and to create a suitable environment for them to pursue their studies. Bodies that promoted women's rights, such as the Committee on the Elimination of Discrimination against Women, were working to break down barriers. In cooperation with the ministries of religious affairs, labour and communication, radio and television programmes had been broadcast and plays put on in theatres to raise public awareness about women's education and work. Programmes on violence against women and gender stereotyping had been shown on television during peak viewing time (Ramadan). In addition, religious leaders had received training on the issues involved in that debate.

29. There were few women in politics; there was only one female Member of Parliament. However, as indicated in Yemen's report to the Committee on the Elimination of Discrimination against Women, of the 160 women who had stood as candidates, 80 had been supported by political parties in 19 governorates. At district level, among the 38 successful female candidates, 8 had been elected to local councils. In 2006, the United Nations Development Programme had carried out the first phase of a programme to

increase women's participation in political life, focusing on awareness-raising and strengthening political capacity. During the second phase (2008–2009), students had taken part in working groups, where they had learned about women's rights and participation in political life. There had been some increase in the number of women in high-level political posts. The standing committee of the ruling party, for example, included 5 women compared with 34 men; women also held posts of responsibility in the opposition parties.

30. Although very few in number, women were also represented in trade unions. However, women's most significant breakthrough had been in civil society. They had set up a women's parliament, the only one in an Arab country, which trained candidates for national Parliamentary elections, monitored local and presidential elections, and organized capacity-building activities for women in 21 governorates. It had drawn up an analytical report on its election monitoring and had created a website.

31. At the international level, there were 45 women in Yemeni diplomatic posts compared with 500 men. In the education sector, the Government, which was committed to education for girls and women, had opened five new technical training institutions to encourage girls who had left school to resume their studies. The technical disciplines in the seven public universities attracted the most women, with females accounting for over 30 per cent of the student body, while women represented 18 per cent of university staff. In 2008, 85 per cent of university grants had been allocated to girls. Research had revealed that the school dropout rate was lower among girls than boys, who left school to start work.

32. Since the bill on the minimum age of marriage had been shelved, the Supreme Council for Motherhood and Childhood had published several documents and conducted campaigns based on jurisprudence and medical information, showing what an important issue early marriage was. The testimonies from young girls who had married at an early age had had a particularly powerful impact on public opinion. Some members of the opposition had joined the majority parties in voting for the bill.

33. A microcredit pilot project had been launched with the social partners in order to enable women to work. Several publications that had been distributed explained the disadvantages of early marriage and the Ministry of Health was conducting a study into complications linked to early pregnancy. On the issue of honour crimes, in accordance with sharia law, four witnesses were needed to confirm a case of adultery, which was an offence punishable by imprisonment. Minors who were found guilty were not imprisoned, but placed in rehabilitation centres. Reception centres had been set up for women who had just left prison, where they were given training and help to find a job.

34. A \$2 million project, financed by the World Bank, had been set up to encourage people to replace Qat production with other crops. In addition, a Social Development Fund project financed by the European Union and other donors aimed to raise students' awareness of the problems and to encourage them to give up the traditional consumption of Qat. Other awareness-raising measures had also been taken, particularly the opening of sports centres and the establishment of the Yemen Without Qat Foundation.

35. **Mr. Alabbasi** (Yemen) said that the increase, from 2005 to 2010, in the number of people living in poverty could be explained by both internal factors, such as terrorism and internal conflict, and external factors, particularly the food crisis and the financial and economic crisis. The latter had had repercussions on the labour market in the Gulf States, which employed 1 million Yemenis, and on private investments.

36. The main criteria that had been used in deciding to assign the implementation of development projects to central or local authorities had been population density, economic situation, level of education and maternal and infant mortality rates. A third poverty survey was under way in order to gather accurate data on the situation and monitor progress.

