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Committee on Economic, Social and Cultural Rights

Forty-sixth session

Summary record of the 13th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 10 May 2011, at 10 a.m.

Chairperson: Mr. Pillay

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The meeting was called to order at 10.10 a.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 (continued) (E/C.12/YEM/2; E/C.12/YEM/Q/2 and Add.1)

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

Articles 6 to 9 of the Covenant (continued)

2. **Mr. Ribeiro Leão** asked if the Social Welfare Fund and the Social Development Fund carried out cross-cutting work on health, education and housing and requested a breakdown of the data relating to each of those fields.

3. **Mr. Martynov** asked whether the Social Insurance Bill that had been sent before the House of Representatives in 2009 had been adopted.

4. He enquired as to the average amount of social services benefit per recipient and how that amount compared to the minimum subsistence level in Yemen.

5. With regard to issue 22, he wished to know whether Social Security Fund benefits ensured an adequate standard of living for recipients and their families and whether the level of those benefits was periodically reviewed and adjusted.

6. **Ms. Cong** asked how non-governmental organizations were involved in the process of addressing women's issues. She also enquired as to whether legislation existed which guaranteed gender equality in terms of wages and the right to work.

7. She requested further clarification regarding male and female employment rates.

8. **Ms. Barahona Riera** asked how the Government of Yemen ensured gender equality, given the various legal systems in place in the country. She also enquired as to how precedence of one system over another was determined with regard to equality, women's issues and non-discrimination and how the problem of harmonization of legislation with international human rights instruments was resolved.

9. Concerning the recommendations of the Working Group on the Universal Periodic Review of the Human Rights Council (A/HRC/12/13), she wished to know why the recommendations on issues including the status of women, citizenship, discrimination, property and employment had not been endorsed by Yemen and what the Government intended to do in that regard in the future.

10. She asked what was being done to ensure women's access to employment and information on their rights, as well as to guarantee gender equality, prevent sexual harassment and provide loans to women working in the informal sector.

11. Regarding the social security system, she asked what responsibilities the State had with regard to social security provision.

12. **Mr. Kedzia** (Country Rapporteur) requested additional information on the recent repression of peaceful demonstrations by teachers which had resulted in a number of deaths.

13. **Mr. Abdullah** (Yemen) said that the Akhdam did not constitute a cultural or ethnic minority, as they were Arabic-speaking Muslims of Arab origin. Statistics on health and

education in Yemen showed that all citizens lived under the same conditions. Population growth and poverty levels in Yemen were very high and levels of enrolment in the education system were low. Health services were poor, especially in rural areas. The Akhdam received assistance from various funds and State organizations. Moreover, the Government encouraged civil society organizations and international organizations to provide direct support for that group. Ministries and State institutions had drafted amendments to a number of laws in order to eliminate discrimination against the Akhdam. Several bills had also been put forward regarding discrimination, two of which had been adopted. The Akhdam were provided with various services thanks to the efforts of the Government and civil society groups, including a national development association that had been set up in 2008 and was made up of 55 civil society organizations that worked with the Akhdam in 11 governorates.

14. The Akhdam had recently been granted plots of land, and they enjoyed property rights under Yemeni law. Units had been set up in order to respond to the special social and development needs of marginalized groups. A number of places had been reserved for members of such groups at universities throughout the country and certain hospitals had special departments which provided free medical treatment for the Akhdam.

15. Marginalized groups also received special treatment with regard to employment. Under legislation governing the Civil Service, a number of posts were allocated to special groups, such as disabled or marginalized persons. According to recent data, 47,000 Akhdam households received Government services. Many Akhdam benefited from housing subsidized by the Government and civil society organizations.

16. Yemeni civil society groups had cooperated with foreign organizations such as CARE, Oxfam, the United Nations Children's Fund and French, Swedish and other international bodies.

17. Marginalized groups had also participated in elections, and a national association for marginalized groups had provided 21 observers to supervise governorate elections in 2008. The electoral lists had also been reviewed and members of minority groups had the right to vote, as well as to stand for office. At the local council level, 35 Akhdam had been elected to posts.

