



**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**

Fourteenth periodic reports of States parties due in 1999

Addendum

YEMEN*

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Definition

According to the International Convention on the Elimination of all Forms of Racial Discrimination 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, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.

This is how the concept of racial discrimination is defined under the articles and provisions of this international instrument which has been formally ratified and has entered into effect. The letter and spirit of the Convention are reflected in legislative, judicial, legal and administrative policies and its principles have been effectively incorporated into all legislative enactments, statutes and decrees concerned with the elimination of all forms of racial discrimination at all levels, in a manner consistent with our own beliefs in equality and with our Islamic culture, which rejects all forms of discrimination based on race, colour, sex, language or religion.

Article 1

Legislative, legal, judicial and administrative policies

Article 1, paragraph 1

1. The Constitution of the Republic of Yemen gives effect to the provisions of article 1 of the aforesaid Convention stipulating the need to ensure groups or individuals in States parties equal enjoyment or exercise of human rights and fundamental freedoms.
2. The nation’s commitment to this instrument was given a significant and decisive boost in 1972 when Yemen ratified the Convention, incorporating its provisions into legislative and legal policies. That commitment has been strengthened further under the Constitution which Yemen has recently adopted by popular referendum, particularly chapter II thereof which specifies the basic rights and obligations of citizens vis-à-vis these legislative and legal guarantees. According to article 40 of the Constitution: “All citizens are equal in regard to their public rights and obligations”. Those rights and obligations are defined under article 41 of the Constitution, as follows: “Every citizen has the right to participate in political economic, social and cultural life. The State guarantees freedom of thought and expression of opinion orally, by deed, in writing or in graphic form, within the limits of the law.” Article 42 of the Constitution guarantees every citizen the right to vote and to stand for election, and the right to express his or her opinion in popular referenda. The exercise of this right is regulated by law.

Article 1, paragraph 2

3. According to article 2 of the Penal Code: “Criminal responsibility is personal. There can be no criminal offence or penalty except as defined by the law.” Article 3 of the Penal Code specifies that the Code applies to all offences which come under the jurisdiction of the State, whatever the nationality of the offender may be.

4. Article 5 of the Code reads as follows: “Citizens are equal before the law. No person may be punished or harmed on grounds of nationality, race, origin, language, belief, occupation, standard of education, or social status.”

5. These provisions grant equal rights to both citizens and non-citizens, guarantee their personal freedom and safeguard their dignity and security. The circumstances in which a citizen may be deprived of his liberty are defined by law and no one can be deprived of his liberty except by order of a competent tribunal.

6. Under article 50 of the Constitution: “Citizens have the right to apply to the judiciary for the protection of their legitimate rights and interests. They also have the right to submit complaints, criticisms and proposals, directly or indirectly, to the organs and institutions of the State.”

7. The Constitution guarantees every citizen the right to education and the right to health-care services and social security benefits in the event of illness, disability, unemployment, or in old age. Citizens also have the right to form political and occupational associations and trade unions as well as scientific, cultural and social organizations and national federations (art. 53).

8. The State takes all the requisite measures to facilitate the exercise of these rights by citizens and to safeguard all the freedoms of political, trade union, cultural, scientific and social institutions and organizations so that citizens may be afforded adequate protection without the exclusion of any group, social class or section of society. All of these provisions are intended to promote adherence to the principles and precepts of social solidarity based on equality, equity, justice, the exercise of public freedoms, and equal treatment of citizens and non-citizens. These principles are entirely consistent with the purposes, aims, principles and general precepts of the Convention.

Article 1, paragraph 3

9. The Constitution provides that, with the exception of cases of flagrante delicto, no one may be arrested, searched, detained, placed under surveillance or investigated except in the manner prescribed by law. The practice of physical or mental torture is prohibited, as is the extraction of confessions by force. Any person whose liberty is restricted has the right to refuse to make any statements except in the presence of his lawyer. Corporal punishment and inhuman treatment at the time of arrest or during the period of detention or imprisonment are likewise prohibited (art. 47 (b)).

10. Corporal or mental torture at the time of arrest or during the period of detention is designated as a criminal offence which cannot be time-barred from prosecution. Any person found guilty of such an offence shall be punished (art. 47). The enforcement of penalties may not be effected except by unlawful means (art. 49).

11. Under article 50 of the Constitution: “Citizens have the right to apply to the judiciary for the protection of their legitimate rights and interests.”

12. Consistent with this approach to the exercise of such rights, the Government has endeavoured to create a judicial authority that enjoys judicial, financial and administrative independence, and with the Department of Public Prosecutions as one of its subsidiary organs. The courts render judgement in all disputes and criminal offences. Magistrates are independent and their decisions are subject to no authority other than the law. No party may interfere in any way in judicial cases or matters of justice. Such interference is considered a criminal offence which is punishable by law and cannot be time-barred from prosecution (art. 147).

13. In order to emphasize these rights the Government has made criminal responsibility personal. There can be no criminal offence or penalty except as defined by the law. Every accused person is innocent until proven guilty (article 46 of the Constitution).

14. As for rights relating to freedom from arbitrary interference in personal and family life, freedom of movement, the right to seek asylum, the right to nationality and the right to marry, all of these rights are granted to citizens and guaranteed and regulated by Yemeni law. Under the Constitution: "Homes and places of worship and learning are inviolable and may not be placed under surveillance except as prescribed by law" (art. 51). The confidentiality of communications by post, telephone and telegram is guaranteed. They may not be placed under surveillance, search or seized except in the circumstances specified by law (art. 52).

15. According to article 56 of the Constitution citizens are guaranteed the right to freedom of movement within Yemeni territory. The extradition of political refugees is forbidden (art. 45).

16. The holding of Yemeni nationality is regulated by law. A Yemeni can under no circumstances be deprived of his nationality, nor can it be withdrawn from a person who has acquired it, except in the manner prescribed by law (art. 43).

Article 1, paragraph 4

17. The right to own property is one of the rights provided for under the Constitution. Private property rights are protected and safeguarded and cannot be infringed other than in the public interest and against fair compensation (art. 7 (c)). According to article 20 of the Constitution it is forbidden to expropriate property.

18. Articles 28, 29 and 32 of the Constitution regulate the right of citizens to hold public office, the right to receive social security, the right to services, and employment rights.

19. The State guarantees freedom of scientific research and intellectual, literary and cultural achievement, in a manner consistent with the letter, spirit and aims of the Constitution, and also undertakes to provide the means needed to that end (art. 27).

20. As these provisions indicate, the Government pursues legislative, judicial and administrative policies which guarantee citizens and non-citizens on Yemeni territory the enjoyment of their rights to economic and social protection, and it does everything in its power to ensure the exercise of such rights.

21. According to the Code of Criminal Procedures all citizens are equal before the law. The enforcement of penalties involving deprivation of liberty is effected without discrimination against any social group, denomination or section of society. We have provided this overview of legislative, judicial and administrative measures in order to emphasize the fact that all citizens are treated equally, without distinction among them on grounds of sex, descent, origin or racial, class or tribal affiliation. The Code enshrines the loftiest principles of equality of treatment with regard to the public rights and obligations that are set forth therein.

Article 2

Legislative, legal, judicial and administrative policies

Article 2, paragraph 1

22. In conformity with article 2.1 of the Convention, the Government has adopted numerous legislative, legal, judicial and administrative policies which reaffirm the aforementioned rights and seek to promote understanding among all races.

Article 2, paragraph 1 (a)

23. There are no constitutional or legal provisions which make it permissible to practise any form of racial discrimination or to engage in an act or practice constituting racial discrimination against individuals, groups or institutions. The various provisions and articles concerned with this subject stress the importance of non-discrimination between citizens and non-citizens. The law contains no provisions which impede the enjoyment of these rights, particularly in the economic sphere. Indeed, the State offers numerous benefits to individual, joint and institutional investors to enable them to establish economic and commercial enterprises on the same footing as Yemeni citizens, pursuant to article 4 of the Investment Act which reads as follows: "The State guarantees Yemeni, Arab and foreign investors the freedom to invest in investment projects in accordance with the provisions of this Act." Under article 5 of the Act: "Arab and foreign capital and Arab and foreign investors shall be treated as Yemeni capital and Yemeni investors, without discrimination with respect to the rights, obligations, regulations and measures set forth under this Act and the ordinances promulgated in execution hereof."

24. According to article 3 of the Act: "Industrial and agricultural enterprises may establish commercial premises alone or in association with other enterprises for the purpose of selling their products, provided that the business of these premises is limited to the selling of such products, regardless of the nationality of those participating in the capital or management of the said enterprises."

25. Article 13 (a) of the Act stipulates: "Enterprises may not be nationalized or confiscated nor may their assets be seized, expropriated, frozen, impounded or sequestered other than by a court of law."

26. The rights of foreign investors who conduct economic and commercial enterprises are safeguarded pursuant to article 18 of the Act, which reads as follows: "An investor shall be

entitled to transfer his foreign currency funds from abroad to the Republic of Yemen, [through a bank located in Yemen] for the purpose of investing the said funds. If he decides to forego the investment, he may retransfer these funds abroad, together with any interest accrued thereon, in the same or in any other freely convertible currency.”

27. Article 19 (a) of the Act safeguards the rights of foreign investors after an enterprise has been established, including their right to transfer the foreign capital invested in the enterprise abroad upon liquidation or disposal.

28. According to article 20 of the Act: “An investor may dispose of all or part of his capital invested in an enterprise in freely convertible foreign currency or local Yemeni currency after giving notice thereof to the General Investment Authority, providing that three years have elapsed from the date of enterprise start-up. The new owner shall take the place of the former owner with respect to the rights and obligations specified by this Act, except for those provisions concerning the transfer of profits and invested capital abroad where disposal has been effected in local Yemeni currency.”

29. Article 21 of the Act reads as follows: “Subject to certain conditions, enterprises may import, directly or indirectly, any fixed assets, means of transport or production inputs compatible with the nature of their business activities as they require for their establishment, expansion, development or start-up, within the limits of the foreign currency credit of the enterprise and according to the lists of requirements issued by the Authority. There shall be no need to register such requirements as imports. The Authority shall have competence for authorizing the enterprise’s import requirements, upon the simple presentation of the enterprise’s business licence and the lists of requirements issued by the Authority. No other documents or procedures shall be necessary.”

30. Article 22 (a) of the Act provides as follows: “Enterprises shall as far as possible recruit and train Yemeni nationals. They may recruit non-Yemenis in accordance with the terms of their licence and shall be entitled to obtain work visas and residence permits for these personnel for the purposes of the investment.”

31. Article 34, paragraph 12, of the Investment Act stresses the importance of gathering and disseminating the data and information needed to familiarize investors with the investment climate in Yemen and of facilitating their access upon request to the requisite studies, data and information for the establishment of their enterprises. With regard to administrative complaints and the settlement of investment disputes, article 68 of the Investment Act stipulates that investors and enterprises may appeal against decisions by submitting a written request to the authority that issued the decision, or to the Chairman of the General Investment Authority or its Governing Body within 20 days from the date of notification of the decision. The party appealed to shall decide on the appeal within 30 days from the date of its submission. Failure to provide a reply within this time-limit shall be deemed a rejection of the appeal and shall entitle the appellant to submit it to the Prime Minister. The Prime Minister shall decide on the appeal within 10 days or refer it to the Council of Ministers to take such decision as it views appropriate, within a period of no more than 30 days. These legal provisions afford legislative and legal protection to individual investors, groups of investors and institutional investors and are binding upon the public authorities at both the national and local levels.

Article 2, paragraph 1 (b)

32. Under article 39 of the Constitution: “It is forbidden to utilize the armed forces, security forces, police force or any other forces for the benefit of a political party, individual or group. This measure is intended to safeguard such forces against any form of party political, racial, confessional, regional or tribal bias, to guarantee their impartiality and their proper discharge of their national duties. Members of these forces shall be prohibited by law from joining or participating in party political activities.”

33. Article 3 of the Political Parties and Organizations Act stipulates: “In accordance with the provisions of the Constitution of the Republic of Yemen, public freedoms, including political and party pluralism based on constitutional legitimacy, are regarded as a right and a cornerstone of the political and social system of the Republic of Yemen which may not be revoked or restricted nor may any method be used to obstruct the freedom of citizens to exercise such right. No political party or organization may abuse this right in contravention of the need to safeguard national security, sovereignty, stability and unity in the national interest.”

34. According to article 5 of the Political Parties and Organizations Act: “Yemenis have the right to form political parties and organizations and to voluntarily join any party or political organization in accordance with the Constitution and the provisions of this Act.”

