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Committee on Economic, Social and Cultural Rights

Forty-sixth session

Summary record (partial)* of the 14th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 10 May 2011, at 3 p.m.

Chairperson: Mr. Pillay

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

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The meeting was called to order at 3.05 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Second periodic report of Yemen (E/C.12/YEM/2; E/C.12/YEM/Q/2 and Add.1; HRI/CORE/1/Add.115)

1. *At the invitation of the Chairperson, the delegation of Yemen took places at the Committee table.*

Articles 13 to 15 of the Covenant (continued)

2. **Mr. Kedzia** (Country Rapporteur) asked what measures the State party was planning to take in order to promptly address the fact that its school enrolment rate, particularly in primary school, was declining in spite of the many efforts made in the area of basic education. He also wished to know what measures the authorities envisaged to extend access to the Internet so that it could be used not only as a way to obtain general information, but as a teaching aid and a means to foster cultural development and the protection of rights such as the right to labour, through the job information it provided.

3. **Mr. Marchán Romero** said he was concerned over the fact that neither the State party's report nor its replies to question 44 of the list of issues contained any information on article 15 of the Covenant, relating to cultural rights. He asked the delegation to remedy that omission by providing information on how the State party was ensuring the enjoyment of those rights, and promoting access to cultural life. With regard to cultural barriers in Yemen in relation to the status of women, mentioned in the delegation's opening statement, he recalled that the Committee's general comment No. 21 (Right of everyone to take part in cultural life) noted that cultural diversity could not be invoked to infringe upon human rights guaranteed by international law, nor to limit their scope. Thus, only positive and constructive values could be considered as cultural in nature, and not practices or traditions that infringed upon rights. The Committee therefore recommended that the State party should use culture as a tool for correcting the many inequalities that existed in various areas. Since all countries had a cultural heritage, not strictly in material terms, the Government could, for example, explain what ethnic diversity meant in Yemen and what rights its various ethnic groups enjoyed. He therefore asked the State party to provide information on the country's demographic composition in its next periodic report.

4. **Mr. Sadi** suggested that the many cultural barriers hindering the development of Yemeni society which had been mentioned throughout the discussion with the delegation could be overcome by implementing a suitable educational policy.

5. **Mr. Dasgupta** said that the country's very high illiteracy rate (45 per cent) might be explained by the phenomenon of forced labour among children, since children could not attend school if they were working. Parents should be encouraged to send their children to school, for example, through free meals being provided in schools. He would welcome the delegation's views on that suggestion.

6. **Ms. Algaefi** (Yemen) said that the Yemeni authorities were setting up a national strategy for the free registration of civil status. The aim was to raise awareness among the public and relevant civil servants and to adopt specific measures, in cooperation with the Ministry of Education and civil society, to facilitate the registration of children who were in school but had not yet been registered, including children from minority groups. It also sought to cooperate with the Ministry of Health to ensure the registration of children at birth, particularly in rural areas, using information from midwives and hospital and medical

centre staff. Families were invited to inform the authorities in the event that a fee, however nominal, was charged for entering names in the civil register, so that the necessary measures could be taken. With regard to the marriage of minors, legal provisions were accompanied by measures for raising the awareness of girls, whom the Government encouraged to go to school, with support from civil society organizations and the United Nations Children's Fund (UNICEF), particularly through food subsidies to girls in secondary school. In addition, quotas had been introduced for women teachers in rural areas. Information activities on the risks of early pregnancy and all matters relating to childhood were organized by the Ministry of Religious Endowments and Guidance with help from moderate imams, as society was very receptive to pronouncements within the religious sphere. A law on "tourist marriage" had been adopted and the Ministry of the Interior had given instructions prohibiting any marriage to a foreigner without approval from the embassy of the country of the husband-to-be. A study was being carried out on corporal punishment in the family and in educational facilities or childcare establishments. Another study had been conducted on sexual violence against children; since children were not always amenable to answering questions on the matter, the survey had polled university-level students on whether they had been sexually abused when they were younger. Following that study, the authorities, in cooperation with UNICEF and certain donor countries, had introduced a national strategy to combat violence against children and a national network of governmental organizations and non-governmental organizations (NGOs) specializing in child protection, which used local structures and had toll-free telephone lines to enhance case monitoring and follow-up. The aim was to take the necessary measures to foster the social and psychological rehabilitation of children who had been victims of abuse and to sanction parents. Several draft laws on the matter were awaiting ratification by Parliament, although the training of judges had already enabled sanctions to be imposed on parents who had inflicted severe punishment on their children.

