



International Convention on the Elimination of All Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Sixty-ninth session

SUMMARY RECORD OF 1764th MEETING

Held at the Palais des Nations, Geneva, on Thursday, 3 August 2006, at 3 p.m.

Chairperson: Mr. de GOUTTES

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The meeting was called to order at 3.10 p.m.

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

*Fifteenth and sixteenth periodic reports of Yemen (CERD/C/YEM/16;
HRI/CORE/I/Add.115; list of questions (unclassified document, distributed in
the meeting hall in English only))*

1. *At the invitation of the Chairperson, the delegation from Yemen took their places at the Committee table.*
2. The CHAIRPERSON greeted the Yemeni delegation and invited it to submit the fifteenth and sixteenth periodic reports of Yemen.
3. Mr. ABDULLAH (Yemen) said that Yemen was serious in its intention to implement the human rights agreements to which it was a party, in particular the International Convention on the Elimination of All Forms of Racial Discrimination, and that the country had made significant progress in implementing them. After the unification of the country in 1990, the people through free elections chose a multiparty, democratic system of government. Thereupon, political activity in the country came alive and the number of non-governmental organizations and unions increased due to the fact that the Constitution guaranteed each person the right of assembly and freedom of association. The Government made a priority of human rights and social freedoms, which was vital for the support of a truly pluralistic and democratic regime serving the interests of society. Many measures of various kinds at the national, regional, and international levels were undertaken to promote human rights. The Ministry of Human Rights cooperated with the United Nations High Commissioner for Human Rights with the goal of including material on human rights in training courses for police officers, journalists, and court system workers. Measures to increase awareness of human rights were also important for social workers who dealt with juvenile delinquents, homeless persons, child victims of human trafficking who were returned to Yemen after being exploited abroad, the elderly, and the disabled. Every year a Human Rights Day was observed for which many events were organized and informational brochures published. At the present time, there were 75 associations in Yemen for the promotion of human rights.
4. In addition, the Government was actively seeking to modernize and increase the independence of the court system; in some provinces courts for minors were established. Yemeni law was completely reviewed to assure its accord with the international human rights agreements that were ratified by Yemen, including the Convention.
5. In recent years, a whole series of measures and actions regarding human rights were carried out in Yemen. Thus, in 2004 the city of Sanaa was declared a capital of Arab culture, and a seminar was organized there on the dialogue between cultures and civilizations. In the same year, a conference was organized on questions of women and democracy and the rule of the International Criminal Court, and the Cabinet of Ministers approved the adoption by Yemen of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. In 2005, a new general census of the population was conducted, and the third five-year plan for reducing poverty was adopted for the period 2006-2010. A special

committee was formed to develop new legislation on granting asylum and to develop a national programme of reforms in this area. Finally, elections for President and for national councils were due to be held in Yemen in the near future.

6. Mr.AL-HAWIRI (Yemen), responding to the first question on the list, regarding the makeup of the population of Yemen, said that racial groups did not exist in Yemen. He did not deny the fact that a “marginalized” or “vulnerable” group existed, but he explained that it had not been distinguished as a separate category of the population in the 2004 census. He considered black-skinned people to belong to this group, who generally were employed as household help. They were found throughout the country, but especially in western provinces. Although the living conditions of these persons had significantly improved in comparison to their situation 10 years prior, their level of education remained very low, and the illiteracy rate in this group was significantly higher than the national average, which was around 27 per cent. According to studies conducted by the Yemeni Centre for Social Affairs and Employment, among marginalized persons in Sanaa and Aden the illiteracy rate was 50 per cent, the proportion of persons with elementary education was just above 10 per cent, and the proportion of persons with a university diploma in those cities was 5 per cent and 2 per cent, respectively. These figures were explained by an insufficiency of resources, high rates of reproduction, and inadequate awareness among parents in this group of the necessity of sending their children to school.