18. Regarding disabled persons, the Government provided services to allow them to overcome their disabilities. Legislation was in place that covered the rehabilitation of persons with disabilities and there was a State fund for the care of such persons which provided assistance relating to education (both in Yemen and abroad), rehabilitation, compensation, equipment and participation in sporting activities.

19. In the 1990s, a council on issues relating to persons with disabilities had been established to develop programmes designed to meet the needs of that group. Moreover, a specific strategy had been drawn up for the provision of care for persons with disabilities, aimed at improving their living conditions and allowing them to enjoy their rights freely. Persons with disabilities received an equal share of resources and were extremely well-integrated into Yemeni society.

20. Regarding the labour rights of foreigners, the right to work was enshrined in section 29 of the Constitution. Article 5 of the Labour Code prohibited discrimination based on race, colour, sex, religion, political opinion, nationality or social origin. Therefore, all workers in the public and private sectors enjoyed equal opportunities, treatment, rights and duties. There were only a few foreign workers present in Yemen, mainly experts and civil servants working on international projects, or employees of foreign companies.

21. Regarding termination of contracts, the situation of domestic and farm workers and the observations of the Committee of Experts on the Application of Conventions and

Recommendations of the International Labour Organization (ILO), there was cooperation with the Arab Labour Organization and the ILO. The observations of the Committee of Experts had been examined and addressed in the draft amendments that had been submitted to the Yemeni Government. Seventy-eight of the articles of the Labour Code had been amended. Those amendments had been introduced by consensus, following tripartite consultations in which international organizations had been involved. The Government was open to any further observations.

22. The previous month, the Government had ratified or approved several conventions, including the ILO Conventions concerning Occupational Safety and Health and the Working Environment (No. 155) and Safety in the Use of Chemicals at Work (No. 170).

23. As to the minimum wage, article 55 of the Labour Code stipulated that the minimum wage in the private sector must not be lower than its counterpart in the public sector.

24. Regarding strikes, amendments had been introduced relaxing the conditions governing the establishment of trade unions.

25. Concerning alleged threats to dissolve the teachers' union, no such action could be taken unless a court order had been issued to that effect.

26. Following reunification, laws had been introduced on civil society organizations, trade unions and cooperatives. Those three laws had been drafted in accordance with Yemen's international obligations and commitments. There were around 9,000 civil society organizations in Yemen, 90 per cent of which had been established after the introduction of the new law on civil society organizations.

27. Owing to the high levels of poverty and unemployment in his country, child labour was a significant problem, with some data estimating that up to 500,000 children worked. The Central Statistical Organization was currently conducting a survey into the prevalence of child labour. Measures taken to reduce the need for children to work included the ratification of several relevant international instruments, including the ILO Convention concerning Minimum Age for Admission to Employment (No. 138), and national strategies implementing the provisions of those instruments.

28. **Mr. Qahtan** (Yemen) said that labour legislation applied equally to Yemeni citizens and foreign workers.

29. **Mr. Algonayd** (Yemen) said that health and education were the cornerstones of the Government's struggle against poverty. The Ministry of Health and Population had developed a health strategy for the period 2012–2020 which focused on delivering medical services to all persons without discrimination. It had targeted illnesses which mostly affected people living in poverty, such as malaria, and women and children in marginalized groups, such as the Akhdam. In 2010, several measures had been taken to treat the 461,000 cases of malaria that had occurred among the residents of the country's shanty towns. Similar steps had been taken to assist those suffering from leprosy, tuberculosis and other diseases. The Ministry cooperated with other government bodies and NGOs in its efforts to eradicate those illnesses. Health centres had been set up in the shanty towns in order to give residents easy access to health care, including family planning. Steps had also been taken to eliminate poliomyelitis and measles. In 2010, over 1 million women had been vaccinated against several diseases. A large number of female volunteers were being trained in the provision of health services in order to establish regular home visits, particularly for women, who were often reticent to seek health care outside the home. The Ministry was aware of the need to improve its data collection and to ensure that statistics were disaggregated by gender.

