



# Economic and Social Council

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

### Summary record of the 14th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 21 February 2023, at 3 p.m.

*Chair:* Mr. Abdel-Moneim

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### 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 (continued)*

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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 (continued)* (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), resuming his delegation's replies to the questions raised at the previous meeting, said that, while 70 per cent of the country's population depended on farming, agricultural activities had come to a halt in certain areas controlled by the Houthi militias, who had laid anti-personnel mines and forced the displacement of over 4 million people. Efforts were therefore under way to return the displaced to their homes and facilitate the resumption of agricultural activities. In the fishing sector, sea mines planted in local and regional waters had caused deaths among fishers, many of whom now feared carrying out their activities, while those working in the Arabian Sea had been adversely affected by natural disasters such as monsoons and tropical cyclones.
3. With regard to employment, a programme had been established in 2012 with the aim of re-employing the over 70,000 government employees who had lost their jobs as a result of the 1994 summer war. While the programme had initially been successful, employment-related issues persisted due to the current war. One such issue was youth unemployment, and the Ministry of Civil Service had recently created 7,000 jobs for young people to improve the situation.
4. **A representative of Yemen** said that, while the Government had not recruited any new staff since 2011, the private sector had openings for men and women of various ages.
5. The labour committees currently operational in four governorates were intended to promote the work of trade unions and workers' representatives in industrial and commercial sectors, ensure compliance with the Labour Code and cooperate with lawyers and the courts to examine issues raised by private sector workers and protect workers against arbitrary measures. Under Yemeni law, the right to freedom of assembly and association was granted to all, including members of the Muhamasheen community, who could establish their own unions. Trade unions in the areas controlled by the Government worked freely across all sectors, organizing activities in collaboration with international organizations and government representatives. In contrast, in areas under the control of the Houthi militias, restrictions on the freedom of association obstructed the work of unions.
6. The Government was stepping up its efforts to protect the rural population and provide them with electricity and drinking water. For example, it was working with local and international non-governmental organizations to establish alternative sources of energy and power in rural areas, particularly those in the desert. A plan to that end had been drawn up for the period 2023–2030. In addition, the Ministry of Social Affairs and Labour had assisted farmers and fishers in setting up cooperatives to organize and regulate their activities and ensure their involvement in development projects geared towards local populations in the liberated areas of Yemen.
7. **A representative of Yemen** said that child labour had been an important item on the agenda of the Ministry of Social Affairs and Labour since the country's ratification in 2000 of the International Labour Organization Worst Forms of Child Labour Convention, 1999 (No. 182) and Minimum Age Convention, 1973 (No. 138). The Ministry had aligned the Yemeni legislative framework with the Conventions through the promulgation of laws such as Ministerial Decree No. 11 of 2013 regulating the work available to children under 18 and the Children's Rights Act No. 45 of 2002, which set the minimum age at which children could work under exceptional circumstances at 14 years and limited working hours for children to six per day.

8. According to the 2013 census, some 1.6 million children between the ages of 15 and 17 were in work. The delegation had been unable to verify the information shared by the Committee at the previous meeting that over 800,000 children aged between 4 and 15 were employed, primarily in the agricultural sector. Children were permitted to work in agriculture providing they did so on a part-time basis or after school and only for the purposes of assisting their families. However, it had recently become apparent that children were spraying pesticides and undertaking other hazardous activities and, as a result, sites connected to the khat industry on which children were known to have been involved in the illegal use of pesticides had been ordered to close. In the fishing sector, boat owners were required to sign a document stating that any children involved in their activities would be fully protected.

9. However, child labour remained a major issue in areas occupied by the Houthi militias. Families unable to fund their children's education had been coerced into withdrawing them from school, leaving them vulnerable to exploitation through labour or recruitment by the militias.

10. **A representative of Yemen** said that, following the relocation of the Central Bank to the temporary capital, Aden, in 2016, its assets in Sana'a had been seized by the Houthi militias. While the situation was problematic for the Government, it was not a factor in the non-payment of the salaries of government employees. Around 70 per cent of the country's resources remained concentrated in the areas controlled by the Houthi militias, but the Government expected its revenue to increase once ships returned to the port of Hudaydah.

11. The Government had made efforts to pay the salaries of public sector workers in districts and governorates controlled by Houthi militias, starting with certain employees in the health and education sectors and in universities. For example, in 2019, a total of 50,000 civil servants in such areas had received their salaries and a further 29,000 in Hudaydah had been paid following the conclusion of the Stockholm Agreement, despite the Houthi militias failing to honour their obligations under that agreement. However, while many civil servants had received their full salaries, others had seen 50 per cent of their wages deducted by money transfer agencies following the refusal by the Houthi militias to recognize the currency issued by the Central Bank in Aden. Furthermore, currency manipulation by the Houthi militias meant that education workers had lost up to two thirds of payments granted to them by the United Nations Educational, Scientific and Cultural Organization.