35. The legal provisions of the Constitution therefore promote the elimination of all forms of discrimination and help to discourage the manifestation of any form of racial discrimination by any person, political organization or party.

Measures and procedures

36. The Government has created a democratic political, economic and social system based on political and economic pluralism and human rights. It endeavours at the same time to protect and ensure respect for the rights of individuals and their private property and also strives to afford equal treatment to all sectors by offering opportunities for legitimate competition between all public, private, cooperative and mixed economy sectors at the national and local levels. The Government prohibits the financing or sponsorship of any political, economic, social or cultural activity which is based on racial discrimination. Its policies reaffirm the primacy of the principles and practice of social justice in economic and industrial relations as a means of achieving social integration and social cohesion.

37. In order to give effect to these constitutional commitments, precepts and fundamental principles priority has been given in Yemen’s economic, social, political and human resource development plans to the safeguarding of these rights and their implementation in the First and Second Five-Year Plans. The Plans devote attention to human rights issues in the implementation of relevant government policies which facilitate the achievement of sustainable and balanced economic, social and human development.

38. Article 61 of the Local Authority Act No. 4 of 2000 empowers local district councils to recommend economic and social development projects for their districts and to oversee their implementation, with a view to developing and improving the basic services provided to the local community. The councils also steer, oversee and monitor the work of executive agencies, and strive to discharge the following functions and competences:

(a) To recommend draft plans and annual budgets, approve the district's draft final accounting statement and submit them to the governorate's local council for review and approval pending the completion of the procedures for their final approval;

(b) To review statistical and factual information and conduct field surveys in order to define priorities and evaluate projects;

(c) To guide, oversee and monitor the work of technical agencies in the district; evaluating their success in implementing plans and programmes; and questioning their managers and accounting methods. They may also withdraw confidence from the agencies, if the latter fail to meet their obligations under the Act and the laws enacted in implementation thereof;

(d) To review and approve construction project proposals and submit them to the governorate's local council for the completion of the procedures for their final approval. They also oversee and monitor the implementation of these projects;

(e) To review and discuss the district's financial position and its access to central funding and to adopt the requisite recommendations in that regard;

(f) To monitor the enforcement of laws and executive ordinances in all spheres and take adequate measures to address any shortcomings or violations that may arise;

(g) To debate public matters which concern the citizens at the district level and issue the requisite decisions and guidelines thereon;

(h) To recommend regulations and guidelines for participation by citizens in the establishment and maintenance of basic services projects financed by or in partnership with citizens and for monitoring the implementation of such projects once they have been approved by the governorate's local council;

(i) To monitor and enforce regulations and procedures aimed at facilitating and enhancing cooperation between executive agencies and citizens in all spheres.

Article 1, paragraph (c)

39. A number of definite measures have been taken to review policies in accordance with the purposes of the Convention, as described here below:

- (i) All citizens are guaranteed equal rights and the conditions are being created to ensure true equity between individuals and social groups;

- (ii) Social services are being developed, particularly for the disadvantaged and the poor living in particularly difficult circumstances. Government expenditure is being raised and the private sector is being encouraged to participate in the health and education sectors. Support is being given for grass-roots involvement in the development and enhancement of local social services;
- (iii) In order to combat poverty a poverty information network project has been established; a poverty audit has been carried out and work has been undertaken to strengthen the social safety net and its mechanisms;
- (iv) Attention is being paid to deprived, impoverished, disadvantaged and the poorest regions in order to provide them with basic infrastructure services that will afford a life of dignity;
- (v) Employment opportunities are being generated through the introduction of a public works project aimed at encouraging local investment and offering local workers a variety of employment opportunities and options in a manner consistent with employment creation policies;
- (vi) An integrated national database is being set up on the labour market to identify the market's demand for this type of national labour;
- (vii) In 1999 a national employment survey was carried out to ensure that new workforce policies were being formulated in accordance with labour market needs;
- (viii) National unity and social ties between citizens have been reinforced to enable every citizen to fulfil his full obligations towards society and society to guarantee the citizen his full rights and freedoms;
- (ix) All of these principles and aims and the policies and procedures adopted in furtherance thereof preclude any form of discrimination or distinction between citizens.

Legislative, economic and administrative policies

40. Through the Constitution and practical measures in the domain of public affairs the Government promotes the principle of power sharing. This right is enshrined in article 4 of the Constitution, which provides: "The people is the source and holder of authority, which it exercises directly, through referendums and public elections, and indirectly through the legislative, executive and judicial bodies and the elected councils."

41. Men and women are guaranteed the right to participation. The general intention of the measures which the Government has taken is to abrogate any laws which have the effect of creating or perpetuating racial discrimination. The Government's regulations and laws

concerning the justice system and administration by the various national and regional government institutions prohibit any activity which may result in the strengthening of ethnic, confessional, tribal or social divisions.

Article 2, paragraph 1 (d)

42. The right to form and belong to a trade union is guaranteed under article 57 of the Constitution which provides as follows:

“Citizens throughout the Republic, insofar as it is not inconsistent with the Constitution, have the right to form political, occupational and trade union organizations. They also have the right to form scientific, cultural and social organizations and national federations in furtherance of the objectives of the Constitution. These rights are guaranteed by the State, which shall take all the requisite measures to facilitate their exercise by citizens and to safeguard all the freedoms of political, trade union, cultural, scientific and social institutions and organizations.”

43. Article 151 of the Labour Code stipulates the right of workers and employers to form and voluntarily join organizations seeking to further their interests and defend their rights and to represent them in all matters affecting them vis-à-vis institutions, councils and congresses. According to paragraph 2 of that article, trade unions and professional associations have the right freely to pursue their activities free from any intervention or interference in their affairs.

44. Under article 152 of the same Code: “Trade union representatives may not be dismissed or otherwise penalized on account of their involvement in trade union activities in conformity with this Code, the Trade Union Organization Act, and the statutes and ordinances in application thereof.”

45. The Government has drafted a trade union bill and submitted it to the legislative authority for enactment. The Bill covers such subjects as trade union freedoms, the procedures relating to the formation and promotion of trade union organizations, trade union activism and the rights and obligations of trade unionists. The Bill is in conformity with the provisions of International Labour Organization (ILO) Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize (1948) and ILO Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively (1949), which Yemen has ratified.

Article 2, paragraph 1 (e)

46. With regard to the encouragement of integrationist organizations and movements, the Government has promulgated the Cooperative Societies and Associations Act which provides for the establishment of these kinds of integrationist multiracial organizations in order to meet the country’s development needs.

Measures and procedures

47. In order to ensure the adequate development and protection [of certain groups] for the purpose of guaranteeing them the equal enjoyment of human rights, the Government has promulgated the Social Welfare Act No. 1 of 1996 concerning special groups and sections of society, including widows, the poor, paupers, women without a family provider, families where the provider is regularly absent, the families of current and former prisoners, persons suffering from a total permanent disability, a partial permanent disability, a total temporary disability and/or a temporary disability. Women and men in all of these categories are entitled to social welfare in the form of cash or kind or a combination of both, according to the circumstances specified by the Act. The Social Welfare Act also caters for women without a family provider, meaning widows, divorcees, unmarried women with or without children or women over the age of 35 who have never married. In each of these cases the woman in question must be unfit for work, have no fixed income or provider to support her and be unable to gain employment.

Measures and procedures

48. The general policies of the State support the establishment of institutions devoted to social, economic, health and human development and human rights. The State does everything in its power to promote these goals so that the benefits of democracy may be shared as widely as possible. This can be seen in the type of democratic changes which the Government is seeking to introduce. The total number of trade unions and associations operating in these fields currently stands at 2,400. Such organizations play an effective, active and influential role in development and human rights affairs.

49. The Government's social policies also encourage multiracial integrationist organizations and movements which work in development generally, and they support the formation of friendly societies as well as cooperation with Arab, regional and international organizations. The State is also an active and influential member of organizations and institutions concerned with social, economic, cultural and human rights.

50. The State has formally instituted a policy of political pluralism pursuant to the Political Parties Act of 1991. The Act is designed to create the right conditions for the growth of political participation. It stipulates the right to freely form political parties and organizations and encourages competition between them as a means of disseminating and consolidating democratic ideas and practices. A total of 15 political parties are currently carrying out business in accordance with the provisions of this Act.

51. The Press and Publications Act guarantees individuals and groups of citizens the right to freedom of the press and contributes to the expansion and dissemination of press, publishing and print media services, increasing the number of outlets for the expression of freedom and democracy in their various forms through the effective participation of all channels of communication, the expansion of the media and the identification of shared development goals in a manner consistent with the basic freedoms provided for under the Constitution and the legal provisions of the Act.

52. All of these various legislative policies, practices and measures support the people's right to self-determination and are designed to discourage policies based on any form of racial discrimination. They are intended to enable citizens to enjoy the fruits of these laws and policies which aim at enhancing and accelerating the process of social and economic change in the spheres of private and public life in a manner consistent with the purposes and aims of this important international convention on the elimination of all forms of racial discrimination.

53. The State applies the necessary measures and procedures to guarantee special protection to special categories and persons living in particularly difficult circumstances. Its policies, programmes and plans make provision for groups which are socially isolated and at risk of marginalization, including beggars, servants, disabled persons, older persons, the homeless, juvenile delinquents and persons at risk of delinquency, victims of violence and widows. Numerous programmes and projects have been carried out to satisfy the unmet needs of these groups and protect them against further isolation and marginalization, with a view to integrating them into ordinary life, allowing them to regain their place in society and averting the dangers which their marginalization can pose for the stability and security of society.

54. The social services sector has witnessed the emergence of a movement which is actively involved in the development and promotion of dedicated services for these groups. These groups are able to form their own trade unions and occupational, social and humanitarian organizations and associations and are afforded the opportunity to enjoy all civil, political, economic and social rights on the same footing as all other citizens. Indeed, these groups are singled out for special attention by being provided with various facilities that help to expand the institutional framework which applies to them. Special laws have been enacted to cater for these groups. The Disabled Persons' Welfare and Rehabilitation Act, the Minors' Welfare Act and the Social Welfare Act, for example, guarantee all of these groups the enjoyment of all social and human rights. These Acts have been incorporated into programmes and projects devoted to providing dedicated services for special categories.

Article 3

Legislative, judicial and administrative policies

55. In conformity with the provisions of article 3 of the Convention, the Government of Yemen eschews all forms of racial segregation and endeavours to prohibit and eradicate all practices of this nature in the governorates, regions and districts which form part of the administrative system. The Local Authority Act No. 4 of 2000 defines the local council electoral system as the best means of involving society in power sharing. The Act consists of 174 articles in furtherance of these objectives and principles.

56. Article 5 (a) of the Act divides Yemeni territory into administrative units in accordance with the administrative reorganization of the Republic. The Act establishes the number, division and boundaries of these units and paragraph 5 (b) thereof stipulates the right of the administrative units to enjoy legal personality. According to article 8 of the Act: "Each administrative unit shall have an elected local council which is chosen by free, direct and equal suffrage, in conformity with the provisions of the Constitution and this Act."

57. Article 91 of the Act guarantees the citizens in administrative units the right to vote and to stand in for election to the local councils under the terms specified in the Act. According to article 15 of the Act the competences and functions of the councils are defined in accordance with the Constitution, the general policy of the State, the provisions of the Act, and all the laws in force.

Article 4

Legislative, judicial and administrative policies

Article 4, paragraph (a)

58. In conformity with article 4 (a) of the Convention, the Yemeni State discourages all discriminatory practices whether they involve the dissemination of ideas based on theories of racial superiority or acts of violence. Its legislative and legal policies and prevailing laws categorically reject discriminatory policies or the provision of assistance to racist activities. This stems from our national laws and the spirit of the tolerant Islamic Shariah, which preaches the values of cooperation, tolerance, integration and social solidarity.

Article 4, paragraph 4 (b)

59. The Cooperative Societies Act No. 39 of 1998 incorporates a number of elements designed to take account of the rapid changes imposed by social and economic development needs. The general policies of the Government are intended to prevent cooperative societies from practising or inciting any form of racial discrimination against the individuals or groups which they target. There are no legal impediments or barriers excluding individuals from joining or participating in the activities of cooperative societies. It is illegal for these societies to engage in propaganda activities which promote and incite racial discrimination. Involvement in such activities is considered an offence which is punishable by law.

