



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

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under  
article 9 of the Convention**

**Seventeenth and eighteenth periodic reports of States parties  
due in 2009\* \*\***

**Addendum**

**Yemen\*\*\***

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[3 December 2009]

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- \* This document contains the seventeenth and eighteenth periodic reports of Yemen, due on 17 November 2009, submitted in one document. For the fifteenth and sixteenth periodic reports and the summary records of the meetings at which the Committee considered the report, see documents CERD/C/SR.1764, 1765 and 1784.
  - \*\* In accordance with the information transmitted to the States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.
  - \*\*\* Annexes can be consulted in the files of the Secretariat.

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## I. Introduction

1. The Government of the Republic of Yemen, in the framework of its obligations under all the international human rights instruments that it has ratified, seeks constantly to strengthen relations of cooperation with the various international mechanisms and bodies belonging to the Human Rights Council, and, indeed, with the committees of all bodies established pursuant to human rights instruments. It is fully prepared to provide those committees, including the Human Rights Committee, with information about all legislative, judicial and administrative developments during the period between the date of submission of its previous report and that of the present report, in accordance with the guidelines on the submission of reports to human rights instruments monitoring bodies, guidelines that have emerged from joint meetings with the committees established pursuant to those instruments and meetings with the heads of bodies so established.

2. The present report contains a general description of the state of implementation of the Convention and an account of the measures taken in response to the Committee's concluding observations and recommendations. It also contains concrete data and examples of efforts on the part of State institutions to ensure the application of the International Convention on the Elimination of All Forms of Racial Discrimination, and illustrative examples of training and awareness programmes. In addition, it provides details of current situations to show how the Convention is being implemented in Yemen today.

3. In the Republic of Yemen, democracy and human rights have become a pattern of behaviour and a way of life. In this climate, Yemen is witnessing continuing development in terms of the legislative and institutional safeguards that represent the basis for enabling civil society institutions and individuals to exercise the principles and values of rights and freedoms effectively, and to participate meaningfully in political, economic, social and cultural life. Here we find the most important components of comprehensive sustainable development, and a viable framework for activating individual and collective initiatives and expressing an awareness that impels all toward the attainment of development along the desired lines in step with social and political evolution. Yemen believes that democracy and human rights are an integrated system. The clearest possible indication of this is its ratification of more than 56 international instruments and conventions since the earliest period, and the establishment of a Ministry of Human Rights in 2003.

4. As regards the judiciary, all trials are conducted in accordance with legal constitutional procedures. They are based on the principle of "innocent until proven guilty", and an accused person can be convicted only upon conclusive evidence admitting of no doubt. Here we have an effective institutional mechanism for evaluating the performance of judges in an orderly way and holding unsatisfactory judges accountable. Under the Constitution and the laws in force, torturing accused persons or persons in custody and subjecting them to arbitrary detention are regarded as crimes not subject to any statute of limitation, and anyone who perpetrates such a crime is liable to just punishment.

5. It may be important at this point to note the judicial reform strategy, which has adopted a number of organizational and legislative goals and actions, including separating the post of President of the High Judicial Council from the functions of the President of the Republic and vesting it instead in the President of the Supreme Court. In addition, the laws relating to the judicial power are being amended with a view to strengthening its independence, and the Review Council has been reconfigured in the framework of the High Judicial Council, which is responsible for reviewing the performance of judges referred to it. Judicial reforms have included a more active role for judicial investigation in the monitoring

and scrutiny of judges' work and evaluation of their performance through periodic and unannounced assessments and by receiving and examining complaints from citizens both on the basis of records and in the field.

6. With respect to Yemen's efforts to address discrimination and violence against women, we may note that under the Constitution of the Republic of Yemen, all citizens are equal in rights and duties. Actions taken by the Government to address these issues are summarized in the paragraphs below.

(a) Establishment of a team of legal experts to review national legislation relating to women, with a view to the elimination of any discriminatory provisions that are incompatible with international instruments in the field of women's rights. The results of this initiative are outlined below:

(i) Amendment of the Yemeni Nationality Act (Act No. 6 of 1990), by granting the original nationality to the children of a Yemeni mother married to a foreigner on an equal footing with the children of a Yemeni father;

(ii) Addition of an article to the Police Authorities Act (Act No. 15 of 2000), providing for the right of Yemeni women to serve in the police force;

(iii) Amendment of the Social Insurance Act (Act No. 26 of 1991), providing for equality between women and men in terms of the age of retirement; and

(iv) Amendment of article 95 of the Diplomatic and Consular Corps Act, granting Yemeni women the right to work with their husbands in the same mission abroad.

(b) Tackling the issue of violence against women has taken various forms, including the formulation of a strategy containing targets and measures, the most important of which is the development of a programme for combating violence against women. The Yemeni Network for Combating Violence against Women was established in 2003. The first Yemeni Conference on Combating Violence against Women was held in 2001. In addition, a number of studies on domestic violence have been conducted, and there have been other initiatives as well.

(c) A gender strategy has been in effect for the past six years, for the purpose of achieving genuine, meaningful equality between men and women.

7. In the matter of the establishment of an independent national human rights body in accordance with the Paris Principles, the Council of Ministers has issued a decision to study the establishment of such a body, and it is clear that serious action along these lines will be taken in the near future.

8. Despite Yemen's substantial efforts aimed at strengthening and protecting human rights, there are still numerous challenges and difficulties that have impeded the attainment of the goal to which the country aspires. A number of those challenges and obstacles are indicated in the national report hereby submitted to the Committee.

9. In conclusion, we hope that it will be possible for all to take note of this report, which deals with many issues and raises many questions. We wish to compliment the Human Rights Committee for its efforts to strengthen the principles of human rights throughout the world.

## II. General information

### Republic of Yemen

Capital: Sana'a

Commercial and economic capital: Aden

### Geographic location

10. The Republic of Yemen lies in the southern part of the Arabian Peninsula. It is bounded on the north by the Kingdom of Saudi Arabia, on the south by the Arabian Sea and the Gulf of Aden, on the east by the Sultanate of Oman, and on the west by the Red Sea.

### Population

11. According to the final results of the 2004 General Population and Housing Census, the population of the Republic of Yemen in that year was 19,685,161, distributed among 20 governorates and the Capital District. As of the end of 2008, the country's population was estimated at approximately 22,198,000.

### Natural divisions

12. The Republic of Yemen is divided into five natural geographic regions: the mountains, the uplands, the coastal areas, the Empty Quarter and the offshore islands.

### The mountains

13. Yemen's mountains consist of volcanic lava resulting from the split in Africa created by the Great Rift, which led to the formation of the Red Sea and the Gulf of Aden on a north-south axis through the Red Sea and an east-west axis through the Gulf of Aden, making something resembling a capital letter "L". Geologically, they are made up of sedimentary volcanic rocks, and they rise from an altitude of some 1,000 metres above sea level to a maximum height of 3,666 metres at the summit of Nabi Shu'aib, the highest peak in the Arabian Peninsula. The country's watershed is located in these mountains, from which eastward-, westward- and southward-flowing streams originate. Of the westward-flowing streams, which empty into the Red Sea, the most important are Wadi Hird, Wadi Maur and Wadi Zubeid. Of the streams that empty into the Gulf of Aden, the most important are Wadi Tibn, Wadi Bina and Wadi Hadramawt. There are also streams that flow northward and northeastward, including Wadi Khabb, Wadi al-Sudd, Wadi Adhina, Wadi Ram' and Wadi Shu'aib.

14. The mountain range is interspersed throughout its length by a number of plains and level basins that afford the possibility of building barriers to the flow of streams in the form of dams. These provide water which is led through channels and used to irrigate broad stretches of agricultural land. The most important of these plains are the Sa'dah Plain (Sa'dah), the al-Bun Plain ('Amran), Wadi Baihan (Shabwah), the 'Uyuh Plain (in Hadramawt), the Shu'aib Plain (al-Mahrah) and the Jahran Plain (Dhamar).

### **The uplands**

15. These lie to the east and north of the mountain heights and run parallel to them. However, they extend further in the direction of the Empty Quarter, descending gradually. They have a maximum height of 1000 metres. This region includes Sa'da, al-Jawf, Shabwa, Hadramawt and al-Mahra. Terminal spurs of the uplands extend northward into the borderlands of the Empty Quarter.

### **The coastal plains**

16. There are coastal plains bordering on the Red Sea, the Gulf of Aden and the Arabian Sea. These plains, which are all interconnected, consist of a coastal strip extending southwestward from the Oman border to the strait of Bab el-Mandeb, then changing direction and extending northward to Yemen's border with Saudi Arabia. The total length of the coastal plains is approximately 2,500 kilometres, while in breadth they range from 30 to 60 kilometres.

### **The Empty Quarter**

17. The Empty Quarter is a desert region with sparse vegetation consisting of hardy plants such as '*uruq al-kathib, al-ziza, al-mawarid*' and the like. It is also characterized by *shiqaq*, which are areas of flat land that occur in certain parts of the Empty Quarter, such as Shiqqat al-kharita, al-Ma'atif and others. In addition, there are extensive areas with seasonal watercourses (oases), which are suitable as pasture for livestock and human habitation; Bedouin nomads live there. The Empty Quarter has been referred to by various names in historical accounts from different periods, such as the Quivering Sea, the Pure Sea, the Great Yemeni Desert, the Desert of Ahqaf, and others.

### **The offshore islands**

18. Yemen's offshore islands lie within the country's territorial waters in the Red Sea and the Arabian Sea. The islands have their own distinctive climate, weather and environment, their own topography, and their own natural features. Most of them are concentrated in the Red Sea, distributed along Yemen's coastline. The most important and largest of them are the island of Kamaran, which is inhabited and also boasts a number of rare species of wildlife, and the Hanish archipelago. Mayoun (or Perim), for its part, is a particularly important island owing to its strategic position dominating the Strait of Bab el-Mandeb. Yemen's Red Sea islands lie close together. The best-known of them is the Socotra archipelago, where logwood and *dracaena draco* trees grow; medicinal substances are produced from these economically important species. Other islands include Socotra, Abd al-Kuri, Samhah, Darsah, Siyal Abd al-Kuri and Siyal Socotra, besides some isolated rocks, including Sirah, 'Adlah, Sayhar, Jalis, Radad, Karshah and Dha'in Dhatil.

### **Climate**

19. Yemen's climate is hot and humid in the coastal plain, temperate in the mountain region, and arid in the desert regions. Rainfall in the territory of the Republic is sometimes heavy, but is greatly variable at different times of year. Little rain falls in winter, somewhat more in spring, and the heaviest rains fall during the three months of June, July and August.

### **Ethnic characteristics of population**

20. Paragraph 8 of the Committee's concluding observations and recommendations refers to Yemeni society as non-homogeneous and notes the presence of racial minorities within it. Social and historical data, however, indicate the reverse, confirming the homogeneous nature of that society. Social and historical research has never shown that there are diverse racial groups in Yemen. It would be surprising if the Committee had adduced evidence showing that the "servant class" constituted an ethnic minority in terms of its genetic heritage and/or culture, for to our knowledge there can be no such evidence. On the contrary, that group belongs to the same Arab ethnic and cultural stock as other groups in Yemeni society, sharing the same Islamic faith and speaking the same Arabic language, with its various colloquial forms, having the same skin colour (although, to be sure, the inhabitants of Yemen vary widely in terms of their complexion, displaying every hue but black or near black). Examination of Yemen's economic, social, educational and health-related situation reveals that the members of most social strata are characterized by similar living conditions.

21. Accordingly, the members of the "servant class" are undoubtedly Yemenis. In socio-cultural terms they are among the poorest groups in society, inasmuch as the term "marginal", applied to a social group or stratum, denotes a category of people living under adverse socio-economic circumstances that have led to the marginalization of their existence and defined their role in society.

22. The Republic of Yemen uses its General Population and Housing Census (the most recent census was conducted in 2004) to obtain accurate, comprehensive data on the size of its population, their living conditions and related phenomena with a view to creating a comprehensive data base on the country. The census enables the Government to determine the size of the population, the average growth rate and trends, and the social, economic and demographic situation of individuals in the country's various administrative divisions (governorates and districts), in both rural and urban areas. The census also provides data on particular social groups, and thus is a useful aid to research on the groups in question. Such research is conducted with a view to developing strategies and policies aimed at improving their living conditions and their health and educational status. Statistics and indicators contained in this report are based on census data.

## **III. Information relating to articles 2–7 of the Convention**

### **A. Policy of eliminating racial discrimination**

23. Government policies are based on the principle of supremacy of the concept of social justice and its application in economic and productive relations to achieve social integration and inclusiveness. In pursuit of those ends, and in accordance with basic constitutional principles and fundamental concepts, Yemen's economic, social, political and human development priorities have been determined with a view to safeguarding and enforcing these rights through a series of five-year plans, of which there have been three to date. These plans have been characterized by concern for issues relating to human rights in the implementation of Government policies aimed at promoting balanced, durable economic, social and human development. In line with the foregoing discussion, the Government's initiatives are designed, in terms of their general content, to eliminate any provisions of law /tending to give rise to racial discrimination. Under the country's statutory instruments and legislation in the field of justice and the judiciary, and also in administrative matters relating to governmental institutions at the national and local levels, activities that may lead to the deepening of divisions between communities, tribes or groups are prohibited.

24. The Republic of Yemen participated effectively in the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa from 31 August to 8 September 2001. Yemen's active role in the Conference was prompted by the Government's growing determination to strengthen and protect human rights and its conviction that it was essential to take advantage of practical experience and programmes that might help to consolidate that orientation, as formulated in the Durban Declaration and Programme of Action. The third five-year plan (Socio-economic development plan for poverty reduction, 2006-2010) set forth many objectives, goals and policies aimed at strengthening human rights through the preparation and activation of a national human rights strategy designed to promote rights and freedoms and their enjoyment and exercise as enshrined in the national Constitution and laws and in international conventions and other instruments.

25. Needless to say, the Ministry of Human Rights is working to incorporate the principles set forth in the Durban Declaration and Programme of Action into the national human rights strategy, in accordance with paragraph 66 of the Programme of Action, under which States are urged to establish and implement without delay national policies and action plans to combat racism.

26. In addition, it is noteworthy that the Ministry, in its discussions with the Office of the United Nations High Commissioner for Human Rights (OHCHR), has been promised the support of OHCHR for the completion and implementation of the national human rights plan in the context of bilateral technical cooperation. It is hoped that a technical cooperation agreement with OHCHR will be signed shortly. The agreement will have a positive impact by assisting the Government in its efforts to strengthen and protect human rights.

## **B. Sectoral strategies**

27. During the period 1995-2005, comprehensive reviews of a number of vital sectors with priority status in development programmes were undertaken. Many sectoral strategies crystallized out of this process, identifying main lines of emphasis and specific goals for addressing the challenges confronting the sectors concerned, such as population, water, the environment, agricultural development, fisheries resources, tourism, industrialization, education and public health. In addition, a number of multisectoral strategies and initiatives were adopted, such as strategies dealing with rural and local development, children and young people, the advancement of women, small business and microenterprise development and the like. These strategies were developed jointly with partners from the private sector and civil society, and were approved by the Council of Ministers. Accordingly, all these strategies will occupy an important position as fundamental sources of comprehensive development objectives and policies, both sectoral and local, in the forthcoming five-year plan.

## **C. Development-related challenges**

28. The task of attaining the objectives of the third socio-economic development plan for poverty reduction has run into difficulties arising from a variety of structural challenges and problems relating to development. Unresolved issues such as population growth, the wide dispersion of the population, growing rates of illiteracy and unemployment, lack of progress in the areas of production and the acquisition of modern know-how, and the fact that Yemen remains on the list of countries with a low level of human rights development offer vivid and concrete examples of the huge problems confronting the development process in Yemen. The Third Development Plan, which is a component of the long-term planning process, was drawn up to identify, tackle and overcome these challenges and obstacles with a view to realizing the aims set out in the Strategic Vision for Yemen 2025.



29. In the past, successive Governments have made unstinting efforts to achieve the kind of economic and social development which has a positive impact on all areas of development and political and institutional life. However, given the socio-economic situation in Yemen, additional efforts are still needed in order to achieve the target objectives, escape the cycle of underdevelopment and realize the ambitions and aims of current and future development processes.

#### **Population problems**

30. A high population growth rate, combined with resource constraints, is the most important of the challenges confronting Yemen's development. To be sure, the average population growth rate has declined in the course of the past decade from 3.5 per cent to 3.0 per cent, but even the latter rate is one of the highest in the world, and acts to limit every individual's share of the country's gross domestic product. The population is widely dispersed (129,299 villages and hamlets in rural areas and 3,642 urban districts), with increasing demand for basic services, public utilities and housing, and furthermore internal migration is increasing, while job opportunities are inadequate. These various phenomena have had negative impacts on the country's economy and undermined development efforts aimed at raising living standards for the people, especially in the fields of education, health care and social welfare.

#### **Weak growth in human resources**

31. Human resource development is confronted with numerous obstacles, of which the most important is widespread illiteracy: illiterate persons account for some 47.2 per cent of Yemen's adult population. Moreover, there are not enough educational and training institutions, and at the primary and secondary levels dropout rates are high, especially among girls. In addition, there are educational gaps between boys and girls and between rural and urban areas. Graduates are not highly educated, and the qualifications of teachers are poor. There are also issues relating to training and curriculum modernization. Furthermore, graduates do not possess the skills required by the job market. Access to university is more highly regarded than technical education, a situation that reflects the absolute misuse of the country's most important resources. This concatenation of circumstances has resulted in low productivity and hence a low volume of economic activity, which in turn leads to low levels of income, consumption, saving and growth opportunities, along with widespread poverty and unemployment.

32. The health sector also faces massive challenges and difficulties, beginning with the inability of the country's health care services to meet the growing needs of the population. In addition, health indicators are persistently low, with high maternal death rates, high infant and under-five mortality rates, and widespread incidence of infection and contagious diseases.

### **D. Governmental measures**

33. The Third Socio-Economic Development Plan for Poverty Eradication 2006–2010 is an important starting-point for the development process, for providing a decent and productive life to all members of Yemeni society, for improving the standing of the national economy in the region and for moving forward with the realization of long-term development goals. Moreover, the preparation of the plan marked an important stage in the course of which existing policies and programmes were reviewed and evaluated, strengths and weaknesses in the country's economic structure pinpointed, lessons learned, development horizons scanned, and opportunities for Yemen's future economic development identified.

34. The document of the Third Development Plan was drawn up based on some first principles and reference documents, namely, the Strategic Vision for Yemen 2025, the Millennium Development Goals, the first and second five-year plans, the Poverty Reduction Strategy, the Economic, Financial and Administrative Reform Programme and the National Reform Agenda.

35. The overall aims of the Plan are encapsulated in two main areas of focus. The first of these concentrates on promoting economic growth in all sectors of the economy, freeing up growth potential in promising sectors, improving the investment climate, harnessing the resources of the private sector in order to achieve economic growth, and making use of the economy's comparative advantages, natural resources and potential. The second focuses on curbing poverty and liberating the poor from need by developing a comprehensive vision of mechanisms and means for addressing and mitigating the impact of poverty as a structural socio-economic phenomenon.

#### **Action to combat poverty**

36. In the years ahead, efforts to combat poverty will be given absolute priority. The Third Socio-Economic Development Plan for Poverty Eradication is nothing more nor less than a tool for combating the phenomenon of poverty and ending its growth through a comprehensive vision of the concept of poverty that looks beyond inadequate income to such aspects as education, health, basic social services and the like.

37. Accordingly, the plan aims at strengthening growth in non-petroleum sectors, diversifying the economic activity base, increasing the volume of investment, mobilizing the capabilities of the private sector, and broadening the circle of participation in poverty alleviation efforts to include local communities and civil society organizations, besides directing public spending to sectors with a bearing on poverty mitigation.

38. The plan focuses on dealing with poverty and addressing its causes, working along seven main lines of emphasis:

(a) Giving priority to labour-intensive investment projects and programmes in all economic sectors, especially agriculture, industry and tourism, with a view to creating jobs and reducing unemployment, devoting particular importance to rural areas, implementing development projects there, building roads, extending the electricity grid and installing clean water supply systems. These inputs will break the isolation of rural areas and facilitate the transport of products to markets and urban centres, thereby improving economic returns to residents of those areas, where the greatest numbers of low-income persons live;

(b) Reviewing economic policies and legislation and statutory instruments relating to finance and taxation with a view to enhancing their effectiveness in stimulating economic growth, creating a better investment climate, encouraging the private sector to play a larger role in economic activity and increasing investment, thereby creating job opportunities and generating sources of income;

(c) Strengthening partnership with the private sector, civil society organizations and donor institutions in the effort to alleviate poverty, encouraging increased private-sector investment, broader productive activities in fields of relevance for low-income social categories, and the creation of small businesses and microenterprises; harnessing the capacities and potential of civil society organizations;

(d) Developing poor people's capacities and enabling them to participate more fully in production by providing basic services such as education and health care and developing training and guidance programmes with a view to enhancing their productive capacities and skills;

(e) Enabling poor people to possess the means of production by broadening lending and funding facilities for small and mid-sized business ventures. It is anticipated that the necessary measures to launch a bank for poor people will be completed shortly. The purpose of this bank will be to make loans available and enable low-income groups, especially rural women, to obtain the means of production. Other successful experiments in this area will be imitated and expanded in order to meet growing needs for small loans;

(f) Reinforcing the mechanism and programmes of the social safety net to broaden the scope of social protection and bolster its services to low-income groups and strata through direction interventions on the part of the system (Social Fund for Development, public works projects and Social Welfare Fund). In addition, action to activate the coordinating mechanism between the system's programmes and make those programmes more relevant and effective, thereby contributing to the achievement of better living conditions for low-income groups. New programmes will be introduced in the context of the social safety net, and partnership between its programmes and the private sector and training institutions will be strengthened in an effort to take advantage of their resources to upgrade the skills of targeted low-income groups.

(g) Enhancing the performance of local authorities in collecting charitable tax funds and disbursing them in fields that will be effective in reducing poverty, fostering entrepreneurship among low-income people, and providing education, health care, drinking water and infrastructure improvement services.

### **Addressing poverty from the standpoint of the poor**

39. Listening to what the poor have to say will facilitate the task of reaching solutions that are adapted to their needs. Joint studies have been conducted, and these are being used to understand the phenomenon of poverty, its causes, and how to tackle it from the standpoint of the poor themselves. A study entitled *Voices of the Poor*, which was conducted in 2005 by the Poverty Monitoring Unit, an arm of the Ministry of Planning and International Cooperation, presented solutions which had been put forward by low-income respondents and which they considered would be helpful in enabling them to escape from the poverty trap.

40. Low-income males focused mainly on the importance of a secure, stable source of income provided by the State, employment opportunities, the construction of dams and water impoundment works, the improvement of agricultural land, support for agricultural productivity, and access to loans for starting small business enterprises.

41. Most low-income women respondents spoke of the importance of reducing prices and guaranteeing free education and health services, concerned as they were about inadequate food and education and the impact of those factors on their children at home; such things as employment opportunities, wage increases and training were deemed to be of lesser importance. The women emphasized that it was essential to provide foodstuffs in the villages to spare poor people some of the hardship and transport costs that they had to endure. They also demanded better social welfare, since many of them were the main support of their families.

### **General poverty**

42. According to the results of the 2005-2006 household budget survey, the incidence of poverty (in terms of the number of poor persons) had fallen by around 2 per cent per annum

by 2006, compared to the situation in 1998. The incidence of poverty fell from 41.8 per cent in 1998 to 34.7 per cent in 2005–2006, taking rural and urban areas together. However, because of the persistently high rate of population growth, the number of poor persons has remained stable at approximately 7 million since the 1998 household budget survey was conducted. Similarly, the decline in poverty has remained modest, if compared with the Millennium Development Goals which the Government of Yemen has adopted. In order to meet Goal 1, i.e. to halve the incidence of poverty, the annual per capita consumption rate (which has been 1 per cent over the past seven years) needs to increase fourfold.

<i>Poverty statistics, 1998-2006</i>				
		<i>1998</i>	<i>2006</i>	<i>Rate of change</i>
General poverty	Rural	42.4	40.1	3.2
	Urban	32.2	20.7	7.1
	<b>Total</b>	41.8	34.7	7.1
Poverty gap	Rural	14.7	10.6	3.7
	Urban	8.2	4.5	4.1
	<b>Total</b>	13.2	8.9	4.3
Severe poverty	Rural	6.7	4.02	2.7
	Urban	3.2	1.47	1.8
	<b>Total</b>	5.8	3.32	2.5

*Source:* Family budget survey, 2005-2006 – Central Statistical Organization.

### **Poverty gap**

43. The data show that the extremely poor did better than the relatively poor, as the poverty gap narrowed in the period from 1998 to 2005-2006 at a faster rate than the decline in the number of poor persons. Moreover, the incidence of extreme poverty fell more sharply than either of these two rates; the poverty gap narrowed to 8.9 per cent in 2005-2006, as compared with a figure of 13.2 per cent in 1998. This indicates that groups which had been far below the poverty line gradually came closer to it as a result of increasing expenditures and income stabilization.

### **Extreme poverty**

44. The incidence of extreme poverty declined by 2.4 per cent, although there were disparities between urban and rural areas. The incidence of extreme poverty fell by 4.02 per cent in 2005-2006 in rural areas but by 1.47 per cent in urban areas, reflecting a marked improvement in living standards among the extremely poor in urban as compared to rural areas.

### **Food poverty**

45. The incidence of food poverty fell from 17.6 per cent in 1998 to 12.5 per cent in 2006, pointing to a considerable improvement in income levels among urban population groups which managed to escape the poverty cycle. This outcome is the result of significant amounts of capital and investment money from the general budget being allocated for urban areas. In addition the greater availability of education and training opportunities in urban as compared to rural areas helped to develop the skills and expertise of urban workers and thus to improve their productivity and incomes, allowing them to escape from the cycle of poverty.

<i>Geographic distribution of poverty by governorate, family budget survey, 2005–2006</i>				
<i>No.</i>	<i>Governorate</i>	<i>Urban</i>	<i>Rural</i>	<i>Total</i>
1	Sana'a City	14.98	-	14.89
2	Bayda	16.72	59.76	51.85
3	Ta'izz	23.66	41.51	37.8
4	Jawf	32.37	52.63	49.58
5	Hajjah	20.9	50.02	47.53
6	Hudaydah	21.58	36.43	31.72
7	Hadramaut	31.45	39.17	35.59
8	Dhamar	29.73	25.28	25.84
9	Shabwah	39.44	56.8	54.13
10	Sa'dah	18.18	16.23	16.55
11	Sanaa	-	28.13	28.13
12	Adén	16.88	-	16.88
13	Lahaj	22.9	49.49	47.2
14	Ma'rib	17.95	50.05	45.88
15	Muhwayt	21.9	31.48	30.75
16	Al-Mahrah	11.4	6.92	8.85
17	Amran	33.93	70.6	63.93
18	Dali'	28.15	46.37	44.24
19	Rimah	5.38	33.32	34.07

*Source:* Family budget survey, 2005–2006.