7. As regards the living conditions of marginalized persons, research conducted in 2001 on access to housing and land ownership showed that around 80 per cent of them were owners of their homes, which they had received from relatives through inheritance or purchase. The basic source of income for these persons was paid labour. Nevertheless, only half of working-age persons had a job (as a rule, in the area of forestry or housecleaning), which spoke for the high rate of unemployment in this group. Nevertheless, this group actively participated in the electoral process: in the 1999 elections, 80-90 per cent of the members of this group voted

8. Responding sequentially to the questions in the list, which were posed to his country's delegation, Mr. Al-Hawiri said that it was impossible to provide examples of judicial cases during which reference had been made to the Convention because Yemen did not keep judicial statistics. Yemen took active part in all measures organized in the context of the Dubai Conference. Seeking a successful continuation of this initiative, Yemen had included a national strategy for the protection of human rights in the recently adopted, third five-year plan. The Ministry of Human Rights, which was the competent body in this area, was discussing this question with the Office of the High Commissioner for Human Rights.

9. The representative of Yemen said that his country's desire to assist the most underprivileged found expression in many measures and initiatives, for example in a universal plan of social assistance, family planning centres, foundations for the support of the fishing and agricultural sectors, social development foundations, literacy programmes, support for organizations in civil society, instructional centres for the poorest, which have been opened in Sanaa and Aden, and increases in the budgetary resources allocated for social reintegration. The improvement in general living conditions and the reintegration of marginalized groups were the most important tasks facing the Ministry of Social Affairs and Labour and the Supreme Council for Motherhood and Childhood Affairs, which were cooperating with

UNICEF. Civil society was also being mobilized towards this goal. For example, a project undertaken at the initiative of civil society with the support of the State made it possible to create 46 residential units for marginalized persons in an area that afterwards received the name “Neighbourhood of Hope”.

10. Inter-ministerial commissions were created, whose mandate was to review all laws for the purpose of bringing them into accord with the international agreements that have been ratified by the State, in particular the Convention. One of these commissions, created in 2002, published many decrees aimed at excluding from the provisions of domestic law any and all discrimination against women; work on this initiative was continuing. Similarly, efforts to protect childhood, carried out under the auspices of the Supreme Council for Motherhood and Childhood Affairs, led to the publication of 14 decrees, which introduced amendments into the texts of laws affecting children. Yemen was among the first States to ratify the Convention on the Rights of the Child.

11. Currently, the Ministry of Human Rights was the main institution responsible for monitoring the observance of human rights in general and of the 1993 decree on improving the protection of human rights, in particular. Training was being provided, especially to experts, in order to create a genuinely independent institute for the protection of human rights in accordance with the Paris Principles.

12. The Yemeni representative informed the members of the Committee that in the fifteenth and sixteenth periodic reports they would find information on a whole series of measures aimed at realizing the provisions of the Convention, including its first article. To this end, a decree was passed applying the law to the press and publications and calling for a struggle against any expressions of racial, tribal, or other hatreds. The Penal Code established a punishment of imprisonment up to five years, with fines, for incitement to ridicule or provoke any group of persons. According to the Constitution, all citizens of the country were guaranteed equality of rights and obligations, and many associations were working to inform the people about these rights and obligations. The 2001 law regulating relationships with organizations of civil society was considered one of the best and most up-to-date in the Arab world, and it strengthened the principle of non-intervention of the State in the activities of civil society.

13. Yemen was a party to the 1951 Convention regarding the Status of Refugees and the 1967 Protocol to it. Commissions for granting refugee status were created in competent bodies under the strict observance of the definitions contained in the first article of these agreements. Seven centres and camps for refugees, which were created as a result of the cooperation of the Government with the Office of the United Nations High Commissioner for Refugees, housed refugees who were mainly from the countries of the Horn of Africa (Ethiopia, Eritrea, Somalia). The largest of them housed approximately 60,000 refugees, and the most modern of them contained a school and received assistance from the World Food Programme. Refugees were granted complete freedom of movement within the camps, between them, and on the remaining territory. They were offered various types of activities in accordance with their professional qualifications.

14. Phenomena such as trafficking in adults and children appeared in Yemen quite recently, under the influence of poverty. Despite the fact that such cases were rare, the agencies of the State reacted to them promptly. Thus, the Ministry of Interior sent official instructions to all border provinces describing ways to root out this

phenomenon and to prosecute guilty parties; the Ministry of Justice also sent official instructions requiring courts to administer harsher punishments to persons found guilty of these activities. In addition, in cooperation with the United Nations and international institutions, the State was attempting to bring victims under its protection and to facilitate their return to their families. The Ministry of Social Affairs and Labour conducted detailed studies into this matter. The greatest attention was now being given to the creation of centres for receiving victims at the country frontiers, the modernization of existing reception centres, and improvements in monitoring cross-border movements.

