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Committee on Economic, Social and Cultural Rights Seventy-third session

Summary record of the 12th meeting*

Held at the Palais Wilson, Geneva, on Monday, 20 February 2023, at 3 p.m.

Chair: Mr. Abdel-Moneim

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The meeting was called to order at 3 p.m.

Consideration of reports *(continued)*

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

Third periodic report of Yemen (E/C.12/YEM/3; E/C.12/YEM/Q/3; E/C.12/YEM/RQ/3)

1. *At the invitation of the Chair, the delegation of Yemen joined the meeting via video link.*

2. **Mr. Ibrahim** (Yemen), introducing the third periodic report of Yemen (E/C.12/YEM/3), said that, despite the destructive impact of the 2014 coup carried out by Iranian-backed Houthi militias, the National Reconciliation Government was continuing to work with civil and political society to promote human rights and embrace sustainable initiatives to help overcome the challenges faced in the recovery and reconstruction efforts, such as the inadequacy of the country's services and infrastructure, the fractured nature of Yemeni society, and the lack of political and national stability and sustainable peace.

3. At the Government's request, the United Nations Security Council had held a special session on 15 July 2022 to discuss the problem of the Safer floating storage and offloading (FSO) vessel. While the Government concurred with the recommendations presented by the Special Envoy of the Secretary-General for Yemen, the Houthi militias had continued to use the vessel to threaten the country and jeopardize regional and international maritime navigation.

4. The political situation following the Houthi coup had continued to have a negative impact on the economy. Many projects designed to combat poverty had proven ineffective, especially as the Houthi militias controlled a large part of the country's economic resources. Around 17 million persons were experiencing food insecurity, some 10 million were facing starvation and 1 million children were suffering from malnutrition. The Government was nonetheless working with partners to restore the social security system in order to provide support to disadvantaged and marginalized groups, without discrimination.

5. In violation of international humanitarian law and in defiance of United Nations-backed peace talks, the Houthi militias had continued to block oil exports, leading to the loss of oil revenues, which were the Government's primary source of income. Basic public services had ceased, civil servants' salaries could not be paid, the value of the currency had dropped, there was a shortage of imported goods and the banking system had fractured. The coronavirus disease (COVID-19) pandemic had also had a significant impact on economic and social rights, especially in regions outside government control. Although the Government had been forced to suspend many of its programmes and plans in recent years, it was nonetheless continuing to assess the population's needs and draw up a list of priorities for reconstruction, which would be reliant on the financial support of international donors.

6. The Government had drawn up policies, strategies and action plans across various areas related to human rights. Its strategies on reproductive health, food security and social security gave greater protection to women's and children's rights, and it was developing five new women's shelters across various governorates. Pursuant to Ministerial Decree No. 148 of 2013, the Government had established various funds to support internally displaced persons, including by facilitating reconstruction, boosting agriculture and fishing productivity and enhancing the provision of social care and care for persons with disabilities. The Ministry of Education was implementing strategies to improve education at the primary, secondary and higher levels, develop health care within schools, ensure an appropriate educational environment, expand vocational training and guarantee equality and non-discrimination within education, especially with regard to enrolment and quality. It was also taking steps to ensure access to education for internally displaced children.

7. The Government remained responsive to all calls for peace negotiations and had participated in numerous rounds of talks. It had also signed the 2022 United Nations-mediated truce which had allowed for the import of petroleum derivatives through Hudaydah

port and the payment of government employees' salaries. The Houthi militias had refused all attempts to extend the truce or pay the salaries of government employees in areas under their control, however. The Government nonetheless remained committed to protecting human rights and to working with international organizations to alleviate conditions in Yemen.