Article 4, paragraph (c)

60. Please refer to the above information concerning the Local Authority Act.

Measures and procedures

61. The State's programmes and policies condemn racist activities based on [theories of] superiority or hatred, wherever they occur, and seek to combat and eradicate them using all appropriate means and mechanisms. The pursuit of such activities is categorized as a criminal offence which is punishable by law. No effort is spared to condemn and combat these activities. The above-mentioned articles and legal provisions best illustrate this stance which our country takes at the local, national, regional and international levels in all cultural, scientific, intellectual and humanitarian forums and meetings.

62. The State encourages the establishment of cultural, occupational, social, economic and innovative organizations and institutions and views participation by civil society institutions as the cornerstone of the national development partnership, as its policies clearly show. The

fundamental role which these institutions play in the development process is highlighted by the Constitution, government programmes and the efforts of the political leadership to foster their participation and the sharing of responsibility for the management of social affairs with the State. These institutions are viewed as strategic partners and allies supporting all government efforts and aims in the areas of policy formulation, planning and programme and project implementation. Statistical indicators and data reveal the extent to which these organizations have grown in quantitative and qualitative terms. There are a total of 15 political parties, more than 240 occupational and workers' associations, 42 trade unions and human rights organizations, 10 public affairs organizations and 25 women's organizations and associations. Cooperative societies are also becoming more involved in the implementation of economic policies. The total number of these stands at 772.

63. The Charitable Associations and Organizations Act No. 1 regulates the work of this kind of institution, offering them protection and material and moral support.

64. All of these institutions receive political support and assistance from international donor organizations, in the form of logistical, technical and financial aid and training programmes devoted to institutional capacity-building. This ensures that the activities and programmes targeted at end users are sufficiently diverse to maximize the benefits derived from the services provided.

65. More than 46 million Yemeni rials are earmarked each year to support and promote the activities of these institutions in the field of social services. The Government promulgated the Charitable Associations and Organizations Act in order to coordinate and encourage these efforts and to raise performance levels to the desired levels. The Government has also promulgated the Non-governmental Organizations and Charitable Institutions Act which contains a number of provisions designed to strengthen the role of these types of organizations and enable them to discharge their mandated functions. These organizations helped to shape the articles and provisions of the Act to take account of the development needs and requirements of the voluntary and charitable sectors and respond to the changing and multi-faceted needs of the users of their services.

Article 5

Article 5, paragraph (a)

66. In conformity with the provisions of article 5 of the Convention chapter III of the Yemeni Constitution defines the role of the judicial authority. Article 147 of the Constitution reads as follows: "The judicial authority has judicial, financial and administrative independence and the Department of Public Prosecutions is one of its subsidiary bodies. The courts are responsible for rendering judgment in all disputes and offences. Magistrates are independent and their decisions are subject to no authority other than the law. No party may in any way interfere in judicial cases or matters of justice. Such interference is regarded as a criminal offence which is punishable by law and cannot be time-barred from prosecution."

67. According to article 148 of the Constitution: “The judiciary is an integral unit. The law organizes its bodies and ranks and specifies the competences, qualifications, terms and procedures for the appointment, transfer, and promotion of magistrates and their other guarantees. The establishment of extraordinary courts shall not be permitted under any circumstances.”

68. Under article 149 of the Constitution: “Magistrates and members of the Department of Public Prosecutions cannot be dismissed except under the circumstances and conditions specified by law. They may not be transferred from a judicial to a non-judicial post other than with their consent and the approval of the competent authority, unless such measure is taken for disciplinary purposes. Disciplinary proceedings against the judiciary are regulated by law. The legal profession is regulated by law.”

69. Article 150 of the Constitution reads as follows: “The judiciary has the right to establish a Supreme Council, the organization, functions and procedures for the nomination and appointment of the members of which are regulated by law. The Council endeavours to enforce the guarantees afforded to the judiciary in terms of appointment, promotion and dismissal, in the manner prescribed by law. The Council is responsible for reviewing and approving the draft judicial budget.”

70. According to article 151 of the Constitution: “The Supreme Court is the highest judicial authority. Its composition, functions and procedures are defined by law. The Court discharges its functions in particular with regard to the administration of justice.”

71. Article 47 of the Constitution reads as follows: “Criminal responsibility is personal. There shall be no crime or punishment except as defined by Shariah or the law. Every accused person is innocent until proven guilty by final court judgment. It is forbidden to enact a law punishing acts which were perpetrated prior to its enactment.”

Article 5, paragraph (b)

72. Article 48 of the Constitution stipulates: “Anyone who is provisionally arrested on suspicion of the commission of an offence must be brought before a magistrate within 24 hours from the time of his arrest. The magistrate or the Department of Public Prosecutions must inform him of the reasons for his arrest, question him, permit him to make statements in his defence and to file any complaints. The magistrate must immediately issue a substantiated order for his remand in custody or release. Under no circumstances may the Department of Public Prosecutions remand a person in custody for longer than seven days, unless a further judicial order is issued. The maximum period of remand in custody is determined by law.”

73. Article 49 of the Constitution stipulates the right to defend oneself in person or through legal counsel at all stages of examination, pleadings and before the courts, in accordance with the provisions of the law. By law, the State must provide legal assistances to those who are unable to afford it.

74. According to article 51 of the Constitution: “Citizens have the right to apply to the judiciary for the protection of their legitimate rights and interests. They also have the right to submit complaints, criticisms and proposals, directly or indirectly to the organs and institutions of the State.”
75. Under article 154 of the Constitution: “Court sessions are held in public, unless the court decides for reasons of public security or morals to hear a case in camera. In all cases verdicts shall be pronounced in open session.”
76. Article 2 of the Judicial Authority Act stipulates that litigants are equal before the law, regardless of their status and circumstances.
77. Article 5 of that Act provides that court hearings must be held in public, unless the court decides they should be held in camera in order to safeguard public order and morals. In all cases verdicts are pronounced in open court. These provisions are consistent with the provisions of the Constitution.
78. In accordance with article 2 of the Penal Code criminal responsibility is personal. There can be no offence or punishment except as defined by law. Article 3 of the Code stipulates that the Code applies to all offences which come under the jurisdiction of the State, whatever the nationality of the offender may be.
79. According to article 5 of the Code of Criminal Procedure: “All citizens are equal before the law. No person may be penalized or harmed on grounds of nationality, race, origin, language, belief, occupation, standard of education or social status.”
80. Under article 4 of the Code: “An accused person is innocent until proved guilty and shall be given the benefit of the doubt. No penalty shall be imposed until a trial has been conducted in the manner prescribed by this Code and in which the right to a defence is safeguarded.”
81. Article 9 (a) of the Code stipulates: “The right to a defence is guaranteed. The accused is entitled to defend himself in person or to have recourse to a defence attorney at any stage of a criminal case, including the examination stage. The State shall provide accredited defence lawyers to act on behalf of indigent persons.”
82. Paragraph (b) of the same article further stipulates: “The arresting officers, the Department of Public Prosecutions and the court shall inform the accused person of his rights in respect of the charge against him and of the legal remedies that are available to him. They shall also endeavour to safeguard his personal and financial rights.”
83. The Constitution guarantees the personal inviolability of citizens and undertakes to safeguard their dignity and security. The circumstances in which a citizen may be deprived of his liberty are defined by law and no one can be deprived of his liberty except by order of a competent tribunal.
84. With the exception of cases of flagrante delicto, or of an order concerning the need to establish or maintain public security no one may be arrested, searched or detained without a

warrant issued by a magistrate or the Department of Public Prosecutions, in compliance with the provisions of the law. No person may be placed under surveillance or investigated except in the manner prescribed by law. The dignity of any person whose liberty is in any way restricted must be safeguarded. The practice of physical or mental torture is prohibited, as is the extraction of confessions by force during investigations. Any person whose liberty is restricted has the right to refuse to make any statements except in the presence of his lawyer. It is prohibited to imprison or detain any person in places other than those subject to the Organization of Prisons Act. Corporal punishment and inhuman treatment at the time of arrest or during the period of detention or imprisonment are likewise prohibited (art. 47 (b)).

85. Anyone who is provisionally arrested on suspicion of the commission of an offence must be brought before a magistrate within 24 hours from the time of his arrest. The magistrate or Department of Prosecutions must inform him of the reasons for his arrest, question him, permit him to make statements in his defence and to file complaints. The magistrate must immediately issue a substantiated order for his remand in custody or release. Under no circumstances may the Department of Public Prosecutions detain him for longer than seven days, unless a further judicial order is issued. The law establishes the maximum period for remand in custody (art. 47 (c)).

86. Article 166 of the Penal Code stipulates: “Any public official who, in the course of his duties uses torture, force or threats, directly or indirectly, against an accused person, witness or expert in order to extract a confession to an offence or statements or information pertaining thereto shall be liable to a maximum penalty of 10 years’ in prison. This shall not prejudice the right of the victim to claim retribution (qasas), indemnity for bodily injury (diya) and money for the shedding of blood (arsh).”

87. According to article 167 of the Penal Code: “Any public official who punishes a person, or applies a different or more severe penalty than that stipulated in the final court judgement, or refuses to enforce an order for a person’s release for which he is responsible, or deliberately keeps a person in a penal institution beyond the term specified in the final court judgement shall be liable to a penalty of a term of imprisonment and shall in any case be removed from his post.”

88. Article 168 of the Penal Code stipulates: “A penalty of up to one year in prison or a fine shall be imposed upon any public official who subjects people to cruel treatment, relying on an abuse of the authority of his office and in so doing violates the integrity of such persons or causes them bodily harm. This shall be without prejudice to the right of victims to claim retribution (qasas), indemnity for bodily injury (diya) and money for the shedding of blood (arsh). In all cases, the official in question shall be removed from his post.”

89. Article 169 of the Penal Code stipulates a maximum penalty of three years’ imprisonment for any public official who knowingly searches a person, his home or premises without that person’s consent or under circumstances other than those prescribed by law.

90. Article 246 of the Code stipulates a maximum penalty of three years’ imprisonment for any person who uses any unlawful means to arrest, detain or deprive a person of his liberty. The penalty is increased to a maximum of five years’ imprisonment, if the offence is committed by a

public official, a person impersonating a public official, a person bearing arms or two or more persons without good reason, or if the victim is of limited or diminished intellectual capacity or the victim is deprived of his liberty or his life or health are put at risk.

91. Under article 247 of the Code any person who commits this offence without taking part in the arrest, imprisonment or detention of the person in question faces a maximum penalty of three years in prison or a fine.

92. The Judicial Authority Act endorses the provisions of the Constitution and of prevailing laws concerning the right of the individual to security of person and to the protection of the State against any form of cruel or inhuman treatment.

93. Under article 5 of the Code of Criminal Procedure: "Criminal charges may not be brought against magistrates or members of the Department of Public Prosecutions except as authorized by the Supreme Judicial Council on the basis of a request from the Director of Public Prosecutions and subject to prior notification of the Minister of Justice. The Council designates the court responsible for hearing the case against the magistrates or members of the Department of Public Prosecutions in question."

94. The Supreme Judicial Council has exclusive competence for judicial discipline, which it administers through a special board constituted according to the nature of the complaint which is submitted by the Judicial Investigation Board after it has been examined by magistrates who are of a higher rank than the magistrate under investigation. The dignity and rights of the magistrate against malicious claims are protected. The Penal Code guarantees various forms of protection of citizens' rights and contains several explicit provisions prohibiting the infringement of these rights and specifying the penalties to be imposed on any public official who abuses his position of authority to infringe people's rights. The inviolability and confidentiality of communications by post, wire, wireless and all other media is guaranteed under the Constitution. They may not be placed under surveillance, searched, divulged, delayed or confiscated except in the circumstances prescribed by law or by order of the Department of Public Prosecutions or the competent tribunal.

95. According to article 14 of the Code of Criminal Procedure: "The inviolability of a citizen's private life may not be infringed in circumstances other than those prescribed by this Code. The commission of any one of the following acts shall be deemed an infringement thereof:

"(a) The interception, recording or transmission of conversations conducted in a private place or by telephone or by any other type of apparatus;

"(b) The transmission of the image of a person in a private place using any type of apparatus whatever;

"(c) The examination or seizure of letters, correspondence or telegrams."

According to article 9 of the Post and Postal Savings Act No. 64 of 1991:

“(1) The confidentiality of correspondence is guaranteed under the Constitution. Letters may not be placed under surveillance or divulged except for the following:

“(a) Correspondence that is sequestered by order of the judicial authority for the purpose of investigating a serious or minor offence;

“(b) Correspondence that is dispatched by a trader who has been declared bankrupt and is subject to an order of the judicial authority;

“(c) Postal correspondence which is effectively undeliverable.

“(2) It is not permissible to examine or reproduce dispatched correspondence, official documents or administrative records except at the request of the competent judicial authority.