46. The incidence of urban poverty fell sharply throughout the period — from 32.2 per cent in 1998 to 20.7 per cent in 2005–2006 — as urban areas benefited from economic growth based primarily on rising oil revenues.

47. There are sharp disparities between poverty levels in different governorates, ranging from 5.4 per cent to 71 per cent in 2005–2006. The governorate of Amran had the highest poverty rate, at 71 per cent, followed by the governorates of Shabwah and Al-Bayda', at 60 per cent. The governorates of Mahrah and Sana'a had the lowest poverty rates.

## **E. Policies and implementation action**

48. The Third Socio-Economic Development Plan for Poverty Eradication 2006–2010 encompasses an array of policies and procedures designed to: improve good governance, based on the separation of State powers; develop the judicial authority and boost its independence; reform and modernize the public administration; develop policies and mechanisms to combat corruption; promote freedoms and protect human rights; intensify decentralization efforts and boost the role of local government; provide equal opportunities in education and health; empower women in political, economic and social life; widen the social protection umbrella for citizens; and strengthen social safety net programmes in all governorates, bearing in mind the need to strike a balance between rural and urban areas.

49. The plan focuses on the realization of good governance and sound administration. Indeed, it is structured around the concept of good governance, the strengthening of reforms, political participation, buttressing rights and freedoms, action to combat corruption, and consolidation of the rule of law. The plan highlights a number of aspects of the task of activating the conditions of good governance and sound administration, notably those listed below.

#### **Broadening of reforms and political participation**

50. To ensure that the reforms will be broadened to cover political participation, rights and freedoms, and the development of a responsible press, the following actions are to be taken:

- Continued action to correct deficiencies and distortions in the administrative machinery of the State and to enhance its competence;
- Development of the legislative and electoral system to expand the scope of participation by making two thirds of the seats in the Advisory Council elective and making the post of governor elective; also strengthening the role of the House of Representatives in preparing the budget and overseeing its implementation;
- Developing the Local Government Act and activating its implementing regulations;
- A comprehensive review of a number of Acts, such as the Press Act, the Elections Act, and a number of Acts aimed at strengthening oversight of public finances, such as the Financial Responsibility Act;
- Action to strengthen the freedom of the responsible press and enhance its role in discussing national issues in a responsible way; action to develop cultural and political awareness of the preservation of the national identity, the spirit of belonging, and the retention of stable values; the founding of a welcoming climate for the expression of opinions and objective, constructive criticism;
- Action to strengthen rights and freedoms, raise the level of awareness of human rights and integrate them into school curricula; concern with issues of the rights of children and women;
- Action to expand participation by women in political activity and to increase the numbers of women occupying ministerial and leadership posts in the various State bodies and the diplomatic corps;
- Action to bring national legislation into line with international conventions and treaties, especially human rights instruments and instruments dealing with women's rights, and action to strengthen the Children's Parliament experiment;
- Activation of civil society organizations for the tasks of fostering political and legal awareness, strengthening behaviour appropriate to an advanced society, and promoting respect for legal and constitutional authorities.

#### **Strengthening the rule of law and the independence of the judiciary**

51. In view of the importance of the rule of law and an independent judiciary as a reference framework for safeguarding rights and protecting property, and as a fundamental prerequisite for realizing economic and political stability and providing the elements of confidence and security, thereby having a positive impact on the investment climate, the following actions are to be taken:

- Complete separation of the judicial power from the executive power, institutionally, financially and administratively, and adoption of relevant amendments to the law,

including restructuring and development of judicial institutions, the Higher Council of the Judiciary in particular; establishment of judicial bodies that will strengthen oversight, such as a body to administer judges' affairs, including their appointment and transfer, and establishment of an administrative judiciary. In addition, integration of the judicial inspection body within the Ministry and the Public Prosecutor's Office, and action to annex it to the body established to administer judges' affairs;

- Action to build judges' capacities through training and technical and advanced administrative qualification; upgrading of the Higher Judicial Institute through modernization of its programmes and improvement of the qualifications of its teaching personnel;
- Development of the role of the commercial courts, with priority given to commercial and investment-related disputes; activation of the public finance courts; establishment of special courts to deal with money-laundering;
- Protection of property and land rights through the merging of bodies with competence for dealing with land, land registration and cadastral surveys into a single entity; adoption of amendments to the relevant statutory instruments;
- Action to upgrade the competence and effectiveness of courts through an array of reforms and measures, such as expediting the progress of cases, publishing the necessary guidelines, developing an official mechanism for producing data on the competence of courts and their ability to settle disputes, and publishing data on each case heard by the courts.

### **Human resource development**

52. Yemen ranks among States that are rated low in terms of their human resource development, and is one of those that are unlikely to achieve the Millennium Development Goals by 2015, with the exception of the goal of education for all and reduced child mortality. The task of developing Yemen's human resources faces daunting challenges, and this calls for policies and initiatives focusing on the situation of poor families, to ensure that they have a minimum of income, food and basic social services, by earmarking resources for appropriate action in areas with a bearing on the attainment of those objectives. Those actions will include:

- Promoting awareness of population issues at the level of communities and individuals;
- Providing educational opportunities for all, especially inhabitants of rural areas;
- Tackling the causes of illiteracy and eliminate contributing factors; strengthen literacy and adult education programmes;
- Upgrading primary health care services, especially maternal and child care and infectious disease control;
- Reinforcing the status and role of women in economic and political activity;
- Safeguarding a sustainable environment and safe water;
- Providing basic infrastructure services in rural areas in order to end the isolation of remote parts of the country.

### **Economic and political empowerment of women**

53. Under the third socio-economic development plan, great importance is assigned to the role that women could play in socio-economic development as meaningful partners in the task of bringing about economic and social change in the community. At present, there are

gender gaps: participation by women in economic activity is no more than 21.8 per cent, primary and secondary school attendance rates for girls do not exceed 24.8 per cent and 51.6 per cent respectively, and furthermore, illiteracy is widespread among women. Only 35 per cent of women receive medical care, and the maternal mortality rate is 366 per 100,000 live births.

54. The elimination of gender gaps will require working with the various sectors, inasmuch as they intersect with one another. Consequently, on the one hand, the necessary policies and intervention actions will have to be determined, and on the other hand it will be necessary to identify independent gender issues and needs calling for supplementary intervention actions. The plan identifies four main lines of emphasis aimed at empowering women and strengthening their role in development:

1. Narrowing gender gaps, especially in education and health care, by providing an appropriate environment for girls' education and improved health services for women, including reproductive health services in particular;

2. Strengthening political participation by women through the application of a quota system at all levels, and raising the awareness of political forces to promote more extensive participation by women in voting and the electoral process; building the capacities of women working in administrative posts, local councils, Parliamentary seats and diplomatic positions, and encouraging them to be politically active;

3. Broadening economic opportunities for women in all sectors, and providing funding and loans to encourage development of their economic activities and initiatives; reviewing the country's laws to ensure that they adequately safeguard equal rights;

4. Revising statutory instruments, legislation and regulations and eliminating any provisions that are discriminatory toward women.

#### **Supporting social protection mechanisms and expanding the social safety net**

55. The Third Socio-Economic Development Plan for Poverty Eradication devotes particular attention to social aspects and objectives relating to the protection of low-income groups and persons hardest hit by the negative results of economic reform policies, actions and programmes. The plan seeks to broaden the social protection umbrella to cover other groups, such as persons with special needs and unemployed graduates, and it works to associate the private sector and civil society organizations with the task of assuming social responsibility toward those groups. It also aims at the expansion of education and health care services, including in particular basic education, the education of girls, and the provision of primary health care, and the extension of those services to rural areas. In addition, the plan contemplates the provision of infrastructure services, especially in rural areas, to enable the inhabitants of remote areas to break out of their isolation. It seeks to provide greater economic opportunities for low-income groups by supporting funding for small loans and microcredit loans, especially to families supported by women. It also addresses the issue of the care and rehabilitation of persons with special needs, and action to meet their needs in the areas of education, health care, training and social integration, and provides for a review of the system of financial assistance payments from the Social Welfare Fund from the standpoint of entitlement, quantitative amounts, and fair distribution to all districts.

#### **Activating the role of local authorities and realizing balanced rural development**

56. The adoption of the system of local administration is a strategic option in the management of socio-economic development. It will afford a means of extending citizens' participation in local development and the modernization of rural areas. The Third Socio-Economic Development Plan for Poverty Eradication places great emphasis on administrative



and financial decentralization with a view to ensuring that civil society and development partners join forces to support local authorities in order to enable them to strengthen their own capacities, resources and potential to achieve sustainable development that will be adequate to absorb surplus labour and diversify sources of income in rural areas. This orientation includes the aspects outlined below.

- Promoting sustainable economic development by upgrading the socio-economic infrastructure in rural areas, priority being given to promising activities in the governorates and encouraging the private sector to invest in those areas;
- Reducing disparities between rural and urban areas;
- Completing the legislative and institutional structure of local administration with a view to endowing it with greater financial, administrative and developmental powers, and activating the developmental function of the leaders of local authority agencies in the various administrative units;
- Building the human capacities of local administrations, and redistributing the labour force between the central and local authorities with a view to enabling the latter to meet all their skilled human resource needs, and also addressing the training, planning and monitoring aspects of local administrations;
- Creating a climate aimed at enabling the local administration to promote development by making the necessary facilities, equipment and supplies available; expanding the rural development-related functions of governors with a view to enabling them to identify indicators and objectives that can be used to monitor and evaluate the results obtained; combating corruption and the practice of selling appointments;
- Pursuing the existing effort to create, over the medium and long terms, effective urban economic complexes as a means of addressing the phenomenon of population dispersal and encourage migration to secondary urban areas and coastal regions;
- Strengthening the role of women in rural development, notably by reducing gender gaps in the areas of education, health care, and inheritance and property rights;
- Combating the wastage of water resources and ensuring sound watershed management; directing support toward areas that will benefit low-income people in rural districts, notably by conducting studies on drought-resistant crops; providing support for rain-fed agriculture, inputs such as improved seeds and fertilizers; upgrading livestock productivity with a view to enhancing the contribution of livestock-raising to household incomes; encouraging agricultural and fish-farming associations and cooperatives.

#### **Change in the legislative and statutory infrastructure**

57. If the role of State agencies is to be strengthened and citizens' rights and duties adequately defined, the operation of the law and the legal and legislative system will have to evolve in the framework of the Constitution, in line with local, regional and international processes of change, and a higher degree of legal awareness will be required at both the official and the popular levels. The Plan seeks to make the country's statutes and legislation consistent with regional and international conventions ratified by Yemen through an array of policies and actions, notably the compilation of all statutes and legislation, including published conventions, and action to complete the work of promulgating or amending them and bringing them into line with the Government's general programmes in the field of financial, economic and administrative reforms and international obligations, and activation of the relevant provisions of law.

**Action to strengthen human rights**

58. The Third Plan seeks to prepare and activate a national human rights strategy designed to consolidate rights and freedoms and their enjoyment and exercise, within a balanced framework of rights and duties as set forth in the Constitution and international conventions and treaties. The Plan's objectives in this connection are as follows:

1. To strengthen and support human rights in all areas;
2. To improve prison conditions and detainees' situations in all regions and security centres;
3. Preparation of detailed reports on prisons and the situation of male and female detainees;
4. To enlist the collaboration of civil society organizations in the work of preparing national reports on human rights, and to encourage them to write shadow reports;
5. To implement the project to combat trafficking in children;
6. To strengthen participation with civil society and international agencies and organizations operating in Yemen and elsewhere.

59. A number of policies and actions are set forth in the plan, including:

- Completion of the work of publishing the statutory and legislative instruments that safeguard citizens' enjoyment of their rights and support the freedoms and the satisfaction of basic needs to which they are entitled by virtue of their citizenship;
- Overhaul of the system of national legislation and statutory instruments to bring it into line with the international conventions ratified by Yemen;
- Action to disseminate awareness of the Constitution and laws, and to inform citizens about the relevant international conventions;
- Publication of a training manual for the use of law enforcement officers, covering the fundamental rights that must be observed during interrogation, in places of detention and at trials;
- Training and professional development for personnel specializing in the field of human rights, such as local and international observers;
- Implementation of training programmes designed to build basic human and institutional competence for civil society institutions working in the field of human rights;
- Studies, research and statistical and informational surveys to assess the human rights situation;
- Encouragement for the press and public opinion to play a greater role in the task of monitoring the performance of the various official governmental and community agencies;
- Inculcating democratic and human-rights concepts in the minds of young people by integrating those concepts into school programmes and curricula;
- Enacting legislation to enable persons with special needs to obtain basic services and enjoy all their rights.

### **Action to reinforce the exercise of democracy and political participation**

60. Yemen is considered to be a nascent democratic State with respect to its recent political situation, which reached maturity when Yemen's unity was realized in 1990, and with respect to the evolving democratic path that it has been following since that time. Prominent aspects have been the consolidation of unity in all its aspects, the establishment of civil peace, the adoption of an amended unified Constitution, the acceptance of political pluralism with a variety of parties, the peaceful transfer of power, unbiased legislative elections, the formation of national governments, the release of all political prisoners, the promulgation of a general amnesty for opponents of unity and authority, a balanced distribution of public spending and investment programmes for all regions, with no regional or partisan considerations, despite the scarcity of the necessary resources and the development-related structural difficulties and challenges afflicting the country in general.

61. Yemen's strategic outlook for 2025 contemplates the implantation and consolidation of the exercise of democracy in society, the acceptance of competition through the ballot box, the use of the electoral process as a tool for achieving development and the peaceful transfer of power, with a view to bringing about Yemen's transition from a situation of nascent democracy to one of mature, stable democracy, featuring political pluralism, multiple parties, respect for human rights, and the strengthening of strong, stable local authority as a factor in the democratic process, the management of governance, and the evolution of society as a whole.

## **F. Legislative measures**

### **Action to bring national statutory instruments into line with international conventions**

62. The Government of Yemen has adopted a number of legislative measures aimed at overhauling the nation's laws in order to bring them into line with international human rights instruments. To that end, it has established a number of general and specialized bodies. One of the most important of these is a legal commission established pursuant to Council of Ministers Decree No. 29 of 2004 for the purpose of studying national legislation and statutory instruments with a view to determining to what extent they are consistent with international human rights conventions ratified by Yemen.

63. As regards legislative reform in the matter of the advancement of women, a number of legal commissions have been established since 2001 for the purpose of reviewing the country's laws, with particular attention to laws relating to women. The Council of Ministers has approved most of the resulting amendments and has referred them to the Ministry of Legal Affairs, which will submit them to the House of Representatives for consideration and adoption.

64. In the matter of the rights of the child, Yemen has set out to improve and organize the provisions of law in that area, eliminate any contradictions or inconsistencies and make them a coherent body of law, adding any provisions that may be deemed necessary or desirable to protect those rights. To that end, and with a view to ensuring that the country's laws relating to the rights of children are in line with the relevant international and regional instruments, Yemen, with the support of the Sana'a office of the United Nations Children's Fund (UNICEF), has drafted a set of laws relating to children and has initiated legal, informational and awareness-related measures for their enforcement.

**Initiative launched by the Ministry of Human Rights for a comprehensive review and overhaul of legislation and status of the application of criminal justice in Yemen**

65. As regards legislative and institutional reform in the field of criminal justice, the Government, in cooperation with the Danish Institute for Human Rights, has embarked on a comprehensive review and overhaul of legislation and a review of the status of the application of criminal justice in Yemen, in addition to a legal analysis of legislation in that field. In 2007-2008, a legal analysis of legislation relating to criminal justice was conducted, and the resulting report contains a summary of the application of human rights in that connection. That report represents the starting-point for a dialogue conference that will enable decision-makers and senior officials to discuss the establishment of a mechanism for the full application of human rights in the framework of criminal law in Yemen, and will produce recommendations to that end within the concept of the sovereignty of the law, by means of awareness programmes aimed at the groups and individuals comprising society at large.

**Legal analysis of legislation relating to criminal justice in Yemen**

66. The legal analysis consists of a review of national legislation and regional and international instruments relating to criminal justice aimed at identifying deficiencies and suggesting appropriate legal and institutional reforms with a view to bringing the provisions of Yemen's laws into line with those of international instruments.

67. A list was compiled of 34 rights relating to a range of criminal justice principles that guarantee protection of the rights of both accused persons and victims. The rights in question are those afforded to individuals under the Yemeni criminal justice system and can be broken down into four main groups.

*(a) General principles*

68. Twelve rights are included under this heading: the right to life; equality before the law; the right not to be subjected to torture; the principle of *nulla poena sine lege*; the principle of the non-retroactivity of laws; the right to seek legal redress; the right to a fair trial; non-discriminatory treatment; the right not to be subjected to cruel, inhuman or degrading treatment when under arrest, standing trial or serving a sentence; the right to fair compensation; freedom of belief and religion; and freedom of opinion and expression.

*(b) Rights while in detention and under investigation*

69. Seven rights come under this heading: the right not to be detained or arrested without a legal justification; the presumption of innocence; the right to a defence; the right of the accused to be informed of the charges against him; the prohibition of arbitrary detention; the right upon arrest to notify a person of one's choosing about what has happened; detention or imprisonment in a legally designated facility.

*(c) Rights during trial*

70. This heading includes personal criminal liability and the right of appeal.

*(d) Rights while serving a sentence*

71. Fourteen rights come under this heading: the maintenance of a record book containing details about each prisoner; separation of different categories of prisoners; personal hygiene; access to food and water; physical exercise; medical services; non-use of physical restraint

devices; information ensuring the right of prisoners to make a complaint; communication with the outside world; access to books; storage of prisoners' belongings; reporting of deaths, illnesses, transfers, etc.; transportation of prisoners; improving prisoner's social welfare and post-release care.

72. The main national laws and regulations on criminal justice were identified and studied and each provision of the articles analysed was compared to the corresponding entry in the list of rights. The laws reviewed were: the Penal Code; the Code of Criminal Procedure; the Department of Prisons Act; the implementing regulations for the Department of Prisons Act; the Judicial Authority Act; the Civil Code; the Code of Pleadings; the Legal Profession Act; the Children's Rights Act; the Juvenile Welfare Act; the Civil Code; the Disabled Persons Welfare Act; the Abduction and Highway Robbery Act; the Code of Military Offences and Penalties; the Press and Publications Act; the implementing regulations for the Juvenile Welfare Act; and the Act to Counter the Trafficking and Illegal Use of Drugs and Psychotropic Substances. In addition, an analysis was conducted to determine to what extent the principle of equality before the law is applied in matters relating to women, children and disabled persons.

73. The analysis covered the following instruments:

- The Universal Declaration of Human Rights
- The International Covenant on Civil and Political Rights
- The International Convention on the Elimination of All Forms of Racial Discrimination
- The Convention on the Elimination of All Forms of Discrimination against Women
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- The Convention on the Rights of the Child

74. A number of problems and loopholes were identified as a result of discrepancies between domestic laws and rights definitions, and between regional and international instruments. Provisions of law characterized by such loopholes or problems were identified, and policies and strategies were formulated to address problems identified in the criminal justice system.

75. Comments and recommendations were made on ways of addressing the problems or gaps in the legislation.

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*General principles*  
*Right No. 7*

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<i>1</i>	<i>Subject of right</i>	<i>Non-discriminatory treatment</i>
2	Definition	Discriminatory treatment is prohibited at all stages (arrest, trial, serving of sentence) on the grounds of race, origin, colour, gender, language, religion, political or other opinion, national or social origin, property, birth or other status.
3	Constitution	Article 41: All citizens are equal with regard to rights and duties.

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<i>General principles</i>		
<i>Right No. 7</i>		
<i>1</i>	<i>Subject of right</i>	<i>Non-discriminatory treatment</i>
4	Domestic legislation	<p>Code of Criminal Procedure</p> <p>Article 5: Citizens are equal before the law, and no one may be punished or harmed on account of his nationality, race, origin, language, beliefs, occupation, level of educational attainment, or social status.</p> <p>Article 324: All parties involved in a case have equal rights and obligations, including the accused, the defence counsel, plaintiffs and respondents. They are entitled to present and discuss evidence and to ask for it to be examined by experts, with the permission of the court.</p> <p>Penal Code Article 194: Every person who publicly broadcasts opinions that deride or disparage religion or religious beliefs, practices or teachings, publicly incites contempt for a confessional group, or promotes the idea of the superiority of a confessional group, in such a way as to undermine public order, shall be liable to a term of imprisonment of not more than three years or a fine.</p> <p>Article 195: Where the religion or creed that is the subject of the disparagement, derision or contempt is the Islamic religion, the penalty shall be a term of imprisonment of not more than five years or a fine.</p> <p>Article 232: Every man who finds his wife in the act of committing adultery and thereupon kills her and her adulterous partner, or subjects them to violence leading to death or permanent disablement, shall not be charged with murder or attempted murder, but shall be liable only to a term of imprisonment of not more than one year or a fine. Every man who so finds one of his female ascendants, descendants or sisters in the act of adultery shall be liable to the same penalty.</p> <p>Judicial Authority Act Article 111: 1. The Higher Council of the Judiciary has sole competence for disciplining judges and members of the Public Prosecutor's Office who commit a breach of their official duties. The Council may refer the person concerned to a disciplinary board consisting of three members of the Council or three judges. A judge shall be considered to have committed a breach of duty if he or she:</p> <ul style="list-style-type: none"> <li>(a) Commits a dishonourable act or accepts a bribe, or is found to have shown bias to one party in a case;</li> <li>(b) Repeatedly fails to attend sessions for no good reason;</li> <li>(c) Delays taking decisions in lawsuits;</li> </ul>

<i>General principles</i> <i>Right No. 7</i>		
<i>1</i>	<i>Subject of right</i>	<i>Non-discriminatory treatment</i>
		<p>(d) Fails to set a specific time limit, during closing statements, for the completion of a sentence;</p> <p>(e) Breaches the confidentiality of deliberations.</p>
	Code of Civil Procedure	<p>Article 16: Parties to a lawsuit are equal with respect to the right to litigate, and every magistrate shall apply the principle of equality between litigants, subject to the provisions of Islamic law and applicable Yemeni legislation.</p> <p>Article 25: Every foreigner shall enjoy judicial protection before Yemeni courts, in accordance with Islamic law and Yemeni law.</p> <p>Article 26: Every magistrate shall treat litigants equally in judicial proceedings.</p> <p>Article 73: Every foreign national shall be deemed competent to litigate before the courts of the Republic where he meets the conditions for competence prescribed by Yemeni law, even where he would not be deemed competent under the law of his own country. The court may make the admissibility of a foreign national's petitions subject to any safeguards that it deems appropriate in cases where it is satisfied that such action is necessary.</p>
5	Issues concerning persons with special needs	<p>Children</p> <p>Children's Rights Act</p> <p>Article 9: The provisions of this Act shall not prejudice the right of children to enjoy all public rights and freedoms, together with the protection and care which the laws in force guarantee to human beings in general and children in particular, without distinction as to sex, colour or creed.</p>
6	Regional covenants and treaties	<p>Arab Charter on Human Rights</p> <p>Article 3: 1. Each State Party to the present Charter undertakes to ensure to all individuals within its territory and subject to its jurisdiction the right to enjoy all the rights and freedoms recognized herein, without any distinction on grounds of race, colour, sex, language, religion, opinion, thought, national or social origin, property, birth or physical or mental disability.</p> <p>Article 4: In time of public emergency which threatens the life of the nation and which shall be officially proclaimed as such, the State Parties may take measures derogating from their obligations under the present Charter to the extent strictly</p>

<i>General principles</i>		
<i>Right No. 7</i>		
<i>1</i>	<i>Subject of right</i>	<i>Non-discriminatory treatment</i>
		required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
	Cairo Declaration on Human Rights in Islam	Article 19: (a) All individuals are equal before the law, without distinction between the ruler and the ruled. (b) The right to resort to justice is guaranteed to everyone.
7	International covenants and treaties	Ratified International Covenant on Civil and Political Rights, article 2: 1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. 2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant. 3. Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of the judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted. International Convention on the Elimination of All Forms of Racial Discrimination, article 1: 1. In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.



*General principles*  
*Right No. 7*

<i>1</i>	<i>Subject of right</i>	<i>Non-discriminatory treatment</i>
		<p>Convention on the Elimination of All Forms of Discrimination against Women, article 2:</p> <p>2. States Parties condemn discrimination against women in all its forms, agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women and, to this end, undertake:</p> <p style="padding-left: 40px;">(a) To embody the principle of the equality of men and women in their national constitutions or other appropriate legislation if not yet incorporated therein and to ensure, through law and other appropriate means, the practical realization of this principle;</p> <p style="padding-left: 40px;">(b) To adopt appropriate legislative and other measures, including sanctions where appropriate, prohibiting all discrimination against women;</p> <p style="padding-left: 40px;">(c) To establish legal protection of the rights of women on an equal basis with men and to ensure through competent national tribunals and other public institutions the effective protection of women against any act of discrimination;</p> <p style="padding-left: 40px;">(d) To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with this obligation;</p> <p style="padding-left: 40px;">(e) To take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise;</p> <p style="padding-left: 40px;">(f) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women;</p> <p style="padding-left: 40px;">(g) To repeal all national penal provisions which constitute discrimination against women.</p> <p>Convention on the Rights of the Child, article 2:</p> <p>1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents' or legal guardians' race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.</p> <p>2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of the child's parents, legal guardians, or family members.</p>

*General principles*  
*Right No. 7*

<i>I</i>	<i>Subject of right</i>	<i>Non-discriminatory treatment</i>
8	Identification of loopholes and problems	<ol style="list-style-type: none"> <li>1. Domestic legislation does not contain the definition of racial discrimination as set forth in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.</li> <li>2. Discrimination against women in the matter of provisions of law specifying lighter penalties in cases of honour killing.</li> </ol>
9	Areas of loopholes and problems	Penal Code, in matters relating to paragraphs 1 and 2 under item 8 above.
10	Other rights relating to loopholes and problems	<ul style="list-style-type: none"> <li>• Equality before the law</li> <li>• Fair trials</li> <li>• The right to litigate</li> <li>• The right to life</li> </ul>
11	Policies and strategies relating to problems	
12	Recommendations and observations	<ol style="list-style-type: none"> <li>1. Addition to the Penal Code of an article containing a definition of racial discrimination that is consistent with that given in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.</li> <li>2. Abrogation of article 232 of the Penal Code.</li> <li>3. Integration of the Durban Declaration and Programme of Action into national strategies.</li> <li>4. Action to implement the recommendations of the Committee on the Elimination of Racial Discrimination.</li> </ol>

#### **First dialogue conference on criminal justice in Yemeni legislation**

76. The first national dialogue conference on criminal justice in Yemeni legislation was organized by the Ministry of Human Rights in cooperation with the Danish Institute for Human Rights, and was held in Sana'a on 10-11 February 2008, under the auspices of the Prime Minister. It was attended by experts from more than 50 governmental agencies and NGOs, including judges, members of the Public Prosecutor's Office and the security apparatus, lawyers, academics, and representatives of civil society. The conference adopted a number of recommendations for legal and institutional reform in Yemen aimed at achieving effective implementation of the principles and criteria of criminal justice. These recommendations served to supplement a number of others that had been formulated in a legal analysis document prepared during the period preceding the conference.