7. The Ministry for religious affairs had helped carry out awareness-raising in cooperation with mosques and television, which had broadcast relevant programmes during Ramadan. Media professionals had been trained on how to address the issue, with help from the Arab Council for Childhood and Development, and animated cartoons had been produced to encourage children to report cases of sexual harassment and violence. Police officers were trained on violence committed against children and child trafficking, and a manual for health-care professionals had been drawn up under the responsibility of the Ministry of Health. There were centres for the psychological care of child victims, and the establishment of shelters for abused women with special areas reserved for abused children was under consideration.

8. The courts had handed down 22 decisions on cases involving child trafficking in 2005, and 6 decisions in 2008–2009. According to a study conducted on the matter with help from UNICEF and the United States Embassy, those were not cases of trafficking, strictly speaking, since the children concerned were not sold, but were sent to other countries, Saudi Arabia in particular, to help their families. Agreements had been concluded with governorates and local councils, which had carried out awareness-raising activities among their constituents on issues facing children who were sent abroad, and broadcast television programmes with interviews of children who had returned to Yemen after being sent abroad. A project had been set up, with support from the United States Department of Labor, to help reintegrate those children in school and to combat illiteracy. Awareness-raising had also been conducted among bus and taxi drivers to encourage them to report cases of children suspected of being sent abroad. To combat the phenomenon, a joint technical committee had been established with Saudi Arabia for the exchange of information, monitoring and coordination. That committee investigated the status of children on its territory, and endeavoured to identify those responsible, and also handled the

repatriation of victims. The situation had improved considerably in the past two years thanks to the measures that had been taken and recent events in Yemen.

9. Female genital mutilation was practised mainly in coastal areas. An expert on the matter, recruited with help from UNICEF, had been consulted in order to develop a strategy to combat that practice. Also, a Sudanese expert on sharia law had participated in workshops to issue a fatwa, although that project was yet to be completed. An information and awareness-raising manual had been published with the assistance of a national expert, member of the opposition, and support from UNICEF. A training course was being offered at the governorate level by an association whose work was recognized by the religious parties.

10. The legal minimum age for the recruitment of soldiers was set at 18. In order to address abuses and to counter the participation of children in armed conflict, the Government had entrusted the Ministry of Defence with disseminating information pamphlets within its services, to remind them of the rules in force and encourage them to review their registries of soldiers. The Ministry of the Interior, for its part, was responsible for checking the ages of voluntary recruits in the registries. Moreover, Human Rights Watch had noted the presence of minors were among the combat militia of certain dissident groups. The Government would be setting up a transparent mechanism for determining the age of persons who did not have birth certificates.

11. A study had been carried out on child labour. Child labour in the family setting (farming and commercial activities, in particular) which did not hinder children's schooling was authorized. The Government was endeavouring to put an end to the worst forms of child labour in cooperation with the International Programme on the Elimination of Child Labour of the International Labour Organization.

12. **Mr. Algonayd** (Yemen) said that there were still communicable diseases in the country — diarrhoea, bronchitis, tuberculosis — and chronic illnesses were on the rise. Yemen still had cases of bilharzia and malaria, as well as cancer, diabetes and cardiovascular disease. Communicable diseases affected half of children under 5 years of age. The health authorities faced several challenges: in addition to tackling traditional and modern-day diseases, they also had to cope with road accidents. Priorities were set in accordance with available resources. A strategy had been drawn up to eradicate malaria from the Arab peninsula: the number of malaria cases had dropped from 2.5 million in the late 1990s to some 250,000 in 2010, according to data from the World Health Organization (WHO). The aim was to eradicate malaria, with help from the World Bank, as well as bilharzia, which affected 3 million persons. Children were vaccinated to protect them against acute pulmonary diseases, which were a major cause of death in children under 5 years of age. WHO figures that would shortly be released were expected to reflect a decline of about 5 per cent in the mortality rate among that age group.

