



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

Pre-sessional working group

25–28 May 2010

### Implementation of the International Covenant on Economic, Social and Cultural Rights

#### List of issues to be taken up in connection with the consideration of the second periodic report of Yemen concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/YEM/2)

##### I. General information

1. Please provide any additional and updated information on the specific measures, legislative or otherwise, that the State party has undertaken to implement the suggestions and recommendations contained in the Committee's previous concluding observations.
2. Please provide information on the mandate of the Ministry for Human Rights regarding human rights complaints, including those related to economic, social and cultural rights. Please also provide information on complaints received and handled.
3. Please provide updated information regarding the establishment of an independent national human rights institution in compliance with the Paris Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights.
4. Please provide information on measures undertaken to combat the phenomenon of corruption, which is reportedly widespread in every branch and at every level of Government. Please also provide information on pending and investigated cases before the Supreme National Authority for Combating Corruption and clarify whether amendments are foreseen to bring legislation into line with the United Nations Convention against Corruption.

## **II. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Article 2, paragraph 2**

5. Please clarify whether 5 per cent of Government jobs are occupied by persons with disabilities, as required by law, and whether persons with disabilities are accepted by universities and exempted from paying tuition. Please also provide information on the contents and implementation of the National Strategy on Persons with Disabilities for 2002–2012, and whether this policy focuses in particular on children.

6. Please provide detailed information on targeted measures taken to address social discrimination faced by the *Akhdam*, including in the areas of access to employment and adequate conditions of work, enrolment of children in school and access to medical care. Please also provide information on measures taken to improve their standard of living, including access to adequate housing, water, sanitation and electricity, and on steps taken to reduce child mortality among the *Akhdam*, which is reported to be considerably higher than the national average.

7. Please clarify whether the State party envisages legally recognizing refugee certificates issued by the Office of the High Commissioner for Refugees (UNHCR), which would enable mandate refugees, as per the 1951 Convention relating to the Status of Refugees, to find employment and be protected from harassment and exploitation by employers.

### **Article 3**

8. Please provide information on specific measures undertaken, legislative or otherwise, to effectively address the unequal representation of women in decision-making positions in all spheres, including in Parliament, Government, the judiciary, public administration, the Foreign Service and academia.

9. Please provide information on measures taken to eliminate all forms of discrimination against rural women, in particular with regard to access to health care, public services, education, clean water and electricity.

10. Please clarify whether steps are envisaged for legislative amendments to allow women to obtain a passport, leave the country or seek employment in the public sector without prior permission from a male relative.

11. Please provide updated information on the number of women who still remain in prison after having served their sentence, owing to the refusal of their guardian or family to receive them home or because they are unable to pay the “blood money” they have been ordered to pay.

## **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

### **Article 6**

12. Please provide information on the impact of the Socio-Economic Development Plan for Poverty Alleviation 2006–2010 on the enjoyment of economic, social and cultural

rights, in particular in the light of the goals described in paragraphs 43 and 44 of the State party report.

13. Please provide up-to-date unemployment figures, disaggregated by age, gender and region.

14. Please provide information on the implementation and impact measured so far of the National Strategy for Women's Employment for 2001–2011 on women's right to work and on overcoming stereotypes and gender division of labour.

## **Article 7**

15. Please indicate whether the State party has taken steps to establish a national minimum wage with a view to ensuring an adequate standard of living, including a mechanism for its revision, based on effective tripartite consultations and a system of indexation.

16. Please provide information on when the proposed amendments to the Labour Code will be submitted to Parliament for adoption and whether the amendments will incorporate the principle of equal remuneration for men and women for work of equal value. Please also provide information on whether the tripartite Labour Council will be established and what its basis will be.

17. Please provide information on whether legislative measures have been undertaken to combat sexual harassment in the workplace, including making it an offence punishable under the Criminal Code.

18. Please explain why a number of International Labour Organization conventions, including Convention No. 2 concerning Unemployment, Convention no. 102 concerning Minimum Standards of Social Security, Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security, Convention No. 128 concerning Invalidity, Old-Age and Survivors' Benefits, Convention No. 130 concerning Medical Care and Sickness Benefits, Convention No. 160 concerning Labour Statistics, Convention No. 168 concerning Employment Promotion and Protection against Unemployment and Convention No. 183 concerning the revision of the Maternity Protection Convention have not been ratified yet.

## **Article 8**

19. Please indicate whether the Trade Unions Act of 2002 allows for the establishment of autonomous federations of trade unions and whether local-level trade unions are allowed to call a strike without authorization from the higher-level trade union bodies.

20. Please provide information on the threats issued by the Ministry of Social Affairs and Labour in 2007 to dissolve the teachers' union, the technical education syndicate and the physicians and pharmacists' syndicate, in response to months of sit-ins and demonstrations by the teachers' union staged to demand a salary increase.

21. Please provide information on reports that private-sector employers discriminate against union members through transfers, demotions and dismissals and that a majority of employers fail to register employees, thereby avoiding social security and labour union regulations. Please also provide information on whether steps have been taken to prevent these practices and enforce labour regulations in this regard.