37. Development programmes were carried out within the limits of budgetary resources; in 2006–2010, they had amounted to \$14 billion (46 per cent for infrastructure and 24 per cent for other projects). During that period, in collaboration with the World Bank, a study had been conducted on the impact of the rural development fund based on specific qualitative criteria, such as schools in remote and rural areas, school enrolment rates among girls and maternal and infant mortality rates.

38. Yemen received one of the lowest levels of international assistance granted to the least developed countries (\$11 per capita, as opposed to \$70 for Ethiopia or Uganda), and it was not sufficient to meet the needs. International assistance, together with the loans issued, totalled some \$200 to \$300 million per year, while the national debt amounted to about \$5.5 billion (30 per cent of GDP). The main donors were the World Bank, the Arab Fund for Economic and Social Development, the Saudi Fund for Development and other regional institutions. Only 15 per cent of the \$5.6 billion of assistance pledged during the 2006 donors' conference had actually been paid, which was delaying the implementation of development projects in areas such as education, health and infrastructure.

39. **Mr. Said** (Yemen) said that, in collaboration with the World Bank, the Republic of Yemen had brought its legislation into conformity with the United Nations Convention against Corruption. In that connection, Parliament was currently examining a 1995 bill to combat corruption in the public service and a draft amendment to the Criminal Code that aimed to introduce more dissuasive penalties. In addition, Act No. 39 of 2006 contained a definition of corruption based on the results of World Bank research.

40. In terms of jurisprudence, 39 cases of corruption had been brought before the courts, of which 27 had been resolved administratively and 112 were still under investigation; overall, thanks to the work of the administrative courts, a total of \$111 billion had been recovered. A national anti-corruption campaign based on education, awareness-raising, penalties and capacity-building had been launched in July 2010.

41. Moreover, under the Financial Responsibility Act, senior officials were obliged to provide a declaration of income within two years of their appointment, failing which they could be dismissed or sentenced to penalties of up to 6 months' imprisonment. The anti-corruption body, which was an independent entity consisting of 50 members (including 11 chosen by Parliament) who could not be dismissed by the Government, submitted regular reports to the President of the Republic and to Parliament.

42. **Mr. Alwazzan** (Yemen) said that the fact that the Ministry of Human Rights had received only 1,471 complaints in two years was not necessarily a poor result, since other entities also received and investigated complaints brought by members of the public. Furthermore, all complaints were treated on an equal footing, with no discrimination on the grounds of sex, HIV status or any other basis. The Ministry had implemented a training programme on handling complaints in cooperation with the Danish Institute for Human Rights and the United Nations Development Programme, which had a branch within the Ministry. The Ministry had a section responsible for receiving complaints and ensuring they were handled by experts according to the criteria listed in the written replies to the list of issues.

Articles 6 to 9 of the Covenant

43. **Mr. Texier** asked whether the Labour Code had been amended in order to give workers the right to resign without having to provide a justification. He also wished to know whether a national policy had been adopted to guarantee gender equality in employment (particularly regarding domestic work and employment in the agricultural sector), in accordance with the recommendations of independent experts from the International Labour Organization (ILO). He asked why there was such a significant gap

between unemployment rates for men and for women, and wished to know what obstacles stood in the way of introducing a minimum wage. On the issue of reforming the Labour Code, he asked whether the State party planned to harmonize the wording of article 67 (a) with the 1951 ILO Convention concerning Equal Remuneration (No. 100) and article 7 of the Covenant, and to allow the formation of trade unions and the affiliation of national unions to international confederations.

44. **Mr. Abashidze** asked what measures had been taken to reduce the gender gap in terms of unemployment and to combat child labour.

45. **Mr. Kedzia** (Country Rapporteur) asked why the steps that had been taken to address unemployment had failed, given that it remained very high. He also wished to know how the State party planned to facilitate young graduates' access to employment. He also asked whether the State party planned to introduce a minimum wage and harmonize domestic legislation with the Covenant on the issue of the right to strike.

The meeting rose at 6 p.m.