12. With regard to energy, a power plant with a capacity of 264 MW had recently been built in Aden Governorate. However, the poor gas supply meant that the plant had operated at 40 per cent capacity in 2022, running mostly on crude oil, and additional investment was required to enhance its capacity to store and convert gas. A project had also been launched with the United Arab Emirates to build a solar power plant with a capacity of 120 MW.

13. **A representative of Yemen** said that the country was being affected by declining groundwater levels, drought and rising sea levels. Its marine environment was currently under threat from the Safer floating storage and offloading (FSO) vessel moored off its coast that was at risk of spilling oil, while efforts to reduce emissions had been hampered by the wide-scale planting of mines by the Houthi militias. The limited capacity of the Government and institutions to address such issues meant that additional assistance from the Least Developed Countries Fund was required. The delegation hoped that a recommendation would be made to expedite contributions to the Fund and ensure that donors honoured their commitments to maintain its reserves.

14. Yemen had received demining support from Saudi Arabia through the King Salman Humanitarian Aid and Relief Centre and the two countries were working, along with the United Arab Emirates, to enhance the green economy in Yemen through the use of renewable energy; they had recently signed an agreement to that effect.

15. Large swathes of agricultural land continued to be looted, confiscated and appropriated by the Houthi militias. There was a need for development projects to raise awareness of land-use issues and encourage a shift away from khat cultivation by helping the population to grow alternative crops or offer different agricultural services. The outcomes of the consultations held in Riyadh and efforts undertaken under the Riyadh Agreement should support progress in that direction.

16. **A representative of Yemen** said that the country was pursuing sustainable development despite the difficult circumstances. The Government required funding to support its efforts to attain the Sustainable Development Goals, which included the development by the Ministry of Social Affairs and Labour of a national strategy for older persons, modification of the national disability strategy and the preparation, together with the United Nations Children's Fund (UNICEF), of a social protection strategy to provide social security coverage for those in rural and urban areas, persons with disabilities and older persons.

17. **A representative of Yemen** said that the Government was aware of the importance of birth registration; it had adopted a resolution on birth certificates and established an electronic system for their issuance, which had reduced the shortfall in coverage by 40 per cent. However, challenges remained in rural areas and in relation to vulnerable groups, particularly since the outbreak of the war. The Government had therefore worked with UNICEF and the Personal Status Bureau to help children in displacement camps to obtain birth certificates.

18. **A representative of Yemen** said that the Criminal Code provided for stringent penalties for the damaging or appropriation of private property, particularly in times of war, and the Government had implemented an accountability and justice mechanism to ensure that the perpetrators were held responsible. There were detailed reports attesting to the appropriation of property and agricultural land by the Houthi militias, who had used it as a weapon of war in a number of areas, prompting the Government to establish a committee in 2013 to monitor and address such incidents in the south of the country.

19. Furthermore, the targeting by the militias of the country's ports had impeded the exportation of oil, which had an impact on the socioeconomic rights of all citizens. The delegation therefore hoped that the Committee would recognize the militias as a terrorist group and bring pressure to bear to secure the resumption of oil exports.

20. Slavery had been abolished in Yemen in 1962 and the country had established the National Committee to Combat Trafficking in Persons, which was currently focused on addressing the trafficking of children.

21. **Mr. Hennebel** (Country Rapporteur), recognizing that it was difficult in the current circumstances for the delegation to provide answers representative of the whole country, said that he would like to know whether the State party intended to move towards ratification of the Optional Protocol, which would give the people of Yemen the opportunity to submit individual communications.

22. He would be interested to know whether the Government was reviewing the legal status of homosexual relations with a view to decriminalization. He would also like to learn whether the Government would commit to abolishing the death penalty.

23. Information on the development of a demining action plan would be gratefully received. The delegation should also indicate what concrete steps had been taken in response to the kidnapping of Ms. Al-Hammadi and other similar cases.

*The meeting was suspended at 3.45 p.m. and resumed at 3.50 p.m.*

24. **Ms. Saran** (Country Task Force) said that she would like to know whether the State party provided its military forces with any human rights training. It would be interesting to learn whether the National Commission of Inquiry that had been established to investigate alleged human rights violations was fully independent, how it was constituted and to what extent it engaged with and welcomed participation from the general public.

25. Noting that, despite the Government's action to prevent discrimination, the Muhamasheen community was likely to continue to experience stigma and social exclusion, she would also welcome information on any measures taken to prevent discrimination against other groups, including the Baha'i community and North African migrants.