30. **Mr. Al-Rassas** (Yemen) said that equal treatment of men and women was established in the legislation on gender equality. The radio and other media were used to

raise people's awareness about their rights, including women's and children's right to inherit and women's right to education and participation in public life.

31. While sexual harassment was considered a criminal offence, no specific legislation had yet been drafted in that regard. Work was under way to define the offence and establish the punishment.

32. There was undoubtedly a political crisis in his country, but to date there had been no confirmation of the accuracy of recent reports of the protests in Ta'izz. Numerous civil servants, particularly teachers, were supporting the State, while others were backing the opposition. The Government was urging them to fulfil their professional duties before going to protest, which was indeed a legitimate activity. Teachers could not, however, abandon their posts and still expect to be paid. Demonstrations were legal provided that a permit was sought from the security services, which were obliged to grant or refuse the permit within 24 hours of the application. Refusals could be appealed before a judge, whose decision was final. The permit guaranteed the rights of any parties that might suffer as a result of the demonstration, such as shop owners whose property was damaged. Protesters were often hurt or even killed by armed shop owners who were defending their property. The opposition exploited such events in an attempt to sabotage attempts at reaching agreement and consensus. The Government always strove to avoid any recourse to the use of force by all parties.

33. **Ms. Algaefi** (Yemen) said that, as a result of cooperation between her Government, the ILO and the Government of the Netherlands, a department for working women had been created in the Ministry of Social Affairs and Labour. The department conducted studies into the existence of gender discrimination in the workplace and worked to defend the rights of working women. A legal framework had been adopted on the establishment of childcare facilities for working mothers, the specific rights of women who were pregnant or breastfeeding, and maternity leave. Steps were also being taken to integrate female employers into chambers of commerce and ensure they had training opportunities. There were several bodies that received complaints concerning sexual harassment and provided alleged victims with free legal assistance.

34. Unemployment among women was higher than among men, partly owing to the fact that some women gave up work when they married. Social attitudes sometimes deterred women from working in a mixed environment. Some women worked from home in the informal sector in an attempt to continue working while taking care of their families.

35. **Mr. Abdullah** (Yemen) said that, since 1986, social assistance had been available to the most underprivileged in society from a fund designed to counteract the effects of significant economic reform, as indicated in paragraphs 74 and 75 of the periodic report (E/C.12/YEM/2). Over 1.4 million people were currently receiving cash payments of up to 4,000 rials, which covered a significant proportion of families' needs. However, Government resources were insufficient to provide the equivalent of a salary to the poor. In addition, the Social Welfare Fund offered cash assistance and direct benefits to the poorest groups and persons in need such as the infirm, the elderly and women without a family breadwinner. The Fund's current budget was about 45 billion rials. It was regulated by the Social Welfare Act, which formed an integral part of the country's poverty reduction strategy. Further assistance was available in the form of training opportunities, especially for young people, in order to enable them to earn a living.

36. **Mr. Alabbasi** (Yemen) said that his country faced similar challenges, such as structural poverty and unemployment, to those encountered in other least developed countries. Some three quarters of the population was aged below 30, which put significant pressure on the labour market. According to the 2004 demographic survey, about 17 per cent of the labour force was unemployed and the unemployment rate for young people was

estimated to be about 36 per cent. Some 75 per cent of the population lived in rural areas, where job opportunities were scarce. Social and cultural factors exacerbated the problem for women; there was often resistance to their participation in the labour force and in official institutions, resulting in unemployment among women which was three times higher than the rate for men. Many Yemeni citizens sought work in neighbouring countries such as the Gulf States and Saudi Arabia.

37. The Government had adopted various measures to reduce direct and indirect unemployment, including implementation of a project to build roads and other infrastructure, which created employment opportunities; encouragement of investment in the private sector, which provided more jobs than did the public sector; and introduction of a finance and microfinance programme helping families in need. Indeed, Yemen had one of the leading bank financing and microfinancing programmes in the Arab world, and a development bank, which would be expanded. To address the issue of the high number of recent university and technical school graduates who were without work, it was planned to create 60,000 jobs in the four-year period ending in 2011, and efforts to assist job seekers, including through the possible creation of a dedicated fund, would continue.