#### **Recommendations adopted at the conference**

77. At this point, it will be useful to review the recommendations adopted at the conference. Some of them were general in nature, while others dealt with amendments to domestic law, and still others addressed the issue of prison reform.

*1. General recommendations*

- Action to give effect to Prime Ministerial Decree No. 29 of 2004, providing for the establishment of a committee to review statutes and legislation currently in force in the light of international human rights instruments ratified by Yemen;
- Scrutiny of the provisions of domestic law and abrogation of any that are inconsistent or incompatible with international conventions and treaties ratified by Yemen;
- Action to strengthen the independence and impartiality of the judiciary. In that context, it will be necessary to draft a code of conduct for members of the judiciary and to confirm the legal and personal immunity of judges;
- Review of existing criminal procedures with a view to safeguarding criminal justice, confirming the presumption of innocence and ensuring that detained persons are treated humanely and in ways consistent with their human dignity;
- Enactment of legislation defining standards of behaviour for persons working in the field of law enforcement, in respect of arrest, search and surveillance;
- Action to ensure that persons working in the field of law enforcement are aware of the main rules and principles governing respect for and the preservation and safeguarding of human rights, inasmuch as those rules and principles should be regarded as being of the first importance in those persons' behaviour and dealings with others, without distinction;
- Special attention to children, persons with special needs, members of very low income groups, and persons requiring assistance when seeking to use the judicial system to uphold their rights;
- Dissemination of statutory instruments relating to criminal justice among all strata of society through the various media and by national symposiums and conferences;
- Action by the Ministry of Human Rights to monitor implementation of the recommendations set forth in the final declaration, and also the recommendations formulated in the legal analysis document.

*2. Recommendations dealing with amendments to domestic law*

- Addition of articles to the Penal Code defining, torture, racial discrimination and the right to life;
- Narrowing of the scope of capital punishment, to restrict it to the most serious cases;
- Action to amend article 42, paragraph 11 of the Penal Code relating to the payment of blood-money (diyah), in order to safeguard women's right of equality before the law and to bring the Code into line with Islamic law;
- Addition of physical, psychological and mental torture to the list of offences contained in article 38 of the Code of Criminal Procedure which, exceptionally, are not subject to any statute of limitations as provided under article 48 of the Constitution;
- The addition to domestic legislation of a provision stipulating that victims of physical or mental torture shall be compensated by the State;
- Heavier disciplinary measures, extending even to dismissal, for every civil servant who takes advantage of his post or function to commit any act of torture;

- Action to amend article 232 of the Penal Code to provide that every accused, whether man or woman, shall be entitled to the benefit of extenuating circumstances as set forth in that article;
- A provision of the law to the effect that interrogation measures and trial shall be deemed null and void where the accused, being a foreign national who does not understand the Arabic language, has not had the services of an interpreter;
- Action to amend the provisions of the Penal Code relating to restrictions on the freedom of expression in publication-related offences with a view to ensuring that they are clear and well defined;
- Addition of provisions to the Penal Code and the Department of Prisons Act and its implementing regulations stating expressly that every accused person has the right to see his lawyer privately in an appropriate location;
- Addition of provisions of law making it compulsory for the competent authorities to inform the accused person of facts that have come to light as a result of his interrogation, to inform him about the evidence relating to his case, and to advise him of his legal rights at the time of his arrest;
- Action to amend domestic legislation to set the age of majority at 18 years, in accordance with international conventions.

3. *Recommendations relating to prisons*

(a) Action to study the existing situation in prisons and draft plans aimed at developing the performance of correctional institutions, taking the factors listed below into account:

1. Enforcement of existing provisions of law, and review and development of legislation relating to prisons to bring it into line with the Standard Minimum Rules for the Treatment of Prisoners and international systems;

2. Training, incentive and professional development measures aimed at senior prison personnel, covering all areas of specialization;

(b) Compliance with international norms in prison construction;

(c) Application of the Standard Minimum Rules for the Treatment of Prisoners, and a review aimed at integrating rule 32, which states categorically that “punishment by reduction of diet shall never be inflicted”;

(d) Addition of new articles to the Department of Prisons Act and its implementing regulations ensuring conformity with international norms, and revision of articles 9, 24, 27, 30 and 32 of the Department of Prisons Act and article 84 of its implementing regulations;

(e) Action to ensure that detainees awaiting trial are segregated from convicted persons, and that persons serving sentences for civil offences are segregated from persons serving sentences for criminal offences;

(f) The prohibition of devices that restrict freedom of movement, such as fetters, chains, handcuffs, straitjackets and the like, as disciplinary measures, except in clearly defined cases;

(g) Religious and moral instruction within prisons, and emphasis on the function of mosques as a means of achieving the reform and social reintegration of inmates;

(h) Concern for the situation of women detainees upon their release, with respect for their rights and adequate action to bring about their rehabilitation and social reintegration.

*Establishment of a committee to review the recommendations formulated in the final declaration of the first Dialogue Conference on Criminal Justice*

78. These recommendations were addressed in Prime Ministerial Decree No. 69 of 2008, providing for the establishment of a committee to review the recommendations formulated in the final declaration of the first Dialogue Conference. The committee began its work on 28 May 2008. To date it has analysed the recommendations just referred to and also a number of others that have emerged from legal analysis. All the recommendations have been grouped into a single programme comprising six projects, prepared in cooperation with the Danish Institute for Human Rights.

79. The aims of these projects are the execution of activities constituting a critical analysis with a view to its subsequent practical implementation (project 1), initiatives that can be implemented immediately (project 2), activities having a direct bearing on the programme of reform currently under way in Yemen (projects 3 and 4), and activities having a direct bearing on the need for analysis and/or reform of the domestic legal framework (projects 5 and 6). A second national dialogue conference on criminal justice is to be held once the terms and conditions for implementation of these recommendations have been determined; it is anticipated that this will have been accomplished early in 2010.

**Second and third National Dialogue Conferences on Criminal Justice**

80. The structure of the tentative framework for the second National Dialogue Conference on Criminal Justice in Yemen is now in place. That conference will afford a venue for presentation of the Government's proposed initiatives aimed at implementing the recommendations that emerged from the first dialogue conference and the above-mentioned legal analysis, which, as we have seen, have been consolidated into six projects. The aims of the conference will thus be to discuss the Government's proposed initiatives, generate interventions and recommendations, and arrive at a broadly-based commitment on the part of all stakeholders, including decision-makers in particular, before detailed planning begins. In addition, the conference will approve the final programme and initiate the detailed planning process.

81. The second Dialogue Conference on Criminal Justice will be followed by a third, which will consider the reform programme and existing projects in that connection, presented in the form of a discussion document for decision-makers and other leading stakeholders, including donor agencies. The aim of this conference will be to enable the implementation of the reform programme effectively and appropriately.

## **IV. Level of implementation of the articles of the Convention**

### **Article 1**

#### **Definition of the term "racial discrimination"**

82. With reference to the Committee's ninth concluding observation, concerning the absence of a definition of racial discrimination in Yemen's domestic legislation in accordance with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, the reader is referred to the results and recommendations of the legal analysis document and the dialogue conference on criminal justice in part III above. The dialogue conference recommended the addition of an article to the Penal Code containing a

definition of racial discrimination consistent with that contained in article 1 of the Convention.

83. The technical steps contemplated in the memorandum of cooperation between the Ministry of Human Rights and the Danish Institute for Human Rights are currently being taken by a working group established by the task force responsible for reviewing the provisions of Yemen's domestic law, recommending amendments and additions, and drafting them in proper legal form. The working group's mandate includes the preparation of background information or explanatory notes to be appended to the added provisions. The object of this exercise is to revise and update the legal framework within which criminal justice is organized and bring it into line with the relevant treaties and other international instruments ratified by Yemen.

## **Article 2**

### **Paragraph 1: Information on legislative, judicial, administrative or other measures to implement the provisions of article 2, paragraph 1 of the Convention**

84. Further to the information contained in part III of this report, it is worth adding that the Government has honoured its commitment to a policy of eliminating racial discrimination in all its forms by reviewing all its public policies, both national and local, on political, civil, economic, social and cultural matters. That commitment is strengthened by the Constitution, chapter II of which sets forth citizens' fundamental rights and obligations and affirms that all citizens are equal in public rights and duties without discrimination.<sup>1</sup> The State uses all necessary means to enable citizens to exercise their rights. It guarantees full freedom to citizens' political, trade union, cultural, scientific and social organizations and institutions in order to provide full protection for the rights of all, without excluding, ignoring or omitting any group, class or segment of society.<sup>2</sup>

85. All these provisions urge compliance with the principles of social solidarity, based on equality, equity and justice, the enjoyment of public freedoms, and equal treatment for all citizens. These principles are consistent with the aims and purposes of the Convention and its general principles and provisions.

### **Article 2, paragraph 1 (a) and (b)**

86. This was explained in the previous report.

### **Article 2, paragraph 1(c): Review of policies and legislation giving rise to racial discrimination**

87. Further to the discussion of this issue in the previous report, the period 1995-2005 saw a comprehensive review of a number of vital sectors that were given priority in development programmes. Concretely, this process entailed the adoption of a number of sectoral strategies setting general orientations and goals in the task of surmounting the challenges confronting

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<sup>1</sup> Article 40 states that all citizens are equal in public rights and duties, while article 41 fleshes out those rights and duties by stating that all citizens have the right to contribute to political, economic, social and cultural life and that the State guarantees freedom of thought and of spoken, written and pictorial expression within the limits of the law.

<sup>2</sup> Article 5 of the Code of Criminal Procedure states, "Citizens are equal before the law, and no one may be punished or harmed on account of his nationality, race, origin, language, beliefs, occupation, level of educational attainment, or social status."

the sectors in question, including in particular population, water, the environment, agricultural development, fisheries resources, tourism, industrialization, education and public health. In addition, a number of strategies and initiatives have been adopted that cover more than one sector, such as strategies for rural and local development, children and youth, the advancement of women, and small businesses and microenterprises. These strategies have been developed jointly with development partners from the private sector, civil society and donors, and have been approved by the Council of Ministers. These various strategies will occupy an important place among Yemen's comprehensive, sectoral or local fundamental sources, objectives and policies during the period of the coming five-year plan.

88. In the matter of a review of legislation leading to racial discrimination, with reference to paragraph 11 of the Committee's concluding observations concerning the incorporation of provisions of law on that aspect, it may be useful to recall here the remarks made in part II above on the concluding recommendations of the dialogue conference on criminal justice. A number of those recommendations dealt with the addition of provisions of law explicitly addressing the issue of racial discrimination. The table below presents a tentative list of proposed new articles and additions to domestic law, with reasons for the prospective amendments based on the recommendations of international committees and those of the dialogue conference on criminal justice and the legal analysis document. This material will be drafted in proper legal form and the justifications revised and corrected in the near future.

<i>Statutory instrument</i>	<i>Proposed revised text</i>	<i>International agreement</i>	<i>Reason for amendment or addition</i>
1 Penal Code	<p>Article ()</p> <p>1. In this Code, the term "racial discrimination" means any distinction, exclusion restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.</p> <p>2. Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued</p>	International Convention on the Elimination of All Forms of Racial Discrimination	<p>No definition of "racial discrimination" in domestic law.</p> <p>1. Implementation of recommendation No. 2/1 adopted by the dialogue conference on criminal justice, concerning the addition of an article to the Penal Code containing definitions of the right to life, torture, and racial discrimination.</p> <p>2. The Committee on the Elimination of Racial Discrimination's suggestion that Yemen incorporate in its domestic law a definition of racial discrimination that includes all elements set forth in article 1 of the Convention. Paragraph 9 of the Committee's concluding recommendations states that "The Committee remains concerned at the absence of a definition of racial discrimination in domestic legislation (art. 1). The Committee recommends to the State party that it incorporate in its domestic law a definition of racial discrimination that includes all elements set forth in article 1 of the Convention, which defines racial discrimination as discrimination on the grounds of race, colour or national or ethnic origin."</p>

<i>Statutory instrument</i>	<i>Proposed revised text</i>	<i>International agreement</i>	<i>Reason for amendment or addition</i>
	after the objectives for which they were taken have been achieved.		
2 Penal Code	<p>Article ()</p> <p>Every publication of ideas based on racial superiority or hatred, incitement to racial discrimination, and also organized propaganda activities which promote and incite to racial discrimination, shall be deemed a criminal offence punishable by law.</p> <p><i>The penalty shall be specified in the Penal Code.</i></p>	International Convention on the Elimination of All Forms of Racial Discrimination	<p>1. No clear provision in the Penal Code prohibiting the publication and dissemination of material promoting racial discrimination.</p> <p>2. The Committee on the Elimination of Racial Discrimination asks our country to incorporate these articles into Yemen's domestic law in order to bring it into line with the Convention. Paragraph 12 of the Committee's recommendations reads as follows: "While taking note of the provisions contained in the Penal Code prescribing penalties for offences involving discrimination and acts of violence, the Committee reiterates its concern regarding the absence of any explicit penal provision in Yemeni domestic law that criminalizes and punishes the full range of conduct and activities proscribed by article 4 of the Convention. The Committee reiterates its recommendation that the State party revise its Penal Code in order to introduce specific legislation and fully implement the provisions of article 4. The Committee also draws the attention of the State party to its general recommendation 15 and recommends that it take effective steps to ensure the effective enforcement of such legislation.</p> <p>3. Paragraph 11 of the Committee's recommendations reads as follows: "The Committee reiterates its concern about the absence of comprehensive legislation to prevent and prohibit racial discrimination on the grounds of race, colour, descent or national or ethnic origin (art. 2). The Committee urges that the State party take all necessary and appropriate measures to extend full protection from racial discrimination to all persons irrespective of their race, colour, descent or national or ethnic origin. In this regard, the Committee recommends that the State party strengthen its domestic legislation and put in place a comprehensive anti-discrimination legal regime according</p>



<i>Statutory instrument</i>	<i>Proposed revised text</i>	<i>International agreement</i>	<i>Reason for amendment or addition</i>
			to the requirements of article 2 of the Convention.”  4. Implementation of recommendation 7(a) on the addition of provisions to domestic legislation prohibiting discrimination on the grounds of race, colour or descent, in accordance with article 5 of the Convention.
3 Penal Code	Article ()  Every act of violence or incitement to such act committed against any race or group of any colour or other ethnic origin, and any assistance to racist activities, including funding, shall be deemed a criminal offence punishable by law.  <i>The penalty shall be specified in the Penal Code.</i>	International Convention on the Elimination of All Forms of Racial Discrimination	Same reasons as above.
4 Penal Code	Article ()  It shall be unlawful to establish any organization based on the practice of activities directed against any race or group or any colour or other ethnic origin, or to promote or incite to racial discrimination. Membership of every such organization shall be deemed an offence punishable by law.  <i>The penalty shall be specified in the Penal Code.</i>	International Convention on the Elimination of All Forms of Racial Discrimination	Same reasons as above.
5 Penal Code	More severe disciplinary measures, extending even to dismissal, for every civil servant who takes advantage of his office or function to commit any act of torture either in person or through the agency of another person or persons.	International Convention on the Elimination of All Forms of Racial Discrimination	1. Implementation of recommendation 2/6 of the Conference on Criminal Justice.  2. In conformity with article 4 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**Article 2, paragraph 1(d): Action to prohibit and bring to an end racial discrimination by persons or organizations**

89. We reiterate the information relating to this paragraph provided in our previous report.

**Article 2, paragraph 1(e)**

90. We reiterate the information relating to this paragraph provided in our previous report.

**Article 2, paragraph 2**

91. Article 7 of the Constitution enunciates the principle of social justice in economic relations, focusing on the growth and development of output and the realization of social integration, equality of opportunity and better living standards for society as a whole.

92. In order to guarantee this right so that every person and his family has an adequate standard of living which supplies their nutritional, clothing and housing requirements and guarantees their right to steadily improving conditions of life, the State and society must address the problem of poverty, through appropriate policies and the creation and strengthening of a social security net and related mechanisms, institutions and funds designed to increase employment opportunities and alleviate poverty and its adverse effects on the acquired rights of individuals and groups.

93. Concrete efforts to take account of the provisions of this paragraph were made by introducing government measures to improve the lot of certain groups in Yemen society, including very poor and marginalized groups, persons with disabilities, and refugees. We shall discuss the operation of the social safety net in the paragraphs below.

*I: Very poor and marginalized groups**Social safety net*

94. A social safety net was created to: mitigate the adverse effects of the economic, financial and administrative reform programme; protect those who are unable to earn an income by offering them direct cash assistance; create physical and social infrastructure for deprived areas; and provide jobs via project implementation. In addition, mechanisms have been set up to finance small businesses and microenterprises which generate income and job opportunities, to support production in the agriculture and fisheries sector and to build capacity through training and rehabilitation initiatives. The social safety net's institutional mechanisms consist in the Social Fund for Development, the Public Works Project, the Agriculture and Fisheries Support and Promotion Fund, the Social Welfare Fund, the Small Enterprises Finance Fund and the National Programme for the Development of Productive Communities and Families.

95. Social safety net mechanisms and programmes have been designed to reduce poverty and curb unemployment by creating permanent and temporary jobs and providing credit and cash assistance and services directly to the poor in order to improve their standard of living.

*Social Welfare Fund*

96. The function of the Social Welfare Fund is to offer cash assistance and direct benefits to the poorest groups, in addition to assistance to needy persons such as the infirm, the elderly and women without a family breadwinner. The groups covered by the Fund include 15 groups on benefits, and all groups receive equal coverage; the Fund provides them with cash assistance out of the Government (public) coffers.

<i>Number of beneficiaries of the Social Welfare Fund and amounts disbursed, 2002-2006</i>					
<i>Year</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>
Number of beneficiaries	438,682	537,398	648,780	746,380	943,668
Total assistance (in thousands of Yemeni rials)	8,235,450	10,058,700	11,099,853	12,830,114	15,263,178

97. The Fund's operational policy is derived from the Social Welfare Act. Hence, it makes no distinction between different social segments and accords special attention to women; a total of 483,318 women have received social security benefits from the Fund, accounting for 44 per cent of all recipients.

98. Social welfare spending accounts for 7 per cent of total GDP, with spending on social security accounting for approximately 0.5 per cent of GDP.

99. Social welfare coverage has expanded over the past 10 years. As at the end of 1996, a total of 39,400 cases had been provided for; today, 1,044,078 families have received social welfare assistance – 556,760 males (54 per cent) and 483,318 females (46 per cent).

100. A further objective of the Fund is to establish a plan to train some 6,000 persons in occupations and trades that will help them to become self-reliant over the course of the plan. In 2006, a total of 2,756 persons received training (through associations, productive family projects, technical education and training centres), while 463 persons from small-scale enterprises received training (sewing, beekeeping, livestock raising, weaving, hairdressing, etc.).

<i>Year</i>	<i>Average</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Social Security Services	1,872	2,312	2,627	2,363	2,796	3,074	3,722	4,111
Pgross Domestic Product (GDP)	1,114,211	1,684,554	187,800	2,160,608	2,563,490	3,208,501	3,760,038	4,100,219
Percentage of GDP	0.18	0.14	0.14	0.11	0.11	0.1	0.1	0.1
Growth in spending on social security services	8.1	5.76	13.62	-10.05	18.2	9.94	21.08	10.45

*Source:* Government financial statistics, issue No. 30, fourth quarter of 2007.

101. It is important to note how the poor view the Fund: they see it as the only mechanism designed specifically for them, even if the amounts that they receive every quarter at best are rather paltry, meaning that it is not possible to live on social welfare benefit. The poor also see a need to revisit the objectives of the social safety net in order to include credit and training schemes which will enable them to improve their economic situation and to become self-reliant, especially those of them who are fit for work and who could considerably improve their socio-economic standing if only they had a little financial assistance.<sup>3</sup>

<sup>3</sup> Third five-year development plan for 2006-2010, p. 194 (2005 study, *Voices of the Poor*).

*Social Fund for Development*

102. As one of the key components of the social safety net designed to help mitigate the effects of the economic reform programme and combat poverty, the Social Fund for Development (SFD) has managed to build and absorb a large amount of capacity, supporting the implementation of around 1,000 projects a year and some 1,500 consultancy contracts annually. In addition, it has contributed to the establishment of a database on 15,000 consultants with expertise in a wide range of areas and to the establishment of an efficient administrative, technical and financial information system linking the headquarters of the Fund to its different branches.

103. Between 1997 and 2008, a total of 8,227 projects were executed by the Fund at a total cost of approximately \$787,000,000. As of the end of the first quarter of 2007, 384 projects aimed at persons with special needs had been executed at a cost of \$22,803,000. The number of beneficiaries over this period was 21.7 million, including 15.2 million direct beneficiaries and 6.5 million indirect beneficiaries.

104. A study on the impact of interventions by the SFD as of the end of 2003 showed that positive results had been achieved in several domains: between 1999 and 2003, the enrolment rate in schools where the Fund had intervened rose from 60 to 72 per cent for boys and from 42 to 60 per cent for girls. The number of health-care recipients over the same period increased from 55 to 70 per cent for both males and females alike. There was a marked improvement in water supply services. Revenues increased sixfold, covering costs, while the time taken up going to fetch water fell by 10 per cent.

*Development of small businesses and microenterprises*

105. The small business and microenterprise sector, which includes commercial, industrial, transport, communications and construction enterprises, makes a significant contribution to the economy, with the latter segment employing more than half a million workers. The number of microenterprises (those with 1–4 employees) increased from 209,300 in 1994 to 358,000 in 2004. Loans worth around \$1.732 million were disbursed by the Microenterprise Development Fund under the Second Five-Year Plan; a total of 2,342 individuals, 26.5 per cent of them women, received these loans.

106. The Microenterprise Development Fund focuses on 14 governorates and has yet to include the governorates of Sana'a, Sa'dah, Mahwit, Mahrah, Ma'rib, Jawf and Amran in its activities. There are several smaller-scale programmes and mechanisms offering small loans and microcredit to specific poor and low-income groups wishing to set up businesses and to generate employment.

107. The SFD's Small Business and Microenterprise Programme was instituted to help create income-generating employment for the poor by offering skills training, technical assistance and loans to small investors. Between 2001 and 2005, a total of 98 projects were executed through the SFD, which provided fixed-term loans and assistance to develop small businesses and microenterprises at a total cost of \$8.4 million. The Fund financed a number of pilot projects to verify market conditions and develop the capacities of financial brokerage institutions to provide services. In addition, tools such as training materials and information systems were developed. Since 2001, the Fund has financed a large number of programmes targeting women only in the context of savings groups and credit schemes.

*National programme for the development of productive communities and families*

108. This programme, which was set up in 1987, is designed to assist families weighed down by poverty. Priority is given to women, in particular providing women with training in productive and income-generating occupations. In the period 2000–2005, a total of 27,000 women benefited from this programme. The programme offers training in various practical and vocational skills, together with health awareness and literacy programmes. The number of training centres run by the programme increased from 41 in 2000 to 67 in 2005. A further 41 centres run by civil society organizations are supported by the programme. Six mobile training units which formerly delivered services to families and women in remote areas were disbanded, owing to a lack of funding.

*Labour-intensive works programme*

109. Early in 2006, action began on the implementation of a labour-intensive works programme in response to a request from the Government asking the SFD to execute labour-intensive projects. The programme affords an opportunity to soak up unskilled manpower temporarily, and the Government is providing the Fund with additional support amounting to an estimated \$25,000,000 per year. The aim of the programme is to create from 8 to 10 million jobs over the period 2006–2010. The main sectors and subsectors targeted under the programme are paving of streets in cities and rural dirt roads, harvesting rainwater (ponds and stone storage tanks), and schools. The criteria used for distributing investments under the programme include the percentage of residents living below the poverty line, as obtained from the data in the 2005 Family budget survey, total numbers of low-income people in general, and unemployment rates, as obtained from the data in the 2004 General Population and Housing Census and Labour Force Survey. These criteria were applied on a governorate-by-governorate basis. Many of the projects being executed under the programme are located in urban and quasi-urban areas, but most of the workers who have benefited from them have been individuals who have emigrated from rural areas. During 2007, the Fund committed to the execution of 120 new projects under this programme at an estimated cost of \$27,100,000. The cumulative number of projects now totals 197, and the total estimated cost is \$42,000,000.

110. The policy governing the targeting of the SFD's operations is closely bound up with the objectives for which the Fund was established, namely to contribute to reducing unemployment and poverty. Accordingly, all the Fund's activities are designed to generate maximum benefit for regions that are characterized by poverty and are most in need of services: greater financial resources are earmarked for activities and projects in poor regions and communities, and projects and activities targeting economically weak population groups in society, which are usually the ones most in need of services, support, attention and care. In this context, the Fund gives priority to responding to requests submitted by those communities, in accordance with the policies, basic principles and criteria governing the treatment of requests that pour in to the Fund from local communities and authorities in all regions, villages and communities without exception. The Fund seeks to create a perceptible effect in the lives of low-income people and poor communities. To that end, its targeting policy features three orientations: geographical, sectoral and social, and these are reflected in its various actions in virtually all sectors.

111. In implementing its targeting policy, the SFD relies on up-to-date indicators and data on poverty in Yemen contained in reports published by the Government of Yemen, the World Bank and the United Nations, and extracted from analysis of the findings of family budget surveys conducted by the Central Statistics Bureau in 2005–2006; it also uses socio-economic and population indicators reflecting service levels in the country's various governorates and

districts, obtained from the census conducted in December 2004. The Fund has updated, compiled, categorized and summarized these various data and indicators, and uses them to develop targeting methods and procedures for the distribution of resources governorate by governorate, and district by district within individual governorates. The term “resources” here includes both resources already at the Fund’s disposal and resources that it expects to receive during phase III of its operations, covering the years 2004-2010. All these resources are being distributed in accordance with a number of factors, including number of persons living below the overall poverty line and those living below the nutritional poverty line, and number of persons affected by the “low service level” indicator, which is a measure of low or nonexistent service availability, and is also termed “service poverty level”. The goal is to target low-income people on a geographical basis for resource distribution in accordance with their prevalence in each governorate and district.

#### *Geographical targeting*

112. Geographical targeting is the most important factor taken into account for purposes of the Fund’s allocation of projects and the associated funding. A total of \$500,000,000 was distributed among the governorates, and to the districts within them, over the period 2004-2010. This accounts for approximately 60-65 per cent of the total resources which the SFD expects to receive during phase III. The distribution of the remaining 35-40 per cent of available and anticipated resources will be determined by sectoral and social targeting. In addition, the labour-intensive works programme will receive some specific funding from the State for immediate, short-term job creation as a means of absorbing unemployed persons, and thus reducing the phenomenon of unemployment. This programme is governed by a sectoral funding approach.