15. Regarding the rights of non-citizens to receive citizenship without discrimination, many legislative provisions were adopted and decisions of the Council of Ministers taken for the purpose of bringing Yemeni law into accord with international standards, including with the Convention. The comments of the Committee on this topic would naturally be taken seriously.

16. Responding to the question from the list as to whether the al-akhdam ethnic minority had access to basic services, Mr. Al-Hawiri again asserted that all citizens of the country were equal in accordance with the Constitution and national law.

17. Illiteracy, which was basically associated with socio-economic factors, remained a serious problem in Yemen. The Government was devoting considerable attention to this matter and in 2005 adopted a five-year plan aiming at reducing by 20 per cent the proportion of illiterate residents by 2010 and to assist the poorest members of the population, especially women living in rural regions, in obtaining basic education so as to find work in local labour markets. In this area, Yemeni authorities were working in close cooperation with NGOs.

18. Yemen hoped in the near future to withdraw its reservations with regard to article 5 of the Convention. It signed but did not ratify the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families. In any case, it ratified a significant number of extremely important human rights conventions, including the 29 conventions of the International Labour Organization (ILO), including eight fundamental conventions.

19. The speaker added that the Yemeni delegation had no information regarding the number and nature of cases of racial discrimination that had been adjudicated in the courts. The Ministry of Human Rights reviewed a series of complaints which generally related to discrimination in the workplace but which were not in any way associated with racial or ethnic origin. The Ministry carried out studies and found that the number of workers who had actually been subjected to discrimination was not large. It submitted a request to the competent agencies to take the necessary steps to pay compensation for the damages suffered by those workers.

20. In recent years, the court system was completely reconstructed to increase its independence and to foster cooperation among judicial bodies in order to optimize their functioning. Efforts were also undertaken to improve the professional training of lawyers and to increase the accountability of judges.

21. Finally, Mr. Al-Hawiri indicated that the report as reviewed by the Committee was based on a document that had been prepared by the Ministry of Human Rights in close cooperation with the national NGOs that dealt with the protection of human rights. Overall, Yemen today was carrying out the greatest possible number of

consultations with civil society in the context of developing policy and preparing reports for submission to contractual agencies.

22. Mr. BOYD (Rapporteur for Yemen) noted with satisfaction that the State party was carrying out its obligations in good faith with respect to submitting reports to the contractual agencies. He applauded the significant progress that had been achieved by Yemen in protecting human rights, and Yemen's ratifying many fundamental human rights agreements. The report also made clear that Yemeni authorities had paid great attention to the comments and suggestions of the contractual agencies of the United Nations.

23. Mr. Boyd confirmed that Yemen had presented general information but had passed over questions in silence that were of great importance to the Committee, specifically the ethnic makeup of the population, the social and economic situation of ethnic communities, and the participation of marginalized groups in political life. The Committee knew that the State party had limited resources to collect disaggregated data on the demographic composition of the country, but it emphasized that the lack of such data made it extremely difficult to evaluate how Yemen was carrying out its obligations in accordance with the Convention. The speaker generally challenged the delegation to present to the Committee more specific information, noting, for example, that the State party had asserted that its legislation completely conformed to the first article of the Convention but had not provided any evidence thereof. It would be useful for the Committee to know whether Yemen included in its domestic law clear provisions that prohibited discrimination with regard to race or national origin, in accordance with articles 1 and 2 of the Convention.

24. Mr. Boyd expressed scepticism with respect to the assertions by Yemen to the effect that racial discrimination no longer existed in the country. For example, he wished to know whether the Ministry of Human Rights had carried out a detailed analysis of the situation which included groups of African origin, such as Ethiopians, Somalis, and the al-akhdam group.

25. Mr. Boyd said that the "legislative arsenal" of Yemen evidently did not cover the full range of types of discrimination that were treated in article 4 of the Convention. Accordingly, he asked the delegation to indicate whether the Government intended to strengthen its domestic law in order to include in it all the anti-discriminatory provisions set forth in the Convention.

