



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-third session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

**List of issues to be taken up in connection with the consideration of the
fourth periodic report of YEMEN**

**Constitutional and legal framework within which the Covenant
is implemented; right to an effective remedy (art. 2)**

1. Please describe existing mechanisms to give full effect to rights protected under the Covenant, and remedies - judicial or otherwise - available for the exercise of those rights.
2. Please indicate whether and when the State party envisages establishing an independent human rights commission?

Gender equality and non-discrimination (arts. 3 and 26)

3. Please indicate whether the prohibition of discrimination based on sex is specifically provided for in the domestic law. If not, does the State party envisage doing so in the near future?
4. Please provide statistics on cases of female genital mutilations reported to authorities of the State party, and information on proceedings instituted against perpetrators of mutilation and other forms of violence against women. What steps have been taken to ensure the full implementation of the 2001 law forbidding female genital mutilation? (paragraph 161 of the report)
5. The State party considers that polygamy does not violate the principle of non-discrimination (paragraph 432 of the report). Please elaborate on how the State party considers this practice to be in conformity with the Covenant.

6. Please further elaborate on the legislative provisions which give women the right to own property (paragraph 58 of the report).

7. The report states that when legal provisions relating to women's rights, are discriminatory, this is so due to the consideration of women's and men's social roles, which are characterized by a division of tasks (paragraph 59 of the report). According to the report (paragraph 59 of the report), the prevailing social stereotyped views of women's and men's social roles and responsibilities have had a negative impact on some aspects of Yemeni legislation and have also influenced their enforcement. Please describe the steps that the State party has taken to bring practices and its domestic legislation on woman's rights in line with the Covenant obligations.

8. Please explain how the State party regards the unequal value of statements between men and women witnessing before Court and its compatibility with the principle of equal treatment enshrined in the Covenant (paragraph 171 of the report).

9. Please further elaborate on the State party's strategy to achieve gender equality in the public service. Has the State party taken any measures vis-à-vis political parties which have refused to include women on their list of candidates? (paragraph 39 of the report).

Measures against terrorism and respect of the Covenant's provisions

10. Please provide further details on the Court dealing with crimes of terrorism, established in 2004, in particular its composition and how it respects due process guarantees (paragraph 231 of the report).

Right to life (art. 6)

11. According to information received, one woman was reportedly convicted of adultery by the Court of First Instance in Aden in 2000, and was sentenced to death by stoning. On appeal, the sentence was upheld and a further appeal was pending before the Supreme Court. Please provide information on the status of the appeal lodged before the Supreme Court and comment on the compatibility of the sentence to death by stoning with articles 6 and 7 of the Covenant.

12. According to various reports, a death sentence was carried out in August 2001 against an individual allegedly diagnosed as suffering from schizophrenia. Please explain how such a practice can be justified under article 6 of the Covenant.

13. According to information received, the execution of death sentences would affect hundreds of persons. Please provide a statistical breakdown of the crimes for which they were convicted and comment on the compatibility of sentences with article 6 of the Covenant.

Freedom from torture and other cruel, inhuman and degrading treatment; treatment of prisoners and other detainees (arts. 7, 9 and 10)

14. Please provide details on (a) the legislative reform for the prevention of torture (paragraph 177 and following of the report); (b) the progress made in setting up an independent

body to investigate reports of torture; (c) the length of proceedings in torture cases; (d) compensations awarded to victims; and (e) sanctions applicable to state agents found guilty of torture.

15. Please further elaborate on the content of trainings provided to police officers at specialized schools and colleges on the prohibition of torture (paragraph 194 and following of the report).

16. Please comment on reports alleging that hundreds of political arrests targeting members of Islamist organizations or suspected of involvement in “terrorism” took place in the State party during 2003. Arrests were reportedly carried out in the absence of judicial supervision required by law. Furthermore, most of those arrested were allegedly held for several months without charge or trial, and without access to lawyers.

17. According to information received, one woman was reportedly convicted of adultery by the Court of First Instance in Aden in 2000 and was sentenced to 100 lashes. On appeal, the sentence was upheld and a further appeal was pending before the Supreme Court. Please provide information on the status of the appeal lodged before the Supreme Court and comment on the compatibility of the sentence with article 7 of the Covenant.

18. Please explain how the detention of juveniles aged 12 and above at a police station together with adults (paragraph 254 of the report) is considered consistent with the notion of special protection of children in articles 10, paragraphs 2 and 3, and 24 of the Covenant.

Right to a fair trial (art. 14)

19. Please provide further information on the 5,225 complaints lodged with the State party alleging irregularities affecting the independence of the judiciary, and the State party’s follow-up (paragraph 335 of the report).

20. Please provide information as to how the independence of the Judiciary is guaranteed and how the security of tenure of judges is ensured.

21. The report indicates that a detained person “may ask for the assistance of a lawyer” (paragraph 204 of the report). Is legal assistance de facto available and being provided upon request?

Freedom of religion (art. 18)

22. The report indicates that conversion to another religion and its proclamation would create discord that would be highly detrimental to social stability and security (paragraph 354 of the report). Please explain how the right to change religion provided for under article 18 of the Covenant is guaranteed in Yemen.

23. Please provide detailed information on how limitations to the freedom of religion referred to in paragraph 355 of the report are applied in practice.

**Right to freedom of expression, assembly and association
(arts. 19, 21 and 22)**

24. Please comment on reports alleging that on 21 March 2003, four people demonstrating against the war in Iraq were killed by security forces.
25. What is the current situation with regard to the reform of the Press and Publications Act (paragraph 356 of the report)?
26. What are the circumstances in which associations were not allowed to receive funding (paragraph 380 of the report)?

Protection of children (art. 24)

27. The report states that marriage may not be contracted with a minor, except when such a marriage will entail some “clear benefit” (paragraph 390 of the report). Please further elaborate on the meaning of “clear benefit”.