13. Diseases linked to malnutrition were handled mainly by the administrative entities which addressed social matters, and as the situation had become more critical, the Ministry of Health had been stepping up its involvement. Each governorate and one fourth of the country's districts had acute malnutrition treatment centres. In 2010, the Government had distributed foodstuffs to more than 190,000 mothers and children suffering from malnutrition, and had provided interim assistance to more than 15,000 persons. The World Food Programme (WFP) had supplied 11 tonnes of food to that end. Moreover, volunteers were helping to distribute an energy paste, Plumpy'nut, thus significantly reducing costs.

14. Tobacco use was the cause of many chronic diseases. Yemen's ratification, in 2007, of the WHO Framework Convention on Tobacco Control had laid the foundation for the adoption of a law on the matter. The mechanism for implementing that law remained weak and required awareness-raising campaigns, already launched via television and radio, and

the appointment of coordinators to oversee the application of the provisions in force. The recently established Yemeni National Medical Council acted as an oversight body for medical errors in both public and private health centres. It took appropriate administrative and disciplinary measures and, if needed, could refer cases to the courts. Several cases were currently being investigated.

15. The famine affecting children in the country had many causal factors, as noted by UNICEF. The figures available derived from a survey that had been conducted only in three densely populated governorates, and some improvement had been detected following action by the authorities. Yemen had a national food strategy in place as part of a more global food security strategy. Food security was a national priority and the focus of the Government's cooperation with UNICEF, and would also be addressed by many projects carried out in cooperation with various international bodies and donors.

16. **Mr. Alabbasi** (Yemen) said that the national strategy for primary and secondary education and the strategy for the emancipation of girls, implemented with help from the World Bank and the British Government, aimed to improve the school enrolment rate in Yemen and to resolve the many issues raised in the report under consideration. The fifth annual review of the plan for implementing those strategies had recently taken place with the participation of donor countries.

17. With about 3 million children not attending school, the country was not on track for achieving the Millennium Development Goals (MDGs). It had presented a report on the occasion of the High-level Plenary Meeting of the General Assembly on the MDGs held in New York in September 2010, at which time it had been selected as one of the countries whose progress towards attaining the MDGs would be monitored. Yemen had the potential to achieve universal primary and secondary education by 2015, but budgetary constraints prevented it from allocating additional resources to education, which accounted for 18 to 20 per cent of budget spending. Nevertheless, more than 1,000 schools were being built each year (more than 3 per day).

18. Free school meal programmes had been set up with help from WFP to encourage families to enrol their girls in school and thus reduce the female dropout rate, which in rural areas in Yemen was one of the highest in the world, particularly for reasons of tradition. The Government remained dependent on international assistance in spite of the efforts it was making to achieve a satisfactory school enrolment rate.

19. **Ms. Algaefi** (Yemen) said that girls who initiated a divorce procedure after having been forced into marriage, or who were divorced but not yet receiving all the benefits to which they were entitled received free legal assistance as well as social rehabilitation and health services. Civil society organizations were participating in the initiatives being carried out in that context.

20. The deaths of children during protests had been regrettable. The Yemeni authorities had summoned all political parties and obtained an agreement from most of them to renounce the use of children in political or armed conflicts. Also, psychologists had been consulted to assess the risks linked to the participation of children in such conflicts and various seminars had been organized. Moreover, the NGO Save the Children had distributed pamphlets to raise public awareness on the issue.

21. **Ms. Shin** said it was regrettable that there were only 3 women on the Committee, but noted that the 18 members of the Committee were appointed by the Economic and Social Council from among the candidates nominated by the States parties to the Covenant, which included Yemen. It was thus for the States parties to ensure improved representation of women. Customs and traditions were no justification for the low school enrolment rates of girls in Yemen, and she invited the Government to demonstrate true political will by taking the steps needed to help change behaviours in the country.

22. **Ms. Barahona Riera** said that she hoped eventually to see improved representation of women, not just on the Committee but also in key positions in the State party. She asked whether sexual and reproductive health programmes had made it possible to collect statistics, and requested information on the services provided (in terms of sexual education, contraception, etc.) and on beneficiaries.