113. Out of a total of approximately 4,860 projects completed between 2004 and 2008, approximately 2,389 (for an estimated cost of over \$300,000,000) were identified by geographical targeting.

114. In the plan for 2008, approximately 1,360 projects were executed at a cost of some \$196,000,000. These projects were distributed in accordance with the “low standard of living” indicator to four groups. The first of these, which was the best off, was characterized by a village poverty indicator of between 0 and 25 per cent. The number of inhabitants was 5.8 million, of whom only 14 per cent were low-income people. Sixteen per cent of total investment was allocated to this group.

115. The second group was also relatively well off, with an incidence of poverty of between 26 and 50 per cent. The number of inhabitants was approximately 4.6 million, of whom 37 per cent were low-income people. Nineteen per cent of total investment, distributed by geographical targeting, was allocated to this group.

116. The third group was considered to be quite poor. Its communities comprised 5.1 million inhabitants, of whom 63 per cent were low-income people, for an incidence of poverty of between 51 and 75 per cent. This group accounted for 44 per cent of total investment.

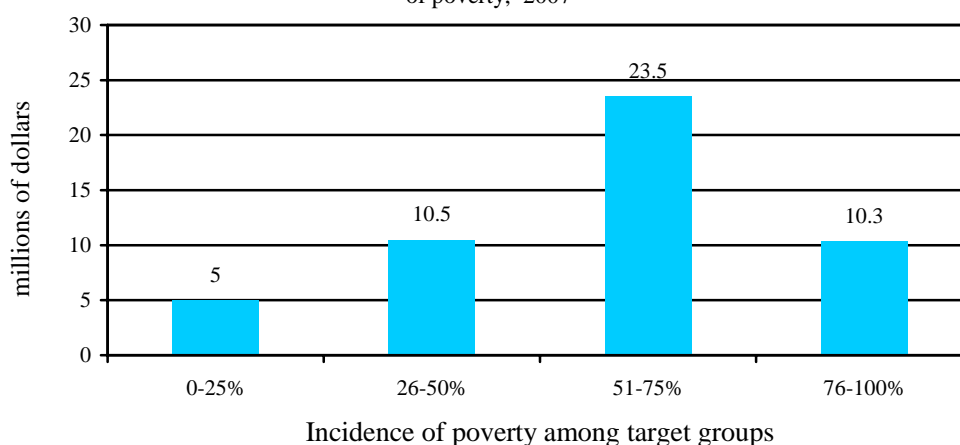
117. The fourth group was the poorest and neediest of all, with an incidence of poverty of between 75 and 100 per cent. The total number of inhabitants was 4.1 million, and 86 per cent of them were low-income people. This group received 21 per cent of all project funding under the programme.

118. As will be seen from the foregoing, 65 per cent of all geographically targeted investments have gone to the third and fourth groups, for which the incidence of poverty exceeds 50 per cent. They are the two groups that are poorest and neediest, comprising 9.2 million people, 73.3 per cent of whom are low-income. The first and second groups, in contrast, which are better off, received only 35 per cent of the SFD's investments. In a word, then the Fund directed the greater part of its geographically targeted investments to the poorest and neediest people, as identified by the "low standard of living" indicator.

#### *Targeting of special programmes*

119. This type of targeting results in the direction of additional resources to the design and implementation of programmes and projects that address problems affecting specific communities and population groups, such as the "integrated interventions" programme aimed at the poorest regions.

Fig. 1. Geographical distribution of investment among target groups by incidence of poverty, 2007



120. The activities of the Health and Social Protection Unit cover two sectors: health and special needs groups. In the course of the year, 246 projects were executed for those sectors at a total estimated cost of \$11.6 million. Approximately one million individuals are expected to benefit from these projects, including 0.6 million women.

#### **Special needs groups**

121. The procedure adopted by the Fund in working with special needs groups is to support the efforts of the Government and civil society organizations to improve the health care, educational and social services available to those groups, and to provide social safety net services to the groups that are most at risk. Since 2007, the Fund has been supporting the national social protection strategy and the national disability strategy and developing new orientation policies, including the establishment of a new methodology in programmes aimed at orphans and young persons, such as the alternative care and post-care programme. It has also been preparing an early intervention programme and backstopping the efforts of governmental and non-governmental bodies working to provide educational, health care and social services for those groups. In addition, it is encouraging associations working with special needs persons to initiate the implementation of rural extension programmes, and has

continued to support comprehensive education, partial and full integration programmes, and preparation programmes for the pre-integration stage.

122. The activities of the Health and Social Protection Unit cover two sectors: health and special needs groups. In the course of the year, 246 projects were executed for those sectors at a total estimated cost of \$11.6 million. Approximately one million individuals are expected to benefit from these projects, including 0.6 million women.

#### **Support for priority care groups**

123. The Social Fund for Development works with priority care groups living in unsupervised conditions in the context of integration, focusing on educational integration in particular. The Fund executed four projects in 2007, including a project aimed at integrating 160 children from priority care groups into two schools by adding two classes. The other three projects provided associations working with these groups in the governorates of Ta'izz and Dhamar with institutional support for administrative and financial training and professional development for senior personnel (16 men and 10 women), and also supplied them with some equipment and office furniture.

124. In 2008, the Fund executed four projects aimed at preparing 16 of the leaders of the "City of hope" institution for priority care groups in the governorate of Ta'izz to work as trainers for dealing with behavioural and educational problems being experienced by children in the institution, and training 101 teachers from nine public schools to deal with behavioural, rights-related, educational and environmental problems. In addition, an awareness programme for pupils and teachers at nine schools in the cities of Sa'wan (Sana'a Governorate) and Al-Amal (Ta'izz Governorate). The Fund also provided the An-Nur Association in Dhamar with equipment and furniture, and prepared 20 individuals in Ibb Governorate as social communicators by training them in the necessary communication and awareness skills.

#### **Public works projects**

125. During the first phase of the programme (1996–2000) a total of 435 projects were executed, at a cost of \$30.8 million. During the second phase (2000–2004), a total of 1,455 projects were executed, at a cost of \$108.3 million. These 1,020 additional projects represent a 335 per cent increase in the number of projects. Approximately 2.4 million persons benefited from the activities and achievements of the first phase of the programme, compared to some 7.2 million under the second phase. The proportion of financing which the Fund allocated to the education sector was high, with 1,198 projects being undertaken during the two phases of the Public Works Programme, at an estimated cost of \$84.2 million, accounting for 60.5 per cent of the total number of projects undertaken over the period. Next came water, at 11 per cent, with 240 projects being executed at a cost of \$15.6 million. The third sector was health, at 8.3 per cent: 189 projects were executed at a cost of \$11.5 million. In 2006, a total of 581 civil works projects were executed in various sectors, with \$30.9 million being disbursed for civil works, consultancy services, oversight activities and employment costs.

126. An impact assessment on the work done during the second phase of the Public Works Programme showed that there had been a positive impact in areas where services were scarce. Living conditions in general had improved, and account was taken of the impact of projects on women and the environment, as reflected in the following results:

- Health-care costs fell by approximately 17.8 per cent



- The school enrolment rate for both sexes rose by 141.4 per cent
- Water supply services improved by 82.5 per cent
- Road services improved by 18.9 per cent
- The number of trainees attending social affairs centres increased by 115.9 per cent
- The incidence of wastewater contamination fell by 83.3 per cent

### **Social insurance**

127. Government policies have been established to provide social protection to all workers and their family members and to insure them against risks. In this way, job and social stability is provided, while resources are added to insurance funds through the investment of interest on insurance payments in profit-making activities which, in turn, help to support and develop social protection systems and to counter the corrosive effects of inflation. The institutions of the social insurance system include the Public Insurance and Pensions Authority, which provides coverage to employees in the State administration and the public and mixed sectors, the Public Social Insurance Institute, which offers coverage to private sector organizations, and the Military Pensions Bureau and the General Department for Pensions, which provide insurance coverage for employees in the security services.

128. Insurance services evolved over the period 2001–2005, as the number of insured persons in the State administration and the public, mixed and private sectors reached 698,146 in 2005. Of this number, 82.6 per cent were insured with Public Insurance and Pensions Authority and 17.4 per cent with the Public Social Insurance Institute. Out of a total of 194,910 users of insurance services, 59.7 per cent drew on the services of the Military Pensions Bureau and the General Department for Pensions of the Ministry of the Interior, while 32 per cent used the services of the Public Insurance and Pensions Authority and 8.3 per cent those of the Public Social Insurance Institute.

### **Challenges**

129. One problem facing the social insurance system at present is a lack of awareness about insurance among employers and employees, particularly in small private businesses, and the resulting lack of coverage across much of the sector. Moreover, pension levels are too low to provide recipients with enough to live above the poverty line. The system does not include health insurance and coverage against unemployment, while insurance institutions need qualified staff and need to develop their systems and tools in general.

130. One of the aims of the Third Five-Year Plan is to expand social insurance coverage to include all employees in the State administration, the public and mixed sectors and private sector institutions. The target is to increase the number of subscribers in these sectors by 4.6 per cent on average each year, so that social insurance institutions will be able to cover around 968,000 persons, of whom 75.6 per cent will be insured with the Public Insurance and Pensions Authority and 24.4 per cent with the Public Social Insurance Institute.

### **Living conditions and services for marginalized people**

131. A study conducted in October 2001 produced the following results relating to living conditions:

**Accommodation**

<i>Type of occupancy (%)</i>	<i>Governorate</i>								
	<i>Aden</i>				<i>Capital District</i>				
	<i>Quarter</i>				<i>Quarter</i>				
	<i>Sheikh 'Uthman</i>	<i>Al-Tawahi</i>	<i>Small communities</i>	<i>Total</i>	<i>Mu'tamarat</i>	<i>Al-Kassara</i>	<i>Mahwa 45</i>	<i>Small communities</i>	<i>Total</i>
Owner	40.91	96.7	93.9	93.9	72.4	88.4	69.2	84.9	78.5
Tenant	8.6	3.3	6.1	6.2	27.6	11.6	30.8	15.1	21.5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

**Possession of land**

<i>Mode of acquisition (%)</i>	<i>Governorate</i>								
	<i>Aden</i>				<i>Capital District</i>				
	<i>Quarter</i>				<i>Quarter</i>				
	<i>Sheikh 'Uthman</i>	<i>Al-Tawahi</i>	<i>Small communities</i>	<i>Total</i>	<i>Mu'tamarat</i>	<i>Al-Kassara</i>	<i>Mahwa 45</i>	<i>Small communities</i>	<i>Total</i>
Family property	88.0	6.4	75.0	76.3	5.4	3.3	13.3	7.8	6.9
Purchase	8.5	16.8	9.6	11.6	14.1	9.8	48.9	11.1	17.7
Occupation	3.4	16.8	5.4	12.1	80.4	86.9	37.8	81.1	75.3
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

**Nature of materials used to build homes**

<i>Type of building material (%)</i>	<i>Governorate</i>								
	<i>Aden</i>				<i>Aden</i>				
	<i>Quarter</i>				<i>Quarter</i>				
	<i>Sheikh 'Uthman</i>	<i>Al-Tawahi</i>	<i>Small communities</i>	<i>Total</i>	<i>Mu'tamarat</i>	<i>Al-Kassara</i>	<i>Mahwa 45</i>	<i>Small communities</i>	<i>Total</i>
Block	62.5	33.3	37.2	44.2	50.4	4.3	75.4	39.6	43.1
Sheet metal	18.8	12.2	25.5	19.2	48.8	94.2	24.6	20.8	45
Stone	8	33.3	11.7	14.9	8	1.4	-	26.4	8.2
Wood	7.8	21.1	23.4	17.7	-	-	-	9	3
Red brick	8	-	1.4	8	-	-	-	-	-
Mud/straw	-	-	-	-	-	-	-	2.8	8
Adobe	9.4	-	-	3.3	-	-	-	9.4	2.7
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>

### **Persons with disabilities**

132. The Yemeni Government inaugurated the Day of Disabled Persons, turning it into an open celebration of the achievements of recent years and the goals for the new year. The idea is that it is necessary to discuss disabled issues openly, to build on what is good and eliminate the bad, and to find whatever solutions are possible to resolve problems. Hence, the Cabinet adopted Decision No. 150 of 1990, proclaiming 7 December National Disabled Persons Day.

### **Measures for the care and rehabilitation of disabled persons**

133. The State's concern for children with disability is given practical expression within its development plans, specifically through the measures listed below:

- Expansion of rehabilitation and training programmes for children with disabilities;
- Enhancement of health care and literacy training for disabled persons;
- Preparation of a comprehensive policy on children with disabilities and a review of their situation with respect to job opportunities, housing and health care;
- More social welfare centres for disabled persons and action to meet their needs and provide with the necessities of life in order to improve the services available to them;
- Training and skills upgrading for persons working in social welfare centres, and action to prepare the qualified personnel required to provide the training;
- Development of rehabilitation programmes for persons with special needs in those centres, and provision of all the services required for their integration into society;
- Expansion of loan programmes designed to enable poor families to start small income-generating businesses.

### **Services provided by the Disabled Persons Care and Rehabilitation Fund, 2003-2007**

134. The establishment of the Disabled Persons Care and Rehabilitation Fund has served to promote awareness of the care and rehabilitation of these groups. The Fund guarantees that all their rights will be observed, thereby enabling them to enjoy a life of dignity and humanity as citizens with full rights and responsibilities on the same footing as other members of society. This guarantee extends to children with disabilities: the Fund provides them with care and rehabilitation services.

#### **Individual level**

135. These services fall into three main categories:

##### *Health care services*

136. These include both minor and major surgery and care in all fields of specialization, including assessment and correction of bone deformities, spinal operations, correction of vision defects, cornea transplants, cataract removal, cosmetic surgery, medication insurance coverage, physiotherapy, care for children with cerebral palsy, dental care, neurology, and various kinds of diagnostic examinations.

##### *Financial and material services and support*

137. These include corrective devices and medical necessities, such as various portable devices (hearing aids, corrective lenses for people with defective vision, talking watches and

Braille watches for the blind, crutches, walkers, medical cushions and pillows, medical belts, orthopaedic shoes, artificial limbs, cerebrospinal fluid shunts, and other devices).

*Educational and rehabilitation services*

138. The Fund contributes to tuition fees at various stages in the education system (kindergarten, primary, secondary, university and post-university, as well as short-, medium- and long-term training courses), contributes to curriculum development, and supplies teaching aids, such as registers, talking books, Braille books, Proctor printers, tablets, pens and Braille paper, curricula recorded on cast strips, talking computer programmes, intellectual learning and rehabilitation, printing of curricula, and speech training for the hearing-impaired.

**Institutional level**

139. The Fund provides financing for applications of educational, vocational, social and cultural rehabilitation projects both at Government centres and at centres run by civil society organizations working in the field of the care and rehabilitation of persons with disabilities. Those applications include:

- Basic and secondary education costs;
- Special education costs through programmes for integration into Government schools;
- Costs of education for the intellectually challenged;
- Provision of special teaching aids and curricula for the blind and intellectually challenged;
- Funding for the establishment of camps and special weeks for extracurricular activities (cultural, social, recreational, sports, etc.);
- Funding for the organization of celebrations and parties at the end of the school year;
- Funding for early intervention programmes;
- Sports equipment for various categories of persons with disabilities;
- Musical instruments and supplies;
- Vocational training equipment and supplies;
- Monthly stipends and support services for vocational skills teachers and trainers;
- Transport for pupils from their homes to the centres and back;
- Fuels and synthetic oils for rehabilitation centres that possess their own means of transport;
- Payment of maintenance costs for equipment, materials and supplies;
- Stationery and cleaning supplies;
- School furniture and educational materials;
- Payment of monthly rental costs.

140. The table below presents the numbers of children who have been beneficiaries of these services, programmes and activities, 2003-2007.

Year	Number of beneficiaries		Total	Remarks
	Social welfare	Educational rehabilitation		
2003	89	850	939	
2004	1,609	2,640	4,249	
2005	2,249	4,080	6,329	
2006	2,266	4,717	6,983	
2007	2,390	6,111	8,501	
<b>Total</b>	<b>8,603</b>	<b>18,393</b>	<b>27,001</b>	

Source: Draft report of Yemen on the Convention of the Rights of the Child, 2009.

### Social rehabilitation programmes in the context of the local community

141. Social rehabilitation programmes are being implemented in six governorates for persons with various types of disability, including intellectual disabilities, cerebral palsy, motor disabilities, hearing impairment, deafness, visual disabilities, epileptic seizures, and other health problems.

142. The focus of social rehabilitation programmes is as follows:

- Rehabilitation and training in the home for children with disabilities: self-reliance in performing daily activities, capacity building, visits to families, guidance and support in dealing with a disabled child;
- Integration of disabled children at school and monitoring them through social rehabilitation programmes;
- Transfer of those who have reached 18 years of age to training, rehabilitation and vocational skills acquisition centres;
- Enabling disabled children or children with special needs to obtain insurance coverage (i.e. social insurance) from the Disabled Persons Care and Rehabilitation Fund;
- Activation of the role of local society through the establishment of activities associations to ensure active participation by disabled children by community leaders and administrative bodies;
- Transfer of a number of disabled children to health clinics and hospital centres, and payment for the necessary care;
- Distribution of mobility aids, such as wheelchairs, provided by the Fund (in Abyan Governorate);
- Introduction of special activities for children, such as drawing, singing, handicrafts, and cultural competitions in which children can participate.

**Numbers of children with disabilities in various governorates**

<i>No.</i>	<i>Governorate</i>		<i>Boys</i>	<i>Girls</i>	<i>Total</i>	<i>Remarks</i>
1	Ta'iz	al-Makha+ Hijdah	319	187	506	
2	Abin	Kud + Zinjubar	76	67	143	
3	Aden	Crater + Bir Ahmed	103	58	161	
4	Lahij		620	398	1,018	
5	Ibb	Jablah + Al Udayn	356	220	546	
6	Hudaydah		109	69	178	
<b>Total</b>			<b>1,553</b>	<b>999</b>	<b>2,552</b>	

**Numbers of beneficiaries of community-based rehabilitation (CBR) programmes, 2007**

	<i>Governorate</i>		<i>Boys</i>	<i>Girls</i>	<i>Total</i>
1	Aden		70	80	150
2	Ta'iz		319	187	506
3	Abin		65	53	118
4	Ibb		375	270	646
5	Hudaydah		109	69	178
6	Lahij		627	403	1,030
<b>Total</b>			<b>1,566</b>	<b>1,062</b>	<b>2,628</b>

**Centres for persons with special needs***Aden Centre for Persons with Special Needs*

143. The Centre for Persons with Special Needs contributes to the rehabilitation and training of persons with disabilities, teaching them a variety of vocational skills, depending on their mental and physical capacities. The Centre comprises a number of divisions: the Vocational Division, the Social Division, the Psychology Division and the Early Intervention Division.

**Vocational training available at the Centre, with numbers of beneficiaries and type of disability**

	<i>Workshop</i>	<i>No. of beneficiaries</i>			<i>Type of disability</i>		
		<i>Males</i>	<i>Females</i>	<i>Motor</i>	<i>Deaf and dumb</i>	<i>Partial deafness</i>	<i>Slight retardation</i>
1	Carpentry	25	-	3	10	6	6
2	Sewing (women's garments)	-	25	5	15	5	-
3	Weaving	14	-	-	8	-	6
4	Computers	8	-	4	4	-	-
5	Leatherwork	15	-	8	-	-	7
6	Aluminium	20	-	5	5	6	4
<b>Total</b>		<b>82</b>	<b>40</b>				

### Numbers of children in the Early Intervention Division

	Type of disability	Boys	Girls	Remarks
1	Cerebral palsy	13	7	
2	Down's syndrome	9	5	
3	Moderate intellectual disability	11	3	
4	Slight motor disability + speech defects	6	6	
	<b>Total</b>	<b>39</b>	<b>21</b>	

*Al-Nur Centre for the Blind, Aden*

*Al-Nur Centre, Sana'a*

### Numbers of males and females, Educational Division

Months	Prep		1st		2nd		3rd		4th		5th		6th		7th		8th		9th	
	Males	Female:	Males	Females:	Males	Females:	Males	Females:	Males	Females:	Males	Females:	Males	Female:	Males	Females:	Males	Females:	Males	Females
Sep-Jan	2	7	12	8	13	10	11	16	14	6	10	13	6	5	6	1	-	3	2	-
Feb-Jun	1	7	11	8	13	10	11	15	13	6	10	13	5	5	6	1	-	3	2	-
<b>Total</b>	<b>14</b>	<b>23</b>	<b>16</b>	<b>26</b>	<b>20</b>	<b>22</b>	<b>31</b>	<b>27</b>	<b>12</b>	<b>20</b>	<b>26</b>	<b>11</b>	<b>10</b>	<b>12</b>	<b>2</b>	<b>-</b>	<b>69</b>	<b>6</b>	<b>4</b>	<b>-</b>

### Numbers of males and females, Vocational Division

Months	Weaving		Carpentry		
	Males	Females	Males	Females	
1	Sept-Dec	-	2	11	-
2	Feb-June	-	4	9	-
<b>Total</b>		-	6	20	-

### Numbers of recipients of centres for the visually impaired, 2007

Name of Centre	Literature Division			Vocational Division		
				Males	Females	Total
Sana'a Centre	149	-	149			
Aden Centre	33	21	54	-	-	-
Hadramaut Centre	11	14	25	-	-	-
<b>Total</b>	<b>193</b>	<b>35</b>	<b>228</b>	<b>-</b>	<b>-</b>	<b>-</b>

### Centre for Persons with Special Needs

144. A total of 236 boys and girls with disabilities were enrolled in the Educational Division, including 171 with hearing disabilities, while there were 65 enrolled in the Intellectual Disability Division. The Centre has 29 teachers in all, in addition to 73 trainers in vocational skills, including 56 men and 17 women.

**Services provided by the Prosthetics and Physiotherapy Centre**

145. According to the data provided by the Prosthetics and Physiotherapy Centre run by the Ministry of Health and Population, a total of 152,158 persons received treatment in physiotherapy departments in 2006, while 184,340 persons of all ages received treatment free of charge in 2007. Prosthetic devices and special physiotherapy equipment were issued to users: in 2006, 14,659 devices were distributed. That figure rose to 18,695 in 2007.

**Action by the Social Fund for Development aimed at groups with special needs**

146. Interventions in this sector are aimed at improving living conditions and supporting the rights of groups with special needs. That sector includes, according to the Fund's own definition of it, individuals with disabilities, children at risk (orphans, delinquents, street children, children whose mothers are in prison, and children in the labour market), women at risk (women in prison and former women inmates who have been released), socially marginalized persons (persons in mental institutions, persons in homes for the elderly, and persons living in squatter settlements).

147. The Fund's efforts have concentrated on protecting these groups and integrating them into society through comprehensive education programmes, rehabilitation focusing on society, and projects aimed at the protection, integration and education of persons with special needs, and institutional support for governmental and non-governmental organizations working with them. The Fund also supports the development of national policies and strategies relating to those groups, working jointly with local and international partners.

148. The SFD contributes to the task of supporting persons with special needs by providing equipment and services, including furniture, computers, educational materials and physiotherapy equipment. It also trains teachers and officials, and provides buses for transport. Thanks to the capacities of NGOs, this support has been significantly augmented, enabling the Fund to provide higher-quality services. One outcome has been improvement in the psychological and physical conditions of children and adolescents with disabilities, while their families have acquired a better understanding of their situations and learned to care for them more effectively. They have acquired new skills (reading and writing, sign language, sewing and the like), enrolled in school and found jobs, and society accepts them. These benefits extend from the region concerned to other regions, either directly (where the same agency offers the services there) or indirectly (where the agency is transferred to the authority of other agencies/organizations of the same kind in the various governorates).

**Support for policies and strategies**

149. Throughout the year, the SFD, in cooperation with the World Bank, has concentrated on supporting efforts by the Government, specifically the Ministry of Social Affairs and Labour and the Ministry of Planning and International Cooperation, to prepare a national strategy on disability and a social welfare strategy. Two projects have been developed in this connection: one featuring support for a national workshop designed to establish the operational framework for the national strategy on disability and line up the technical team, and the other to support the preparation of preliminary studies the findings and recommendations of which will contribute to the drafting of a report on phase I of the national social welfare strategy. These studies have focused on official social safety net and poverty mitigation programmes, the Islamic charitable tax and other unofficial social welfare mechanisms, labour market developments, and agriculture development policies and their role in social welfare and job creation in rural areas.



*Comprehensive education*

150. The SFD has continued to support the comprehensive education programme, which is an educational policy originated by the Ministry of Education in 1997 with a view to meeting the educational needs of all children, youth and adolescents and creating adequate means of integrating them into the school system, with emphasis on children with special needs, including children with disabilities, street children and socially marginalized children.

151. The Fund first began to support this programme in 2001. Initially, its support for the programme consisted in repairing and renovating comprehensive education schools, adding facilities in some schools, establishing education resource units in others, and sending 11 of the programme's teachers abroad to take intensive training in special education and obtain degrees. In this context, the Fund developed five projects aimed at providing training for comprehensive education teachers and promoting awareness of comprehensive education concepts in a number of governorates.

152. During 2006-2007, in the framework of its efforts to integrate the target special needs children into the public school system, the Fund continued to support the comprehensive education policy adopted by the Ministry of Education, expanding the programme qualitatively and quantitatively, building the institutional and technical capacities of persons working within it, rehabilitating, renovating and building schools, providing classrooms and administrative offices with equipment and furniture, and establishing education resource units.<sup>4</sup>

153. A substantial number of programmes have been developed in this connection. These programmes have reflected the relevant objectives with a bearing on activities and the anticipated outcomes. The target population consists of approximately 1160 children, including 400 girls.

154. The most important activities may be assigned to the infrastructure category, including the building of 21 new classrooms and the renovation of one, besides the building of seven resource rooms and seven new bathrooms, while 29 other bathrooms were renovated to enable pupils with disabilities to use them. In addition, 96 access facilities were installed at schools to facilitate children's movements.

155. Another area of the Fund's activity has been capacity-building for organizations working with special needs groups. To that end, it has supported comprehensive education administrations in the Capital District and the Governorates of Ma'rib, Abyan and Lahij with projects aimed at integrating 202 boys and 157 girls at eight schools, training 160 male and female teachers at comprehensive education schools, and organizing awareness campaigns in 64 local communities. The Fund has also supported seven associations in various governorates with projects aimed at integrating 470 boys and 331 girls in "regular" public schools.

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<sup>4</sup> An education resource room is a classroom in a public school that has undergone alterations to make it suitable for a number of functions which enable it to serve as a special education alternative in the school. Its purpose is to provide a venue where pupils with disabilities can receive additional support from a special education teacher.