“(3) The judicial authority shall return postal correspondence, official documents and administrative records to the postal service, indicating thereon, in the event of its release by the competent judicial authority, that it has released the correspondence after using it for the purpose for which it was seized.”

96. According to article 10 of the Code of Criminal Procedure the confidentiality of postal correspondence is deemed to have been breached in the following circumstances:

(a) Where the contents of postal correspondence are examined by any method;

(b) Where the contents of dispatched postal correspondence are disclosed or the information written thereon is divulged;

(c) Where information or photographic copies of official documents, administrative records, files or proof of posting or delivery of any postal correspondence is divulged in circumstances other than those prescribed by law and the executive ordinances issued in application thereof.

97. Article 11 of the same Code provides as follows: “Every postal official shall take an oath, in person or by proxy, to faithfully discharge his official duties and preserve the confidentiality of correspondence and all postal transactions within the scope defined by this Code and the laws in force.”

98. According to article 15 of the same Code:

“(1) The General Post and Postal Savings Authority shall be entitled, subject to a court order, to seize postal correspondence addressed to:

“(a) A person who is deceased;

“(b) A person without legal capacity;

“(c) A person who has been declared bankrupt;

“(d) A company which has gone into liquidation or been declared bankrupt;

“(e) A person or company whose private correspondence is liable to seizure by an order of the court.

“(2) The seizure of such correspondence shall continue until a court judgement or order has been delivered concerning the procedure for its disposal.”

99. According to article 30 of the Code: “It is not permissible to seize money or interest accrued on postal savings accounts during the lifetime of the depositor or after his death except to defray such expenses as are specified in a court order. However, such money may be foregone under the circumstances and according to the procedures established by the Governing Body and in a manner that does not contravene the laws in force.”

100. Article 31 of the Criminal Procedure stipulates that transactions between the Postal Savings Bank and depositors are strictly confidential. It is not permissible to disclose information about or for anyone to examine them except at the request of the judicial authority or a person with a rightful claim who has submitted substantiating legal documents.

101. Under article 32 of the same Code: “There shall be no objection to returning deposits to their owners or a rightful claimant. If the person requesting their return is without legal capacity or has been convicted in absentia the provisions of the laws in force shall be applied.”

102. According to article 33 of the Act: “If 25 years have elapsed since the last deposit or withdrawal was made or since the deposit book was presented for any kind of transaction, the management of the Postal Savings Bank shall send a letter of recall by registered post to the depositor’s heir or heirs or their legal representative and shall also undertake to place an announcement in the local newspaper and reactivate the closed account. If none of these persons appears within three months from the date of the announcement, the costs of the registered letter and the newspaper announcement shall be debited to the account and the balance shall remain in the depositor’s name without calculating the interest thereon.”

103. Article 34 of the Act stipulates as follows:

“(1) No person who is legally disqualified may open an account in his name in the Postal Savings Bank.

“(2) It is permissible to open an account or deposit money in the Postal Savings Bank on behalf of a person under the supervision of a legal guardian, trustee or personal representative, pursuant to an ordinance issued by the Governing Body. Such persons shall not do business directly with the Bank, except by order of the competent judicial authority.

“(3) The ordinance shall specify the procedures for offering proof of guardianship or trusteeship.

“(4) It is permissible to open an account and deposit money in the Bank on behalf of a minor. The latter shall be entitled to withdraw the money deposited, in person, upon reaching the age of 15.”

104. Under article 35 of the Act: “It is permissible to open an account and deposit money in the Bank in the name of a person who is absent, under the terms and according to the regulations specified by the Governing Body.”

105. Article 69 of the Act establishes the penalties that apply to the commission of offences in this regard. According to this article: “Any person who commits any of the following offences or misdemeanours shall face the penalties stipulated by the laws in force:

“(1) A person who tampers with post boxes for the purpose of destroying or stealing contents thereof;

“(2) A person who steals postal correspondence or an item contained therein after the item has been posted and prior to its delivery to the addressee;

“(3) A person who tampers with post bags while they are being transported from one place to another with the intention of causing malicious damage or of theft;

“(4) A person who accepts stolen postal correspondence or disposes of it or its contents, knowing it to be stolen;

“(5) A person who deliberately places fireworks or explosives in a piece of postal correspondence for the purpose of causing damage to a person, the property of the State or individuals or of disturbing the peace;

“(6) A person who counterfeits or forges postage stamps with the intention of using them for unlawful ends;

“(7) A person who knowingly deals in any way in counterfeit or forged postage stamps;

“(8) A person who knowingly produces publications or forms, the outward appearance of which resembles post office publications or forms and any person who sells, offers for sale, distributes or transports them;

“(9) A person who uses a franking machine without the permission of the Post Office or who makes fraudulent use of such machines or counterfeits franking stamps;

“(10) A person who inserts postal correspondence into publications, parcels and so on in order to avoid paying postal fees;

“(11) A person who knowingly sends, delivers or handles postal correspondence or packages containing narcotic drugs or any other psychotropic substance.”

Article 5, paragraph (c)

Legislative, judicial and administrative policies

106. Political rights are guaranteed to every citizen who has reached his majority. The Constitution of the Republic of Yemen outlines the procedures for the holding of elections. The law establishes the principle of voting by secret and direct ballot and provides for political freedoms. The General Electoral Act No. 27 of 1996 and the amendments thereto of 1999 assure voters of both sexes their guarantees and legal protection.

107. According to article 2 (c) of the Act: “A voter is any citizen who has the right to vote.”

108. With regard to voter’s rights, chapter I, section II, article 3 of the Act stipulates: “Every citizen who has reached the age of 18 Gregorian years shall enjoy the right to vote. This does not apply to naturalized persons who have not held Yemeni nationality for the full legal period specified in the Nationality Act.”

109. Under article 48 of the Act the House of Representatives consists of 301 members, who are elected by secret ballot on a basis of universal, free, direct and equal suffrage.

110. Article 51 of the Act grants every voter in the constituency in which he is resident for electoral purposes the right to stand as a candidate therein and stipulates that a candidate for membership of the House of Representatives and Parliament must meet the following conditions:

- (a) He must be a Yemeni citizen;
- (b) He must be at least 25 years of age;
- (c) He must be literate;
- (d) He must be of good conduct and moral standing and must perform his religious obligations;
- (e) There shall have been no legal verdict handed down against him in a case involving a breach of honour or trust, unless he has been rehabilitated.

111. The electoral system also provides a number of guarantees for the exercise of electoral rights, as described here below.

Universal suffrage

112. According to article 3 of the General Electoral Act every Yemeni citizen who has reached the age of 18 Gregorian years enjoys the right to vote. This right is afforded both to men and women on an equal footing.

Secret ballot

113. The legislator has enacted legislation guaranteeing voters the right to exercise their electoral rights in complete secrecy, behind a specially installed screen, as well as the right to make use of symbols. The disclosure of information concerning the vote cast by a voter, without the voter's consent, is considered a criminal offence punishable by a six-month prison sentence.

Free elections

114. Voters exercise their right to vote free from pressure and coercion. Any attempt to restrict a voter's freedom through intimidation or pressure intended to prevent him from exercising his electoral rights is deemed a criminal offence which is punishable by law.

Direct elections

115. Yemeni voters go to the polls in order to directly elect their representatives to the Presidency of the Republic, the House of Representatives or the local councils.

Equal suffrage

116. The principle of equal suffrage is upheld in two ways:

(a) Candidates are ensured equal and equitable treatment in the conduct of electoral campaigning and use of the official media, regardless of whether they are candidates in presidential, parliamentary or local council elections;

(b) The equality of the vote is guaranteed by granting every voter a single vote. No distinction is made between educated and uneducated voters nor is there any form of distinction based on any other factor.

The principle of the personal vote

117. In Yemeni elections it is not permissible to vote by proxy. Every citizen must exercise his right to vote in person.

Monitoring by candidates

118. The fact that the Yemeni legislation guarantees candidates the right to monitor voting and counting procedures underscores the seriousness and integrity of the electoral process.

Monitoring by non-governmental organizations

119. The legislator guarantees local and foreign organizations, associations and political parties the right to monitor the electoral process.

Judicial monitoring

120. Judicial monitoring is effected by allowing for judicial challenges to be mounted during the stages of voter registration, voting and counting to any aspect of a presidential, parliamentary or local election.

Openness and transparency

121. The conduct of the electoral process is transparent and open, particularly at the counting stage. By this means, Yemeni elections have moved the process of the alternation of power out of the political shadows and into the public arena.

122. All of these principles and guarantees which we are proud to have as part of our electoral system are unaltered by the amendments proposed by the current Electoral Bill. Indeed, they are reaffirmed and upheld therein.

123. The provisions of the General Electoral Act are in compliance with the provisions of the Constitution concerning the equal right to vote and stand for election to the House of Representatives. The State, by embracing an approach based on political freedoms and party pluralism, is pursuing a policy of encouraging participation by the citizens.

124. Article 3 of the Political Parties and Organizations Act stipulates that, in accordance with the provisions of article 39 of the Constitution of the Republic of Yemen, constitutionally recognized public freedoms, including political and party pluralism, are regarded as a right and a cornerstone of the social and political system of the Republic of Yemen. These rights may not be revoked or restricted nor may citizens be in any way impeded from the free exercise thereof in a manner inconsistent with the need to safeguard national security, sovereignty, stability and unity in the national interest.

125. Likewise, article 5 of the same Act stipulates: “Yemenis have the right to form political parties and organizations and to voluntarily join any party or political organization in accordance with the Constitution and the provisions of this Act.”

Administrative measures

126. Legislative, judicial and legal policies concerning political participation were accorded considerable importance by the political organizations and parties participating in the 1993 and 1997 elections. These organizations proactively sought to select their candidates in accordance with the legal conditions specified under the General Electoral Act and the Political Parties and Organizations Act. This political experiment was a positive step along the road to democratic transformation and the peaceful alternation of power in Yemen.

127. Likewise, the two rounds of elections for the House of Representatives in 1993 and 1997 respectively were a significant turning point in terms of the sharing of power between the representatives of the people and Members of the House of Representatives. It was also the first time that the President of the Republic was elected by direct ballot.

128. One significant measure which the State has taken to institute the exercise of democracy can be seen in the qualitative transformation of local council elections. Local councils are an integral part of the political process, administering government affairs at the local level.

129. The Advisory Council has also been restructured and the number of representatives increased from 59 to 101.

Article 5, paragraph (d) (i)

130. The Civil Status Act No. 49 of 1991, concerning the entry and residence of aliens, regulates the entry and movement of aliens in the territory of the Republic of Yemen. Only purely statutory restrictions, which are accepted in many other countries throughout the world, are stipulated. These restrictions are based on regulations governing the entry and exit of aliens at official posts designated by the competent authority. Aliens must be in possession of a valid passport or any other substituting document and are permitted entry by the competent authority. The Civil Status Act also stipulates the alien registration procedures and regulates the residence and movement of aliens within the country.

131. According to article 31 of the Act: “No alien or person in possession of a personal residence permit may be deported, unless his presence constitutes a threat to the internal or external security or integrity of the State, its national economy, public health or public morals, or unless he is burden on the State.” The Act also stipulates that deportation can only be carried out pursuant to a decision of the Minister of the Interior, after the matter has been brought before the Deportation Committee.

132. The Act further specifies the categories that are exempted from the provisions of the law on the entry and residence of aliens, namely members of the foreign diplomatic and consular services who are credentialed in the Republic of Yemen, provided that the work they perform on behalf of the State which they represent is consistent with international law. The crew and passengers of ships and aircraft arriving in Yemen are also exempted under the conditions and circumstances specified in article 138 of the Act.

Article 5, paragraph (d) (ii)

133. The Civil Status Act No. 46 of 1991, concerning the entry and residence of aliens, regulates the entry and movement of aliens in the territory of the Republic of Yemen. Only purely statutory restrictions, which are accepted in many other countries throughout the world, are stipulated. These restrictions are based on the regulations governing the entry and exit of aliens at the official posts designated by the competent authority. Aliens must be in possession of a valid passport or any substituting document and are permitted entry by the competent

authority. The Civil Status Act also stipulates the alien registration procedures and regulates the residence and movement of aliens within the country. According to article 31 of the Act: “No alien or person in possession of a personal residence permit may be deported, unless his presence constitutes a threat to the internal or external security or integrity of the State, its national economy, public health or public morals, or unless he is a burden on the State.” The Act also stipulates that deportation can only be carried out pursuant to a decision of the Minister of the Interior, after the matter has been brought before the Deportation Committee.