38. The Social Development Fund had made it possible to implement more than 6,000 projects in the period 2006–2010, covering areas including education, health and access to water. The total cost of those projects had been over \$100 million. Moreover, more than 1,500 activities relating inter alia to agriculture and fisheries had also been implemented through a public works project.

39. **Mr. Al-Rassas** (Yemen) said that the budget for local authorities was based on four criteria: size of population, geographical area, poverty rate and infrastructure growth rate.

40. With regard to women and employment, women could work just as men did when the proper conditions were met, and the Government processed the job applications of men and women on an equal basis. The Government could not interfere with what was decided within families as that was a private matter.

41. Human rights complaints were handled by the Ministry of Human Rights, which received input from civil society, and the aim was to ensure complainants were heard at the highest level, and to intervene, especially in cases in which the death penalty was likely to be applied to adolescents.

42. The Government did not interfere in the activities of the Ministry of Human Rights, which, together with the Presidency, had issued a political statement condemning the use of violence in the protests of 15 March 2011.

43. With regard to impunity, in some cases, Interpol was called upon to ensure that persons attempting to flee their responsibilities appeared in court and were sent to prison.

44. On the question of the possibility of the President, male or female, marrying a foreigner, that option was open to both sexes.

45. He recognized that the complaints examination process could be slow, but complaints were reviewed by judges as soon as possible in the order that they were received, and courts could examine cases requiring emergency measures.

46. His Government would look into the possibility of ratifying the Optional Protocol to the Covenant and would bring the matter to the attention of the Council of Ministers.

47. The Government attached great importance to expanding women's participation in Parliament and had measures in place to that end. Discussions were under way on the adoption of proportional lists which would allow women to enter Parliament. In previous elections, many women candidates had stood for election, but had not been elected, since women had tended to vote for men. The current protests in the country were hindering the

Government's efforts to ensure the protection of economic, social and cultural rights. While there was strong political will to end discrimination, social and cultural obstacles remained. Improvements in that regard would require patience, and the active participation of society.

48. He wished to know the source of the information which the Committee had received on an alleged delay in the Government's plans to create 60,000 new posts, since the names of those accepted for those posts in the various governorates had already been published in newspapers.

49. **Mr. Sadi** said that the Arabic word the delegation had employed to describe persons with special needs meant "handicapped", which had negative connotations. He requested the State party to use the accepted terminology.

50. He asked what measures had been taken to facilitate the daily tasks of persons with special needs, particularly to ensure their mobility in streets and public places.

51. **Mr. Texier** said that the State party had not answered the question on whether it had a national minimum wage in place to ensure a decent living for workers and their families. Moreover, the answer provided in relation to the protesters who had recently been killed by the police had been unsatisfactory as such behaviour was unacceptable and ran counter to human rights. He asked for more information on those incidents and said the Government should take a position and issue an official statement to discourage any recurrence.

52. **Mr. Kedzia** (Country Rapporteur) agreed with Mr. Texier's observations on the recent protests and expressed concern about the delegation's comment about shopkeepers taking up arms during the protests. He wished to know the extent to which the State party had met its obligation to protect protesters from attacks and guarantee the freedom to protest. The situation required reflection and the Ministry of Human Rights should examine the matter from the perspective of rights-holders. The Committee would welcome more specific information on the recent incidents in Yemen, if not at the current session, then in writing at a later stage. The Government must take a stand on the matter.

53. The delegation's statement that the Akhdam were not recognized as a minority was not satisfactory. He wished to know whether the Akhdam perceived themselves as a minority.

54. **Ms. Shin** said she wondered whether the State party planned to modify the language of its Constitution to make it clear that both men and women could stand for the office of President.

55. **Mr. Martynov** reiterated his question on the status of the new Social Insurance Bill which had been submitted for adoption in 2009.

56. **Mr. Al-Rassas** (Yemen) noted that the security forces had been ordered not to use weapons against protesters, and the only information the Government had on the recent events was what had been reported on CNN.

57. He agreed with Ms. Shin that the language of the Constitution could be changed. Nevertheless, it did not, as it stood, prevent women from standing for the office of the President, since two women had done so in 2006.