*Improving services to pupils with disabilities*

156. The Fund has targeted this group with 33 projects, focusing on rehabilitation and integration. Training activities have been made available in a number of fields, including management, means of communication, money management and accounting, integration of pupils with disabilities, education for blind pupils, sign language, pre-integration rehabilitation, rehabilitation for pupils with intellectual disabilities, early intervention, speech correction and vocalization for hearing-impaired pupils, the art of movement for the visually impaired, and training skills and techniques.

157. Phase II of the national trainer training programme in the field of speech correction and therapy for the hearing-impaired has also been fully implemented. Phase I was implemented last year, with the theoretical and practical training of 30 workers in kindergartens and the first three basic levels in governmental and non-governmental institutions for the hearing-impaired in the Capital District and the governorates of Ta'izz, Hadramawt, Aden, Al-Hudaydah, Dhamar and Ibb. This year has seen the implementation of an on-site trainee field monitoring operation during the performance of their work. Six of the most outstanding among them were subsequently sent to a specialized institution in Jordan to take part in a two-week practical training course. In addition, training in training techniques and skills was provided for 18 selected trainers from the Capital District and the governorates of Aden, Hadramawt, Ta'izz, Ibb, Dhamar and Al-Hudaydah, thereby enabling them to acquire knowledge and skills in training techniques and preparing them to implement the training programme skilfully and effectively.

158. The SFD runs what it calls a disability programme, namely a social rehabilitation programme for persons with disabilities in rural areas. Following an evaluation of the programme, implementation of the main recommendations formulated in the evaluation report got under way in 2005. The implementation process is continuing in rural areas in four governorates: Al-Hudaydah, Dhamar, Lahij and Abyan.

159. In this connection, under the early intervention programme adopted by the Fund as one of its policies, an early intervention centre has been opened in Aden. Its work will focus basically on community-based rehabilitation through existing kindergartens in the public system in Aden Governorate.

160. In the context of the Fund's backing for institutions working with or supporting persons with disabilities, it has approved a project aimed at preparing a strategic plan and reframing of the work of the Disabled Persons Care and Rehabilitation Fund. In addition, there have been a number of projects featuring the establishment of institutions providing activities for disabled persons or the renovation of existing buildings that are structurally inappropriate. Lastly, a number of centres and associations have been provided with administrative facilities, enabling them to perform their tasks more effectively.

161. Another achievement has been the development of a project specifically targeting 60 decision-makers with Government bodies and local donor agencies. The project is aimed at heightening their awareness of global trends in the field of special needs persons (alternative care, proximity care, comprehensive education, community-based rehabilitation and the like).

*Education for children with special needs*

162. The Government of Yemen, as represented by the Ministry of Education and various relevant agencies, is required to be concerned with and to care for persons with special needs. The Public Education Act (Act No. 45 of 1992) provides that special education is a type of education which is made available for a specific reason and targets persons with disabilities,

persons who are mentally retarded, and gifted persons with disabilities. Yemeni law also provides that disabled persons shall be employed, after their rehabilitation, in posts for which they are suited in terms of their capacities, preparation and potential, so that they can participate side by side with other groups in society in the work of building the country and furthering its progress and advancement.<sup>5</sup> Accordingly, the national basic education development strategy devotes particular attention to children with special needs, believing as it does that they are entitled to equal educational opportunities. The philosophy of the strategy is based on medium- and long-term justice and equality in terms of enrolment and quality education for children in this group and respect for their differences through the provision of schools and educational materials that are appropriate to their needs, and provision of the necessary teaching and training for those who teach them and direct them, as well as school administration at the national level. Accordingly, a variety of measures have been taken that target this group of children, including in particular the establishment of a general directorate within the Ministry in 2003, with branch offices in the various governorates, to provide them with support and pave the way for appropriate interventions, such as the introduction of a flexible education programme suited to their situations and their integration into the school environment, treatment and rehabilitation actions for children with disabilities, children in difficult circumstances and children at risk. A total of 12,076 boys and girls with special needs were enrolled at primary and secondary schools in 2005-2006.

**Numbers of children with special needs attending primary and secondary schools during the 2005-2006 school year<sup>6</sup>**

<i>Level</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>
Primary	4,889	5,795	10,684
Secondary	944	448	1,392
<b>Total</b>	<b>5,833</b>	<b>6,243</b>	<b>12,076</b>

163. The most important measures implemented in this connection during the period 2003–2007 are outlined below.<sup>7</sup>

- Needs of children with motor disabilities taken into account in school building plans;
- Creation of a data base on schools working with children in this group, senior personnel working there and the target children in 16 governorates;
- Comprehensive studies and surveys on children with special needs (dropouts, those with jobs, those with disabilities, orphans, street children, etc.);
- Analysis of the data to determine the causes of the dropout phenomenon;
- Integration of children with disabilities (motor, intellectual, hearing, visual), marginalized children, children not allowed to attend school, working children and orphans) in 98 schools in 15 governorates;

<sup>5</sup> High Council on Educational Planning, *Educational indicators in Yemen, 2005-2006*, p. 34.

<sup>6</sup> Ministry of Education, *Education Survey Yearbook for 2005-2006*, tables I-12 and I-13.

<sup>7</sup> General Directorate for comprehensive education, annual performance report, 2005-2007, annual performance report on level of implementation of the national strategy for basic education development in 2007, midyear report on the basic education development project, 2008, General Directorate for curricula, annual performance report, 2005-2007, annual report on the training and rehabilitation sector, 2005.

- Preparation of readers, activity books and writing books for the preparatory stage (4-6 years) and Grade 1 for hearing-impaired children and approval of the books by the Higher Council on curricula for 2003-2004;
- Coordination with a number of civil society associations and organizations working in this field to adapt curricula along lines suitable for the needs and capacities of children in this group with a view to attaining educational objectives;
- Development of mechanisms for partnership and coordination with civil society organizations working in the field of persons with disabilities;
- Training of 55 male and female teachers to teach the Braille method for the benefit of visually impaired pupils in 20 governorates in 2007;
- Training of 72 social specialists and development of their skills in dealing with special needs children in 15 governorates;
- Training of 68 local trainers in the field of learning difficulties in 15 governorates, and preparation of a guide to that field;
- Training of 35 specialists to produce teaching aids for children with special needs out of locally available materials;
- Organization of a training workshop for 660 educators, aimed at explaining what a comprehensive school is and what its objectives are;
- Training of 348 teachers on pre-integration rehabilitation of some children;
- Training of four trainers on the rehabilitation of street children, in external courses;
- Preparation of an open day guide on children with special needs;
- Organization of two open day seminars in 2006 and 2007 to promote awareness of the problems of working children, society's role in dealing with those problems and means of solving them; 400 boys and girls participated in the seminars;
- Technical education source room equipment supplied in four governorates;
- Furniture and library equipment supplied at the General Directorate within the Ministry and 15 branch offices in the governorates;
- Encouragement for private sector investment in this field through the issue of permits for the construction of centres for special needs children, and evaluation and use of special curricula at those centres;
- Designing flexible education systems suited to the situation of children in this group.

164. The Ministry of Education's efforts have been supplemented by the activities of private sector institutions and community associations that provide teaching and training for children in this group. A total of 707 children with special needs, including 267 girls (37.8 per cent of the total), are enrolled at five such centres in Sana'a, Aden and Hadramawt.<sup>8</sup>

### **Refugees**

165. With reference to paragraph 14 of the Committee's concluding observations and recommendations relating to refugees' poor living conditions and their purported lack of access to education, employment, health care and protection from physical abuse and maltreatment, the Republic of Yemen wishes to reaffirm its ethical obligation toward

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<sup>8</sup> High Council on Educational Planning, *Educational indicators in Yemen, 2005-2006*, p. 35.

refugees. This appears clearly from its acceptance of hundreds of thousands of refugees (currently numbering approximately 800,000), mainly from Somalia, but also some from Ethiopia, Eritrea, Iraq, Palestine and other places. Yemen has provided them with services and met their essential needs within the limits of its resources and capabilities, and is continuing to do so. The National Committee on Refugee Affairs coordinates its sincere efforts in that connection.

166. In addition, refugees are provided with humanitarian assistance through various Government ministries and agencies, including the Ministry of the Interior, the Ministry of Public Health and Population, the Ministry of Education and the Ministry of Social Affairs and Labour. Cooperation relations have been established between the Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) for the provision of services to refugees and their children.

167. UNHCR contributes to the Republic of Yemen's efforts in providing children with protection and care, both directly through its officials in Yemen and indirectly through cooperation with other United Nations offices and international organizations or local civil society organizations, which serve as implementing partners with UNHCR. The most important of these organizations are:

- The Care for Children Organization, which oversees education for refugees' children in cooperation with the Ministry of Education, and also provides services for refugees' children with disabilities;
- ADRA, an organization that provides social services for refugees and their children;
- Marie Stopes International, an organization that provides health services for refugees and their children;
- The Social Solidarity Association, the Social Reform Association and the Mutual Solidarity Organization are all community organizations that contribute to the work of providing basic services in reception centres and camps, including health services, some training and skills development programmes, and small loans to refugee women as a means of helping them protect their children more effectively.

168. UNHCR, in cooperation with the Government and a number of implementing partners in Sana'a and Aden, has executed a number of programmes aimed basically at supporting children who are most in need of assistance, applying the criteria used in dealing with refugee children, especially children unaccompanied by a parent or guardian, in accordance with the guidelines on assistance to refugee children published by UNHCR in 2006. The guidelines contain appropriate criteria for the provision of assistance and protection for refugee children and action to safeguard their enjoyment of civil, economic, social and cultural rights and freedoms and respect for the common principles governing children's rights as set forth in the Convention on the Rights of the Child.

169. The Ministry of Human Rights, working in cooperation with UNHCR, has organized a number of training courses designed to enhance awareness of the Refugee Convention and its Protocol. The courses, which were aimed at Government agencies working with refugees, covered the specific needs of women, children and refugees.

## Measures taken

### Humanitarian assistance and protection for refugees to ensure their enjoyment of their legal rights under the Convention

#### *Food and food supplies*

170. Food supplies are made available to all refugees in cooperation with the World Food Programme. They are also provided with the necessities of daily life, including cleaning and cooking facilities and items needed for their accommodation in the camps, such as bedding, blankets and the like. These supplies are provided under a monthly food ration card system issued in the names of women who are heads of families to ensure that the food reaches the children.

#### *Education and vocational training*

171. Refugee children in Yemen enjoy the right to education, just as Yemeni children do. The Ministry of Education has designated coordinators for education in the camps. In cooperation with other implementing partners, the Ministry supports the education process, providing teachers, training and professional development, and adequate school buildings in refugee camps and settlements in Aden. In addition, the Ministry of Education provides refugee pupils with school books, and also provides school lunches for refugee pupils who are enrolled in primary schools. The Ministry also organizes short courses in vocational training institutions for refugee children over 15 years of age who have dropped out of school.

172. Here again we find a common orientation and coordination between the Government and UNHCR to establish nursery schools for children of refugee mothers in cooperation with various community organizations. The table below presents data on numbers of refugee children attending educational and vocational training facilities in camps and in neighbouring areas and villages in the Governorates of Lahij and Aden during the 2007 school year.

<i>Educational facility</i>	<i>Number of refugee children</i>			<i>Remarks</i>
	<i>Boys</i>	<i>Girls</i>	<i>Total</i>	
Al-Salam Primary School and school for refugees in Kharaz Refugee Camp	954	762	1,716	
Khalid ibn al-Walid Secondary School in the village of Huwayrib, near Kharaz Camp	87	58	125	
Kindergarten in Kharaz Camp			150	
Primary school in the Basatin district in the city of Aden	1,679	839	2,518	The school is also attended by children whose parents are Yemenis who have returned from Somalia
Kindergarten in social centre			45	Run by the ADRA organization
Vocational training through short courses at Government-run vocational training institutions for refugee children in the camp and outside it	38	27	65	Supervised by the ADRA organization

*Health and health care services*

173. Refugees, whether living in camps or cities, enjoy health care services on a footing of equality with Yemenis. A great many refugees do live in urban areas, such as the Al-Basatin district in Aden and the capital, Sana'a. Refugee women give birth in Government hospitals, which treat them in the same way as women who are Yemeni citizens.

174. In the Kharaz refugee camp, the death rate among children between 1 and 28 days of age is zero, while the death rate among children under the age of 5 is 1.0 per cent. Refugee children and their families are provided with health care services, primary health services, maternal and child health care (including pre- and postnatal care), reproductive health services, vaccination against the five childhood diseases, health awareness and guidance, nutrition programmes for victims of tuberculosis and pregnant women, transport to Governmental hospitals and follow-up for serious cases by the Ministry of Health in cooperation with UNHCR and the Social Reform Association (a charitable organization) in Kharaz Refugee Camp, Lahij and Al-Basatin in Aden. In the capital city, Sana'a, Marie Stopes International also provides services.

175. During the period covered in this report, a total of 43,053 refugees, including children and the offspring of Yemenis returning from Somalia, received health care services provided by the Social Reform Association working in coordination with the Ministry of Health and UNHCR in Kharaz Refugee Camp, the city of Lahij, and the Al-Basatin district in the city of Aden. The numbers of recipients of each type of service are shown in the table below.

<i>Type of health care service</i>	<i>No. of children</i>	<i>Remarks</i>
	Social Reform Association in the City of Lahij	
Consultations at the Health Centre in Al-Basatin, City of Aden	10,415	Including marginalized children of returnees
Consultations by women at mother and child welfare centres in Al-Basatin, Aden	8,714	Including women who have returned from Somalia
Consultations for children at mother and child welfare centres in Al-Basatin, Aden	6,551	Including children of Yemenis who have returned from Somalia
Consultations at the medical centre in Kharaz Camp, Lahij	6,214	
Consultations by women at the mother and child welfare centre in Kharaz Camp, Lahij	4,062	
Medical referrals to Government hospitals in Aden and Lahij	428	
Consultations for children at health centres run by Marie Stopes International in Sana'a	-	
<b>Total</b>	<b>43,053</b>	

176. The Government, in cooperation with UNICEF and a number of organizations concerned with refugee issues, has expanded programmes designed to enhance awareness of acquired immunodeficiency syndrome (AIDS). Various community associations have also played a significant role in that connection: the Social Reform Association, in cooperation with UNHCR and UNICEF, has executed peer education programmes about AIDS in the Al-Basatin district of Aden and in Kharaz Refugee Camp near Lahij. A total of 348 refugees have participated in these programmes.

177. Two youth committees have been established, one in Aden and one in Kharaz Refugee Camp, and a youth empowerment programme has been implemented under the supervision of Save the Children Sweden. Participants in the programme received life and leadership skills training. These committees organize, on a partnership basis, various sports, cultural and awareness activities for adolescents and refugees.

178. As of 2007, there were approximately 77 children with disabilities in Kharaz Camp, including 45 boys and 32 girls. The Care for Children Organization provides services for these children, as summarized below:

- Social rehabilitation through three women social workers who receive children with disabilities and provide training for their families, teaching them how to deal with children with disabilities and given them training in physiotherapy to enable them to help their children;
- Health care services for children with disabilities are provided at clinics in the camps, where they can be fitted with prostheses and other items. The Aden Centre for Persons with Special Needs (an arm of the Ministry of Social Affairs and Labour) provides these items free of charge;
- Action in coordination with schools in the camp to integrate children with disabilities into the public school system.

#### *Games and recreational activities*

179. Recreational activities are available to refugee children in the camps through kindergartens and social centres, which organize sports matches, games of various kinds and informational television programmes. UNHCR organizes recreational games and sports for children in the camps. In addition, refugee children participate in celebrations and festivals held on various occasions, such as World Refugee Day, the International Day of the African Child, and others.

#### *Documentation, registration and birth certificates of refugee children*

180. Most refugee children in Yemen are of Somali nationality. Pre-adolescent children are registered, alone or with their families or guardians, by UNHCR at reception centres in the camps. Initial registration papers are issued to them pending their individual registration as refugees and the issue of their personal refugee cards. Refugee children who are not Somalis are registered and directed to the UNHCR office to apply for refugee status.

181. Birth certificates are issued on a regular basis for all refugee children born in camps through the health clinic in the camp. Refugee children born in urban areas are treated in the same way as Yemeni children: their birth certificates are issued through Civil Status offices in the region of their birth. For refugee children living in urban areas, the procedure is to work in cooperation with the council of the quarter in which they live to have birth certificates issued for them, especially in the case of children for whom birth certificates were not issued shortly after birth.

### **Protection of refugees from violence, abuse and sexual exploitation**

#### *Children who break the law*

182. Refugee children who commit offences are dealt with in accordance with the principles and measures set forth in the Convention on the Rights of the Child, United Nations principles relating to young offenders, and local statutory instruments and legislation. The procedures in such cases are those applied in dealing with Yemeni young



offenders. They are tried in juvenile courts and subjected to non-detention measures or placed in juvenile homes where such treatment is in their best interests. They are also eligible for legal aid free of charge during detention and trial to ensure that they are protected from any violence, abuse or other breach of their rights. During 2006-2007, 40 children were placed in juvenile homes.

*Sexual exploitation*

183. UNHCR and its implementing partners, including both Government agencies and community associations, are deeply concerned with the issues of violence and sexual exploitation. A number of measures designed to protect refugee children from these abuses are summarized below.

- UNHCR has published scientific normative guidelines on sexual violence, and these are regarded by UNHCR itself and its partners as the standard authority in dealing with sexual violence.
- Any refugee child who is subjected to sexual exploitation receives medical, psychological, legal and social assistance, provided by the Social Affairs and Protection Division of UHHCR in cooperation with implementing partners, including both Government agencies and community associations. Moreover, UNHCR has lawyers who follow up such cases with the relevant authorities.
- UNHCR provides continuing training for its implementing partners in this area, using the guidelines issued by its Geneva office in Arabic and English.
- In addition, awareness of the issue is disseminated directly among refugees and those who work with them, through UNHCR and its implementing partners, which encourage people to report occurrences of the sexual exploitation of children to the appropriate authorities.

*Refugee children who are not accompanied by legal guardians or who are separated from their families*

184. Unaccompanied refugee children or refugee children who have been separated from their families come to Yemen to join their relatives there, or to get an education, or to go to the Gulf States in the hope of finding work to help their families.

185. In 2007, a total of 53 unaccompanied refugee children or refugee children who were separated from their families were registered, including 18 in Sana'a, 19 in the Al-Basatin district of Aden (9 boys and 10 girls), and 16 in Kharaz Refugee Camp (9 boys and 7 girls).

186. A number of measures have been taken to protect children in this category and ensure their safety. UNHCR, working in cooperation with a number of its implementing partners, has undertaken various actions based on its guidelines:

- (a) Designation of a responsible person to provide these children with care and assistance. This person is the connecting link with UNHCR in the task of monitoring unaccompanied refugee children and developing appropriate solutions to individual cases;
- (b) UNHCR has created a data base and has set up a unit dedicated to the files of children registered under this programme;
- (c) The ADRA organization, as one of the implementing partners, has devised an effective system for identifying unaccompanied children who are being received and placing them with foster families within the refugee community. Specialists in Sana'a and Aden enrol

these children in schools and provide psychological guidance and monitoring services. Direct monitoring of children like these is also provided by UNCHR offices, along with training for the school dropouts among them, where these have reached the minimum legal age for employment. The training courses cover language and vocational training, and fit them to be self-reliant and self-supporting over the long term.

### **Measures aimed at ensuring observance of the principles of the Convention in the case of refugee children**

187. The general principles relating to the rights of the child are observed in the provision of services and programmes for refugee children in Yemen, regardless of whether the services and programmes are provided by UNHCR or by its implementing partners, i.e. Government agencies or community associations. The refugee child's right to life, survival and development is safeguarded through services in the fields of health care, education, culture, free immunization against diseases, and, in a word, all the services enjoyed by his or her Yemeni counterpart.

188. The best interests of refugee children in Yemen are safeguarded. UNHCR has issued the final version of its guidelines and criteria on the formal determination of the best interests of the child, and those are the criteria relied upon by UNCHR and its implementing partners to determine the best interests of refugee children and appropriate action. An unaccompanied refugee child is never turned out to fend for himself or herself, nor is he or she returned to his or her country of origin unless that course of action is in his or her best interests. The best interests of the child also serve to guide the choice of a foster family for an unaccompanied child: the ethnic characteristics of the prospective foster family are taken into consideration, as is the child's religion.

189. As regards the principle of non-discrimination, refugee children in Yemen are treated on a footing of equality with Yemeni children. Numerous measures have been taken to ensure that that is the case: refugee children are issued birth certificates free of charge, as are Yemeni children, in serious cases they receive health care services at Government hospitals, and when they break the law they are treated in the same way as their Yemeni counterparts.

190. Programmes for refugee children, whether delivered by UNHCR or by implementing partners, observe the principle of the refugee child as a participant in the planning of projects and programmes and in the various aspects of his or her life, including health, education and protection. UNHCR enlists refugee children of both sexes as partners in the annual evaluation of these programmes and projects.

### **Challenges and difficulties**

- Harmful traditional practices such as female genital mutilation, early marriage and keeping girls out of school are widespread among the refugee population. Greater efforts will be required if these practices are to be abandoned; above all, more awareness is needed;
- Refugee children tend to drop out of school for a number of reasons, some of the main ones being custom and tradition and the fact that older children have to look after the younger ones where the father is absent and the mother goes out to work. In addition, children often drop out because they have jobs and are helping their families;
- Continuing need for awareness campaigns in order to expand protection programmes, birth registration, various services, and recreational activities available to refugee children, which are still limited and require much support;

- Budgets earmarked for refugees are still severely inadequate, and because of Yemen's current difficult economic situation, programmes aimed at enhancing the income of refugee children's families receive only minimal support from the State. The inadequacy of these budgets, in turn, makes it very difficult to implement programmes aimed at providing refugees with optimal care.

### **Article 3**

191. We reiterate the statements made in the previous report. The Government of the Republic of Yemen remains committed to the principles enunciated in this article.

### **Article 4**

192. As regards a review of legislation giving rise to racial discrimination, with reference to paragraph 12 of the Committee's concluding observations on the enactment of provisions of law consistent with the provisions of article 4, it is worth recalling at this point that the legislative measures taken by the Government of Yemen to implement General Recommendation I of February 1972 have been outlined in part III above. Accordingly, we refer the Committee to the relevant discussion in part III of this report.

### **Article 5**

193. With reference to paragraphs 12, 15 and 16 of the Committee's concluding observations, we refer the Committee to the detailed discussion of legislative measures and policies in part III above, and also to the section dealing with article 2, paragraph 2 of the Convention.

#### **Article 5(a): the right to equal treatment before the courts**

##### **Guarantees of a fair trial**

194. Over and above the material presented in the previous report, we may note here that the information on Yemen's statutory instruments and legislation in the pages below will enable the Committee to obtain a more adequate understanding of Yemen's commitment to the principle of equality before the courts. In line with the provisions of this article, article 49 of the Constitution provides that "The right of defence, in person or by counsel, is guaranteed at every stage of the judicial process and before all courts, in accordance with the provisions of the law. The State shall provide legal assistance for persons who do not have the means to provide for their own defence, in accordance with the law." Furthermore, article 149 of the Constitution states that "The judiciary is independent in its judicial, financial and administrative aspects, and the Office of the Public Prosecutor is one of its institutions. The courts shall judge all disputes and crimes. Judges are independent in their administration of justice and subject to no authority but that of the law. No party may in any way interfere in a court case or in a matter of justice. Such interference shall be deemed an offence punishable by law, and prosecution in respect thereof shall not be statute-barred."

195. Article 9 of the Children's Rights Act stipulates: "The provisions of this Act shall not prejudice the right of children to enjoy all public rights and freedoms, together with the protection and care which the laws in force guarantee to human beings in general and children in particular, without distinction as to sex, colour or creed."

*Safeguards for accused persons*

196. Over and above the material presented in the previous report, we may note here that article 180 of the Code of Criminal Procedure provides that “The defence attorney may be allowed to look at the investigation the day before the interrogation or the confrontation, unless the examining magistrate decides otherwise. In all cases, the defendant and his lawyer attending with him during the investigation may not be separated.” Article 181 of the Code states, “In cases of non-witnessed offences and urgent cases due to fear of loss of the evidence, the examining magistrate for serious offences may interrogate the suspect or confront him with other suspects or witnesses only after calling in his lawyer to attend if he is available; he must inform the suspect that he need not answer except in the presence of his lawyer.”

197. Under article 182 of the Code, “When the suspect is about to be examined for the first time, the examining magistrate must verify his identity and shall inform him of the fact of his being a suspect and the facts that relate to this; he shall advise him that he is free to provide any clarifications; and he shall enter all the suspect’s statements in the record.” Article 177 of the Code of Criminal Procedure states: “The interview shall entail not only notification of the charges but also the presentation of evidence on which the charges are based and a detailed discussion of the evidence. The interviewer shall ensure that the accused is granted the full right to a defence, in particular the right to refute and to discuss the evidence. The accused may present arguments in his defence at any time or ask for an investigative step to be taken. All the statements and requests of the accused shall be recorded in the case file.”

198. Under article 178, “An accused person may not be required to take an oath under Islamic law or compelled to answer, and his refusal to answer may not be taken as evidence confirming the charge against him. Neither deceit nor violence nor any form of pressure consisting of persuasion or compulsion may be used to induce the accused person to confess.” Under article 179, “The suspect must inform the Office of the Clerk of the Court or the Director of the correctional facility of his attorney’s name, or the attorney may do so on his behalf. The attorney may speak only with the permission of the examining magistrate. Where such permission is denied, the fact shall be noted in the record.” Under article 180, “The defence attorney may be allowed to look at the investigation the day before the interrogation or the confrontation, unless the examining magistrate decides otherwise. In all cases, the defendant and his lawyer attending with him during the investigation may not be separated.”

199. It will be useful to note at this point that Act No. 31 of 1999, the Legal Profession Regulation Act, provides that every suspect has the right to a defence. Under article 51 of that Act, “The courts, the Department of Public Prosecutions, the police and other entities before which the lawyer exercises his profession shall provide him with everything that he needs to discharge his duties. His requests may not be refused without a legal justification. He or his client shall be allowed to read or make copies of documents and the lawyer shall be allowed to attend the examination of his client in accordance with the present Act.” Under article 52, “Lawyers may pursue whatever course they deem appropriate in order to defend their clients. They shall not be held responsible for anything stated in written or oral pleadings that is necessary to ensure the right to a defence and that does not breach the shari’a or ordinary law.” Under article 53, paragraph (a), “A lawyer may not be placed in custody during the course of his duties for doing an act or making statements in breach of the rules of procedure on hearings. In such cases, the president of the competent court shall write a report and transmit it to the Office of the Public Prosecutor and shall send a copy to the Bar Association or the president of the branch to which the lawyer belongs,” while paragraph (b) continues, “The Office of the Public Prosecutor shall undertake an investigation after having notified the Bar Association or the president of the branch to send a representative to represent the

Association or the branch, as the case may be,” and paragraph (c) provides that “The judge or judges of the court where the incident occurred may not be present for the examination of the allegation preferred against the lawyer in consequence of the incident.”