134. The Act further specifies the categories that are exempted from the provisions of the law on the entry and residence of aliens, namely members of the foreign diplomatic and consular services who are credentialed in the Republic of Yemen, provided that the work they perform on behalf of the State which they represent is consistent with international law. The crew and passengers of ships and aircraft arriving in Yemen are also exempted under the conditions and circumstances specified in article 138 of the Act.

Article 5, paragraph (d) (iii)

135. The Yemeni legislator guarantees every child the right to hold a nationality. Due regard for this humanitarian aspect is shown in article 43 of the Constitution, which stipulates: “Yemeni nationality shall be regulated by law. No Yemeni shall be deprived of his nationality under any circumstances whatsoever, nor shall it be withdrawn from a person who has acquired it except as provided by law.”

136. Article 3 of the same Act reads as follows:

“Yemeni nationality shall be enjoyed by:

- (a) Any person born to a father holding this nationality;
- (b) Any person born in Yemen to a mother holding this nationality and a father who is stateless or of unknown nationality;
- (c) Any person born in Yemen to unknown parents. A foundling discovered in Yemen shall be deemed to have been born there failing proof to the contrary;
- (d) Any emigrant legally holding this nationality at the time of his departure from the national territory who has not legally relinquished this nationality at his own specific request, even if such person has acquired the nationality of his country of residence as required by the laws therein.”

137. The Nationality Act is currently being reviewed in order to improve a number of its articles and make them more reflective of current and prospective legislative and practical developments in Yemen.

Article 5, paragraph (d) (iv)

138. The Personal Status Code No. 20 of 1992 recognizes the right of men and women to marry and establishes the following principles:

- (i) “Marriage is a relationship between a husband and a wife according to the terms of a legal contract under which the woman becomes lawfully accessible to the man. Its purpose is the foundation of a family. The marriage contract shall not be concluded without the consent of both spouses and there shall be no coercion of either spouse” (art. 6);
- (ii) “Any contract based on coercion of either spouse is null and void” (art. 10);
- (iii) “The marrying age for males and females is 15” (art. 17).

Article 5, paragraph (d) (v)

139. The right to own property alone or in association with others is guaranteed to all citizens of both sexes. There are no legal impediments or barriers to the enjoyment of the various kinds of property rights. The Government promulgated the Investment Act No. 14 of 1995 with a view to regulating investments of Yemeni, Arab and foreign capital within the framework of the State’s general policies and goals and according to the priorities identified in its national plan for economic and social development.

140. According to article 13 (a) of the Investment Act: “Enterprises may not be nationalized nor may their assets be seized, expropriated, frozen, impounded or sequestered other than by a court of law.” Paragraph (b) of the same article stipulates: “It is not permissible to expropriate all or part of an enterprise’s immovable property, except in the public interest, according to the law, pursuant to a judicial order and against fair compensation. Compensation is calculated on the basis of the market value of the property at the time when the order is issued. Payment shall be made no later than three months from the date of the issuance of the order. In the event of a delay, compensation shall be revalued on the basis of the then prevailing market price. If the capital in question is foreign capital, the compensation may be freely transferred abroad, regardless of any law or decree providing otherwise.” According to article 13 (c) of the Act: “No licence, right or exemption granted under this Act may be revoked or withdrawn except by a court order.” The general provisions of Republican Decree No. 25 1992, concerning public investments, stipulates that the right of individuals to own public goods is limited, but may not be impaired. The Decree also affirms the right to own property alone or in association with others, for which article 5, paragraph (d), subparagraph (v) of the Convention provides.

141. Chapter I, article 1 of the Investment Act specifies the circumstances under which property may be owned as follows: “It is not permissible for ministries and public bodies, interests or institutions to acquire public goods without providing fair compensation under the terms of the Properties Act. This includes land used for the execution of public projects.”

142. Article 2 of the same chapter defines public projects as all projects involving the following works:

(a) The creation of public squares, playgrounds, markets, gardens and water systems;

(b) The building of mosques, military barracks, airports, ditches, police stations, hospitals, health centres, schools, teacher-training colleges, universities, abattoirs, widows' homes, old peoples' homes, cultural centres and sports clubs and, generally speaking, all buildings and installations designated as public works and public goods:

Agricultural works and facilities, irrigation and water purification projects, and dams;

Oil, gas, electricity, water and mineral resources projects, and industrial zones;

The building of shelters, trenches and passageways for security and defence purposes;

Tourist, distribution and residential installations and installations and projects for the execution of approved development and investment plans;

All projects which fall under the jurisdiction of any public body or institution, the functions of which are specified by law and the laws in force based on approved State plans.

Article 5, paragraph (d) (vi)

143. Men and women are guaranteed the right to inherit under article 23 of the Constitution, which provides as follows: "The right to inherit is guaranteed in accordance with the Islamic shariah and the law." The provisions of the Islamic shariah are applied to matters of inheritance. A male relative receives a share equal to that of two females, since a husband is obliged to maintain his wife and children, while a single or married woman is not required to provide for the upkeep of her family. Women are therefore entitled to retain and freely dispose of their property without any restrictions or conditions being applied to the manner of disposal.

Article 5, paragraph (d) (vii)

144. Under article 2 of the Constitution: "Islam is the religion of their State and the Arabic language is its official language." Article 3 of the Constitution stipulates: "The Islamic shariah is the source of all legislation." The Government, individuals, groups and communities are bound by these provisions which affirm the inviolability of belief and religion.

145. Under Yemeni legislative enactments interference in a person's privacy or private affairs is expressly prohibited. Homes and places of worship and learning are inviolable and may not be placed under surveillance or searched except in the circumstances prescribed by law.

Article 5, paragraph (d) (viii)

146. The right to freedom of opinion and expression is guaranteed under the Constitution in accordance with article 41 thereof, which provides: “All citizens have the right to participate in political, economic, social and cultural life. The State guarantees freedom of thought and expression of opinion orally, in writing or in graphic form, within the limits of the law.”

Article 5, paragraph (d) (ix)

147. The right to peaceful assembly and to form and join peaceful organizations is guaranteed under article 57 of the Constitution, which stipulates: “In accordance with the provisions of the Constitution, citizens throughout the Republic have the right to organize themselves politically, professionally and culturally and to form scientific, cultural, social and national organizations and federations in furtherance of the purposes of the Constitution. The State shall guarantee this right, adopt all the measures needed to enable citizens to exercise it, and safeguard all the freedoms of political, trade-union, cultural, scientific and social institutions and organizations.” The Government is committed to achieving the purposes set forth in the Constitution, which are consistent with the purposes and provisions of the Convention and the obligations set forth therein.

148. Aliens enjoy the same treatment as Yemeni citizens in a number of domains. This equality is expressed in the areas of patent rights and intellectual property rights, insofar as Yemeni law establishes that aliens abroad and foreign legal persons enjoy inventor’s and discoverers’ rights under the terms of an international agreement between the Republic of Yemen and the State to which they belong, or on the basis of reciprocity.

149. The regulations concerning aliens residing and working in Yemen are established by the Council of Ministers. A foreign inventor is entitled to the protection of Yemeni law, including the right to an inventor’s patent for a period of 15 years from the date of submitting an application therefor. After this period, the invention becomes the property of the State.

150. Yemeni law affords patent owners numerous rights, most importantly:

Protection against the use of an invention without the patent owners consent;
An exclusive licence to use or to dispose of the invention;

Patent protection for a period of 15 years.

151. Under article 91 of the Yemeni Intellectual Property Rights Act aliens with production or service enterprises in Yemen are entitled to apply for the registration of the enterprise’s commercial trademark on the same basis as Yemeni nationals. In other words, foreign investors in Yemen enjoy the same treatment as their Yemeni counterparts.

152. Foreign owners of enterprises abroad and foreign legal persons the principle business of which is abroad are entitled by law to apply to register their commercial trademarks in the Republic of Yemen, provided that the Republic of Yemen has an international agreement with the State to which they belong, or on the basis of reciprocity. In other words, these foreigners

enjoy protection, only if their countries allow nationals of the Republic of Yemen to register their commercial trademarks in those countries and afford them the same protection as is specified under Yemeni law.

Legislative, judicial and administrative policies

153. The Intellectual Property Rights Act No. 19 of 1994 invests the courts with the power to review all claims arising from the application of the Act. According to the current practice in Yemen, all claims in connection with intellectual property rights are heard by the commercial courts and, occasionally by the civil courts, as well as by the commercial appeals branch of the appellate courts in the governorates, and the commercial chambers of the Supreme Court. These courts determine the validity or nullity of the registration process in cases involving disputes over a creative work, the registration or use of which is sought, and disputes over commercial trademarks, patents and other forms of intellectual property.

154. By law, a person who applies to register a commercial trademark may appeal to the courts against any decision taken by the competent authority involving the amendment of the said trademark. The courts also have competence for annulling a commercial trademark, upon application from any interested party or if the trademark has not been used for a period of five consecutive years for no good reason. The courts also award compensation in the case of fraudulent imitations.

Procedures and measures

155. After the unification of the State in 1990 Yemen steered its general policies towards revitalizing the role of civil society organizations, using every means, method and mechanism to support and assist these organizations. It is perhaps particularly important to stress the pivotal role which the State has played in promoting the activities of these organizations and helping them to continuously expand, enlarge and diversify the scope of their work. In keeping with this approach, the Government has played an active and supporting role in offering assistance to these organizations and has taken responsibility for overseeing their establishment. Recently it has been providing encouragement for the establishment of sectoral and industrial federations.

156. The Cooperatives Act No. 39 of 1998 was promulgated in order to keep pace with the changes wrought by the development process. The new Non-Governmental Organizations and Charitable Institutions Act represents another step forward in terms of broadening participation and cooperation between government institutions and non-governmental organizations in policy implementation and the meeting of development needs. These organizations, which account for a total of 2,400 trade unions, federations and associations, constructively engage in all of the policies and changes which the transformation and development of the general social, economic and cultural climate dictate.

Article 5, paragraph (e)

157. Economic, social and cultural rights are guaranteed under the Constitution and Yemeni law. They have been strengthened since Yemen's ratification of the International Covenant on Economic, Social and Cultural Rights on 9 February 1987.

Article 5, paragraph (e) (i)

158. Article 29 of the Constitution guarantees citizens the right to work, to free choice of employment, to favourable working conditions, to protection against unemployment, to equal pay for equal work and to just and favourable remuneration. According to this article: “Work is a right, an honour and a necessity for the development of society. Every citizen has the right to exercise the occupation of his choice, within the limits of the law, and forced labour cannot be imposed on citizens unless it is required by the law for the performance of a public service in exchange for fair remuneration.” The relations between workers and employers are regulated under the Trade Union Act.

159. Employment rights are also guaranteed under the Civil Service Act No. 19 of 1991, which governs the employment of civil servants. The Act makes no distinction between male and female workers and all of the criteria, standards and conditions which it stipulates for the employment and promotion of civil servants equally apply, without discrimination or distinction, to both men and women, in accordance with the conditions of appointment and promotion prevailing in the public sector. Article 12 (c) of the Civil Service Act stipulates as follows: “Posts in the Civil Service are filled according to the principle of equal opportunities and equal rights for all civil servants without distinction. The State undertakes to provide the means for monitoring the enforcement of this principle. Men and women enjoy the same rights.”

Article 5, paragraph (e) (ii)

160. The right to form and join trade unions is guaranteed by the Constitution and prevailing laws, as described in paragraph 110 here above. Yemen has a distinguished record of offering various opportunities and benefits to organizations that have been established for this specific purpose. It provides them with numerous options and facilities to help them expand and manage their operations. Yemen actively supports these organizations in the task of institutional capacity-building. A comprehensive survey of associations and organizations throughout the governorates of the Republic is currently being prepared to assist with the evaluation of programmes, plans, projects and activities and the reallocation of financial, logistical and technical resources to these organizations, based on objective criteria and established operational priorities, procedures and objectives.

Article 5, paragraph (e) (iii)

161. The right to housing is guaranteed. This right is safeguarded and given prominence in the national housing policies that come under the Platform for Action for the period 2001 to 2005 on citizens’ housing rights. The policies are based on the working premise that access to housing is one of the key elements of a population’s quality of life and an important factor in public health, life expectancy, and the achievement of a stable and secure existence.