58. **Mr. Alabassi** (Yemen), referring to the issue of persons with special needs, said that his Government had set up a fund for the care and rehabilitation of persons with disabilities, possibly the only such fund in the Arab world, which was financed by the Government and taxpayers, and enabled a number of governorates to meet a range of needs with regard to education, special equipment and services and other matters, all free of charge. It also provided a monthly cash subsidy.

59. Article 55 of the Labour Code set out the method for payment of the minimum wage, including for daily wages, without discrimination between the private and public sector. Discussions had taken place to address that matter, including with two social partners during a workshop, and the General Federation of Trade Unions was also being consulted. A strategy had been implemented in 2006 to ensure that a minimum wage of 20,000 rials (approximately \$100) — enough to meet basic needs — would be in place by the end of 2011.

60. The Akhdam were not viewed as a minority, but were subject to the same laws and policy as all other Yemeni citizens. Discrimination was very rare and Yemenis had many different shades of skin, so discrimination on the basis of colour was not an issue.

61. He noted that the draft amendments of 2009 to the Social Insurance Act had been adopted and the social security system currently in place had a dedicated institution, with headquarters in the capital and branches throughout the governorates. Moreover, the poorest received social security benefits directly by mail, thus preventing benefits from being pocketed by middlemen, as had happened in the past. Furthermore, a magnetic card system had been introduced for access to those benefits.

62. **Ms. Algaefi** (Yemen) said that her Government attached importance to persons with special needs in keeping with international treaties, noting that that category included persons of exceptional intellect or creativity. An example of the Government's plans to facilitate the mobility of persons with disabilities was the construction of a park which took into account their specific needs, and a comprehensive educational programme was in place which responded to the needs of children with disabilities, especially those with reduced mobility. It also published school books in Braille. However, the recent protests in the country had hindered implementation of additional projects.

63. The Akhdam viewed themselves as a minority, perhaps owing to programmes that had been put in place to address them specifically, which had led to a feeling of isolation. The Government had been seeking to raise awareness on the matter, build confidence among Akhdam children and ensure that that group was an integral part of the population. She noted that some parliamentary representatives were Akhdam and there were marriages between Akhdam and other Yemeni. There were also projects in place to encourage the participation of minority groups in higher education and in sports and other programmes.

Articles 10 to 12 of the Covenant

64. **Mr. Tirado Mejía** asked what measures the State party was planning to take to increase the level of registration of children, particularly in rural areas, noting that the fees that were sometimes levied in that context might explain the low levels of registration.

65. He also asked what new measures were in place to address the legal status and practice of polygamy. It seemed that no progress had been made in dealing with that practice, which was a sign of major gender inequality.

66. He also wished to know what was being done to ensure that the corporal punishment of children was prohibited at home as well as in schools, as that practice had deep negative implications and affected the rights of children.

67. He asked whether new provisions were in place for alternative penalties to cruel, inhuman and degrading punishments such as flogging and amputation.

68. He asked for more information and statistics on the situation regarding human trafficking, especially involving women and children, some of whom were sent to other countries to beg. That practice did not appear to be prohibited in Yemen.