26. **A representative of Yemen** said that his country was committed, to the extent that circumstances and its domestic legislation allowed, to aligning that legislation with its international obligations, including the Covenant. It was already party to more than 60 international instruments, and was preparing to ratify a number of others. As concerned the

possibility of ratifying the Optional Protocol, any administrative or procedural barriers to the rights it covered had been lifted and Yemeni citizens could submit individual communications to treaty bodies whenever the need arose, as had happened in specific cases.

27. In respect of homosexual relations, the principle was that no penalty could be imposed where no crime had been committed. Yemen was a Muslim country and drew inspiration from values rooted in a belief in God.

28. The Government sought as far as possible to avoid applying the death sentence, including when conviction in a court of first instance was followed by conviction on appeal. The death penalty could only be handed down with the authorization of the President.

29. **A representative of Yemen** said that the Government had appealed to its international partners and the United Nations to put pressure on the Houthi militias to release Ms. Al-Hammadi. Forced disappearances and hostage-taking, which occurred frequently in areas under Houthi control, were high-priority issues. The Government also collaborated with various bodies, including the National Commission of Inquiry established to investigate alleged human rights violations, to follow up on cases and held consultations and meetings on the subject both at leadership level and with the country's different tribes and populations.

30. Men and women were represented equally on the National Commission of Inquiry established to investigate alleged human rights violations, which had eight members and 45 field observers drawn from civil society leaders, lawyers and other legal experts. The quality of its reports had been commended by the national and international communities.

31. **A representative of Yemen** said that khat was an important source of income for many families, but the Government had taken measures to encourage the cultivation of food crops and other cash crops such as coffee and was working to reduce the area of land under khat. Water use was also being regulated in a drive to help diversify the types of crops grown.

32. **Mr. Ibrahim** (Yemen) said that the country's legal system guaranteed full equality before the law, including for marginalized groups. The Muhamasheen community had benefited from a series of recommendations which had enabled its members to find employment more easily and to participate more fully in society, including in the armed forces.

33. The Government had worked with local organizations and the international community to ensure the release of members of the Baha'i community detained by the militias. The President had recently met with the Baha'i leadership in order to discuss the community's rights, property and culture.

34. **Mr. Mancisidor de la Fuente** (Country Task Force), welcoming the information already provided by the delegation and recognizing the particular circumstances that limited the parliament's ability to amend legislation, said that, in order to formulate its recommendations, the Committee needed more detail on the specific measures adopted or planned. It would thus like to know what executive and administrative measures the Government was able to take in respect of child marriage in the area of the country under its control. He also wished to recall that, under the Vienna Convention on the Law of Treaties, a party to a treaty could not invoke the provisions of national law as a justification for its failure to implement that treaty.

35. With regard to child labour, it was necessary to draw a distinction between children working to help out on family farms and those working on other farms, particularly if they were exposed to dangerous substances or were working at times when they ought to be in school. He would appreciate information on any specific executive or administrative measures taken by the Government and applicable in the territory under its effective control to prevent child labour. He would like to know whether the Civil Code provided effective protection in that respect for children.

36. The Committee would appreciate assurance from the delegation that there was no recruitment of children into armed groups in the areas under the Government's own control. He would also be interested to know what support was given to children who had previously belonged to armed groups as they reintegrated into civil society, for example by facilitating

their return to school, providing psychological rehabilitation or making training or employment available on demobilization.

37. While it was clear that the Government took the question of birth registration very seriously, it was difficult, in the absence of statistical information, to determine the scale of any problems that might exist in that area. Could the delegation provide the Committee with figures indicating the percentage of children in the area under government control whose identity was not officially registered?

38. With regard to the right to food, it was clear that hunger had been used as a weapon of war during the years of armed conflict, but the United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator at the Office for the Coordination of Humanitarian Affairs (OCHA) had recently reported that, even in government-controlled areas, humanitarian aid was being prevented from reaching target populations. Furthermore, aid agencies continued to report numerous incidents of violence against their workers, including 150 over the past year. What executive measures could the Government undertake to implement, and what guarantees could it give, to prevent any recurrence of such incidents?

39. Noting that the Government was determined to help those displaced from their land by the war to return and resume agricultural production, the Committee would welcome information on specific action it had taken to facilitate their return and to assist families to obtain tools, seed and fertilizer.

40. He welcomed the delegation's assurances that khat cultivation was gradually being phased out and replaced by the production of other crops of greater nutritional value. The Committee would appreciate receiving specific figures on crop-replacement projects, either national or international, and the area of land and the number of farms previously under khat that had been planted with other, more nutritional, crops that would contribute to fulfilling the population's right to food.

41. With regard to land ownership, he would welcome information on the Government's progress, in the areas under its effective control, in ensuring the award or recognition of title, especially for those who had been displaced by the conflict.