200. Article 54 provides that “Every person who wrongfully alleges that a lawyer has committed an act of professional misconduct in the course of his duties or the exercise of his profession shall be liable to the penalty prescribed by the Penal Code.” Under article 55, “The premises of the Bar Association or any of its branches shall not be searched, except as provided by law, where a judge has issued a search warrant in due form, and in the presence of a member of the Office of the Public Prosecutor and the President of the Bar Association or the president of a branch of that Association or his duly authorized representative.” Article 56 provides that “A lawyer may be interrogated or his office searched only in the presence of a member of the Department of Public Prosecutions. The Office of the Public Prosecutor shall give the President of the Bar Association or the president of a branch of that Association adequate advance notice of such search or interrogation. The provisions of this article shall not apply in cases of *flagrante delicto* or where the interrogation is conducted by an examining magistrate.”

#### **Article 5(b): the right to security**

201. Over and above the material presented in the previous report, we may note here that Yemen’s domestic law contains numerous safeguards and measures with which all those who are responsible for enforcing the law are required to comply and which they must observe in order to safeguard the right to security. Under article 56, paragraph (8) of the Judicial Authority Act, “The Office of the Public Prosecutor shall supervise and inspect detention centres, prisons and correctional institutions for juvenile offenders to ensure that detentions and arrests conform to the provisions of law.”

202. Article 11 of the Code of Criminal Procedure (Act No. 13 of 1994) provides that “Personal freedom is guaranteed. No citizen may be charged with an offence or deprived of his liberty except by order of the competent authorities in accordance with the present Code.” Article 13 provides that “Anyone who has information about a person who has been arrested and imprisoned without a legal justification or in a place not designated for the purpose shall notify the Department of Public Prosecutions. A member of the Office of the Public Prosecutor shall go immediately to that place and release the person being held illegally. If he finds evidence that the imprisonment has a legal basis, he shall immediately take the person to a penal institution and shall in all circumstances produce a report on the action taken.”

203. Under article 72, “Every arrest warrant shall be in writing and shall be signed by the issuing authority. The warrant may be verbal, provided it is executed in the presence of the issuing official. In other cases, the arresting official shall be responsible for the arrest.” Article 106 provides that the officer in charge of every police station shall record all cases of arrest and detention at his station in a special register, with indication of the name and rank of the officer who made the arrest or took the individual into detention, the circumstances, the date and time, the reason, and the time of the end of the operation. A daily copy of the register, indicating all cases of arrest or detention, with all relevant details, shall be forwarded to the Office of the Public Prosecutor on a regular basis.

204. In executing an arrest warrant, police officers may not break into a dwelling in search of the wanted person, except in the cases specified in article 173, as follows:

- (a) Where the action is undertaken with the authorization of the Office of the Public Prosecutor or the court;
- (b) Where the offence was committed in the presence of witnesses;
- (c) Where the person named in the warrant is suspected of having committed a serious offence and has not been arrested before, and where there is reason to fear that he will flee, or where the person named in the warrant is a fugitive from justice;
- (d) Where the person named in the warrant refuses to surrender to the authority responsible for executing the warrant, or where he tries to resist;
- (e) Where the law or the warrant specifies that he shall be arrested wherever he is found.

205. Under article 174, the court or the examining magistrate may order the arrest of any person or summon him to appear where there is sufficient evidence to suspect that he has committed an offence. Under article 175, "If the accused person fails to appear for no good reason after having been summoned to do so, or if it is feared that he may flee, or if he has no known address, or there are witnesses to the crime, the investigator may issue a warrant for that person's arrest, even if the offence is not one for which a person may be remanded in custody."

206. Article 192 states, "All Office of the Public Prosecutor officials shall visit the prisons in the area subject to their jurisdiction and ensure that no prisoners are being held there illegally. They may also consult and make copies of prison logbooks, arrest warrants and detention orders, talk to any prisoners and listen to any complaints that they may wish to make. The governors of these institutions shall render all necessary assistance and provide these officials with whatever information they request."

207. Similarly, article 8 of the Department of Prisons Act provides that "No person may be imprisoned or admitted to prison without a warrant for the execution of a court judgement duly signed by the competent judge or a written detention order signed by the legally competent Office of the Public Prosecutor and sealed with an official seal bearing the State insignia." Under article 10, "No person shall be put in prison unless he has been sentenced to a term of imprisonment pursuant to an enforceable judgement, except a person suspected of a serious crime that endangers society in respect of whom a preventive detention order has been issued by the Office of the Public Prosecutor in the course of the investigation or by the competent court in the course of the trial." Under article 4 of the implementing regulations made under the Department of Prisons Act, one of the duties of the Director of a prison is to make sure that a judgement, warrant or order for an individual's imprisonment, detention or release has in fact been issued in due form by a competent authority and conforms to the provisions of law.

208. We may note at this point that the Penal Code contains many forms of safeguards for citizens' rights. The Code includes clear, unambiguous provisions prohibiting assaults on persons and laying down penalties for any public official who takes advantage of his authority to violate anyone's rights and freedoms (arts. 166, 167, 168, 169 and 246). Article 247 of the Code states, "A penalty of up to three years' imprisonment or a fine shall be imposed on anyone who prepares, lends, leases or offers premises for use as an illegal prison or place of detention, without participating in the arrest, imprisonment or detention process."

209. Under article 41 of the Department of Prisons Act, "A penalty of not less than five years' imprisonment and/or a fine of not less than 10,000 rials shall be imposed on anyone

who admits a person to a prison without a written order from the competent court or the Office of the Public Prosecutor.”

210. The measures that are to be taken in the event of unlawful behaviour on the part of law enforcement officers are set forth in a number of the articles of the Penal Code. Article 85, for example, provides that “Law enforcement officers are subject to the authority and supervision of the Office of the Public Prosecutor in the performance of their duties. The Office of the Public Prosecutor may ask the relevant authority to investigate any instance of misconduct or dereliction of duty on the part of a law enforcement officer and may request the imposition of disciplinary measures, without prejudice to any criminal charges that may subsequently be brought.”

211. Under article 86, “Where the Office of the Public Prosecutor considers that the actions of a law enforcement officer constitute a serious dereliction of duty or that the penalty imposed is inadequate, or where the relevant administrative authority does not take action in response to the Department’s request for an investigation, it may petition the Court of Appeal to have the offending officer relieved of his duties, without prejudice to any criminal charges that may subsequently be brought, or the Court itself may proceed on its own initiative or at the instance of the presiding magistrate to look into the case and determine whether the offending officer shall be relieved of his duties in the various situations contemplated in the preceding paragraph.”

212. Article 87 states, “Where a case of the kind contemplated in the preceding paragraph is brought before the Court of Appeal, the Court shall undertake an initial investigation in which it shall hear the statements of the representative of the Office of the Public Prosecutor and the law enforcement officer concerned. The officer in question shall be informed in advance of his alleged dereliction of duty, and he shall be entitled to the assistance of counsel. In all cases, these proceedings shall be held in camera.”

213. The dismissal or suspension of a law enforcement officer is dealt with in article 88: “Without prejudice to any disciplinary measures that have been or may be imposed upon the law enforcement officer by his administrative superiors, the Court of Appeal of the governorate may warn or reprimand him or suspend him from his duties for a specified period of time or permanently from service within the area of the Court’s jurisdiction or throughout the territory of the Republic.” Article 89, for its part, states that “Where a law enforcement officer is permanently suspended from his duties, he shall be dismissed from his post. Where he is suspended from his duties within a specific area, he shall be transferred elsewhere.” Under article 90, every ruling of the Court of Appeal concerning a law enforcement officer shall be forwarded to the relevant authorities in the district in which the Court is located and to the Department of Public Prosecutions.

### **Training programmes**

214. The competent Government agencies and civil society organizations have implemented a number of training programmes for law enforcement officers. In 2008, for example, 615 in-house and external training courses of various kinds were organized for police officers, attracting a total of 30,504 participants, including 530 women. In addition, a centre for research on security issues has recently been established.

### **Services for the general public**

215. With a view to creating confidence and cooperation between police officers and ordinary citizens and modernizing security services to ensure that they meet the needs of the

public, two field surveys in this area have been conducted. The first of these, which covered a sample of 6,000 people, was designed to determine people's opinions about police officers and the services available to them. The purpose of the second survey was to gather the opinions of 640 police officers in a variety of administrative and field units about their work, their job satisfaction, and the level of services that they provided for the benefit of the public. The findings of these field surveys were discussed at the nineteenth conference of senior officials within the Ministry of the Interior, and they will be implemented under the work plan for 2009.

*Inspection of places of custody and detention*

216. In 2006, prosecutors working at courts of appeal and courts of first instance carried out 4,214 on-site inspections of places of custody, places of detention and prisons.

*Application of the principle of accountability*

217. In 2006, the Office of the Public Prosecutor investigated a variety of cases of complaints relating to human rights violations with a bearing on security and the right to life. A total of 22 such cases were referred to the judicial authorities, while other cases were decided by disciplinary boards within the agencies involved.

218. In 2007, the Office of the Public Prosecutor investigated 29 cases of human rights violations with a bearing on security and the right to life, allegedly committed by law enforcement officials.

219. In all, 14 cases were referred to the courts or disciplinary boards. Seven of the officers concerned were dismissed, while the seven others were referred to the Department of Public Prosecutions.

*Awareness*

220. The Office of the Public Prosecutor Internet site was launched on 16 August 2006. The site provides access to compendia of Yemeni legislation, including the Constitution and all statutory instruments and their implementing regulations, which were collected by the OPP and grouped into clusters. The site also contains a search engine that enables visitors to find provisions of law. For example, a visitor can use it to find all articles containing a particular word, with indication of the number of the article, the name of the Act and the cluster in which it will be found. The site also contains all bilateral, regional and international conventions and other instruments, in addition to the various documents and circulars published by the Department. The Department's annual reports on its activities are also available, beginning with the first in the series. Furthermore, a visitor can send complaints and transmit information through the site, and receive an answer by e-mail. Lastly, the site also presents an overview of the various branches and directorates within the Office of the Public Prosecutor and indicates what each of them does.

**Article 5(c): political rights**

221. The previous report contains a full explanation of these principles, and consequently we have deemed it unnecessary to explain them here to avoid repetition. We reaffirm the statements made in the previous report. Yemen continues to follow the path of democracy, with legislative, presidential and local elections at prescribed intervals, the most recent having been the presidential and local elections held on 20 September 2006. The success of



this democratic exercise was witnessed by local community organizations and by regional and international organizations.

222. The High Council on Elections has developed a rigorous system to regulate the performance of the media in matters relating to elections, in accordance with the provisions of law guaranteeing equal media coverage of electoral campaigns. The High Council has addressed the various media, urging them to comply strictly with the rules of electoral publicity as set forth in the Elections Act and various guidelines. The Council has asked the relevant Government agencies to arrest anyone who infringes the rules and to hand him over to the courts so that he can receive his just punishment. The functioning of the system is illustrated beyond the shadow of a doubt by the Ministry of Information. The Ministry was concerned to ensure that all candidates could broadcast their electoral programmes on an equal footing via radio and television, and this was noted and commended by all observers and monitors. Furthermore, air time was allocated on an equal basis to all candidates to present their electoral publicity directly, without distortion.

223. In 2006, the Chairman of the High Council on Elections issued guidelines on electoral publicity for the use of local councils. The guidelines included a number of standards and principles by which the democratic process is regulated, and one of the most important of these principles is laid down in article 6: the electoral publicity of all candidates, voters, and political parties and organizations must conform to a number of rules, which are summarized below.

- Conformity to the principles and goals of the Yemeni Revolution;
- Conformity to the Constitution, the law, all statutory instruments and regulations currently in force, and all decisions, ordinances and instructions issued by the High Council;
- Electoral publicity must never, under any circumstances whatever, contain material prejudicial to national unity or tending to foment dissension or discord among voters;
- No form of pressure, intimidation, intimation of disloyalty, accusation of unbelief, hint of bribery or promise of material or moral gain, public or private, may be exerted in respect of any voter;
- Respect for every candidate's right to express his views.

224. Article 7 reads as follows: "Candidates at local elections may accept donations from Yemeni individuals or corporate entities, but they may not, under any circumstances whatever, accept support or financing from any foreign State or organization." Article 8 states, "Public institutions and facilities shall not serve or be used for electoral publicity. Their capabilities or material resources, including buildings, means of transport, means or instruments of communication or other resources shall not be exploited directly or indirectly to disseminate such publicity. No institution of the State shall distribute electoral publications, cards or any other form of publicity for the benefit or disadvantage of any particular candidate or party."

225. Article 9 of the guidelines states, "Subject to the provisions of article 10 hereof, mosques, schools, colleges, institutes, universities, military camps, clubs, stadiums, and public premises and facilities may not be used, directly or indirectly, for purposes of electoral publicity." Article 11 states that no public monies or funds from the budgets of ministries or public institutions and agencies may be spent for purposes of electoral publicity, while article 12 contains an absolute ban on the exploitation of authority or the use of civil service premises to hold publicity events aimed at influencing voters for the benefit of any candidate.

Article 13 reads as follows: “Candidates, their assistants and political parties are prohibited from disseminating any electoral publicity intended to deceive or mislead voters. The use of defamatory or offensive material aimed at other candidates in electoral publicity is also prohibited.”

226. According to article 43, “Printing presses and media production centres belonging to State institutions that sell their services to the public are prohibited from discriminating in favour of any candidate in preference to other candidates, and are required to allow all candidates to purchase their services on a basis of equality.” Under article 44, “Public media products may not be used for purposes of electoral publicity or to present any image, name, drawing, data or reference to any candidate, party or political organization, and in particular the means of communication may not be used to disseminate publicity advantageous to any candidate, except as provided under the relevant laws and regulations and these guidelines.”

#### **The 2006 elections for local councils**

	<i>Número</i>	<i>Varones</i>	<i>Mujeres</i>	<i>Total</i>
Number of local districts	333	-	-	-
Number of constituencies	5,620	-	-	-
Number of registered voters		5,346,805	3,900,565	9,247,370
<b>Total number of candidates</b>		<b>18,902</b>	<b>125</b>	<b>19,027</b>

#### **The 2006 presidential elections**

Total votes cast	6,025,818
Valid ballots	5,377,238
Invalid ballots	648,580

#### **Article 5(d): civil rights**

##### **Article 5(d)(i): the right to freedom of movement and residence within the borders of the State**

227. The legal position on this matter was set forth in the previous report.

##### **Article 5(d)(ii): the right to leave and return to the country**

228. The legal position on this matter was set forth in the previous report.

##### **Article 5(d)(iii): the right to nationality**

229. The legal position on this matter was set forth in the previous report.

##### **Article 5(d)(iv): the right to marriage and choice of spouse**

230. The legal position on this matter was explained in the previous report.

**Article 5(d)(v): the right to own property**

231. The legal position on this matter was explained in the previous report.

**Article 5(d)(vi): the right to inherit**

232. The legal position on this matter was explained in the previous report.

**Article 5(d)(vii): the right to freedom of thought, conscience and religion**

233. The legal position on this matter was explained in the previous report.

**Article 5(d)(viii): the right to freedom of opinion and expression**

234. The legal position on this matter was explained in the previous report.

**Article 5(d)(ix): the right to freedom of peaceful assembly and association**

235. The legal position on this matter was explained in the previous report.

**Article 5(e): economic, social and cultural rights****Article 5(e)(i): the rights to work, equal pay and protection from unemployment**

236. The right to work is one of the fundamental aims underlying the principles and provisions articulated in the Constitution of Yemen (art. 29). Moreover, article 5 of the Labour Code (Act No. 5 of 1995) prohibits all forms of discrimination, distinction, exclusion or restriction based on race, colour, sex, religion, political opinion, nationality or social origin which are likely to prevent or to impede the recognition, exercise or promotion of equal opportunities or equal treatment in employment or professional life. Hence, work is an inherent right afforded to every citizen on the basis of equality and subject to guarantees and rights, without any discrimination on the grounds of sex, race, colour, religion or language. Article 12 of the Civil Service and Administrative Reform Act (Act No. 19 of 1991) guarantees all citizens without distinction the right of access to public employment.

237. The domestic laws, especially the Civil Service Act and Labour Code, uphold the principles of respect for fundamental labour rights and the promotion of good labour relations between workers and employers. They also regulate the work of women and minors. The Civil Service Act regulates the status of workers in the public administration and the public and mixed economy sectors. The Labour Code regulates the rights and duties of private sector employees.

238. The new Labour Code was enacted following a review conducted at a workshop held in June 2007 in Sana'a with funding from the International Labour Organization (ILO). The event was attended by employers, workers and representatives of the Ministry of Social Affairs and Labour, the Arab Labour Organization and ILO. In our view, the new Code offers some new solutions. As for the measures taken to provide employment to all individuals who are ready to work, this is the ambition behind a project which has been set up to develop investment and expand the employment base in order to create new jobs. The Ministry of Social Affairs has designed a programme to combat unemployment through employment generation and is formulating a national employment strategy which will be the central focus of this initiative. The Ministry and ILO ran a workshop to discuss the matter with a view to devising a national strategy and national programme.

### **Numbers of workers and trends**

239. According to the statistics issued by the Central Statistical Organization in 2005, there were a total of 10.4 million persons of working age (15 years and over) in Yemen in 2004. This figure represents about half the population. The number of economically active persons was 4.2 million in 2004, accounting for not more than 39.2 per cent of the working age population (32.9 per cent in employment and 6.4 per cent unemployed). As Table 1 shows, the number of economically active persons was expected to increase from 4.4 million (39.6 per cent of all persons of working age) in 2002 to 4.6 million in 2006, an annual growth rate of 4 per cent. According to market estimates, the economically active population was expected to reach 4.7 million by the end of 2007, an annual average growth rate of 3.8 per cent over the period from 2004 to 2007.

240. The figure was expected to rise to 4.9 million in 2008. The number of persons actively employed in 2004 was 3.55 million. Of these, 59.5 per cent were men, while women accounted for 5.8 per cent of the working age population. Overall, the economically active population accounts for 32.9 per cent of the working age population. The number of actively employed persons rose from 3.7 million in 2005 to 3.8 million in 2006 and was expected to top 4 million in 2007, an average rate of increase of 3.6 per cent per annum. Likewise, the number of employed persons was expected to reach 4 million in 2008. Thus, job growth in the period 2004-2007 was lower than the growth in labour supply. Hence, the unemployment rate increased slightly, from 16.3 per cent in 2005 to 16.4 per cent in 2006, with the number of unemployed persons reaching 753,000, compared to 721,000 in 2005. The unemployment rate was expected to reach 16.5 per cent in 2007, an annual average rate of growth of 4.4 per cent. The unemployed account for 6.4 per cent of the workforce (8.9 per cent in the case of men and 3.8 per cent in the case of women).

241. Generally speaking, the ratio of the actively employed population to the population of working age is 83.7 per cent, while the unemployment rate is 16.3 per cent.

### **State policies and measures to increase employment**

242. In order to guarantee citizens the right to work, the State has adopted a series of policies, procedures and measures to increase employment. In particular the Socio-Economic Development Plan for Poverty Alleviation 2006–2010 includes a set of goals, objectives and indicators designed to strengthen economic reforms, to achieve real and sustainable economic growth and to generate employment as a means of mitigating poverty. The plan is to be carried out based on an active partnership with the private sector, civil society, neighbouring States and international donor organizations, as well as regional and international stakeholders. The plan was drawn up to achieve the following goals:

- (a) Reduce the growth rate for the population of working age to 2.75 per cent by 2010.
- (b) Increase the capacity of the national economy to create employment to approximately 4.1 per cent per annum over the next five years.
- (c) Reduce the unemployment rate to 12 per cent by the end of 2010.

243. In order to provide suitable and equitable employment opportunities for all citizens, a number of policies and measures have been included in the plan, as described below:

- Building the capacities of the ministries responsible for analysing labour supply and demand and adopting suitable policies and measures in the context of an employment strategy designed to increase employment, combat poverty and align labour supply with labour demand;

- Doing what is necessary to provide a suitable investment climate for large and medium-sized programmes and projects in the context of the strategy, with a view to attracting local, foreign and mixed firms;
- Encouraging investment in labour-intensive activities, together with loans and financing for small and mid-sized, and enterprises run by young persons and graduates in general, including in particular graduates with a technical education or a background in vocational training;
- Increasing women's participation in productive economic activities;
- Developing legislation and laws on work, employment conditions and occupational health and safety standards; improving mechanisms for enforcing labour contracts and resolving conflicts; and expanding social insurance schemes;
- Expanding and enhancing public awareness of behavioural and ethical standards in the workplace and the importance of honouring contracts;
- Updating educational and training curricula and pursuing cooperation with educational and training institutes in order to make sure that what they produce meets the needs of the local and foreign labour markets;
- Supporting specialized training centres in the framework of international technical cooperation agreements, and keeping missions restricted to highly specialized fields designated for expansion;
- Involving the social partners in the design of educational and training programmes and curricula to further development, with a focus on teaching English, computer skills and information systems as the key to human resources development;
- Focusing on and expanding training and further training programmes for workers and job-seekers;
- Conducting studies and field research on different forms and types of unemployment and identifying the causes and socio-economic impact of unemployment and ways and means of eliminating the problem;
- Following up on efforts to liaise with neighbouring States to facilitate the employment of qualified workers;
- Opening up employment bureaus in governorates where there are none;
- Developing employment bureaus, building their institutional and regulatory capacities and working more closely with the private sector to promote employment;
- Revising the minimum wage to bring it into line with the minimum required for a decent life;
- Continuing to include the non-regulated sector in official activities and increasing the number of major private enterprises and institutions, while building their capacity to execute projects and contracts in line with regional and international specifications and standards;
- Stepping up efforts to modernize the Civil Service and increase its efficiency and productivity; involving the public administration more closely in improving work performance figures; and creating a system of good governance which helps to generate investment and employment opportunities.

## **Unemployment**

244. The unemployment rate rose slightly, from 16.3 per cent in 2005 to 16.4 per cent in 2006: 753,000 persons in 2006, as compared to 721,000 in 2005. The unemployment rate reached 16.5 per cent in 2007 – an annual average growth rate of 4.4 per cent. Unemployment is mainly concentrated among the young; the male unemployment rate is approximately 12 per cent, while the female unemployment rate is 46.3 per cent. According to a labour demand survey conducted in 2003, this figure is destined to rise, as approximately 188,000 young persons are due to graduate, but the economy can only offer 16,000 jobs. Given the socio-economic repercussions, the problem of unemployment will remain a serious challenge for the development process.

## **Policies and procedures to deal with unemployment**

245. In dealing with unemployment, the Government, through the Ministry of Social Affairs and Labour, has recently taken steps to reduce unemployment. The main steps taken are listed below:

- A national employment strategy was drawn up jointly with ILO and the social partners to identify ways and means of reducing unemployment
- A national human resources development strategy is being formulated at the present time
- A special programme on the development of a labour market information system was carried out, and employment bureaus received assistance with capacity-building
- In order to involve the private sector more fully in efforts to reduce unemployment, restrictions on setting up private employment agencies for the domestic and foreign markets were lifted
- The Labour Code was revised in consultation with employers and trade unions and with the assistance of ILO; the text is still being finalized.

## **Article 5(e)(ii): the right to form and join trade unions**

246. The right to form a trade union is enshrined in the Constitution (art. 58). The Labour Code and Act No. 35 of 2002, the Trade Unions Act, regulate all labour relations. Article 144 of the Code grants workers the right to strike in pursuance of their demands, when negotiations have failed. This right is regulated under articles 145 to 150 of the Code. In fact, legal strikes are held in all Government, public and mixed sector institutions and in those parts of the private sector where there are trade unions.

247. Yemen has ratified the ILO Convention concerning Freedom of Association and Protection of the Right to Organise, 1948 (No. 87), the ILO Convention concerning the Application of the Principles of the Right to Organise and to Bargain Collectively, 1949 (No. 98) and the ILO Convention concerning Tripartite Consultations to Promote the Implementation of International Labour Standards, 1976 (No. 144). Provisions on these instruments are contained in articles 151 and 152 of the Labour Code.

248. The State is committed to perfecting the legislative and legal infrastructure in which civil associations and cooperatives operate and to providing these organisations with appropriate benefits. Act No. 39 of 1998, the Associations and Cooperatives Act, and Act No. 1 of 2001, the Civil Associations and Institutions Act, were adopted for this purpose. The boom in the number of associations has become a fact of life in Yemen; these organizations play an important part in development and are considered key partners in official efforts.

249. The Government facilitates and promotes the establishment of trade unions and federations, encouraging them to pursue their activities freely and independently of the Government apparatus. It also offers every facility to develop their activities and programmes and to help them translate their stated goals into action plans which meet the needs of target groups. In recent years, there has been a marked increase in trade union activity. Many trade unions have directed their efforts at helping to curb poverty and caring for special groups in society. The first trade union conference since unification in 1990 was held in March 2008, with the support and blessing of the Government, and gave a powerful boost to the trade union movement.

250. By the end of 2007 approximately 4,320 associations, federations and trade unions in Yemen were engaged in activities including charity work, social, vocational and cultural services and care for mothers and children. These organizations can be grouped as follows:

- 47 general federations
- 2,421 charitable societies
- 267 charitable foundations
- 1,103 social associations
- 71 cultural associations
- 66 professional associations
- 49 scientific associations
- 20 friendship societies
- 6 fraternities
- 98 trade unions
- 237 clubs
- 25 forums

251. These associations, federations, trade unions and cooperatives are found throughout Yemen. The State's encouragement and support for these associations has become a set feature of State policy. The Government provides over YER 200 million a year in financial support for associations and federations. Moreover, the State grants tax and customs exemptions to these organizations as a way of supporting them. In addition, the State is committed to mobilizing resources with a view to strengthening civil society.

**Article 5(e)(iii): the right to housing**

252. The legal position on this matter was explained in the previous report.

**Article 5(e)(iv): the right to public health**

253. In addition to the explanation given in the previous report, we should like to mention that in order to guarantee, through government policies and strategies, the right of all citizens to the highest attainable standard of health, the Yemen Strategic Vision 2025 accords the health sector the utmost importance, giving it a special place in future development efforts for the coming 25 years. The aim is to expand public services, especially primary health services, so as to cover the entire population and all areas. The Yemen Strategic Vision 2025 was devised to enable all citizens to enjoy the right to preventive services and treatment that

safeguards their health and guarantees their physical well-being in an environment that is free from disease and epidemics.

