

## **Summary Record of the dialogue between the Human Rights Committee and the Official Delegation of Yemen (11<sup>th</sup> –12<sup>th</sup> July 2005)**

This summary record underlines the concerns of the Human Rights Committee's (HRC) that were raised during the dialogue with the Yemen Delegation held during the 84<sup>th</sup> session in Geneva, on 11 and 12 July 2005.

This dialogue was focused on the list of issues<sup>1</sup> that had been prepared by the HRC, and submitted beforehand to the Yemen Delegation with the aim to obtain complementary information to the fourth periodic report<sup>2</sup> of the State Party.

In introduction to this dialogue, the Yemen Delegation reaffirmed that the Republic of Yemen decided to pursue its efforts and reminded the adoption by the State-Party of democratic principles, with a legislative system based on human rights, political pluralism and the organisation of free, direct and secret elections since 1993. The Yemen Delegation recalled that civil society developed, quantitatively and qualitatively, with around 4,000 NGOs that act independently and efficiently. The Delegation said it wished to collaborate more with the civil society.

The Yemen Delegation also explained that the Council of Ministers examined legislative texts to amend more than 26 laws about the women status.

The Yemen Delegation stated that the Republic of Yemen was aware of the need to promote human rights and felt involved in doing so, but as the State had real limited capacities and resources, the support of the international community was necessary to go ahead.

Moreover, the members of the Committee congratulated the Delegation for its detailed report that was delivered before the deadline, which was really appreciated.

### **Constitution and Legal Framework within which the Covenant is implemented; Right to an effective remedy (Art. 2)**

The Yemen Delegation explained that there are three types of mechanisms to give full effect to rights protected under the Covenant:

**1) The system of judicial proceedings**, which has three levels specified under the Judicial Authority Act, while the Code of Criminal Procedure regulates the procedures and time-limits for the hearing of disputes and legal grievances.

**2) At the practical level**, grievances are heard by the competent **high administrative authorities** or by the varying levels of administrative courts.

**3) The legislative authority**, which discussed citizen's affairs in public hearings that are held during sessions of the House of Representatives<sup>3</sup>.

In 2003, the effort for implementing the Covenant culminated with the creation of the Ministry of Human Rights, overlooked by the President himself. The establishment of this body plays an important and leading role in attempting to create a culture of judiciary accessibility for the public at large with respect to the protection of human rights in connection with civil society.

On the question of the establishment of an Independent Human Rights Commission, the Delegation answered that the establishment of the Ministry of Human Rights was not incompatible with the creation of an independent body and that there was a project to establish this Commission. The Delegation emphasized that an important number of NGOs

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<sup>1</sup> See the "List of Issues", UN document CCPR/C/84/L/YEM.

<sup>2</sup> See Fourth Periodic Report of Yemen, UN document CCPR/C/YEM/2004/4.

<sup>3</sup> See Third Periodic Report of Yemen, UN document CCPR/C/YEM/2001/3.

(50) involved in the human rights field was already acting with efficiency and independently from the Government.

### **Gender Equality and Non-Discrimination (Arts. 3 and 26)**

On the question of the prohibition of discrimination based on gender provided for in domestic law, the Yemen Delegation recalled relevant articles 41 and 42 of the Constitution.

The Yemen Delegation also emphasized the following dispositions that ensure in its view the prohibition of discrimination based on gender:

- Article 5 of the Labour Code<sup>4</sup> explicitly indicates that women and men are equal in regard to working conditions;
- Women's participation in political and legal activity has been valorised when the General Elections Act<sup>5</sup> granted them the right to vote as well as to stand as candidates;
- Article 2 of the Judicial Authority Act<sup>6</sup> clearly establishes that litigants, regardless of whether they are male or female, are equal before the law;
- The Civil Service Act<sup>7</sup> provides that public posts shall be staffed on the basis of the principle of equal opportunity. However, women are granted special rights under a number of articles<sup>8</sup>.

Regarding representation of women in political life, the Yemen Delegation stated that women were holding senior positions in the administration, but also pointed out that "things do not always go as planned". However, legislation does not prevent women from participating or taking responsibilities in public positions<sup>9</sup>.