8. **Mr. Hennebel** (Country Rapporteur) said that, given the complexity of the situation in Yemen, the Committee had interpreted the State Party's obligations under the Covenant accordingly. In that context, he wished to know what measures had been taken to ensure the independence, impartiality and operational effectiveness of the National Commission of Inquiry into alleged human rights violations, how many cases the Commission had handled, how many it had referred to the judicial authorities, whether it communicated with the authorities at all levels of government and what reparations it had ordered thus far. Expressing regret that the mandate of the Group of Eminent International and Regional Experts had not been renewed, he asked whether any other mechanisms could fill that role. It would also be useful to know what measures were being taken to improve the functioning of the Ministry of Human Rights and the Ministry of Legal Affairs, increase the resources available to them and develop a human rights policy that responded to the challenges that the country faced.

9. He wished to know what was being done to educate lawyers, judges, human rights defenders and law enforcement officers about the Covenant. In addition, he would welcome information on the legal status in the State party of the recommendations made by the human rights treaty bodies and whether the provisions of its national legislation differed from those of the Covenant. It would be interesting to know what the Government's position was regarding engagement with the various individual communications mechanisms, whether citizens had access to them and, in that connection, whether it intended to ratify the Optional Protocol to the Covenant.

10. He asked what anti-corruption tools the Government had adopted and how it ensured that they were used effectively and all companies operating in the territory of Yemen respected the social, economic and cultural rights of the country's residents.

11. It would be useful to learn what was being done to ensure that humanitarian aid reached all areas of the country, including those controlled by Ansar Allah and other non-State actors, in particular the town of Ta'izz, which had become almost completely isolated. He wished to know what the Government was doing to ensure the stability of humanitarian corridors, what steps had been taken to facilitate the organization of meetings with high-level representatives of donor States in order to secure further donations and what legislative measures had been taken to expediate the transportation of medicines, fuel and other goods for humanitarian purposes.

12. He would welcome information on the measures in place to ensure the safety of human rights defenders and humanitarian actors and protect them from persecution, intimidation and harassment. He also wished to know what steps had been taken to develop a policy on land and property rights and to maintain a detailed and transparent register of land rights.

13. It would be useful to learn what the Government was doing to combat poverty and to assess the efficacy of its efforts to that end. He wished to know what measures were in place to prevent forced labour, slavery, human trafficking and discrimination against journalists, human rights defenders, women, minorities, children and lesbian, gay, bisexual, transgender, queer and intersex persons. He asked what mechanisms were used to record the number of internally displaced persons in the State party and to ensure that their rights were upheld. He would also welcome information on the measures introduced to combat stigma against members of the Muhamasheen community, ensure that they had access to formal housing, social support and justice, and prevent their recruitment by militia groups.

14. He would appreciate some indication of whether the Government intended to abolish the death penalty and to decriminalize homosexuality. He wished to know what measures it had taken to guarantee access to justice and lawyers for members of the Muhamasheen and LGBTIQ+ communities accused of capital offences and to ensure that factors such as socioeconomic status and gender and any relevant instances of gender-based violence and discrimination were taken into account in capital punishment proceedings. How many

women had been accused of capital offences and sentenced to death, and how were they guaranteed access to justice?

15. Furthermore, it would be useful to know what specific action the Government had taken against non-State actors who had violated the human rights of women and how it guaranteed effective redress for the victims of such violations.

16. The delegation might specify the measures it had taken to combat gender inequality, particularly in socioeconomic spheres; to reduce the maternal mortality rate; to combat domestic violence; to prevent, punish and provide redress for gender-based violence, including child marriage, forced marriage, rape and sexual assault; and to abolish the requirement for women to be accompanied by a *mahram* (male chaperone) in the governorates controlled by the de facto authorities.

17. He wished to know what specific measures had been implemented to ensure that all prison authorities adopted gender-sensitive policies, based on the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and aimed at ensuring the safety and security and economic, social, and cultural rights of women in detention.

The meeting was suspended at 3.40 p.m. and resumed at 3.55 p.m.

