



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

Seventy-eighth session

### Summary record (partial)\* of the 2070th meeting

Held at the Palais Wilson, Geneva, on Monday, 28 February 2011, at 10 a.m.

Chairperson: Mr. Kemal

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

*Seventeenth and eighteenth periodic reports of Yemen* (*continued*)

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\* No summary record was prepared for the rest of the meeting.

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*The meeting was called to order at 10.10 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (continued)**

*Seventeenth and eighteenth periodic reports of Yemen (continued)*  
(CERD/C/YEM/17-18; CERD/C/YEM/Q/17-18; HRI/CORE/1/Add.115)

1. *At the invitation of the Chairperson, the delegation of Yemen took places at the Committee table.*
2. **Ms. Alban** (Yemen) said that women, who had the right to vote and be elected, participated fully in the country's political life and enjoyed all political, economic, social and cultural rights. Two women were ministers, several were ambassadors and judges, and many others were teachers. Only their election to the parliament posed difficulties as conservatives were not in favour of it and tried to block the way. Initiatives to support women in that regard included a proposal to change election laws by increasing the number of seats that could be occupied by women from 44 to 301.
3. The Yemeni Government had accepted recommendation No. 6, made at the end of the fifth session of the universal periodic review in 2009, to the effect that the minimum age of marriage for girls should be raised to 17 years. A parliamentary group had, however, opposed the change when the bill was reviewed, arguing that it was preferable to give girls the freedom to indicate whether or not they considered themselves ready for marriage. The Government took issue with that stance and felt that establishing a minimum age of marriage would root out early marriages. It still hoped for the adoption of the bill, which imposed penalties for persons who married off their daughters aged under 17 years and for those who officiated in such marriages.
4. Female genital mutilation was not an ancient Yemeni tradition and was practised only in coastal regions and in some governorates. Generally speaking, one could say that it was not widespread in the country.
5. **Mr. Taissir** (Yemen) said that in Yemen today there were no impediments to a woman's possession of a passport, which had not been the case 20 years before. Women travelled daily, participated in international meetings and held many high-level posts.
6. Refugees had begun flocking to Yemen in the 1970s, especially from war-torn Ethiopia, and had been placed in camps before returning to their countries of origin when the conflict ended. The Somalis, Ethiopians and other refugees currently in Yemen, between 850,000 and 1 million in total, were treated fairly according to precepts of sharia and enjoyed many rights, including the right to work. The men were often employed in hospitals, and the women were usually seamstresses or housekeepers for Yemeni families, where they were respected.
7. Indians had begun settling in the southern part of Yemen in the 1940s, during British colonial rule. They had become fully integrated, had married and held Yemeni citizenship. The Jews were not discriminated against and enjoyed their rights just as other Yemenis did. The Akhdam, although disadvantaged, were an integral part of Yemeni society and all their rights were respected. For example, they could run for elective office and avail themselves of educational and health-care services. Despite the economic and social policies implemented by the Government to integrate them, they isolated themselves because of their customs and traditions.
8. The Government guaranteed protection for displaced persons, who were housed in camps far from conflict zones, and ensured that all their essential needs were met, even by supplying them with blankets and food. Once their homes had been rebuilt, they could return to their regions of origin.

9. Under the Aliens Act, foreigners had the same rights and responsibilities as Yemenis. Thus any foreigner who broke the law was subject to legal action.

10. In accordance with the teachings of Islam, a social protection system had been established for the poorest families, of which there were a million in the country.

11. Most cases of forced disappearance had occurred at the end of the previous century, between the 1960s and the 1980s, and very few cases were pending. No new case had been brought to the authorities' attention, and the delegation invited Committee members to share with it any information to the contrary.

12. **Mr. Al-Mugahed** (Yemen) explained that the reservation to article 5 (c) had been entered by the State before Yemen's unification in 1990 and the political reforms that had facilitated the establishment of a multiparty system. The reservation was thus linked to the particular make-up of the former political regime. The other reservations were linked to Islamic teachings and could certainly not be withdrawn as they stemmed from deep national characteristics. The delegation would refer the matter to the competent authorities so that they could make their views known and take a decision.

13. Parallel systems of public and family law had been adopted, and the type of offence in question determined which system was applied. Public law was applied in criminal cases, and domestic law treated foreigners and citizens alike. Regarding the legal status of children born to a Yemeni mother and a non-Yemeni father, under a legislative amendment in 2009, children of Yemeni citizens married to non-citizens were granted Yemeni citizenship. Such children could opt for their foreign parent's nationality once they had reached the age of 18. Customary practices were taken into consideration in laws concerning Yemeni Jews with regard to their civil status in Yemen.