On the question of the cases of female genital mutilations, the Yemen Delegation said that the practice of female genital mutilation was prohibited. Cases were rare and occurred in isolated coastal areas and in border regions. Medical services do not provide this service and are not allowed to do so. 90% of the population has accordingly given up this tradition.

The Delegation said that polygamy was permitted by the government, insofar as the Islamic law allowed it. The Delegation added that the international community must respect the specificities of the religious beliefs.

The Delegation further stated that the phenomenon of trafficking of Iraqi women's does not exist in Yemen.

### **Measures against terrorism and respect of the Provisions of the Covenant**

The Yemen Delegation reported that national legislation does not contain the crime defined as terrorism, but yet there is a law under which the kidnapping of foreigners falls and may used in this context. Islamic Law provides strict sanctions for these crimes. The Yemen Delegation specified that the State ratified the Arab Convention for the Suppression of Terrorism (1998), as well as the Convention of the Organisation of the Islamic Conference on Combating International Terrorism.

### **Right to Life (Art. 6)**

Regarding the question of death penalty, the Yemen Delegation stated that the solution would be to create legal instruments in order to protect life (like an appeal to overturn this

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<sup>4</sup> See Labour Code (law No. 5 of 1995).

<sup>5</sup> See General Elections Act (law No. 27 of 2001).

<sup>6</sup> See Judicial Authority Act (law No. 1 of 1990).

<sup>7</sup> See Civil Service Act (law No. 19 of 1991).

<sup>8</sup> See Fourth Periodic Report of Yemen, UN document CCPR/C/YEM/2004/4, § 50, g).

<sup>9</sup> For instance, there are female attorneys, directors, and within the 'prosecution' system there are female judges. Recently, 30 women were considered for these positions. Besides, Yemen has special courts for minors that deal with proper situations of minors, in which women hold such positions as female judges.

sentence), instead of going against Islam or Islamic Law. It manifested its view not to abolish this punishment, paying due consideration to religious beliefs.

### **Freedom from Torture and Other cruel, inhuman and degrading treatment; treatment of prisoners and other detainees (Art. 7, 9 and 10)**

The Yemen Delegation said that it has taken steps to prevent torture, and that relevant provisions enshrine the right to life and the right to personal integrity.

On the question of the sanctions applicable to State agents found guilty of torture, the Delegation stated that articles 166, 167 and 168 of the Penal Code provide for punishment against persons who abuse their power. The delegation gave also concrete examples.

The Delegation specified that some NGOs organised awareness workshops aimed for law enforcement officers. Besides, legislation regarding various types of freedoms is taught at all levels of education, specially at the university level, and specifically to judges and police officers.

### **Rights to a fair trial**

Penal legislation guarantees the right to have a legal council and also provides with an attorney for people who have no financial means.

### **Freedom of religion (Art. 18)**

According to the Yemen Delegation, Islamic Law is very tolerant when it comes to other religions, and there are no limitations on freedom of religion. For instance, there would be no case condemning anyone from converting.

### **Right to Freedom of expression, assembly and association (Arts. 19, 21, 22)**

With regards to the allegations that four people were killed by security forces during a demonstration in March 2003, the Yemen Delegation answered that it was in order to protect the other citizen's life.

On the question on the reform of the Press and Publication Act, the Delegation specified that the law will be modified and will focus on the concept of a free and responsible press.

### **Protection of Children (Art. 24)**

The minimum age for marriage is 15 years old for men and women, but a marriage contract can be established by the legal representative in charge of the child while they are still under age. However, either one or both can refuse and/or void this contract once they become of age.

Regarding the issue of the trafficking of 50,000 children, the Delegation stated that perhaps this was referring to the visas issued by Yemen, in total, for children travelling to Saudi Arabia to visit Mecca or to go on holidays with their families. This number surprised the Delegation, who stated that such a high number of people could not have gone unnoticed by the Government.

The Delegation acknowledged that there was a problem with children begging in the streets, but it mentioned that the adults behind this occurrence were prosecuted. In addition, Yemen just opened a centre to this regard in cooperation with UNICEF, aimed at protecting street's children.