254. The health situation in Yemen is improving steadily. Indicators include the number of hospitals in the public sector, of which there were 237 in 2008, up from 228 in 2007 and 74 in 1990, and numbers of beds, with 15,184 in 2008, up from 14,477 in 2007 and 9,891 in 1999. The hospitals include two reference hospitals in the Capital District, 53 distributed among all the country's governorates, and 182 district hospitals. There is 0.1 hospital per 10,000 population. The reference hospitals have 1,207 beds, the general hospitals 8,924, and the district hospitals 4,669, in addition to 384 beds in health care centres, with an average of 7 beds per 10,000 population. There are a total of 793 health care centres, providing preventive and curative services in all governorates, with a few exceptions, including Hadramawt, Lahij, Abyan, Rimah and Ma'rib. Those governorates are served by centres (three in Hadramawt, four in Lahij, two each in Abyan and Rimah, and one in Ma'rib) providing inpatient services. They are located in remote areas for the most part, with the exception of the centre in Ma'rib, which is located in the city of Ma'rib.

255. Primary health care service units are found in all governorates, serving many communities. The country has 2,774 such units in all.

256. Despite these facilities, health care services are available to only 66 per cent of all Yemenis. Furthermore, the available services continue to be concentrated in urban areas, while remote or geographically inaccessible areas still lack them.

257. The Cabinet decided to issue social welfare cards to poor families exempting them from paying health service fees. It stressed the importance of follow-up on the decision by the authorities concerned and encouraged civil society organizations to provide health services free of charge to the poor.

258. The 2005 study entitled *Voices of the Poor* shows that the obstacles to providing access to health and treatment services for the poor remain, in particular:

- Geographical obstacles: health centres and units are far away from villages and hamlets, while roads are nearly impassable, particularly in rural areas. As a result, the costs of transporting the sick to health centres are high and patients' health tends to deteriorate during the journey.
- Administrative obstacles: gaining access to services is difficult because some facilities are either closed or do not have basic medicines. In addition, health personnel are not on hand at all times and there is a lack of monitoring, oversight and follow-up.
- Financial obstacles: fees for services ranging from medical examinations to tests and the costs of medicines are too high and are burdensome for the poor.

#### **Government health care facilities**

<i>Type of facility</i>	<i>Number</i>
Reference hospital	2
General hospital	53
District hospital	182
Health care centre	793
Primary health care unit	2,774
Maternal and child health centre	49



<i>Type of facility</i>	<i>Number</i>
Total health care facilities	3,852
Beds, reference hospitals	1,207
Beds, general hospitals	8,924
Beds, district hospitals	4,669
Beds, health care centres	384
<b>Total beds</b>	<b>15,184</b>

#### **Private health care facilities**

<i>Type of facility</i>	<i>Number</i>
Hospital	167
Clinic	321
Medical centre	420
General practice clinic	1,336
Specialist clinic	838
Dental clinic	654
Dental laboratory	155
Laboratory	1,189
Radiology clinic	224
First aid clinic	1,355
Obstetrical clinic	69
Pharmacy	2,681
Pharmaceutical depository	2,123

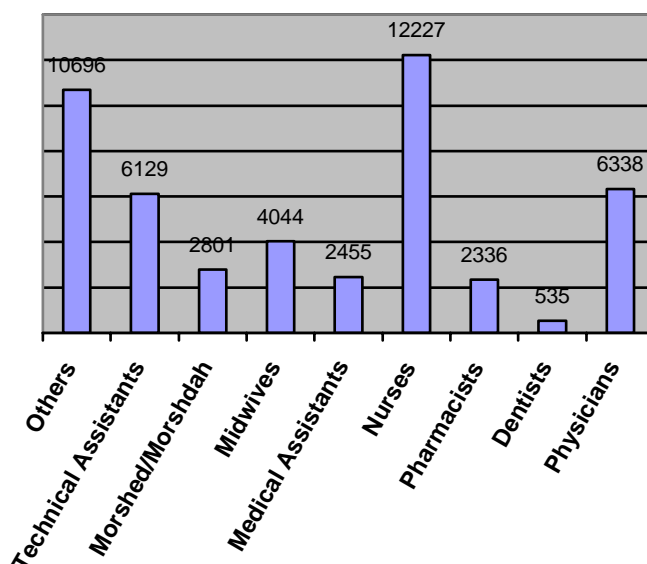
259. Data on the ratio of health care professionals to population clearly reveal significant shortfalls. The table below shows that Yemen is greatly in need of medical technicians and specialists such as dentists (there are only 535 dentists in the country) and physicians qualified in highly specialized fields.

#### **Numbers of health care facilities per 10,000 population**

<i>Category</i>	<i>Number</i>
Number of hospitals per 10,000 population	0.1
Number of beds per 10,000 population	7
Number of doctors per 10,000 population	3
Number of dentists per 10,000 population	0.2
Number of pharmacists per 10,000 population	1
Number of nurses and midwives per 10,000 population	7.3
Technical support personnel per 10,000 population	10.2
Health care centres and units per 10,000 population	2

**Health care labour force in the governmental sector**

<i>Professional group</i>	<i>Number</i>
Physicians	6,338
Dentists	535
Pharmacists	2,336
Nurses	12,227
Medical assistants	2,455
Instructors	2,801
Technical support groups	5,729
Others	11,182
<b>Total</b>	<b>46 331</b>

**Health Manpower (Public Sector), 2008****The right to social security**

260. Article 56 of the Constitution requires the State to create social protection systems for the groups that need them. According to the Insurance Act, all employees of the State and its economic sectors must be included in a compulsory insurance scheme. The Social Security Act (Act No. 31 of 1996), as amended by Act No. 17 of 1999, provides insurance to cover old age, disability, long-term illness and death. We direct the Committee's attention to the information on measures taken in this connection that is provided in the discussion of article 2(2) above.

## **Article 5(e)(v): the right to education**

### **General policies aimed at spreading and developing education**

261. In the framework of Yemen's commitment to the 2000 Dakar Framework for Action on education for all, the Government undertook to achieve equal access to education and to upgrade educational quality for all children by 2015. The issue of providing basic education was one of the major challenges confronting the Government, and accordingly it has adopted a number of strategies and practical measures aimed at expanding basic education and improving its effectiveness. These strategies include, in particular the third five-year plan (Socio-economic development plan for poverty reduction, 2006-2010), the national strategy for basic education for 2003-2015, the national strategy for the development of secondary education, the girls' education strategy, the national literacy and adult education strategy launched in 1998, and the Yemen Strategic Vision 2025.

262. These strategies are aimed at universalizing basic education, upgrading its quality, developing its internal effectiveness, raising school enrolment rates at the primary and secondary levels, including preschool education, closing the enrolment gaps between boys and girls and between urban and rural areas, with greater attention to children from low-income families in an effort to achieve justice and equality, and institutional capacity-building at all levels within the Ministry of Education with a view to restructuring the educational system in such a way as to enable it to keep pace with scientific and technical changes and cater for the requirements of future development. Other objectives include guaranteeing education for girls, particularly in rural areas, eliminating the gender gap in education and improving the general standard of education.

### **Implementation measures to attain strategic objectives and progress to date**

263. In pursuit of the objectives contained in the above-mentioned strategies, the Ministry of Education has adopted an array of policies and implementation measures structured around a number of lines of emphasis, as outlined below.

#### *Raising enrolment levels*

264. In an effort to increase enrolment in both formal and informal education, the Ministry has put into effect a number of targeted policies featuring approaches that are having an upward impact on enrolment levels. These include:

- Expansion of school construction (new buildings, additions, renovations), with particular focus on regions where the need is greatest, selection of sites nearest to pupils' homes, action to provide schools with educational materials and equipment, and continuing maintenance;
- Hiring of male and female teachers;
- Linking of professional level to teachers' willingness to stay at the schools to which they are assigned;
- Priority to the recruitment of girls in governorates where school enrolment rates are low;

- Contracts with women teachers in rural areas;<sup>9</sup>
- Adoption of a comprehensive school improvement system;<sup>10</sup>
- Adoption of a system of incentives and assistance for low-income families;
- Provision of curricula and other classroom essentials such as seats and teaching aids;
- Pupils in the first cycle of basic education (Grades 1-3) excused from social participation;
- Pupils in the first and second cycles of basic education (Grades 1-3, Grades 4-6) excused from social participation;
- Particular attention to children with special needs;
- Particular emphasis on literacy programmes.

265. Developments in basic educational inputs and progress achieved between the 2001-2002 and 2006-2007 school years are outlined below.

#### *School buildings*

266. Efforts in this area have materialized in the form of new buildings and additions and renovations to existing buildings. In the 2006-2007 school year there were a total of 15,990 functioning schools in the country, including primary schools, secondary schools and combined schools (with both primary and secondary levels). This total represents an increase of 2,513 schools compared to the 2001-2002 school year. The average increase was thus 418 schools per year.

267. The number of primary schools in Yemen grew markedly over the period 2001-2007, with the construction of 2,210 new schools, accounting for 88 per cent of the total number of new schools built during that period (2,513). At the secondary level, 82 new schools were built, accounting for 3 per cent of the total number of new schools, while 221 new combined schools were built, representing 9 per cent of the total.

268. These schools were unevenly distributed between urban and rural areas: annual reports on the results of education surveys conducted between 2001 and 2007 show that new schools in urban areas accounted for 9 to 10 per cent of the total in all years, while 90 to 91 per cent were built in rural areas. The corresponding figures for secondary schools were 51 to 52 per cent in urban areas and 48 to 59 per cent in rural areas in all years, while in the case of combined schools, the figures were 18 to 19 per cent in urban areas and 81 to 82 per cent in rural areas in all years.

269. When we look at the distribution of schools by supervisory authority, we find that in 2007 there were 15,557 Government schools, accounting for 97 per cent of all Government and community schools, compared to 98.6 per cent of the total in 2001. In 2007 there were 433 community schools, representing 2.7 per cent of all Government and community schools, compared to 1.3 per cent of the total in 2001.

270. At the preschool level, Yemen had 408 kindergartens in 2007, up from 172 in 2001, for an increase of 236, or 58 per cent. Three hundred and twelve of these were community

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<sup>9</sup> Results of midway progress report on the basic education development project, previous reference.

<sup>10</sup> Ibid.

kindergartens, while 96 of them were Government-run. Most kindergartens were located in urban areas.

#### Number of kindergartens, 2001-2007, by supervisory authority<sup>11</sup>

<i>Year</i>	<i>2001-2002</i>	<i>2002-2003</i>	<i>2003-2004</i>	<i>2004-2005</i>	<i>2005-2006</i>	<i>2006-2007</i>
Government	46	53	62	74	76	96
Community	126	168	182	233	282	312
<b>Total</b>	<b>172</b>	<b>221</b>	<b>244</b>	<b>307</b>	<b>358</b>	<b>408</b>

#### Teachers

271. In the 2006-2007 school year, the official total of teachers in charge of classes was 193,252, including both male and female teachers. The corresponding total for the 2002-2003 school year was 166,874, for an increase of 26,378 teachers, or 15.8 per cent. The average growth in teaching personnel was 5,276 posts per year. Women teachers accounted for 23 per cent of the total in 2007, compared to 21 per cent in 2001.

272. Over the period 2003-2007, post allocations for public education accounted for 43 per cent of all post allocations within the Government service, of which there were 61,957 in all. The high proportion given to public education is indicative of the Government's concern with education and its awareness of teachers' role and influence in raising school enrolment levels on the one hand, and its regard for the best interests of children on the other.

273. The distribution of teachers between urban and rural areas over that period is summarized below.

- Thirty to 31 per cent of primary-school teachers were employed in urban areas, and 69 to 70 per cent of them in rural areas;
- Fifty-three to 57 per cent of secondary-school teachers were employed in urban areas, and 43 to 47 per cent of them in rural areas;
- Eighteen to 19 per cent of combined-school (primary + secondary) teachers were employed in urban areas, and 81 to 82 per cent of them in rural areas.

274. At the preschool level, there were a total of 1,456 male and female kindergarten teachers in 2007, compared to 886 in 2001. There was thus a 61 per cent increase over that period. Women teachers at that level accounted for 97 per cent of the total in 2007, down marginally from 97.4 per cent in 2001.

#### Numbers of female and male kindergarten teachers, 2001-2007<sup>12</sup>

<i>Year</i>	<i>2001-2002</i>	<i>2002-2003</i>	<i>2003-2004</i>	<i>2004-2005</i>	<i>2005-2006</i>	<i>2006-2007</i>
Males	23	21	28	38	42	41
Females	863	943	1,015	1,141	1,366	1,415
<b>Total</b>	<b>886</b>	<b>964</b>	<b>1,043</b>	<b>1,179</b>	<b>1,408</b>	<b>1,456</b>

<sup>11</sup> General reports on periodic education survey results, 2001-2007.

<sup>12</sup> General reports on periodic education survey results, 2001-2007.

## **Progress achieved in raising school enrolment rates**

### *Preschool education*

275. A total of 12,505 children, including both boys and girls, were enrolled in kindergartens in the 2001-2002 school year; by the 2006-2007 school year, that figure had grown by 76 per cent to 22,025, an increase of 9,520 children of both sexes.

276. Activities in the context of the Social Fund for Development's preschool education programme included school construction, the provision of furnishings, and capacity building. For every year except 2007, the Fund received support for its preschool education programme under an agreement with the Ministry of Education providing for the construction of a new kindergarten in the governorate of Hadramawt and another in the governorate of Lahij, besides training for kindergarten teachers and for officials working in the Ministry's Preschool Education Directorate.

277. In addition, in 2006-2007 the SFD provided training for 21 senior kindergarten administrators from six governorates. The training covered a number of areas, including recent trends in children's education and excellence in preschool education (criteria and evaluation). Its purpose was to upgrade the participants' administrative and educational skills.

### *Public education (primary and secondary)*

278. A total of 4,093,703 pupils were enrolled in primary and secondary schools in the 2001-2002 school year; by the 2006-2007 school year, that figure had grown by 18.5 per cent to 4,851,115, an increase of 757,412 children of both sexes. For the primary level alone, 4,270,086 pupils of both sexes were enrolled in 2006-2007, up from 3,572,265 in 2001-2002. There was thus a 19.5 per cent increase of 697,821 pupils of both sexes.

279. For the secondary level, a total of 521,438 boys and girls were enrolled in the 2001-2002 school year; by the 2006-2007 school year, that figure had grown by 14 per cent to 581,029, an increase of 59,591 pupils of both sexes.

### *Literacy and adult education*

280. For Yemenis 10 years of age and above, the illiteracy rate is 45.3 per cent, according to the results of the 2004 general census. Among persons in the 10-20 age group, there are 1,457,185 who are illiterate, and of these, 65 per cent are girls and women.

281. In view of Yemen's high illiteracy rate, literacy programmes receive special attention on the part of the State. An agency dedicated exclusively to the eradication of illiteracy has been established, and, as we have seen, a national literacy strategy was launched in 1998. Programmes delivered in the context of the strategy were subsequently incorporated into the national strategy for basic education. Literacy centres have been opened in all governorates, and training and professional development courses for senior personnel have been organized. A total of 1,328 participants of both sexes attended these courses during the 2005-2007 period.<sup>13</sup>

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<sup>13</sup> *Education for All Mid-Decade Report*, Dr. Hammoud al-Siyani and Dr. Insaf Abduh Qasim, August 2007.

282. In the 2005-2006 school year, Yemen had 2,948 literacy centres, compared to 1,830 in 2002-2003. These additional 1,118 centres represent a 61 per cent increase over that period. In the 2002-2003 school year the country's literacy centres employed a total of 6,801 male and female instructors; by the 2005-2006 school year, the number of literacy personnel had grown to 8,641, with women instructors accounting for 69 per cent of the total.

283. In 2005-2006, 124,080 persons from all age groups were enrolled in literacy classes, with women accounting for 91 per cent of the total. In the 2002-2003 school year, in contrast, 180,792 persons were enrolled in such classes. Total enrolment thus grew by 15,288 over that period.

284. When we look at enrolment in literacy programmes as broken down by type into elementary (reading and writing) and basic training (vocational and occupational), we find that in 2005-2006, there were 44,766 participants, male and female, from the 10-20 age group, representing 36 per cent of all persons enrolled in literacy programmes, all age groups taken together, and representing 3 per cent of all illiterate persons in that same age group in the country as a whole.<sup>14</sup> The tables below present persons in the 10-20 age group who attended literacy classes in 2002-2003 and 2005-2006, broken down by gender, and also literacy centre personnel for those same two school years, again gender-disaggregated.

#### Number of persons in the 10-20 age group attending elementary literacy centres, 2003 and 2006

<i>Years</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>% of totals</i>
2002-2003	4,736	33,777	38,516	35
2005-2006	3,555	41,211	44,766	36

#### Numbers of literacy centre personnel, 2003-2006

<i>Year</i>	<i>Teachers</i>			<i>Guidance coordinators</i>			<i>Administrators and supervisors</i>			<i>Overall total</i>
	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Males</i>	<i>Females</i>	<i>Total</i>	<i>Males</i>	<i>Female</i>	<i>Total</i>	
2002-2003	930	3,973	4,903	281	97	378	1,132	388	1,520	6,801
2006-2007	940	5,324	6,264	384	149	533	1,318	526	1,844	8,641

#### Reducing the gender gap in school enrolment

285. The Government of Yemen is particularly concerned with girls' education in view of the high (65 per cent) illiteracy rate among Yemeni women over 10 years of age. The Government is seeking to raise the school enrolment rate for girls, reduce the gender gap in school enrolment, and change the generally negative situation in the area of girls' education. In pursuit of these objectives, the Government has adopted a number of measures, including policies and implementation actions. The most important of these are outlined below:

- Establishment of a dedicated girls' education sector within the Ministry of Education;
- Girls from Grade 1 to Grade 6 excused from social participation;

<sup>14</sup> National literacy agency, annual reports for 2002-2003 and 2005-2006.

- More school buildings for girls exclusively, located in so far as possible near pupils' places of residence;
- Addition of facilities designed to make schools more welcoming to girl pupils, such as washrooms and walls in existing school buildings and construction of new school buildings for girls exclusively, located well away from markets and densely frequented public places. Such facilities are regarded as fundamental components of all new school buildings;
- Introduction of a system of incentives (book bags, school uniform, free lunches);
- Introduction of a system of financial support for low-income families in a number of governorates, subject to the condition that daughters must be enrolled and must attend school. The amount of the support is in the \$35-40 per month range;
- Diversification of educational programmes and introduction of occupational and vocational programmes aimed expressly at girls.
- Introduction of a system of "girl-friendly" schools characterized by excellence and state-of-the-art equipment and facilities;
- Action to ensure that women teachers are from the region where the school is located. In that connection, hiring priority in 2006-2007 was given to women teachers in regions with the lowest enrolment rates. During that same school year, the Ministry, working in coordination with donors and a number of organizations, including UNICEF, JICA (the Japan International Cooperation Agency) and Oxfam, signed contracts with 1,221 women teachers at salaries of \$100 per month to cover needs in the field of girls' education in rural areas in a number of governorates;<sup>15</sup>
- Adoption of policies and programmes designed to encourage women teachers from urban areas to work in rural areas. Incentives included accommodation for women teachers in a number of rural areas;
- Action to enhance local communities' ability to identify their issues and develop viable solutions and plans by encouraging community participation in education;
- Establishment of fathers' and mothers' councils;
- Literacy programmes for women as a means of encouraging them to enrol in formal education;
- Organization of a number of training courses, seminars and awareness programmes aimed at explaining the importance of girls' education and its impact on the girls concerned, their families and society in general, which attracted 8,592 participants in 2007 alone. These events were supported by a number of the leading donor agencies, including UNICEF, JICA, the Fast Track Project and the Social Fund for Development. They are presented in schematic form in the table below:

#### **Training courses and workshops on girls' education held in 2007**

<i>Activity</i>	<i>No. of participants</i>
Training courses and workshops on the importance of girls' education for a number of workers in education-related departments and agencies, male and female social work experts, and fathers' and mothers' councils	6,518

<sup>15</sup> Basic education project, mid-project report, April 2008; 2008 annual assessment review report, by Muhammad Shamakh, Deputy Director, Primary and Secondary Education.



<i>Activity</i>	<i>No. of participants</i>
Training courses for a number of coordinators and women social work experts on girls' education	1,546
Training courses and workshops on "child-friendly" schools aimed at fathers' councils	528
<b>Total number of persons who attended the courses and workshops</b>	<b>8,592</b>

286. As a result of these policies, average school enrolment rates for girls rose between 2001 and 2007 at both the primary and secondary levels. For those two levels taken together, a total of 1,968,415 girls were enrolled in the 2006-2007 school year, up from 1,459,829 in the 2001-2002 school year, for a 35 per cent increase of 508,586 girl pupils. For the primary level alone, 1,773,629 girls were enrolled in the 2006-2007 school year, up from 1,314,387 in 2001-2002, for a 35 per cent increase of 459,242 girl pupils.

287. For the secondary level, 194,786 girls were enrolled in the 2006-2007 school year, up from 145,442 in 2001-2002, for a 34 per cent increase of 49,344 girl pupils.

#### **Changes in school enrolment rates for girls, primary and secondary levels, 2001-2002 to 2006-2007**

<i>Level</i>	<i>School year</i>					
	<i>2001-2002</i>	<i>2002-2003</i>	<i>2003-2004</i>	<i>2004-2005</i>	<i>2005-2006</i>	<i>2006-2007</i>
Primary	1,314,387	1,427,208	1,530,306	1,622,022	160,779	1,773,629
Secondary	145,442	160,624	177,979	183,396	172,813	194,786
<b>Total</b>	<b>1,459,829</b>	<b>1,587,832</b>	<b>1,708,285</b>	<b>1,805,418</b>	<b>1,780,592</b>	<b>1,968,415</b>

<i>Year</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>	<i>No. of girls per 100 boys</i>	<i>Gap</i>
2002-2001	2,257,878	1,314,387	3 572 265	58	42%
2007 -2006	2,496,457	1,773,629	4 270 086	71	29%

288. The table below presents total enrolment rates for girls and boys in Grade 1 in the 2002-2003 and 2006-2007 school years. For the latter school year, 84.3 girls were enrolled for every 100 boys, compared to 75 for every 100 boys in 2002-2003. These figures reflect the fact that over that period girls' enrolment rose and the gender gap was narrowed from 25 per cent to 16 per cent as a result of an array of interventions targeting girls' education.

**Grade 1 enrolment rates for boys and girls, all age groups, in 2002-2003 and 2006-2007, with indication of the gender gap<sup>16</sup>**

<i>Year</i>	<i>Boys</i>	<i>Girls</i>	<i>Total</i>	<i>No. of girls per 100 boys</i>	<i>gap</i>
2003-2002	386,078	290,380	676,458	75	0,25
2007-2006	405,370	341,852	747,222	84,33	0,16

*The girls' education programme in rural areas and contributory action by the Social Fund for Development*

289. As of the end of 2005, the SFD had contributed to the construction of 12,227 classrooms through education-related projects that it had implemented. Between 1999 and 2004, the SFD had contributed to the construction of approximately 34 per cent of all new classrooms throughout the country. It is fair to say that the SFD's investments have been and continue to be an important contributing factor in the upward movement of girls' enrolment rates at the primary level. The figures for the several age groups taken separately also show significant improvements in numbers of girls enrolled at school.

290. There was a 38 per cent increase in the number of pupils enrolled at the schools built as a result of SFD investments. A fact of even greater significance is that school enrolment grew markedly in rural areas, with increases of 91 per cent for boys and 122 per cent for girls.

291. There was a significant increase in professionalism as well, especially in urban areas: qualified teachers accounted for 86 per cent of the total in 2006, up from 77 per cent in 2003. It is also noteworthy that male teachers accounted for 63 per cent of all teachers in 2006 on average, the figure for urban areas being 44 per cent and for schools in rural areas, 89 per cent. At the same time, however, the pupil/teacher ratio deteriorated from 29/1 in 2003 to 50/1 in 2006.

292. Twenty-four projects aimed at supporting activities under the programme were executed, including 16 designed to promote awareness and build capacities, 8 featuring infrastructure, with the construction of 47 new classrooms, the renovation of 12, and the delivery of 864 double seats and 350 single seats. A total of 3,869 pupils of both sexes, 56 per cent of them girls, are expected to benefit from these services.

293. Furthermore, a training programme aimed at supporting girls' education and social participation is currently being executed in five subdistricts (in five different governorates: 'Amran, Sa'dah, Al-Hudaydah, Dali' and Ta'izz) where the gender gap in enrolment exceeds 90 per cent. It is hoped that this programme will raise girls' enrolment by some 20 per cent between 2004 and 2008 by addressing the basic issues underlying low primary-school enrolment rates for girls in rural areas.

294. Examples of the components of this programme are community structuring, water harvesting and storage, capacity-building, awareness-heightening and social mobilization, as will be seen below.

<sup>16</sup> Annual performance report on level of implementation of the national strategy for basic education development in 2007, p. 27, education survey results for 2002-2003.

<i>Programme components</i>	<i>Activities:</i>
1 Social participation	<p>The SFD supports and assists local communities in establishing community structures in all the target subdistricts:</p> <ul style="list-style-type: none"> <li>• 31 fathers' and mothers' councils and one mixed council have been organized at 16 schools;</li> <li>• A project on life skills development for ordinary women in the five target subdistricts has been prepared;</li> <li>• Support for school clubs and associations at 16 schools was made available in the form of sports equipment;</li> <li>• Under an agreement and partnership contract with Al-Saleh Social Institution for Development, quantities of dates have been distributed to pupils and teachers of both sexes at the target schools, fathers' and mothers' councils, girl pupils attending life skills development centres for girls in rural areas, and girls and women attending literacy classes (there have been 4,500 beneficiaries of this initiative in all). In addition, school uniforms, book bags and holiday clothing have been distributed to pupils of both sexes at the target schools (there have been approximately 700 beneficiaries of this activity in all).</li> </ul>
2 Student organizations	A total of 104 student organizations have been set up at 16 schools. Participants include 947 boys and 569 girls for all the targeted subdistricts.
3 Women's associations	A total of 12 women's groups with 296 participants have been established in nine villages in the subdistricts targeted under the programme (Walad 'Ayyash, Bani 'Atifah, al-Ramia al-'Ulya, al-Mihrahi and al-Majarishah). The groups focus on literacy, sewing and embroidery, handicrafts, health and first aid, food processing and household management, and making fragrances and perfumes at home.
4 Student clubs	Fourteen student clubs have been organized at 14 of the schools targeted under the programme in the five subdistricts. In addition, sports equipment and educational and cultural materials have been distributed to these clubs.
5 Capacity-building	Many training courses and workshops have been held for fathers' and mothers' councils, educational advisers, primary-level teachers of both sexes, facilitators, again both men and women, community education class supervisors, and student association members. These courses and workshops have covered planning, follow-up and assessment, communication skills and dispute resolution, team-building and collective and cooperative working, linking the school with the school administration, preparing implementation and monitoring plans, preparing educational environments, training methods and skills, ways of solving problems within a school, gender and childhood, learning and working in partnership, effective communication skills, containment and persuasion skills, empowerment and participation, life skills, and school activities (such as handicrafts, drawing and first aid).
6 Community mobilization and awareness	Awareness campaigns were organized in the five subdistricts targeted under the programme before the beginning of the 2006-2007 school year. Entities that took part in these campaigns included Ministry of Education offices in the governorates concerned, fathers' and mothers' councils at the schools involved, pupils, including both boys and girls, local volunteer education support teams, school administrations, and local and State organizations operating in the field of education in the five governorates. Other participants included the private sector, imams from local mosques, influential community leaders, and local councils. The campaigns featured a number of activities. In addition, posters were put up with a view to making pupils aware of the programme and informing them about it.