26. With regard to the application of article 5 of the Convention, and specifically the application of article 5 (e), Mr. Boyd noted with interest that the State party had undertaken various measures to promote respect for the economic, social, and cultural rights of the people in general and that it had developed a national strategy for fighting against poverty (para. 154), which included an ambitious package of various strategies, programmes, and measures. He expressed the desire to know how this strategy had been developed and whether it made it possible to increase the standard of living and the quality of life of marginalized groups.

27. Mr. Boyd recalled that in his previous comments regarding Yemen (A/57/18, paras. 451-470), the Committee had indicated that it was not satisfied with the statements of the State party to the effect that racial discrimination did not exist in Yemen, and it had recommended that the country take effective measures to prevent racial discrimination and to completely implement the provisions of the Convention.

Accordingly, he requested that the Yemeni delegation indicate the measures taken by Yemeni authorities to protect ethnic minorities from discrimination, specifically representatives of the al-akhdam group and Somalis.

28. Mr. Boyd added that according to information provided by non-governmental organizations, certain ethnic minorities, including the al-akhdam and Somali groups, had no access to education, health care, and social security as provided by the country, and this was caused not by legislation but by prejudices which had firm roots in Yemeni culture and traditions. Thus, more detailed information was required regarding the measures taken by the State party to correct the situation. Mr. Boyd also wanted to know whether the Yemeni authorities were considering the possibility of granting legal status to new refugees living in the country, who numbered around 100,000.

29. With regard to the right to effective protection and the resources for legal protection in the competent national courts (article 6 of the Convention), the Rapporteur wished to know exactly how a victim was able to assert his rights in the Yemeni court system if they were violated by governmental authorities, and whether the courts and other competent State agencies were able to refer to the Convention.

30. Mr. AVTONOMOV noted that in accordance with paragraphs 8 and 12 of the periodic report under review, the majority of the population of Yemen was made up of Arabs, but that non-Arab ethnic groups also existed in the country, such as Somalis and Malays. The report also indicated (para. 12) that the official language of the country was Arabic but that other languages were also spoken such as the Mehri or Socotra languages. It would be interesting to know whether these languages were dialects or independent languages which were taught in Yemeni educational institutions.

31. Regarding the procedure for receiving Yemeni citizenship, Mr. Avtonomov recalled that in previous concluding comments on Yemen the Committee had recommended to the State party that effective measures be adopted for providing persons who were not citizens of the country, including non-Muslims and children of mixed marriages, with the right to citizenship (A/57/18, para. 460). He would be delighted to receive similar information concerning measures adopted by the State party to implement this recommendation, specifically regarding women and children one of whose parents was not a Yemeni citizen.

32. Mr. KJAERUM noted with satisfaction that the periodic report under review had been prepared by the Yemeni authorities on the basis of interactive cooperation with NGOs. Noting that there were currently around 100,000 refugees in Yemen, he wished to know whether the Government was planning in the future to continue this policy of openness with regard to refugees. In the event of a positive answer to this question, Mr. Kjaerum held to the opinion that the Government of Yemen should consider the possibility of granting these persons legal status in order to guarantee them all necessary protections.

33. Mr. Kjaerum thought that more detailed explanations were necessary regarding the status and rights of members of the al-akhdam group in Yemen, specifically regarding their access to land ownership. He wished to know whether there were economic, juridical, legislative, or other obstacles limiting the access of members of this group to ownership. Finally, he wished to know whether the State party was considering the possibility of creating a national commission on human rights.

34. Mr. AMIR thought that the creation of a State Ministry of Human Rights and the existence of many women in the Yemeni Government merited special mention. He found the situation regrettable in which, despite the fact that 100,000 refugees were in the country, Yemen was receiving more and more refugees every day despite its serious financial and economic problems, while neighbouring countries, which were richer and larger, were not demonstrating similar generosity.

35. Noting with interest that the Yemeni Penal Code provided punishment of up to 10 years imprisonment for persons engaged in inciting racial hatred, Mr. Amir emphasized that many other State parties to the Convention did not consider it necessary to categorize such actions as criminal offences. He supposed that Yemen was a country deserving respect since, in addition to the colossal efforts that it had made to assure the economic and social well-being of the population, all religious confessions in it had always coexisted in peace and harmony.

36. The CHAIRPERSON said that the Committee would continue its review of the fifteenth and sixteenth periodic reports of Yemen in one of its future meetings.

The meeting rose at 6 p.m.