162. Housing policy is designed to provide adequate shelter for all and to improve the inadequate living conditions which affect human settlements. To that end, the Platform for Action for Housing for the period 2001 to 2005 has set the following goals:

(a) To strive to provide every family with adequate shelter by taking the following actions:

Preparing a national housing strategy which takes account of demographic growth and population distribution factors;

Involving the public and private sectors in the creation of major housing projects and corporations;

Strengthening credit mechanisms in order to offer loans on favourable terms for housing projects aimed at low-income families;

Encouraging the creation of housing cooperatives and the strengthening of their regulatory and legal bodies;

Resolving the illegal housing problem by building low-cost housing complexes and improving the quality of services for this type of accommodation;

Reviewing existing laws, enacting legislation, statutes and ordinances concerning the use of land and buildings, setting standards for land classification and land use and simplifying the procedures and laws concerning housing construction and investment.

(b) To improve housing conditions and provide a healthy living environment by:

Expanding construction of basic infrastructure and water and sewage systems, managing the negative impact thereof, and upgrading and developing existing systems;

Endeavouring to raise the percentage of houses connected to the water supply;

Developing and expanding the electric energy infrastructure with a view to expanding the electricity supply and connecting as many homes to it as possible;

Improving the administrative, technical and regulatory capacities of bodies responsible for the management and delivery of these services, at the national, regional (governorate) and municipal (urban and village) levels.

163. The State has implemented housing programmes and projects and established the National Housing Bank which offers those in need housing loans according to specific terms and criteria. The Bank has already set up a successful housing project which has helped to resolve a number of housing problems.

Article 5, paragraph (e) (iv)

Legislative, judicial and administrative policies

164. The right to public health, medical care, social security and social services is guaranteed through Yemen's legislative and legal policies as well as by article 54 of the Constitution, which stipulates: "All citizens have the right to health care. The State guarantees this right by building and increasing the number of hospitals and health institutions. The law regulates the medical profession, the distribution of free medical services and the promotion of health awareness among citizens."

165. Under article 55 of the Constitution: "The State undertakes to cater fully for the welfare of every citizen in the event of illness, disability, unemployment, in old age or loss of the family provider. It guarantees this in particular to the families of persons killed in war according to the terms specified by law."

166. Workers employed in the various branches of the public, private and mixed economy sectors are entitled to insurance coverage under the Insurance and Pensions Act No. 25 of 1991 and the Social Insurance Act No. 26 of 1991. Both Acts offer insurance coverage and pensions in old age, and in the event of death, disability or industrial injury. The first-mentioned Act is designed to protect the needs and rights of persons working in the government, public and mixed economy sectors, while the second caters for all private sector employees, excluding workers, such as seasonal workers involved in animal husbandry and agricultural labour whom it is difficult to include in the Act.

Measures and procedures

167. These legislative policies have been applied through the demographic policies which have recently been adopted in the field of public health, based on the premise that health is a fundamental human right, that health care is a means by which that right may be enjoyed, and that citizens must be able to freely exercise the right to health unhindered by any social or economic barriers or cultural or social discrimination. Health as a positive concept is intimately linked to the notion of human development, and implies offering the individual a range of options to enable him to live a long life that is free from infirmity, illness and disability. The basic assumption here is that the development and improvement of health conditions through health awareness and preventive health-care services is a collective responsibility (requiring the participation of non-governmental organizations, the private sector and individuals, in offering particular services and the involvement of the Government in health service enhancement and expansion).

168. The demographic policy for the period 2001 to 2020 has set a target of raising the average life expectancy in Yemen to 70 years and of increasing basic health coverage to 85 per cent by the end of the same period. The Demographic Platform for Action for the period 2001 to 2005 has set a target of reducing the crude death rate and raising average life expectancy to at least 62.5 years.

169. National demographic policy hopes to reduce the maternal mortality rate to 75 per 100,000 live births by the end of 2020. With this in mind, the Demographic Platform for Action for the period 2000 to 2005 has set a target of reducing the maternal mortality and morbidity rates by over 50 per cent of the current figure through the implementation of the activities described here below:

- (i) Antenatal services will be provided to 50 per cent of pregnant women and at least 40 per cent of births will be attended by a qualified nurse. Post-natal and paediatric care will be provided to 15 per cent of children following the introduction of a series of measures and interventions;
- (ii) Action will be taken on various fronts to reduce the incidence of unsafe reproductive practices, including premature, delayed, closely-spaced and multiple births;
- (iii) Various measures and activities will be undertaken to eradicate diseases of the genital apparatus and sexually-transmitted diseases.

170. In terms of children's health, the starting point of the demographic policy document is that the health conditions of children in Yemen have clearly improved and infant mortality rates have fallen considerably, although they remain high compared with international standards and the rates prevailing in the States of the region. Urgent action is still required to deal with important issues such as low levels of prenatal care and assistance with delivery, a high incidence of infectious diseases, particularly diarrhoeal diseases, serious infections of the genital apparatus and the seven killer diseases of children. The incidence of child malnutrition has also risen.

171. The Demographic Platform for Action aims at reducing infant mortality rates to less than 50 per 1,000 live births and the under-five child mortality rate to less than 70 per 1,000 live births by the end of 2005. In order to achieve this, it has established the following goals:

To combat and reduce the incidence of diarrhoeal diseases;

To combat and treat infections of the genital apparatus with a view to achieving a 50 per cent reduction in the incidence of these infections;

To support the Expanded Programme on Immunization to cover 80 per cent of the seven killer diseases;

To protect children against malnutrition;

To improve the health of children through family planning.

172. These goals have been translated into a series of measures and interventions aimed at achieving child health targets. The approach which demographic policy takes in this area is based on the principle that family planning offers an important opportunity to improve the health of mothers and the welfare of the family, insofar as it is a method for averting the adverse

consequences of unwanted pregnancy, including during critical periods. Couples have a right to family planning services in order to help them freely to choose the size of their family, and the space between each birth and to have access to fertility treatment and services. The statistics clearly show that demand for family planning services far outstrips supply, for reasons related to the availability and quality of the service offered and the limited range of available options. In order to build on the success that has been achieved in improving the use of family planning methods, the National Demographic Policy for 2001 to 2020 has set a target for the use of family planning methods by married women of childbearing age of 56 per cent and of at least 35 per cent for the use of modern family planning methods. Accordingly, the Demographic Platform for Action for 2001 to 2005 has set a target for the use of family planning methods by married women of childbearing age of 28 per cent, and of 23 per cent for the use of modern family planning methods. The Platform for Action envisages the following activities to that end:

- (a) The organization of national campaigns to raise awareness of the importance of family planning and to influence social policies and behavioural attitudes so as to win acceptance of the concept of family planning;
- (b) Encouragement of the practice of monogamous marriage as a family planning tool, the distribution of family planning services and expansion of options relating thereto;
- (c) The promotion of family planning activities and services.

173. The right to social security is also guaranteed under the Constitution and is assured in accordance with the provisions of the Social Welfare Act which caters for the poor, widows, the destitute, the disabled and older persons of both sexes.

Measures and procedures

174. The Social Welfare Act is a crowning achievement in the formulation of public policies and sectoral programmes and plans, since social security offers benefits to every individual, the poor and vulnerable persons living in particularly difficult circumstances.

175. In 1995 the Government endeavoured, through its poverty eradication policies, to establish a social safety net in order to:

- Provide relief to poor and low-income families;
- Generate employment opportunities for the unemployed;
- Broaden participation at the grass-roots level;
- Achieve integrated social development.

176. The other measures which the Government has taken in this domain are described below:

- (i) In 1996 the Government established the Social Welfare Fund to offer direct financial assistance to the poor. The Fund was allocated a budget of six billion Yemeni rials to the year 1999. By 2000, as many as 400,000 families had benefited from its services, accounting for a total of six billion rials;

- (ii) In 1997 the Social Fund for Development was created to mitigate the side-effects of the economic reform programme and improve the living conditions of the poor through the supply of basic services to deprived areas, employment generation, local community development, poverty alleviation, support for institutional capacity-building and by encouraging local communities to embrace the principles of self-help. The Fund has set up Development, micro-credit and micro-enterprise programmes in furtherance of these objectives;
- (iii) In 1996 the Public Works Project was set up as part of Yemen's social safety net. The Project aims at generating employment opportunities, improving basic infrastructure services and the environment and sewage systems in the most deprived areas, and at increasing community involvement in the design and execution of civil construction projects. In addition, the Project helps with the setting up of labour-intensive micro-enterprises, offers training to unskilled workers and builds schools, health centres and water and sewage works in deprived areas.

177. Various types of social services and resources are supplied, the most important of which are described below.

(a) Social welfare is dispensed to sections of society in need by welfare institutions which cater for minors, disabled persons, the sick and the elderly, and through community development and productive family centres;

(b) The National Programme for Poverty Alleviation and Employment Generation consists of the following four key components:

- (i) Support is provided in the area of labour policy formulation and implementation by means of institutional capacity-building and the discovery of practical solutions to employment problems, including urban employment programmes and vocational training courses;
- (ii) Support is offered to micro-enterprise and micro-credit schemes through the creation of a legislative climate that is conducive to the establishment and expansion of such enterprises and the provision of direct assistance in the form of technical support, training and credit. The intention is to promote development and distribute its benefits throughout the Republic so as to reduce the economic disparities between various sections of society and offer all citizens adequate employment opportunities;
- (iii) Regional (local) development is encouraged under a regional development scheme for rural areas and urban centres. In urban centres the scheme targets groups such as unemployed youth and families with a female head of household.

With regard to poverty eradication the following policy objectives have been established:

Increasing income-generating opportunities and employment opportunities for the poor by raising and accelerating economic growth rates;

Protecting groups adversely affected by the acceleration of the Economic Reform Programme;

Widening opportunities for the poor to gain access to social services, including education and health services;

Facilitating access by the poor to employment opportunities;

Taking practical measures to implement policies;

Building institutional capacity and strengthening existing policy formulation, implementation, monitoring and evaluation mechanisms using an adequate statistical and informational database to assist with the evaluation of the Labour Market Information project and Poverty Monitoring Information project;

Creating a national social safety net committee and establishing project steering committees.

Article 5, paragraph (e) (v)

Legislative, judicial and administrative policies

178. The right to education and training is guaranteed under article 53 of the Constitution, which stipulates: "All citizens have a right to education, which the State guarantees through the establishment of various types of schools and cultural and educational institutions as prescribed by law." Education is compulsory at the elementary level. The State is endeavouring to eradicate illiteracy and expand technical and vocational training. The State caters, in particular, for the welfare of the younger generation, protecting it from delinquency, providing it with a sound religious, intellectual and physical education and creating the right conditions for the development of its talents in all fields.

179. In furtherance of the educational objectives set forth under the Public Education Act and the principles embodied therein, of which the most important are equality of opportunity, educational diversity, the provision of free education, and compulsory education at the elementary level, a number of ordinances and documents relating to the organization of education have been issued focusing on various fundamental rights in diverse spheres of life.

180. According to the Education Act the philosophy and goals of education in the Republic of Yemen are based on the Islamic faith of the people, Yemen's Constitution and Islamic heritage, the goals of the revolution, and the needs of society.

181. The Education Act is a fundamental reference point to which the educational authorities turn in managing Yemen's educational system.

182. The Act offers a blueprint to designers of academic curricula, school textbooks and teaching methods. It also stresses the importance of providing young persons with an education that is based on sound principles such as the safeguarding of the dignity of the human person, deepening his commitment to his family, society and country, strengthening his faith, beliefs and his commitment to lofty Arab, Islamic and humanitarian principles based on respect for the rights, freedom and dignity of the human person (art. 3 (c)). The various sections of the Act reaffirm the right to education in all of its forms and acknowledge the diversity of knowledge sources and their importance in the development of society and formation of the human personality.

183. Under article 6 of the Act education is considered as a long-term investment in human development and a human right which the State must safeguard and ensure to all citizens of the nation. Article 3 (k) of the Act defines self-learning as a tool of continuous education and refers to information technology as a fundamental means of achieving educational goals.

184. The Act further highlights the importance of the role which scientific research plays in resolving society's problems and satisfying its needs. It also stresses the need to offer adequate opportunities for further education, scientific research and higher studies as tangible resources of scientific and intellectual progress and tools for resolving society's problems and raising educational standards (art. 3 (m)).

185. The Education Act refers to the right to participation in cultural life and the promotion of intellectual openness towards world cultures and civilizations as an integral part of education policy, embodying the noble aspirations of the Yemeni people for the achievement of freedom, justice, equality and harmony between peoples (art. 3 (i)). The Act also refers to the importance of students acquiring the skills needed to understand the Islamic faith, its precepts and values, of adjusting their behaviour accordingly, of providing them with sufficient information about Arab and Islamic culture and civilization and about the importance of work as a means of achieving political, economic, cultural and intellectual progress based on the principles and exercise of democracy. Students also need to learn about international issues and problems and to understand the importance of peace, mutual understanding and cooperation between nations (art. 1 (c)).