14. **Mr. Abdullah** (Yemen) said that Yemeni society was considered homogeneous because the population and the various groups comprising it coexisted peacefully. Throughout history the Akhdam social group had been distinguished from the rest of the population mainly because of its economic situation. Members of the group had been living in many regions of Yemen for a very long time and were reasonably integrated in the society. True, some were of African origin and had had difficulty integrating in Yemeni society, but others had succeeded, had married Yemenis and had been able to escape discrimination, as had Indians and members of other population groups. Some were still occasionally discriminated against, but the situation varied depending on the region. In the south they had even received preferential treatment at one time and had occupied high-level positions. There was therefore no systematic or official policy of discrimination towards members of the group. He wished to stress that Yemen had accepted refugees and displaced persons despite the difficulties endured by the country during its history and the social and financial problems that such acceptance could entail.

15. **Mr. Qahtan** (Yemen) said that the status of refugees was clearly defined in domestic legislation and in the Convention relating to the Status of Refugees and the Protocol thereto, which Yemen had ratified, and that no refugee had been forcibly expelled from Yemen. Most refugees came from Africa and many of them were Ethiopian. Now that the situation in Ethiopia was relatively stable, Yemen saw no further need to grant them asylum. In the past some Ethiopian political refugees had been taken in and some of them had returned to their country once hostilities had ended. Others had stayed and had enjoyed normal living conditions, sometimes even better than those of many Yemenis. Yemen had recently expelled some Ethiopians who no longer had any valid reason to stay in the country, but as many people continued to enter Yemen illegally, the Government had tried to meet their basic needs while seeking their return to their country. Some individuals had entered Yemen illegally in order to reach the Gulf States, where the economic situation was better, and many had come illegally from various countries following the events of 11

September 2001. The State repatriated such illegal residents, sometimes by air, and paid their fares, which were very high. The Government had requested the help of the International Organization for Migration in that regard and had approached donors who might be able to ease Yemen's burden. The expulsions had been handled in conformity with bilateral agreements with the countries concerned or, if no bilateral agreement existed, with the regional conventions in force.

16. He confirmed that Egyptians had been expelled from his country at the request of the competent Yemeni authorities. Yemen could expel a foreigner when the latter had committed a serious offence punishable under the Criminal Code, or when the foreigner's extradition was requested by a State with which a bilateral extradition treaty had been signed, or under a regional extradition treaty. Yemen could extradite a requested person on condition he or she was a citizen of the requesting State and upon receipt of evidence that the person had committed a crime in that State.

17. Given its limited resources, the Government of Yemen would provide more aid to the marginalized Akhdam group when the country's economic situation so permitted. However, members of the group were not all impoverished, as their homes, which they themselves built, were sometimes of very high quality.

18. It was not strictly true that there were still Indians in Yemen, as they had married into the local population and were no longer a separate minority. The same was true of the Turks, who had been completely absorbed into the population. Thus, the problems that those minorities had encountered in the past had vanished. Lastly, under the Nationality Act of 1990, all persons resident in Yemen for more than 50 years were deemed to be Yemeni.

19. **Mr. Al-Khazan** (Yemen) said that his country was doing its utmost to strengthen the independence of the judiciary and that the necessary legislative reforms to that had been instituted. Several bills had been prepared, including one on the Higher Judicial Institute, which provided for new methods of training judges and for promoting the recruitment of women judges. The text, drafted with help from Italy and France, was being reviewed by parliament. In addition, administrative courts had been established for the first time in the country's history. Steps had been taken to encourage the recruitment of women to the judicial system. There were currently 800 women working in the judicial administration, and 2 Supreme Court judges were women.

20. **Ms. Alban** (Yemen) said that the Bedouin population in Yemen were no longer nomads and that some high-level Government officials were of Bedouin origin, including the Vice-President of the Republic. The Yemeni delegation also included a Bedouin.

21. **Mr. Lahiri** expressed doubt as to whether Yemen's population was as homogeneous as the delegation claimed. Statistics broken down by ethnic group would be useful for showing the Committee the size of various minority groups and their socio-economic and political situation. Noting that the State party was undergoing an especially difficult period owing to demonstrations around the country and to apparently rising tensions between certain tribal groups, he wished to know to what extent the current situation affected the implementation of programmes instituted by the authorities to apply the provisions of the Convention.