18. **A representative of Yemen** said that, since its establishment in 2016, the National Commission of Inquiry had gathered reports of around 24,000 human rights violations. Approximately 7,000 violations had also been recorded and reported to the authorities by non-governmental and civil society organizations. The Commission maintained close ties with such organizations, examining and verifying their reports and holding regular joint working sessions to discuss human rights violations in Yemen.

19. Meetings had been held to discuss the prevention of human rights violations in detention centres, which were regularly visited by the Commission, as well as to identify human rights violations more generally, gather detailed information on the victims and determine the damage caused to ensure the provision of compensation. Gender-based discrimination was a particular focus and the Government held regular discussions with the Supreme Judicial Council and the Office of the Public Prosecutor to address any challenges or outstanding issues, in addition to maintaining an ongoing dialogue with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

20. The Government had met with the Group of Eminent International and Regional Experts, but found that its reports were politicized, lacked objectivity, were based on unverifiable sources and failed to properly consider the country's specific circumstances. The Group had worked on the reports remotely from Beirut, which had had an impact on the effectiveness of its work. Those observations had been transmitted to OHCHR, but to no avail. Nonetheless, the Government was involved in ongoing discussions with OHCHR and hoped to receive capacity-building support, while also incorporating best practices observed elsewhere. It would seek to implement the recommendations made in the reports relating to the legal sector, with a view to ensuring that all Yemenis could enjoy their human rights.

21. **A representative of Yemen** said that, despite the conflict, the Government had been working to restore the judiciary, by appointing a national public prosecutor and reactivating the Supreme Judicial Council, the country's highest judicial authority. Court services could be accessed in most of the governorates controlled by the legitimate Government and the judiciary was operating at 90–95 per cent capacity in those areas. The Ministry of Justice had also started to rebuild court buildings and chambers and ensure they were adequately equipped.

22. The Constitution provided for equal treatment and the right to access justice for all citizens. Pursuant to the Constitution and the international instruments to which Yemen was party, the Government was obliged to provide legal assistance for those seeking justice. There was no gender-based discrimination: women were able to receive judicial assistance either directly through government services or indirectly through international organizations assisting the Government in providing such services. A judicial services fund had also been established, with the support of the Cabinet, to increase the provision and effectiveness of

legal aid and other forms of assistance. It was used, for example, to fund lawyers to represent defendants in criminal proceedings who belonged to certain groups, such as women, persons with disabilities and the poor. Many women and members of the Muhamasheen community had become lawyers themselves and were running their own practices.

23. **Mr. Ibrahim** (Yemen) said that many of the issues raised had been addressed during the Comprehensive National Dialogue Conference, in which various segments of Yemeni society had participated actively. A quota system had been put in place to ensure that 30 per cent of the participants were women.

24. **A representative of Yemen** said that the Government's strategy for eradicating poverty involved increasing employment, addressing health-related matters and protecting and caring for internally displaced persons. With regard to employment, efforts had been undertaken to involve the population in humanitarian activities as a way to provide them with jobs. The Ministry of Industry and Trade had established a fund to support small and medium-sized enterprises through grants and loans, and a conference, sponsored by the Presidential Leadership Council, would be held to examine strategies for funding such enterprises, with a particular focus on women's employment.

25. **A representative of Yemen** said that the ongoing war affected relief activities aimed at helping the over 4 million persons who had been internally displaced. The Government had drawn up a national displacement policy, underpinned by national laws and humanitarian standards, to protect and support internally displaced persons and affected communities and to facilitate safe and voluntary solutions. It had also set up bodies to address the matter: for instance, the High Relief Committee, which was responsible for coordinating humanitarian action to assist displaced persons, working with international, regional and civil society organizations to provide durable solutions to meet their needs. Another example was an operational unit whose volunteers were working on the ground in 14 governorates to support internally displaced persons by affording them legal protection, registering their information so that it could be transmitted to the Government and international organizations, providing land for displacement camps, managing some 1,620 sites and securing humanitarian assistance for residents.