186. The Act emphasizes the importance of the right to work and the right to adequate employment and training opportunities in order to develop skills and improve efficiency.

187. It also accords priority to the provision of in-service training for teachers (art. 5 (c)) and to improving the personal and professional effectiveness of teachers through training and vocational development programmes aimed at improving their productivity levels and educational expertise. The Act stresses the need to provide teachers with opportunities to attend advanced training courses (art. 5 (b)).

188. The Teachers Act No. 37 has recently been promulgated to offer teachers as a category full legal guarantees and protection, to improve their working conditions and guarantee their promotion and pension rights in accordance with the employment conditions and obligations set forth under the same Act.

Measures and procedures

189. Demographic policies which form part of the Demographic Platform for Action for 2001 to 2005 reflect the commitment made to the right to education by according central importance to education and the eradication of illiteracy. These policies are guided by the basic principle that every citizen has a right to education, that education is a fundamental element in the achievement of sustainable development and that it is a cornerstone of society. Education is a factor in a person's well-being and a means by which individuals are able to acquire the knowledge they need to help to reduce fertility, morbidity and mortality rates. It also produces a better workforce. Since the education of girls and women is a means of empowering women economically and socially, of deferring the marrying age and ensuring the welfare of the family, a key goal of demographic policy is to provide education for all by the end of the 2020. To that end, the Demographic Platform for Action has embraced the following goals:

- (i) To achieve the necessary annual increases during the period 2001 to 2005 in the numbers of children, particularly girl children, enrolled in basic education, and to progressively close the gap between male and female students through the adoption of various procedures and measures;
- (ii) To reduce the illiteracy rate, particularly the female illiteracy rate, among the population in general and in rural areas by organizing ongoing national literacy campaigns, opening additional literacy centres and promoting their activities. In spite of the guarantees concerning free and compulsory education which are set forth under the terms of the Constitution and in spite of demographic policies, the Public Education Act, and the many efforts that have been made to enrol all children in basic education, almost 2.1 million children aged between 6 and 14 remain outside of the official education system. In addition, failure and drop-out rates are high. It is for this reason that the educational sector development strategy contained in the First Five Year Plan was devoted to education for all and the development and improvement of performance at all stages of education.

190. Based on its belief in the principles of justice, equality and equal opportunities and consistent with its commitment to the education of both sexes, the Government has formulated a national strategy for the education of girls, the purpose of which is to close the educational gap between male and female students and to enforce the principle of compulsory and free education. The strategy's medium and long-term aims are to strengthen basic education and university and advanced study programmes; to modernize the economic, social and cultural foundations of Yemeni society; to educate all citizens; and to implement a comprehensive education policy which incorporates spiritual, intellectual, social and scientific aspects so that the education system can keep pace with advances in science and knowledge.

191. The Second Five Year Plan is also designed to increase access to basic education by all children, male and female and it pays particular attention to the education of girls in rural, remote and deprived areas of the country.

192. A national strategy has been drawn up for the eradication of illiteracy. The strategy seeks to promote adult education and education of young men and women who have been deprived of the opportunity to benefit from the educational services which educational institutions offer. Men and women are guaranteed equal access to centres teaching reading and writing skills.

193. Everyone has a guaranteed right to a university or further education. The State recognizes the importance which this type of education has in supplying the labour market with the kind of labour it needs. It has therefore taken steps to diversify education at this level and raise enrolment rates among men and women students. The building of State universities throughout the governorates has also expanded to meet growing demand for university education. The Government has adopted a number of policies to encourage the private sector to build private universities. At present, university education is going through a period of qualitative and quantitative expansion as a result of private sector investment.

194. The right to training is guaranteed by law, promoted through sectoral policies and implemented by institutions catering for the training and re-training of men and women in various development-related spheres. Training can take many different forms depending on the strategic goals and policies of the sector involved, be it in education, health, social insurance, social affairs, youth affairs, culture, the environment, tourism, agriculture, or the petroleum, minerals and electricity sectors. This variety of goals offers new opportunities for training, which plays a decisive role in supplying the labour market's need for technically skilled workers.

195. The Government has recently devoted its efforts to creating a ministry with responsibility for formulating technical and vocational education policies, implementing training plans, programmes and projects to respond to labour market needs and building a bridge between educational, technical and vocational training policies and labour policy. Demographic policies and the timetables therefore accord particular importance to the welfare, integration and education of groups with special needs. In order to give effect to the principles of equity, equality and equality of opportunity between able-bodied children and children with special needs, the Ministry of Education has adopted a strategic plan for integrating children with special needs into general education.

Article 5, paragraph (e) (vi)

196. The right to freely participate in cultural activities is guaranteed under article 27 of the Constitution, which stipulates: "The State guarantees freedom of scientific research and of literary, artistic and cultural achievements in conformity with the spirit and goals of the Constitution, and it provides the means for the realization of that purpose. The State offers every assistance for the advancement of science and the arts and also encourages scientific, technical, creative and artistic inventions and protects the fruits thereof."

197. According to article 41 of the Constitution every citizen has the right to participate in the political, economic and cultural life of the country.

198. Article 53 of the Constitution advocates the establishment of cultural institutions. These legal provisions confirm that citizens are entitled to participate in cultural life and in a variety of cultural activities.

Measures and procedures

199. With regard to the formulation of cultural policy, the Government has a decisive role to play. This is best illustrated by the creation of the Ministry of Culture, the policies and programmes of which ensure the continuity of the national heritage, protection of intellectual and cultural property rights and the affirmation of the intellectual and cultural role of governmental and non-governmental mechanisms and channels working in the cultural, creative, literary and intellectual fields. A cultural centre and library have been built and their libraries and subsidiary bodies have developed collections of priceless books and local and national manuscripts pertaining the fields of culture, various literary arts, architecture and construction, literature and theatre, song and poetry, for which the Yemeni people have long been famed.

200. The State encourages the establishment of non-governmental associations and organizations and cultural institutions working in this domain and the diversification of their activities in order to serve the needs of society. One of the most important cultural institutions in Yemen is the Al-Afeef Foundation. Although it was set up only recently, the Foundation has made its mark in terms of its cultural and literary output and its organization of intellectual, cultural and scientific events aimed at raising society's awareness of cultural issues and questions concerned with human rights.

201. The Hail Saeed Charitable Association has established a cultural foundation which awards annual prizes to gifted and creative people in the cultural, intellectual, literary and artistic fields.

202. The State has recently turned its attention to rewarding young people with outstanding talent in the fields of culture, scientific research and social and human sciences. The prizes include the Presidential Order of Merit, which is awarded for exceptional achievement in the cultural field and is designed to encourage young persons to use their latent energies to break new ground in the cultural and scientific domains, developing their skills and devoting their efforts to the general development of the country. Several universities, including the University of Aden and the Queen Arwa University, award prizes to inventive people with a view to fostering their scientific and artistic creativity.

Legislative, judicial and administrative measures

203. The right to exchange information is safeguarded under the Constitution of the Republic of Yemen, article 52 of which states that the freedom and confidentiality of communications by post, telephone, telegram and all other media is guaranteed. They may not be placed under surveillance, searched, divulged, delayed or seized, except in the circumstances prescribed by law. The Press and Publications Act No. 25 of 1990 and its executive ordinance

specify that all citizens have the right to freedom of thought, freedom of the press, freedom of expression and communication and free access to information, in order to guarantee them the right to express their opinions orally, in writing or, in pictorial or graphic form or by any other means of expression. This right is guaranteed to all citizens in accordance with the provisions of the Constitution and the aforementioned Act.

204. According to article 4 of the Act, the press is independent and enjoys freedom to fulfil its mission of serving society and shaping and reflecting public opinion in various ways, within the framework of the Islamic religion, the constitutional principles of society and the State, the aims of the Yemeni revolution and the objective of strengthening national unity. There can be no objection to its activities, except as prescribed by law.

205. Article 5 of the Act stipulates that the press is free to publish and receive news and information from its sources and that it is responsible for what it publishes within the limits of the law. Likewise, article 6 protects the rights of journalists and authors and affords them the legal guarantees necessary for the exercise of their profession. Their right to freedom of expression without unlawful impediment is guaranteed by law, provided that such expression does not contravene the principles of the law.

206. Article 3 of the Act upholds the principle of freedom of expression, the freedom of the press and the right to freedom of expression by all means. The Act affirms that Yemeni citizens have the right to freedom of access to information, culture and knowledge and the need to facilitate their access thereto. The right of political parties and political and social organizations to freedom of expression is also guaranteed, while the foreign policy of the Republic of Yemen abides by the principle of supporting the struggle of nations to achieve peace and promote and defend human rights.

207. Article 34 of the Press and Publications Act specifies the rights and obligations of journalists, as follows:

“(1) A journalist may not be called to account for expressing an opinion or disseminating accurate information, nor should he suffer damage, unless he has acted in contravention of the law.

“(2) A journalist has the right to obtain information, news, data and statistics from their sources and to publish them or refrain from publishing them.

“(3) A journalist has the legal right to safeguard the confidentiality of his sources of information and may not be compelled to reveal them.

“(4) A journalist has the right to refrain from writing or preparing newspaper articles that run counter to his beliefs and opinions and offend his journalistic conscience.

“(5) A journalist has the right to examine official reports, facts, information and data. The party holding such information shall enable him to examine and use it.”

208. The professional obligations of a journalist are specified under article 36 of the Act, as follows:

- (i) Journalists are bound by the principles and goals of the revolution, the republican system and the Constitution;
- (ii) Journalists must uphold the integrity of the profession and comply with the journalists' code of conduct;
- (iii) Journalists must respect the dignity and good name of individuals and families and their private life when disseminating information that is relevant to the public interest;
- (iv) Journalists must transmit information and facts to the public accurately, faithfully and quickly and refrain from concealing them;
- (v) Journalists must refrain from misrepresenting factual information and reporting uncorroborated information;
- (vi) Journalists must refrain from publishing classified documents and information and from divulging official secrets;
- (vii) Journalists must avoid exploiting their profession for unlawful purposes or in order to threaten citizens, or blackmail individuals or public or private legal persons with a view to securing financial gain or personal benefit.

209. According to article 33 of the Act the right to publish and own newspapers and magazines is guaranteed to citizens, authorized political parties, individuals, public bodies corporate, innovative and grass-roots organizations and ministries and government institutions in accordance with the provisions of that Act. Article 28 of the Act stipulates that the Ministry of Information accredits Arab and foreign journalists as correspondents for Arab and foreign newspapers, news agencies and radio and television stations for a renewable period of one year so that they may pursue their journalistic work in the country, on the basis of reciprocity. The Ministry may refuse or revoke a journalist's accreditation.

210. The rights of accredited Arab and foreign journalists and media correspondents in the Republic of Yemen are specified under article 29 of the Act, as follows:

- (i) Both they and their families are entitled to reside in Yemen;
- (ii) Both they and their families are entitled to an entry visa;
- (iii) They have the right to open an office, subject to the agreement of the Ministry of Information;

- (iv) They have the right to undertake fact-finding missions anywhere in the country, subject to prior notification of the Ministry of Information;
- (v) They are entitled to the benefits and privileges specified in a relevant regulatory ordinance.

Policies and measures

211. In 1995 the Republic of Yemen adopted a media policy which defined the strategic function of the media in terms of the following key objectives:

- (a) To ensure freedom of expression and freedom of the press, investing creative energy in the overall process of nation-building in the spheres of democratic life and development, strengthening the foundations of society, unity and freedom, ensuring the primacy of human rights, and achieving equality, justice, fraternity, peace, security and stability;
- (b) To crystallize well-informed national public opinion and enable it to form a clear understanding of events and the needs to which they give rise, whatever they might be; to provide it with the tools to be able to formulate opinions and take decisions thereon in the context of the scrupulous fulfilment of national, patriotic and humanitarian obligations and responsibilities; and to facilitate understanding of developments and changes;
- (c) To view the mission of the media as a human and societal right and the audio-visual media as the property of all, having as its principle function in all circumstances the serving of the legitimate interests of all citizens and the achievement of social peace and fraternity;
- (d) To play its part in influencing the conduct of citizens and their right to bear their responsibilities for nation-building and development; to guarantee the security of the nation and citizens; and to protect society against and combat crime and fatal diseases of all kinds;
- (e) To ensure complete consistency between the flow of diverse information and the need to guarantee access to information, analysis and indicative data on the one hand, with the necessity of improving the quality of national, humanitarian and creative output in the new Yemeni society, its relations with the State authorities and their relations with one another, on the basis of give and take;
- (f) To monitor the press, guarantee its freedom, safeguard the dignity of journalists and writers, encourage them to engage in constructive and responsible criticism, and consolidate the principle of a free and responsible press.