22. **Ms. Alban** (Yemen) said that homogeneity did not necessarily imply a lack of distinct social groups. Broadly speaking, Yemeni society was divided into three social classes, the majority of Yemenis being middle-class. The Akhdam, the poorest social group, were a marginalized group formed after the reunification of north and south Yemen in 1994. A part of the population of the former People's Democratic Republic of Yemen (South Yemen), who had been brought up in the socialist tradition and who had been entirely looked after by the State, had been hard-pressed by the transition to a free market system and the domination of the economy by the private sector. The problems caused by

reunification had not all been resolved in the south, and the attendant inequalities caused tensions between the inhabitants of the north and south. That explained why most demonstrations were currently taking place in the south. Groups such as Al-Qaida seized on those protest movements, using them to recruit young people hard hit by unemployment and therefore easy to influence. Also, some people joined Al-Qaida in order to be able to fight against rival tribes. It must be borne in mind that there were more than 50 million weapons in Yemen and that possession of weapons was not illegal. Should the situation deteriorate, Yemen would be gripped by civil war, which would claim innocent victims. Tribal chiefs could play an important role in calming tensions and preventing an escalation of violence. The Government had made a gesture by declaring that it supported a peaceful transfer of power, and draft constitutional amendments were expected to be prepared soon with the participation of all stakeholders. The delegation hoped that radicalized opposition members would see reason and engage in constructive dialogue with the Government. It also hoped that, through its recommendations, the Committee would help Yemen to find a peaceful solution and thus avert a bloodbath.

23. **Mr. de Gouttes** noted with concern the Yemeni delegation's statement about the risk of Al-Qaida's influence on the country's young people, especially those who were unemployed, a risk exacerbated by tribal divisions, as it was in many North African and Middle Eastern countries.

24. Concerning the relationship between sharia and ordinary civil law, he wished to know whether sharia applied to non-citizens and non-Muslims, particularly when offences involving respect for Islam were concerned.

25. **Mr. Al-Mugahed** (Yemen) said that Islamic law was the foundation of Yemen's legal system but that in civil matters it applied only to Yemeni citizens; foreigners were subject to international private law. However, for criminal offences sharia was applied regardless of the perpetrator's nationality or the nature of the crime.

26. **Mr. Avtonomov** pointed out that in Yemen, as in most Islamic countries, legislation was based on the Koran. He was aware that there were various approaches to interpreting the Koran and sharia, and wished to know how those approaches affected the classification of the offence and the choice of sanction.

27. **Mr. Al-Khazan** (Yemen) said that differences in interpreting the principles established by sharia did not play a role in the classification of an offence.

28. **Mr. Taissir** (Yemen) said that the various approaches to interpreting sharia reflected the diversity of religious views in Yemen, but neither opposed nor conflicted with one another.

29. **Mr. Prosper** (Country Rapporteur), commending the high level of the delegation indicated the importance accorded by the State party to the Convention, particularly during the current period of heightened domestic unrest, expressed the hope that the Government of Yemen would protect the human rights of citizens who were demonstrating peacefully and claiming their legitimate rights.

30. He was pleased to hear the delegation announce that Yemen intended to review its reservation to article 5 of the Convention. It had doubtless been justified at the time, given certain political considerations, but was no longer needed.

31. With regard to the statement that Yemeni society was homogeneous, he drew the delegation's attention to the fact that it had itself recognized, during the dialogue with Committee members, that various racial groups lived on Yemeni territory, that their relations were complex and that many of the marginalized people living in the country were of African descent. It would be very useful to include in the State party's next periodic report disaggregated statistics on those populations so that the Committee could determine

whether they were victims of any discrimination and the nature of the socio-economic problems confronting them. He also invited the State party to provide, at a later date, statistical data on refugees and asylum-seekers whom Yemen considered to have been “invited”.

32. **Ms. Alban** (Yemen) said that her Government did not tolerate any form of discrimination on its territory. That did not mean that the human rights situation was idyllic. Yemen was a developing country which, despite many weaknesses, was determined to achieve progress. Her Government would take careful note of the Committee’s observations and recommendations and would include in its next report all the information requested by Committee members.

33. **The Chairperson** said that the Committee would do its best to support Yemen’s efforts to promote the development of a society that was fair, peaceful, democratic and respectful of human rights. The Committee had now concluded its consideration of the seventeenth and eighteenth periodic reports of Yemen.

34. *The delegation of Yemen withdrew.*

*The discussion covered in the summary record ended at 12.05 p.m.*