42. Noting that, as a result of damage caused by the hostilities, only 50 per cent of health centres were still in operation, he would like to know what practical steps had been taken to rehabilitate the facilities so that they could resume the provision of health services to those who needed them, particularly the most vulnerable members of the population. He would also welcome information on measures to meet the special health needs of the victims of war, including those with physical or psychological injuries, persons with disabilities and children.

43. He understood that there were around 1.3 million pregnant women in the country but that a lack of adequate care and treatment meant that maternal and neo-natal mortality rates were very high. What action was the Government taking in the areas under its control to make adequate provision for those women? What information was made available to women and adolescent girls regarding their rights in terms of reproductive and sexual health?

44. Providing access to medicine was clearly a challenge in a time of war. However, according to information received, corruption was also a factor hampering the delivery of medicine. He would appreciate an explanation of the measures being taken to ensure that medicine reached those who needed it most and, more generally, to maximize the impact of international aid.

45. Lastly, he would appreciate an update on the percentage of persons fully vaccinated against coronavirus disease (COVID-19) and the Government's plans to increase vaccination cover.

46. **A representative of Yemen** said that, given the current impossibility of rectifying the lack of legislation on child marriage, the Government's action focused on awareness-raising. Through the Women's National Committee, other women's organizations, Friday prayers in the mosques and other religious meetings, and the use of financial resources set aside for assistance to Yemeni society, information and guidance were disseminated on the need to

avoid early marriage and allow young women to pursue their education or professional training.

47. Among displaced populations, however, and in regions disproportionately affected by the war, where poverty and financial hardship were widespread, families still resorted to early marriage. It was not clear whether the communities involved were aware of the negative physical and moral consequences or the fact that abuses could lead to the annulment of the marriage or prosecution, and awareness-raising efforts aimed to persuade families to take the matter seriously and, if necessary, seek support from civil society organizations.

48. **A representative of Yemen** said that children working in the agricultural sector were considered a vulnerable group. Most of them lived in areas under Houthi control, but the Government had taken various practical steps to address the problems in its own areas. Many children who had been exposed to dangerous substances and whose health had been affected by the use of pesticides had been removed from such activities. Children's participation in such work had been prohibited, while efforts to raise children's own awareness of the risks involved had been stepped up.

49. **Mr. Shen** (Country Task Force) said that he would appreciate receiving information on the number and location of schools still being used for military purposes by any party to the conflict, and on the number of military targets located in the vicinity of educational facilities. He wished to know whether the Government had investigated reports that its own and allied forces had caused damage in schools they had apparently used for military purposes and, if so, what penalties had been imposed on those responsible. Had the Government asked its allies to avoid such acts and, if so, how had they reacted?

50. Referring to the State party's priorities in the area of education, as outlined in its replies to the list of issues (E/C.12/YEM/RQ/3, para. 134), he asked the delegation how many teachers in secondary and primary education in government-controlled areas had now been paid in full, whether the school enrolment rate had increased as a result of government action and what percentage of the schools and classrooms damaged in the armed conflict had been repaired. He would also like to know whether the Government would be prioritizing the supply of water and sanitation to schools, in particular so that girls could attend under adequate conditions. What temporary measures had been taken to ensure that students affected by damage to their schools could nevertheless continue their education and how many students had benefited from them?

51. Given that the achievement of many of the Government's medium- and long-term goals appeared to depend on an adequate supply of international aid and the end of the armed conflict, he would be interested to know whether, if those two conditions were not met, the Government still intended, and had the capacity, to implement the necessary measures.

52. Noting that, according to paragraph 64 of the Government's replies to the list of issues, expenditure on social services amounted to only 1 to 2 per cent of State revenue, he enquired whether, despite the financial difficulties, the Government still intended to increase that proportion, particularly in respect of education.

53. Considering that traditional ways of thinking, including gender stereotyping and the continued recourse to early marriage, seemed to be factors in girls' low enrolment rate in school and that religious and ethnic intolerance seemed to have played some part in the current armed conflict, he would be interested to know what kind of human rights education had been undertaken or was planned among the general population and students, with a view to promoting gender equality and ethnic and religious tolerance in order to build a fair society, facilitate a return to peaceful coexistence among all Yemenis regardless of ethnic and religious background, and prevent any possible conflicts in the future.

54. Like schools, cultural facilities and heritage sites were also being used for military purposes and being destroyed in the conflict. In addition, few Yemeni citizens were able to benefit from the advantages of modern technologies. He would like to know what measures the Government had taken or intended to take, despite all the difficulties, to prevent a further deterioration of that situation and what measures it envisaged to promote the diffusion of science among the Yemeni people.

*The meeting rose at 5.05 p.m.*