23. **Mr. Marchán Romero** invited the State party to include in its next report information on the implementation of cultural rights under the Covenant, since its current report and its replies had failed to address the matter. He wished to know how much awareness there was in the country concerning the importance of cultural rights.

24. **Mr. Al-Rassas** (Yemen) said that the Yemeni authorities attached great importance to cultural rights, but noted that all the issues that had been raised were related to customs and traditions, which were not easily or quickly changed. The Government was focusing on education: school curricula addressed such subjects as the health of girls and women and their role in society, the rational use of water, the rights of the child, the negative effects of qat, domestic violence and the need to reject the logic of revenge imposed by tradition. Awareness-raising activities were also being carried out on the occasion of religious conferences or Friday prayers. Moreover, the Government had set up libraries in certain governorates, installed an Internet connection in certain schools and organized festivals and poetry competitions.

25. **Ms. Algaefi** (Yemen) said that she was pleased at the interest being taken in the status of women in Yemen. The Government firmly believed that there could be no progress without education. Its political will in that regard was evident in its initiatives to increase the school enrolment of girls, which had helped to reduce the dropout rate.

26. With regard to reproductive health, the Ministry of Health and the Department for Reproductive Health were working in close cooperation, particularly in the areas of prenatal and neonatal health, and that Department received significant support from the United Nations Population Fund and the Netherlands Embassy. On family planning, the counselling centres which had opened in various governorates provided free pregnancy care. Programmes had been implemented and personnel had been trained in obstetrics and in provision of care to newborns and women during pregnancy and labour. As the number of miscarriages in rural areas was relatively high due to the difficulties faced by women in remote areas with regard to access to health centres, trained midwives paid house visits to help women during delivery and to care for infants at the time of birth, particularly by providing material and information.

27. She welcomed the support from donors and noted the establishment of an NGO concerned with midwifery, which was also the subject of a dedicated national day. She noted the activities carried out by the White Ribbon Alliance for Safe Motherhood and the participation of numerous governmental bodies — the Ministries of Training, Social Affairs, Local Administration and Education; the Council for Mothers and Children; the National Committee for Women — and emphasized the importance of the broad dissemination of information on making pregnancy safer.

28. **Mr. Al-Rassas** (Yemen) said that Yemen had a Culture Committee, which was responsible for follow-up on activities relating to the cinema and theatre, the dissemination of works and the publication of books at low cost; there was also a body responsible for publications. The State party would provide information on culture in its next report. If some questions had been left unanswered, it was because they touched on religious matters. The issue of polygamy, for example, was difficult to broach in a society as conservative as that of Yemen. Raising public awareness was the only way to address it, as the enactment of a law prohibiting polygamy would run counter to sharia and any intervention on the

matter would arouse the wrath of Islamists. He noted that polygamy, while common in the 1970s, was little practised in the present day and was on the way out.

29. He said that stoning was not practised, since, under sharia law, either four witnesses were required — which was impossible in most cases — or couples had to admit guilt. Flagellation, which was only practised in a few cases, was often replaced by a 10 to 15-day prison sentence. Amputation, as punishment for theft under sharia, was not practised in Yemen. On the religious aspect of divorce requested by women, in some governorates, women could file for divorce, in line with sharia law, a practice that the Government would like to see applied throughout the country.

30. **Ms. Shin** said she would like to see more women in the State party's delegation at the time of its next dialogue with the Committee.

31. **Mr. Al-Rassas** (Yemen) said that, in spite of poverty, the shortage of resources, rampant illiteracy, a difficult geographical situation and a scattered population, the Government was endeavouring to fulfil its obligations and was slowly but surely improving respect for all human rights. The high number of foreign refugees and displaced persons in Yemen created unforeseen and substantial budgetary constraints for the country, adding to the expenses it already had in combating the long-standing scourge of qat. The country needed time to tackle all those problems. The Government was in favour of change and progress, and paid special attention to elections and the need to refrain from violence and the use of arms. It planned to associate civil society and NGOs with the drafting of Yemen's next report.

32. *The delegation of Yemen withdrew.*

The discussion covered in the summary recorded ended at 4.45 p.m.