212. The policy of the Government media as regards news delivery, political programmes, news reports and news items is to expand and improve the services offered by the various media, focusing in particular on the following areas of concern:

- (a) The development of a standard formula for news reporting that incorporates as much factual information as possible;

(b) Granting the government media priority access to information;

(c) Ensuring that the government media comply with ethical standards when quoting information and news sources.

Article 5, paragraph (f)

213. The right of access to or the use of any place or service designated for the benefit of the general public, such as transport, hotels, restaurants, cafes, theatres and parks is guaranteed to all citizens under article 52 of the Constitution, which stipulates that the freedom and confidentiality of communications by post, telephone, telegraph and all other media is guaranteed. They may not be placed under surveillance, searched, divulged, delayed or seized, except in the cases prescribed by law and under the terms of a court order.

214. According to article 18 of the Constitution: “The contracting of concessions for the exploitation of natural resources and public utilities shall only be effected under the terms prescribed by law. The law may specify specific cases in which concessions may be granted in accordance with the rules and procedures set forth therein. The law specifies the circumstances and procedures for disposing free of charge of State property and mobile assets as well as the regulations and procedures applicable thereto. The law also regulates the procedures for awarding concessions to local bodies and for disposing of public assets, free of charge.”

Article 6

Legislative, judicial and administrative policies

215. The legislative and legal policies of Yemen guarantee the rights set forth under article 6 of the Convention. This is best exemplified by article 47 of the Constitution, paragraphs (a), (b), (c), (d) and (e) of which affirm that no person may be arrested, placed under surveillance or investigated except in the manner prescribed by law, that the extraction of confessions by force is forbidden as is the imprisonment or detention of any person in places other than those subject to the Organization of Prisons Act, that corporal punishment or mental torture at the time of arrest or during the period of detention or imprisonment is an offence that cannot be time-barred from prosecution and that any person guilty of committing, ordering or participating in such an offence shall be punished.

216. According to article 50 of the Constitution citizens have the right to apply to the judiciary for the protection of their legitimate rights and interests. They also have the right to submit complaints, criticisms and proposals, directly or indirectly, to the organs and institutions of the State.

217. Article 60 of the Constitution stipulates that it is every citizen’s duty to preserve national unity, protect State secrets and abide by the provisions of the law.

Measures and procedures

218. In furtherance of this approach and in order to support these policies and objectives, a number of national and local human rights organizations have been established, the most prominent of which are the Yemeni Organization for the Defence of Freedoms, which is headquartered at Aden, the Yemeni Organization for Human Rights, which is headquartered at Sana'a, the Human Rights Training and Information Centre at Ta'iz, the Jazirah Centre for Human Rights, the Yemeni Organization for the Eradication of Violence Against Women and the Women's Studies and Training Centre at Ta'iz. These organizations are actively involved in human rights at the unofficial level and enjoy ample freedom to carry out their programmes. Indeed, the State provides them with support and assistance to help them achieve their goals, reflecting the real democratic changes which the Government is striving to introduce. Anyone who follows the cases which are heard by Yemen's national and local courts will see that these rights are safeguarded, protected and guaranteed at the concrete level, even though certain misguided practices may be found in some courts and mistakes do occur.

Article 7

Legislative, judicial and administrative policies

219. The legal principles and precepts of Yemen's Constitution guarantee all citizens the enjoyment of the rights specified under article 7 of the Convention. Indeed, all legal texts, whether they be general or special laws safeguard these rights, by catering for special groups such as disabled persons, older persons, minors, the poor, widows, beggars and servants.

220. These laws uphold the principle of equal rights and are designed to combat all forms of discrimination in the fields of teaching, education, culture and information. The State's policies have contributed to the elimination of discrimination and strengthening of mutual understanding and tolerance. Legislative policies view human rights as indivisible and inalienable. They cannot be the subject of a dispute or controversy which threatens, destroys or seeks to undermine social, economic and cultural security and stability or denies the identity of the human person and his patriotic feelings.

Measures and procedures

221. With a view to strengthening its constructive relations with a number of other States and international organizations the general and sectoral policies of the State aim at achieving the objectives by which our country hopes to disseminate the values of local, national, regional and international cooperation. Yemen has peacefully resolved many of its border problems with neighbouring States to the satisfaction of all parties concerned. Its policies have enabled it to carve out a distinctive role for itself in the region, a role for which it has won wide recognition.

222. Yemen has also earned a reputation for successfully resolving sectarian, confessional and territorial disputes. Since Yemeni society practises the Islamic faith, Yemen also helps to disseminate the values of love, tolerance, fraternity and cooperation, which are all considered as fundamental elements, features and principles of political, social and economic stability and a guarantee of national progress, growth and recovery.

223. All of the aims which our country strives to achieve are consistent with the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the aims of the Convention which Yemen has ratified and which it considers as a fundamental part of its policies and goals of affirming, upholding and strengthening these rights using every available means. Yemen pursues every avenue to ensure the enjoyment and exercise of these rights, consistent with the terms of article 6 of the Constitution of the Republic of Yemen, which stipulates: “The State confirms its adherence to the Charter of the United Nations, the Universal Declaration of Human Rights, the Pact of the League of Arab States, and the generally recognized principles of international law.”

224. In order to achieve this a number of laws have been promulgated to give effect to Yemen’s policy of supporting public education and information by legislative and practical means.

225. Between 2000 and 2001 Yemen concluded border agreements with various of its neighbours, in furtherance of its policy vis-à-vis both the Sultanate of Oman and the Kingdom of Saudi Arabia. It also peacefully regained its islands by international arbitration.

226. The Government took care to resolve its international border disputes with neighbouring States in such a way as to strengthen its fraternal ties with them. The most important of the agreements are described below.

227. The International Border Agreement between the Republic of Yemen and the Sultanate of Oman consists of 10 key articles and two annexes. Article 5 of the Agreement provides as follows: “Any issue that may arise concerning the demarcation of the boundary between the two countries and any other matter that may arise thereafter shall be resolved amicably, through direct contacts between the two parties, in accordance with the principle of equality, mutual advantage and the non-impairment of the interests of either party.”

228. According to article 6 of the Agreement: “In the event of the discovery of joint natural resources, an agreement shall be reached on ways and means of exploiting and sharing these resources in conformity with established international conventions and laws and the principles of justice and equity.”

229. Article 7 of the Agreement stipulates: “The frontier authorities shall control grazing rights and the movement and use of water resources in the frontier zone in accordance with the annexes to this Agreement. In addition, the use for profit of the property of citizens in the frontier zone shall be regulated in accordance with the provisions of a special annex to be agreed by the two parties. All of the annexes referred to in this article shall be an integral part of the present Agreement.”

230. This Agreement entered into force after it was ratified in accordance with the prevailing procedures in each of their contracting States and following the exchange of the instruments of ratification. The Agreement was signed on 1 October 1992.

231. The second annex to the Agreement is devoted to the regulation of grazing rights and the movement and exploitation of water resources in the frontier zone. Article 1 thereof provides as follows: “For the purposes of this annex, the grazing area shall extend to a maximum depth of 25 kilometres from the joint border line into the territories of both countries.”

232. Article 2 of the annex stipulates: “Herdsman in the frontier zone and its environs shall be entitled to use grazing land and water resources in the grazing area specified under article 1. This annex also takes account of tribal interests in the area.”

233. According to article 3 of the annex: “The frontier authorities of both Parties shall delineate the grazing area and crossing points which may be used for the purposes of this annex during annual consultations which shall take account of grazing requirements.”

234. Article 4 specifies that there shall be no derogation from the provisions of article 2 of the annex which exempt citizens of both Parties who have been duly authorized by the competent frontier authorities to carry out grazing and use water resources in the grazing area from:

(a) Prevailing laws and statutes concerning residence and passports, insofar as the frontier authorities shall issue them with border crossing permits for approved cross-border routes;

(b) Customs fees and duty on their animals, tents, equipment and domestic furnishings that are ordinarily required and any foodstuffs and consumer items which they may be carrying. This is without prejudice to the right of both Parties to levy customs duty on animals or items destined for commercial exchange in the territory of the other Party.

235. In addition, the Republic of Yemen signed an international border agreement with the Kingdom of Saudi Arabia on 12 June 2000. The Agreement was ratified by the House of Representatives pursuant to a special act, article 1 of which provides as follows: “There is hereby ratified the International Border Agreement between the Republic of Yemen and the Republic of Saudi Arabia, which is attached to the present Act and consists of five articles.”

236. Article 2 of the Act ratifies the annexes to the border agreement to which its article 1 refers. Four annexes were signed by the two Governments containing the geographical coordinates for the placement of the border marks specified in the border reports attached to the Ta’if Agreement and concerning the second part of the border line which was demarcated on the basis of an amicable agreement between the two countries. The annexes also define the maritime part of the border line between the two countries, procedures for the regulation of grazing rights, the locations to be used to station armed forces along the two sides of the second part of the border line to which the Agreement refers and arrangements for the exploitation of joint natural resources along the continental part of the border line between the two countries. These annexes are attached to the Agreement and were signed at Jeddah on 12 June 2000.

237. The instruments of ratification of the International Border Agreement and the annexes thereto which were signed by the two Governments contain files and documents concerning all of the constitutional procedures required for the ratification of the Agreement by the executive and legislative authorities of the two Parties. In the Republic of Yemen the Agreement was ratified pursuant to Act No. 16 of 2000.

238. Annex No. 4 of the Agreement between the Republic of Yemen and the Kingdom of Saudi Arabia provides for the regulation of grazing rights and the delineation of locations for the stationing of armed forces along the two sides of the second part of the border line to which the Agreement refers. It also provides for the exploitation of joint natural resources along the continental border line between the two countries.

239. Article 1 (b) of the annex specifies the right of herdsmen in both countries to use grazing lands and water resources on both sides of the second part of the border line, taking account of tribal customs and practices, in an area of no more than 25 kilometres. Article 1 (c) specifies that both Contracting Parties must engage in annual consultations in order to delineate crossing points for the purpose of grazing, in accordance with prevailing grazing conditions and opportunities.

240. According to article 2 of the annex: “Herdsmen who are citizens of the Kingdom of Saudi Arabia or of the Republic of Yemen shall be exempted from:

“(a) Residence and passport requirements and supplied with crossing permits issued by the competent authorities which have jurisdiction over these herdsmen;

(b) Taxes and duties on personal belongings, foodstuffs and consumer items which they carry with them. This shall not prejudice the right of either Party to levy customs duties on animals and goods taken across the border for the purpose of commercial trade.”

241. According to article 3 of the annex neither Party has the right to impose any limitations or restrictions which it sees fit on the number of vehicles which herdsmen may take into their territory nor on the type or number of firearms which they are licensed to bear, providing that the licence in question has been issued by the competent authorities of one of the countries and includes the name of the bearer of the weapons.

242. According to article 4 of the annex, in the event of the outbreak of an infectious disease affecting animal livestock, each Party shall be entitled to impose the requisite emergency measures and restrictions on the import and export of infected animals. The competent authorities in both countries are required to cooperate with one another in order to stem the spread of the infection as far as possible.

243. Under article 5 of the annex neither Contracting Party may amass its armed forces at a distance of less than 25 kilometres from either side of the second part of the border line referred to in the Agreement. The activities of either Party on either side of the border line are limited to the conduct of mobile security patrols using ordinary weapons.

244. Article 6 of the annex provides that in the event of the discovery of joint natural resources which may be extracted and exploited along the border line between the two countries, beginning at the sea rim (the exact sea rim of Ras Al-Mu'awij Shami of the Radif Qarad outlet) and ending at a point which intersects lat. 19° N by long. 52° E, the two Contracting Parties shall undertake the requisite negotiations for the joint exploitation of the said resources.

245. Yemeni diplomacy has successfully resolved a dispute between Yemen and the State of Eritrea over the islands in the southern part of the Red Sea. This was achieved by an experiment that was unique in the region whereby both countries settled the problem by international arbitration after signing an arbitration agreement on 2 October 1996 at Paris, France.

246. The arbitration panel, consisting of five judges, recognized Yemen's sovereignty over the islands. In its verdict the panel also stipulated that Yemen should ensure the continuance of traditional fishing practices in the area, safeguarding the freedom of movement and rights enjoyed by fishermen of both Eritrea and Yemen.

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