26. **A representative of Yemen** said that the Ministry of Human Rights was currently carrying out its work from the temporary capital, Aden, and was seeking to revive its activities, which had been affected by the war. It had therefore established a hotline for human rights-related complaints and a reporting system through which it received complaints of violations committed by the Houthi militias, including violations of children's rights. In that connection, a Joint Technical Committee on the Prevention of Child Recruitment had been set up in cooperation with the United Nations. It had already had a positive impact, meeting regularly and providing manuals and training for focal points responsible for preventing violations of children's rights across the country. Furthermore, the Ministry had established a technical committee comprising all government agencies, which paid field visits to areas in which violations had been reported and prepared reports on any violations, in addition to providing training for military leaders, who had very limited knowledge of international law, to equip them to handle complaints.

27. The reporting system also covered complaints relating to the judiciary. The Public Prosecutor's Office and the General Inspector of the Ministry of the Interior were competent to receive such complaints, including those from prisoners, and the Ministry conducted field visits and trained coordinators to receive complaints locally so that it could monitor all violations committed. Complaints were received from both the areas controlled by the legitimate Government and those under the control of the Houthi militias. Those received from the latter concerned confiscation of property, abduction, hijacking, press freedom and the repression of civil society organizations working in the area of human rights; they were transmitted to the competent authority for examination.

28. **A representative of Yemen** said that, since coming to power in 2020, the Government had helped to improve the conditions, to enable international and regional organizations to supply humanitarian relief both to areas under the control of the legitimate Government and to areas not yet liberated. The effort had seen the creation of more than 4,000 associations, foundations and institutions, including some 600 cooperatives, nearly 300

of which were able to operate across all the governorates. Full operating licences had been granted to nearly 60 international governmental or non-governmental organizations, while 48 applications were still being processed.

29. The Ministry of Social Affairs and Labour was developing and implementing the National Strategy on Social Protection for the most vulnerable and the elderly; and the National Strategy on Children and Youth was being implemented with the participation of the United Nations Children's Fund (UNICEF). The Government also worked with associations, cooperatives and unions and was striving to promote coordination in that area between the capital, where the headquarters of organizations working with the Government tended to be clustered, and the other governorates, as there was sometimes a lack of participation from local grass-roots organizations, which often operated in areas under the authority of the militias.

30. The Government was developing databases to ensure more transparency in the work of associations and provide information to international and local organizations, including local population statistics. Efforts were also being made to align the work of associations in Yemen with regional and international standards.

31. **A representative of Yemen** said that a general framework was in place to ensure that women enjoyed full economic, social and cultural rights. Women had been involved in the drafting of a ten-year strategic plan running from 2023 to 2033 to improve their status in society by reinforcing their economic empowerment, increasing their participation in decision-making and making it easier for them to stand as candidates in elections. It was stipulated that 30 per cent of all official posts should be held by women, but the figure currently stood at 20 per cent. Citizens could lodge complaints in that regard with an office of the Ministry of Justice. For the first time, a female judge had been appointed at the Ministry of Justice.

32. Measures had been taken to combat gender inequality in certain areas, including the *mahram* system, but they had been hindered by discriminatory rules imposed by the Houthi movement. Women's status had suffered as a result: in areas under Houthi control, they were prohibited from taking certain modes of transport if unaccompanied and from conducting peaceful protests; they were obliged to wear black clothing in schools and universities and prohibited from taking part in end-of-year school celebrations. In the Sana'a region, the prohibitions were particularly strict, being based on Iranian policies. Any woman who did not observe the restrictions risked corporal punishment and even kidnapping, as seen in the recent case of Intisar Al-Hammadi.