## **Article 9**

22. Please provide an update on the replacement of Social Insurance Act No. 26 by a new law. Please also comment whether Social Security Fund benefits ensure an adequate standard of living for recipients and their families and whether the level of these benefits is periodically reviewed and adjusted.

## **Article 10**

23. Please provide information on the content and implementation of the Domestic Violence Act No. 6 of 2008, the number of complaints that have been filed over the past three years and the system in place to protect victims of domestic violence. Please provide information on whether domestic violence and marital rape have been criminalized. Please also provide detailed information on the extent of violence against women and children, including domestic violence and sexual abuse of children.

24. Please provide information on steps taken to (a) ensure that all marriages are registered in line with article 14 of the Personal Status Act; (b) reintroduce the minimum age of marriage and raise it to 18; (c) raise awareness on the negative effects of child marriages; (d) outlaw polygamy; (e) allow the marriage of women without the consent of a guardian; and (f) prohibit and prevent forced marriages.

25. Please indicate what measures have been taken to ensure that all children receive a birth certificate free of charge.

26. Please indicate what measures have been undertaken to prohibit and prevent corporal punishment of children in all contexts, especially in the home and alternative care settings, and in penal institutions.

27. Please provide up-to-date information on the extent of child labour in the country, especially in the rural areas. Please also elaborate on the implementation of the second phase of the National Plan of Action to Eliminate Child Labour for 2007–2008, its impact measured on the child labour rates, and measures currently in place to address the phenomenon.

28. Please provide information on the extent of the problem of street children and on whether a systematic and comprehensive strategy is in place to address this phenomenon.

29. Please provide information on measures undertaken, legislative or otherwise, to prevent and combat trafficking of women and children for sexual and other exploitative purposes and the system in place for the rehabilitation and reintegration of victims of trafficking.

## **Article 11**

30. Please provide detailed information on the draft national nutrition strategy for Yemen, and on the extent to which the strategy focuses on household food security. Please indicate what measures are taken to reduce the disproportionate share of food costs in household expenditure, which is reportedly an average of 65 per cent of income. Please indicate whether urgent measures are taken to ensure that basic food requirements are met, especially for rural households, in line with the Committee's general comment No. 12.

31. Please provide information on services and programmes on sexual and reproductive health aimed at the population.

32. Please elaborate on steps taken to ensure universal access to adequate water and sanitation facilities, in particular in rural and remote areas, in line with the Committee's general comment No. 15.
33. Please provide information on the effectiveness of steps taken to improve water management, especially in the agricultural sector, and its impact measured so far.
34. Please indicate the extent to which internally displaced people and returnees, following the armed conflict, have access to water, sanitation, food, health care and education, in particular women, children and older persons. Please also clarify whether the State party has undertaken steps to provide remedies and reparations for people affected by the conflict, including assistance for the reconstruction of damaged homes.
35. Please indicate which measures have been taken to improve the rural infrastructure, including access to the national electric grid and expansion of the national road network into remote areas.

## **Article 12**

36. Please indicate what measures have been undertaken, legislative or otherwise, to improve access to basic health-care services and related family planning aspects, especially in rural areas. Please also clarify whether steps have been taken to improve the gender balance in health-care personnel, especially in the field of nursing, and reduce health costs for patients, with a view to rendering health-care services affordable to those in need, in line with the Committee's general comment No. 14.
37. Please provide up-to-date information on infant, under-five and maternal mortality rates, disaggregated by sex and region, and on measures taken to increase skilled birth attendance (currently available at only 36 per cent of all deliveries) and antenatal and post-natal care.
38. Please provide information on urgent measures taken to eliminate child malnutrition (with a wasting rate of 12 per cent, an underweight rate of 46 per cent and a stunting rate of 53 per cent).
39. Please provide detailed information on cases of confinement without a proper court order of persons with alleged mental disabilities, decided either at the initiative of public authorities or at the request of family members. Please also provide information on whether a 2005 Ministry of the Interior initiative to establish centres for persons with mental illness has been implemented.
40. Please provide information on the total number of persons with disabilities, the types of disabilities and measures taken by the State party to address the needs and rights of those persons and members of their families. Please also provide information on the reportedly disproportionately high number of persons with disabilities living in the village of Humr, Muthaikherah District, Ibb.
41. Please provide information on the extent of female genital mutilation in the State party and on measures undertaken, legislative or otherwise, by the State party to eradicate this harmful practice and to punish those responsible.

## **Articles 13 and 14**

42. Please provide up-to-date information on primary and secondary school attendance and dropout rates, disaggregated by sex and region. Please also clarify whether measures have been undertaken to increase attendance rates, including enforcement of compulsory

attendance, addressing the gender imbalance in teaching personnel especially in rural areas, provision of financial support, or addressing parental attitudes and traditional household labour practices.

43. Please clarify which urgent steps the State party has adopted to eradicate illiteracy and alleviate its causes (as reported in paragraph 179 of the State party report).

### **Article 15**

44. Please provide additional information on steps taken to encourage effective and unhindered participation in cultural life, institutions and activities by disadvantaged and marginalized segments of society, in line with the Committee's general comment No. 21.

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