295. During 2007, 12 projects were developed in an effort to support activities under the programme, including seven devoted to capacity-building and five to infrastructure, with the addition of 26 new classrooms, the renovation of 12 existing ones, and the delivery of 324 double seats. A total of 972 pupils (45 per cent of them girls) are expected to benefit from these accomplishments.

Examples of programme components other than infrastructure are community organizations, capacity-building, community awareness, community mobilization and community teaching.

296. At the same time, under the agreement and partnership contract with Al-Saleh Social Institution for Development, school uniforms and book bags were distributed to 1,500 pupils of both sexes in the Governorates of Dali', Al-Hudaydah and Sa'dah.

#### **Community teaching classes (SFD initiative)**

297. A study on community teaching classes was conducted in three governorates (Sa'dah, Al-Hudaydah and Ta'izz) during 2007. Many girls in the 9-15 age group do not have access to primary education.

298. Another initiative was the printing and distribution of 500 copies of personal assessments of courses taken at girls' development centres. The purpose of this was to encourage girls to examine and assess their own educational and behavioural levels and measure positive change resulting from education. In addition, the SFD worked in coordination and cooperation with the Literacy Directorate in Ta'izz Governorate to develop an examination to determine the achievement levels of girls studying at these centres with a view to ensuring that the ones who successfully passed the examination were enrolled at primary schools.

#### **Improving educational quality**

299. During the period from the 2002-2003 school year to the 2006-2007 school year, the Ministry of Education adopted a number of policies and took implementation measures aimed at improving the quality of education and developing its internal efficiency. The most important of these measures are outlined below.

- Curriculum development;
- Review of the function of the school from an educational development perspective in accordance with a skills competence approach;
- Review of the function of educational guidance;
- Development of a measurement and evaluation system;
- Establishment of specialized administrative sectors and structures;
- Special attention to the training of teachers in general and senior educational personnel in particular;
- Action to improve the living conditions of senior educational personnel in general and teachers in particular;
- University degree as the basic qualification for employment.

300. Programmes implemented in this connection are outlined below.

<i>Programmes</i>	<i>Activities:</i>
1     Kimdegartens	<p>The Ministry has implemented an array of programmes, of which the following are the most important:</p> <ul style="list-style-type: none"> <li>• Drafting of kindergarten curricula (three integrated experience guides) in 2004-2005;</li> <li>• Practical trials with kindergarten curricula in a number of governorates in 2006-2007;</li> <li>• Organization of training courses for women teachers on teaching the curriculum, other courses on techniques and methods of interacting with children, making puppets from locally available materials, and training courses for senior kindergarten administrators at the central and local levels aimed at strengthening their administrative skills and capacities;</li> </ul>

Programmes	Activities:
	<ul style="list-style-type: none"> <li>• A workshop on early childhood awareness targeting local communities and families in a number of governorates;</li> <li>• Action to encourage the private sector to open kindergartens;</li> <li>• Drawing upon foreign and Arab expertise to evaluate efforts to date in the field of early childhood education;</li> <li>• Coordination with the Universities of Sana'a, Ibb, Al-Hudaydah and Hadramawt to open a division dedicated to early childhood education in their respective Colleges of Education;</li> <li>• Organization of a number of fact-finding missions, with specialists in various fields within the Ministry being sent to a number of Arab and foreign States in order to benefit from their experience in the field of early childhood education;</li> <li>• A programme called "Child to child" is currently being put into effect on a trial basis. The aim of this programme is to use children in Grades 5 and 6 to teach children in the 4-6 age group. This programme is being implemented in four districts in Ta'izz Governorate after adaptation of the relevant curricula and teacher training.</li> </ul>
<p>2 General education (primary and secondary):</p> <p>The Ministry has been working since 2003 to create a model for improved quality of education featuring comprehensiveness, integration, a balance among all factors, and practical teaching approaches. To that end, it has carried out a number of activities, as outlined below:</p>	
<p>1. Curricula:</p>	<ul style="list-style-type: none"> <li>• Final development and testing of secondary-level curricula over the period 2002-2005;</li> <li>• Preparation of a computer science curriculum for the secondary level;</li> <li>• Practical trials with curricula for Grades 7-9 and evaluation of curricula for Grades 1-6 during the 2002-2003 school year;</li> <li>• Periodic revision of textbooks;</li> <li>• Preparation of teachers' manuals for training in technical subjects and mathematics at the primary and secondary levels;</li> <li>• Development of curricula for vocational education for Grades 5-9;</li> <li>• Evaluation of a science curriculum for Grades 1-12;</li> <li>• Cooperation with the States of the Gulf Cooperation Council in the execution of a number of joint programmes;</li> <li>• Execution of a number of preparatory activities aimed at ensuring that curricula include various contemporary issues such as human rights, the rights of the child, awareness of the dangers associated with smoking, introduction to the world of work, how to start and run a small business, and development of pupils' awareness of job market needs.</li> </ul>
<p>2. Educational guidance:</p>	<p>The Ministry has pursued its efforts to overhaul educational guidance since 2004 with a view to developing the role of educational guidance through a review of the conditions and criteria governing the work of educational guidance personnel at the central and local level. It has also sought to activate the role of educational guidance in monitoring and evaluating the educational process by conducting field visits to schools in various governorates.</p>

<i>Programmes</i>	<i>Activities:</i>
3. Measure and assessment:	Establishment of a measurement and assessment centre that is used as a professional scientific tool for monitoring and directing the qualitative development of education by conducting evaluative studies of education structures with a view to enhancing their efficiency and effectiveness and improving measurement quality. Learning (knowledge acquisition) at the school and national levels (“general examinations”), creation of question banks, participation in international measurement research, conducting analytic studies on students’ results, dissemination of a culture of evaluation among educators, and participation in global evaluations of pupil achievement levels in science and mathematics. The Ministry is currently participating in the TIMS project.
4. Educational resources:	From 2003 to 2007, the Ministry supported a variety of agencies, both governmental and non-governmental, providing schools with workrooms, laboratories and other learning resources that are contributing to the task of upgrading teaching quality.
5. Electronic teaching:	<p>The national strategy for basic education aims to introduce computers as a subject beginning in Grade 4, and in pursuit of that objective a number of programmes have been executed:</p> <ul style="list-style-type: none"> <li>• Coordination is currently under way with a specialized centre for execution of the national programme for the integration of information and communication technologies into education—establishment of electronic archives holding the contents of textbooks and teachers’ manuals used in general education;</li> <li>• Action to provide some schools with computers, in cooperation with various organizations focusing on education;</li> <li>• Action to encourage the private sector to produce software through coordination with various centres and firms specializing in the production of electronic teaching programmes, and scrutiny of the presentations provided by them;</li> <li>• Coordination and cooperation with the Arab Education Office in executing and evaluating a number of shared electronic teaching programmes.</li> </ul>
6. The educational channel:	<p>A dedicated education channel was established in 2000. The channel was provided with technical equipment enabling it to fulfil its remote teaching mission. The channel is competent to develop, produce, issue and broadcast all educational, training, professional development, teaching and cultural programmes for all levels. Pursuant to its mission, the channel broadcasts the educational programmes outlined below.</p> <ul style="list-style-type: none"> <li>• Our children today</li> <li>• The open school</li> <li>• We and the computer</li> <li>• Student high achievers</li> <li>• The knowledge rider</li> <li>• Educational guidance</li> <li>• Say and don’t say</li> <li>• Letter</li> <li>• Educational issues</li> <li>• A concept under the microscope</li> <li>• The teacher in the class</li> <li>• Teaching skills</li> <li>• The computer in our lives</li> <li>• Women teachers in rural areas</li> <li>• Teachers in the early grades</li> </ul>

<i>Programmes</i>	<i>Activities:</i>
	<ul style="list-style-type: none"> <li>• School administration</li> <li>• Teaching methods and approaches</li> <li>• The story of silence (special needs guidance person)</li> <li>• Let's learn! (literacy guidance person)</li> </ul>
7. Training and qualifications:	<p><b>Training:</b> Between 2002 and 2007, the Ministry organized many central and local training programmes for working teachers at all levels. Approximately 347,200 participants from every governorate in the country attended the programmes. Because of the importance of training and its effectiveness in improving teaching quality, a training and professional development sector was established within the Ministry with the mandate of planning and implementing training and professional development programmes for teachers.</p> <p><b>Qualifications:</b> In 2006, 2,253 male and female teachers upgraded their qualifications from "general secondary" to "intermediate diploma". In 2007, 3,621 teachers of both sexes upgraded their qualifications, while 156 senior educators were enrolled in M.A. and Ph.D. programmes in Yemen and abroad.</p>
8. Equipment:	<p>In the framework of the State's commitment to free education for all its citizens, the Ministry of Education provides schools, on an ongoing basis, with educational necessities, including seats, tables, workstations, chalk, curricula and other items, including administrative office equipment. Every year, the Ministry prints and distributes free of charge approximately 50 million textbooks and teachers' manuals.</p>

#### **Educational equipment and supplies made available to schools, 2003-2007**

<i>Year</i>	2003	2006	2007	<i>Total</i>
Photocopiers	-	13,480	3,050	16,530
Air conditioners	-	1,176	-	1,176
Solar energy panels	-	38	-	38
School radio broadcasting facilities	2,665	4,836	-	5,012
Cameras	143	618	-	761
Televisions	807	61	223	1,091
Radios	-	61	-	61
Videos	-	61	-	61
School libraries	-	-	392	392
Storage batteries	-	-	200	200
Printers	807	597	200	60,1
DVDs	-	-	223	223
Recorders	1,567	3,812	223	4,191
Receivers	-	62	223	285
Workrooms and laboratories	-	1,774	494	2,268
Computer workstations	-	-	62	62
Computers	821	5,592	200	6,613

**School personnel training programmes delivered and numbers of participants, 2002-2007**

<i>Description</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>Total participants</i>
Teacher training	1,527	-	806	1,502	7,812	8,590	20,237
Teacher training	16,627	4,900	49,263	26,869	88,714	86,551	272,924
Guidance and drafting	100	107	-	3,468	-	44	3,719
School administration	123	2,986	10,464	11,380	760	17,442	43,155
Kindergartens		-	-	609	83	30	722
Social specialists		-	-	-	112	99	211
Workstation supervisors		-	-	-	271	1,536	1,807
Library supervisors		-	-	-	-	494	494
Home economics		-	-	-	-	44	44
Cooperative teaching		-	-	-	-	30	30
Computer skills		-	-	254	299	1,567	2,120
Glass etching		-	-	15		-	15
Recent trends in children's education						40	40
School health					26	300	326
Literacy guidance personnel						180	180
Literacy teachers					950	226	1,176
<b>Total</b>	<b>18,377</b>	<b>7,993</b>	<b>60,533</b>	<b>44,097</b>	<b>99,027</b>	<b>117,173</b>	<b>347,200</b>

**Progress achieved in the area of quality**

301. Pupils' knowledge acquisition results may be regarded as the leading indicator of any improvement in educational quality. In order to measure those results, the Educational Research and Development Centre conducted a study comparing pupils' test results in four subjects: life skills, science, mathematics and Arabic, in 2002 and 2005. The studies were aimed at measuring Grade 4 and Grade 6 pupils' basic competence levels in those subjects. The sample used was made up of 6,202 pupils of both sexes from 100 schools in 11 governorates.

302. Analysis of the responses to questions dealing with the school environment, covering the schools attended by respondents, teachers and the administration, showed that there was a link between excellence in pupils' knowledge acquisition in 2005 and excellence in inputs with a bearing on quality, such as school buildings, a high proportion of separate primary schools, schools that hold classes in the morning, teacher qualification levels, with a high proportion of teaching staff holding a university degree, in-service teacher training, and highly qualified administrators. The study found that administrators with general secondary-level qualifications or below were declining in numbers, while social specialists were increasing. Excellence also correlated with availability of classrooms, administrative offices and other spaces for various uses.



### **Expenditure on education**

303. A large gap in funding for the education sector resulted from the adoption of the national basic education development strategy, and the Ministry of Education has made strenuous efforts to muster the financial resources needed to plug that gap. It has successfully sought and obtained increased Government funding, and has persuaded a number of international donor agencies to support its education programmes. During the 2004-2007 period, it was able to join a number of international education-related projects, including the Fast Track Project and the Education for All incentive project.

304. The Ministry has been able to muster over \$146,000,000 from donors, including the World Bank, the Kingdom of the Netherlands, the United Kingdom, the German KfW Development Bank, JICA, the United States Agency for International Development, the World Food Programme and others. It has also obtained funding for an array of educational programmes from a number of other organizations, notably UNICEF. Thanks to these efforts, the public education budget grew from 105,815,000,000 Yemeni rials in 2003, representing 15.8 per cent of all public spending and 5.1 per cent of Yemen's gross domestic product in that year, to YER 173,000,000,000 in 2007, representing 20 per cent of public spending and 6.8 per cent of GDP.

### **Spending for education compared to all public spending and GDP, 2003-2007 (millions of YER)**

<i>Year</i>	<i>Spending for education</i>	<i>% of all Government spending</i>	<i>% of GDP</i>
2003	105,815	15.8	5.1
2007	173,000	20	6.8

### **Article 5(e)(vi): the right to equal participation in cultural activities**

305. The legal position on this matter was explained in the previous report.

### **Article 5(f): the right of access to public facilities**

306. The legal position on this matter was explained in the previous report.

## **Article 6**

### **The right to seek redress through national tribunals and other institutions**

#### **Measures taken to reform the judiciary and ensure its independence**

307. With reference to paragraph 6 of the Committee's concluding observations, it should be noted that the Government takes a close interest in matters of justice and the courts and has adopted and implemented a number of policies and procedures to support the independence of the judiciary and boost its role in public life. The process of modernization and development [of the judiciary] encompasses several objectives and areas of focus, with particular stress on human resources as the linchpin of reform. A series of measures and activities have been launched in this regard, the most important of which are listed hereunder.

*Legislative measures*

308. The judiciary has adopted a strategic judicial reform plan, consisting in a number of regulatory and legislative measures: the Judicial Authority Act was amended by Act No. 15 of 2006, and the functions of the President of the Higher Council of the Judiciary were transferred from the President of the Republic to the President of the Supreme Court. These measures were followed and accompanied by reform of the legislative framework governing the courts. A number of draft laws on the judiciary have been set before the House of Representatives, including:

- draft bill amending the Code of Civil Procedure;
- draft bill on commercial arbitration;
- draft bill amending the Penal Code;
- draft bill on court fees;
- draft bill on documentation;
- draft bill amending the Code of Criminal Procedure;
- promulgation of the Higher Judicial Institute Act (Act No. 34 of 2008);
- promulgation of the Higher Council of the Judiciary Regulations;
- promulgation of the Ministry of Justice Regulations;
- promulgation of the Documentation Act Regulations;
- promulgation of the Higher Disciplinary Council Regulations;
- promulgation of the Supreme Court Regulations;
- promulgation of implementing regulations for the General Provisions for Lesser Offences Act.

*Restructuring measures*

309. The Higher Council of the Judiciary and its secretariat have been restructured. The Council's terms of reference have been rewritten and the Council has been supplied with qualified staff. The Supreme Court and its registry and technical office have been restructured and implementing regulations have been issued. The Judicial Inspectorate has been restructured and its functions have been defined in conformity with the Judicial Authority Act and the recommendations emanating from the First National Dialogue Conference on Criminal Justice in Yemen. The Inspectorate has been provided with qualified staff experienced in performing judicial oversight functions and inspections. In addition, the Accountability Council of the Higher Council of the Judiciary, which holds local judges to account, has been restructured.

310. The Higher Institute of the Judiciary Act (Act No. 34 of 2008) lays down the rules on gaining admission to the Institute and provides for the establishment of a timetable for higher studies and a revision of the Institute's curricula. A draft republican decree was drawn up on the establishment of a criminal investigation department, defining the functions of the department and laying down regulations on its work and the work of regulatory agencies. In addition, a strategy on the development and modernization of the judiciary was designed, together with regulations on the organization of the Ministry of Justice and its departments and on the restructuring of the Office of the Public Prosecutor. A series of other implementing regulations have been issued, including regulations on the organization of the Higher Council of the Judiciary, regulations on the Real Property Register, regulations on the

establishment of an institute of forensic medicine, and regulations providing for the creation of a judicial documentation centre.

311. Other draft regulations have also been prepared, including Court Reporters Professional Corporation Regulations, Courts of Appeal and Trial Courts Regulations, implementing regulations for the General Provisions for Lesser Offences Act, and implementing regulations for the Expropriation in the Public Interest Act.

312. The judicial authority has provided commercial courts and divisions with qualified, experienced and impartial staff and with justices and experts. New technologies such as the Internet and archiving systems have been introduced and a general department has been set up for the commercial courts. Moreover, a programme has been set up to provide judicial officers who deal with commercial cases with training both in Yemen and abroad.

#### *Training and skills upgrading*

313. Judicial reforms have focused on the Higher Institute of the Judiciary, particularly on developing and updating its curricula and supplying it with qualified and specialized personnel. There are ongoing efforts to build the capacities and improve the skills of judges through continuing training in all areas where judges and members of the judiciary have training needs. Several courses have been held in Yemen and abroad for 1,450 judges and members of the Office of the Public Prosecutor. Special external training courses have been held for commercial court judges and lawyers, and a number of courses on trade law and arbitration have been organized, including some that have addressed commercial treaties and trade law. Fifteen judges have been sent abroad to pursue higher studies, and 895 have taken part in study visits abroad.

#### *Promotion and transfer of judges*

314. Promotions are decided on a regular basis. A total of 1,010 judges and members of the Office of the Public Prosecutor, including 40 women, were given promotions pursuant to Republican Decree No. 5 of 2008, and a partial mobility exercise involving the transfer of 273 judges and members of the Office of the Public Prosecutor was conducted.

#### *Measures to ensure judicial impartiality (inspections and accountability)*

315. In the context of reforms to ensure the independence of the judiciary, a draft code of conduct was drawn up for members of the judiciary and circulated among judges and other relevant parties for comments. The Judicial Inspectorate now plays a larger role in monitoring the work of judges and appraising their performance, conducting scheduled and unannounced inspections, receiving complaints from the public and examining them based on desk research and field investigations. In 2006, the Judicial Inspectorate undertook 46 field and unannounced inspections, targeting all judges of courts of first instance and appeal courts, 54 appeal divisions staffed by 162 judges and 250 courts of first instance and specialized courts staffed by 348 judges. The Complaints Department received, reviewed and processed 3,989 complaints. A total of 56 judges were summoned to the Inspectorate for clarifications and interviews about allegations of misconduct. Thirteen cautions were issued to judges proven to have committed a breach of duty and five judges were referred to the Accountability Council for disciplinary proceedings. Advisories were issued to a number of courts, instructing them to address various failings.

316. In 2007, several rounds of inspections were held, including 35 unannounced inspections and 12 inspections involving field investigations. Appraisals were carried out of

all 297 appeal courts and courts of first instance throughout Yemen, as a result of which 50 judges were summoned for clarifications and appropriate investigations were conducted. Moreover, 12 judges were sent before the Accountability Council and 10 cautions were issued. A total of 28 advisories were sent to judges, and the Complaints Department received and processed 2,886 complaints.

317. In 2008, the Inspectorate conducted unannounced inspections targeting 367 judges and members of the Office of the Public Prosecutor working in 26 courts of first instance and 7 appeal courts. As a result, 131 judges were summoned, and 253 advisories and disciplinary cases were referred to the Accountability Council. Judges and members of the Office of the Public Prosecutor were notified and issued with cautions in connection with allegations of misconduct.

*The Judicial Inspectorate (Office of the Public Prosecutor)*

318. The Judicial Inspectorate, an arm of the Office of the Public Prosecutor, has been reinforced and strengthened with a view to activation of its function of conducting periodic and unannounced inspections, examining the work of public prosecutors, evaluating their performance and urging them to process cases with all due care. In 2005, a number of unannounced inspections were carried out further to complaints or on instructions from the Public Prosecutor. A total of 61 unannounced inspections were carried out, and 403 members underwent scheduled inspections. Forty-six cases were investigated as a result of the inspections, while 68 were investigated based on alerts received or notices. The Judicial Inspectorate issued 98 warnings and notices. In 2006, there were 30 unannounced inspections carried out further to complaints or instructions issued directly by the Public Prosecutor. Sixty members underwent scheduled inspections. Forty-seven complaints against members of the Office of the Public Prosecutor were investigated following scheduled inspections, while 80 complaints were investigated based on alerts received or notices. The Judicial Inspectorate issued 115 warnings and notices.

319. In 2007, 130 members underwent scheduled inspections, and 9 complaints were examined, based on alerts or notices. Immunity was lifted for two members of the service, while three others were referred to the Accountability Council. Two members were subjected to disciplinary investigations and tendered their resignations, which were accepted. A total of 47 warnings and notices were issued. It should be noted that, in 2005, the Public Prosecutor issued a circular on the procedures for bringing criminal proceedings against law enforcement officers, the police and members of the security services.

320. In 2008, the Inspectorate carried out 46 unannounced inspections at prosecutor's offices in courts of first instance. As a result, four members of the Office of the Public Prosecutor had their immunity lifted.

*Measures concerning women*

321. In order to guarantee the right of women to employment in judicial functions and in the Government sector, in keeping with the principle of equal opportunities for men and women, the Higher Institute of the Judiciary opened its doors to women in 2006. The same criteria are used for men and women in regard to admissions and admission examinations. A total of 11 women have been admitted to the Institute, 5 of them in the fifteenth intake, 3 in the sixteenth intake and 3 in the seventeenth intake. The Institute is now open to women on a permanent basis.

322. A woman has been appointed to the Supreme Court bench for the first time in Yemeni judicial history. There are 36 women judges, and women also hold senior positions such as

those of chief public prosecutor and deputy undersecretary at the Ministry of Justice. A total of 2,256 women perform technical, clerical and service functions at the Ministry and the courts. The Ministry and its branches employ over 600 women, and that figure is growing.

323. With reference to paragraph 17 of the Committee's concluding observations and recommendations, it should be noted that there are no hard statistics on cases relating to racial discrimination. General statistics on a number of offences and categories of offences will be found in the Annex to this report.

## **Article 7**

### **Objectives of education**

324. This issue is addressed in the Public Education Act (Act No. 45 of 1992) and in the *Starting-points for school curricula* document, which lays out the objectives of education, both the general objectives and those for the several levels, and the subjects studied in schools. Article 15 of the Act states, "The aim of the education system is an evolving, comprehensive education that will contribute to the student's spiritual, ethical, intellectual and physical development, turning him or her into a citizen characterized by a balanced, integrated personality."

325. *Starting-points for school curricula* emphasizes that the philosophy of education in the Republic of Yemen is based on Arab, Islamic and human ideals featuring nobility of character, respect for human rights, freedom and dignity, equality in rights and duties, respect for individual freedom and dignity, and love of country and respect for its institutions and laws. That philosophy is also based on social justice, equality of opportunity to enjoy rights, informed receptiveness to the world's cultures and civilizations, and mutual recognition and understanding between peoples, along with concern for international issues, the principles of justice, equality, world peace and mutual respect among peoples, States and civilizations, and other educational principles aimed at building all aspects of the student's personality, developing his or her ability to think scientifically, analytically and critically and his or her initiative, creativeness, originality and participation.

326. In addition, the education system contains a number of general objectives aimed at realizing an evolving, comprehensive education that will contribute to the student's spiritual, ethical, emotional, social, intellectual and physical development as a citizen of Yemen, with a view to forming a healthy, sound, productive human being who can engage in the practice of democracy, fulfil his or her duties, observe private and public rights, assume responsibility, respect and uphold the rights of others, be concerned with issues affecting the lives of individual and the life of society, such as population, the environment, health, water, human rights and girls' education.

327. Concern to develop the objectives of the education system is ongoing, and in that connection. preparations for a comprehensive review and overhaul of those objectives, to accompany recent local, regional and international developments in various fields, are currently under way and have reached their final stages. Furthermore, this review and overhaul process is only one of the programmes in the common plan being implemented by the States of the Gulf Cooperation Council.

### **Integration of a human rights culture/the child as content in school curricula**

328. The issue of the integration of human rights into school curricula has been one of the activities undertaken by Yemen's Ministry of Education. It has carried out a number of preparatory operations in that connection, including those outlined below.

- A 2007 survey and analysis of children's rights concepts in school curricula, with support from UNICEF;
- A survey and analysis of human rights concepts in the contents of school curricula at both the primary and secondary levels is currently under way. The aim of this initiative is to determine to what extent these rights are included and to identify ways and means of distributing them among the various subjects taught at both levels. The next step will be to review the integration of human rights along lines appropriate to the characteristics of every pupil's development, age, needs and experience, and also along lines appropriate to the nature of each of the various subjects.

329. In addition, the Ministry has implemented an array of programmes along similar lines, of which the most important are summarized below.

- Participation in the task of preparing the Arab Plan for Human Rights Education that is currently going forward under the auspices of the League of Arab States after having been approved by Arab leaders at the Arab Summit held in Damascus in March 2008;
- Establishment in 2005 of a committee on human rights education comprising members from the competent divisions within the Ministry of Education, the Ministry of Human Rights, the Ministry of Foreign Affairs and civil society organizations;
- Continuation of the explanatory programme on international human rights law that has been under way since 2003, in cooperation with the International Committee of the Red Cross and a number of Government agencies, including the Ministry of Foreign Affairs and the Yemen Red Crescent Society. In 2008, activities under that programme were extended to 48 schools in 16 governorates;
- Yemen hosted the fifth regional meeting of the "Exploring international humanitarian law" programme, on the theme "Five years of experience in practice", which was held in Sana'a in November 2007. Thirteen Arab States attended the meeting;
- Introduction of "International humanitarian law" as a school subject in Grades 7-11 and preparation of a teacher's manual in 2008;
- Final preparations are currently under way for a survey of gender concepts in school curricula in response to a recommendation formulated by the Committee on the Rights of the Child following Yemen's submission of its third periodic report to that Committee. The recommendation dealt with action to improve the image of girls in school textbooks;
- Final preparations are currently under way for a survey of concepts relating to the development of awareness of democratic values and elections in school curricula with a view to reinforcing it.

## **Culture**

### *Training and information (dissemination of human rights principles)*

330. We reaffirm the statement made in our previous report to the effect that the Government of the Republic of Yemen is committed to the principles enunciated in this article. The present report also contains information on training and awareness relating to the dissemination of human rights principles.

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