33. Some girls were married as early as the age of 12 years due to the adverse economic conditions faced by their families. An amendment to raise the minimum age of marriage to 17 years had yet to be adopted, but the Government was confident it would be able to introduce a requirement that identity documents should be presented as proof of the girl's age and that she had given her consent to the marriage. A public awareness campaign had been conducted to promote respect of children's right to enjoy their childhood, independence and bodily autonomy.

34. **Mr. Ibrahim** (Yemen) said that measures had been taken by the Council of Ministers to facilitate humanitarian access to Houthi-controlled areas, most notably in January 2020. The Government was working closely with international organizations to ensure that assistance reached those areas, and 22 humanitarian aid corridors had been created for that purpose. However, in addition to ignoring the Statement of Understanding on Ta'izz, the Houthi militias had posed additional barriers to humanitarian aid reaching the area. The Government was nevertheless committed to upholding its obligations.

35. A wide range of measures had been taken under the Government's anti-corruption drive, including through the Supreme National Authority for Combating Corruption.

36. Numerous efforts had been deployed in the area of land ownership. However, the Houthi militias did not observe the law in the areas under their control. In Sana'a governorate, they had deployed land mines on agricultural land, compromising land tenure and the associated rights, and even targeted public buildings and assets.

37. **Ms. Saran** (Country Task Force) said that she would like to know what steps had been taken to protect the livelihoods of agricultural workers and fishermen displaced by the conflict, and other workers not protected by existing legislation. Had an impact assessment been undertaken on the loss of employment resulting from the conflict?
38. She would welcome information on steps taken to implement an updated national employment policy, to address youth unemployment and to create job opportunities in the public and private sectors. Had any action been taken to update education and training curricula to ensure coordination between training and labour-market needs and what had been the outcome? The Committee would also like to hear of any efforts to create job opportunities for persons with special needs and ensure their participation in public life.
39. The Committee had received reports indicating that more than 800,000 children aged between 4 and 15 years were working, primarily in the agricultural sector. It would thus welcome statistical data on the employment of children in the workforce. It would be interesting to hear whether there was a legal minimum age for work, what measures had been taken to prevent child labour, including under the 2019–2026 Action Plan and what the results had been. Information about efforts to remove children from the workforce and promote their education, training and rehabilitation would be useful.
40. It was unclear how the ban on slavery was enforced in line with Yemeni law and the Slavery Convention, in particular where the Muhamasheen community was concerned. Information on any action taken to address the social marginalization, stigmatization and racism experienced by that group would be welcomed. Had there been any success in ensuring access to birth certificates for all enslaved and marginalized persons?
41. In the light of reports non-payment of salaries to many public servants, she would like to know what steps the State party had taken to guarantee that all workers throughout the country were paid the wages due to them in full. Any steps taken towards guaranteeing a minimum wage should also be indicated.
42. Information would be appreciated on measures to meaningfully address discrimination against women and girls and ensure favourable conditions of work and representation in political and public life. Specific information should be provided on attempts to implement the 30 per cent quota for women in official positions.
43. She would like to learn what steps the State party had taken to address sexual harassment in the workplace and to assess, monitor and remedy the gender pay gap and other forms of discrimination. Information should be provided about any legislation that protected women in particular from dismissal on account of their family responsibilities. Had any steps been taken to re-activate the Labour Council?
44. She wished to know how the State party addressed the issue of unfair dismissals by private companies, and how trade union and collective bargaining rights enshrined under article 8 of the Covenant were protected under existing legislation and the Labour Code.
45. Information would be appreciated on access to social security for workers, as provided in article 9 of the Covenant. To what degree had the Social Fund for Development provided support to the rural population?
46. She would also like to hear about anything done in areas under the control of the State to ensure safe access to public services.
47. In the light of the scarcity of water in Yemen, she would like to know what steps the State party had taken to address the decline in food production and the reported increase in the cultivation of qat, which was water-intensive and was associated with adverse health effects.
48. Lastly, information would be welcomed on any steps undertaken on renewable energy projects.

The meeting rose at 5 p.m.