69. He wondered how the State sought to remedy the lack of water in Yemen, as water and sanitation were essential for development.
70. He had seen information claiming that investment in education had been reduced between 2006 and 2009, in particular with regard to the education of women and girls, and asked whether that was true. If so, what was being done to halt the trend and ensure that education received more investment, not less?
71. **Mr. Schrijver**, noting that Yemen was now a party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, asked how the State was intending to reduce and eventually eliminate the use of child soldiers in armed conflicts.
72. Given that opposition to a draft bill establishing the minimum age of marriage as 17 had prevented it being passed by Parliament, he wondered what other measures the State party envisaged taking in order to implement a minimum age of marriage no lower than 17.
73. **Mr. Riedel** asked whether the plans to address water shortages in Yemen, such as those mentioned in paragraph 121 of the replies of the State party to the list of issues (E/C.12/YEM/Q/2/Add.1), had been implemented, whether they had been successful and whether any evaluations of them had been carried out. He asked the State party to provide annual disaggregated data in its next periodic report in order to show the progress achieved on providing water and sanitation services to the population in both rural and urban areas.
74. Disaggregated data on health-care issues such as reproductive health services, prenatal and post-natal care, and training of doctors and health-care personnel covering the entire country and reporting period should also be provided in future reports.
75. He asked why the number of nurses had decreased from 15,121 in 2005 to 11,073 in 2006, as shown by the data on page 43 of the periodic report (E/C.12/YEM/2).
76. Reports from NGOs suggested that deaths had occurred in prison hospitals as a result of medical negligence and a lack of medical care. He wondered whether any negligent personnel had been brought to justice. In addition, he asked for information on specific measures that had been taken to improve sanitary conditions in prisons, increase the access of prisoners to health-care services and reduce overcrowding.
77. **Mr. Kedzia** (Country Rapporteur) noted that not all of the information requested in paragraphs 23 and 41 of the list of issues (E/C.12/YEM/Q/2) had been provided and asked the delegation to remedy that omission.
78. He listed some cases of forced marriage and child abuse and asked whether, other than through legislative reform, the authorities provided any assistance to such victims.
79. Lastly, he asked for an assessment of the effectiveness of measures taken to address child malnutrition and hunger.
80. **Mr. Ribeiro Leão** noted that no information had been provided on the distribution of wealth in Yemen and asked whether any work had been done to identify the areas of the country with the highest proportion of persons living in poverty.
81. **Mr. Sadi** asked whether the State party intended to introduce any procedures under which women could seek and obtain a divorce.
82. He also enquired about the scope of Yemen's activities in relation to the right to drinking water and sanitation.
83. Lastly, he asked what the main diseases were that affected the people of Yemen and whether any efforts were being made to counter those diseases, such as prohibiting smoking in public and banning the use of certain pesticides.

84. **Mr. Dasgupta** asked how many prosecutions and convictions there had been for child abuse under the Children's Rights Act. He also asked what action was being taken to enforce the provisions of the Act that stated that no child below the age of 14 was permitted to work and what progress had been made in eliminating child labour.

85. The forced marriage of girls and women by their male guardians was a flagrant violation of women's rights and he wanted to know if the Government was taking any measures to ban that custom and to enforce such a ban.

86. Noting that the cultivation of Qat consumed a disproportionate amount of water and agricultural land, he asked why the Government was not taking steps to divert agricultural land and water resources, both of which were scarce in Yemen, to the cultivation of crops that could provide food to the Yemeni people.

87. **Ms. Barahona Riera** said she deplored the fact that, despite some legislative changes, the status of women in Yemen had not improved in practice. It seemed that the State lacked the political will to remedy that situation. The conservative and religious culture in Yemen could not be used to justify a lack of improvement in women's rights. Extreme poverty and discrimination and abuse against women were serious problems in Yemen and action needed to be taken.

88. She asked what specific progress had been made with regard to reducing female genital mutilation, maternal, infant and child mortality, and child malnutrition, and wanted to know whether any draft bills that would improve the situation of women had a real chance of being adopted by Parliament.

Articles 13 to 15 of the Covenant

89. **Mr. Kerdoun** noted that progress had been made by the State party in terms of education and improving adult literacy rates. However, he wondered how the Government was intending to tackle the issues of illiteracy among children aged 6 to 14 who did not attend school and the school dropout rate, in particular with regard to girls.

90. He asked which goals of the National Literacy and Adult Education Strategy for 2006–2010 had been met, whether the strategy had brought about tangible progress and whether any difficulties had been encountered in implementing it.

91. He also asked what progress was being made towards the target of providing basic education for all by 2015 and what means were being used to overcome any obstacles. Further, was the Third Five-Year Plan, which contained specific targets, being implemented?

92. **Ms. Shin** noted that the statistics on education provided by the State party in its replies to the list of issues showed increasing dropout rates and decreasing attendance, completion and pass rates. She asked why that was the case and how the State party was planning to address those problems. She also wanted to know whether most students who failed their examinations were from rural areas and what measures the Government was intending to take in order to keep children in school and help them progress through the education system.

The meeting rose at 1 p.m.