

ADVANCE QUESTIONS TO YEMEN

CZECH REPUBLIC

- Has the Government of Yemen considered issuing a standing invitation to the Special Procedures of the Human Rights Council?
There are two pending requests for visit – by the Special Rapporteur on torture and the Special Rapporteur on freedom of religion or belief. We would like to ask when these mandate holders would be allowed to visit the country.
- The UN compilation report notes that there is an active complaints and information section within the Ministry of Human Rights. We would be interested to hear more details on the work of the Ministry itself and both these sections.
- Has the Government of Yemen considered acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment?

GERMANY

- According to reports of the UN and NGO Stakeholders there are serious shortcomings in the justice system such as unfair trials, torture during the interrogation, extrajudicial executions, arbitrary detentions, enforced disappearance, incommunicado detention, detention without judicial process for prolonged periods, torture and inhuman treatment in prison. Germany would like to know which efforts the Government of Yemen will undertake to address this alarming situation.
- Germany would like to learn more about efforts of the Government of Yemen to combat discrimination and violence against women, and also about efforts to address the issue of so called "tourist marriages" of young girls to rich men from neighbouring countries.

SWEDEN

- Yemen has been a party to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since 1984. Despite the establishment of the Ministry of Human Rights (2003), the Higher Council on Women (2000) and the National Commission on Women (1996), Yemeni women continue to face discriminatory provisions, while violence remains a significant feature in the lives of many Yemeni women. In its conclusions from its latest consideration in 2008 of Yemen, the Committee on the Elimination of Discrimination against Women expressed its concern about the stereotypical views of women's and men's social roles and responsibilities, which have had a negative impact on some aspects of Yemeni legislation. The Committee was, further, concerned that substantial parts of Yemen's legal system remains in contradiction to the CEDAW. It urged Yemen to incorporate the principle of equality between women and men in its Constitution, or other appropriate legislation, in line with article 2 (a) of the Convention, and reflect fully the definition of discrimination contained in article 1 of the Convention in its national legislation. There are, within Yemeni legislation, discriminatory provisions in, inter alia, the Personal Status Law of 1992 as amended in 1999, the Citizenship Law of 1990 and the Penal Code; the Committee was concerned in particular at articles 273 and 275 of the Penal Code identifying and criminalizing acts violating "public decency", under which women are systematically prosecuted, as well as article 232 providing that a man, or any other male relative, who kills his wife, or female

members of the family suspected of adultery, is not prosecuted with murder. The Committee was also concerned about the lack of specific or dedicated legislation on violence against women and girls, including domestic and sexual violence. Reports from NGOs show that women continue facing violence of both state and non-state actors, including rape and other violence and trafficking.

- Does the Government of Yemen intend to implement the principle of equality between women and men, according to its obligation under the CEDAW convention?

- Could the Government elaborate on measures it is taking to comprehensively address the issue of violence against women and girls?

- In its resolutions 62/149 of 18 December and 63/168 of 18 December 2008, the General Assembly called on states to establish a moratorium on executions with a view to abolishing the death penalty, and to respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty. Yemen retains the death penalty for a wide variety of offenses. The Human Rights Committee expressed, in its conclusions from its latest consideration in 2005 of Yemen, its concern that the offences carrying the death penalty under Yemeni law are not consistent with the requirements of the International Covenant on Civil and Political Rights (ICCPR) and that the right to seek a pardon is not guaranteed for all on an equal footing. Credible reports from 2008 show that at least 15 people were executed during 2008, including one child offender, although Yemeni law prohibits the execution of child offenders.

- Could the Government of Yemen elaborate on the status of the death penalty in relation to the resolution of the General Assembly, including with regard to any plans to abolish the penalty or, as a first step, to introduce a moratorium, as well as on measures it is taking to ensure that international standards guaranteeing protection of the rights of those facing the death penalty today are met?

- What measures is the Government of Yemen taking to eliminate the execution of child offenders?

- Many civil society organizations have criticized the serious violations of human rights in Yemen as part of efforts to counter terrorism. The Human Rights Committee expressed concern, in its last report about Yemen in 2005, regarding reported grave violations of the International Covenant on Civil and Political Rights (ICCPR) committed in the name of Yemen's anti-terrorism work. It noted with concern reported cases of extrajudicial killings, enforced disappearances, arbitrary arrests, indefinite detention without charge or trial, torture and ill-treatment, and deportation of non-citizens to countries where they are in danger of being subjected to torture or ill-treatment.

- Could the Government of Yemen elaborate on what measures it is taking to ensure that its efforts to counter terrorism are applied in accordance with its human rights obligations?

THE NETHERLANDS

- The Yemen Parliament recently voted for a minimum marriage age of 17 years. This is especially important for girls, as well as for tackling the huge population issue in Yemen and the problem of maternal mortality. Fundamentalist groups inside (in particular a small group of hardliners, who use the Shari'a Committee to claim non-conformance with

Shari'a and the (Shari'a based) Constitution) and outside the Parliament are still trying to revoke this decision. What will Yemen do to adhere to the original decision which was worldwide recognised as an important step forward?

- Although capital punishment is part of the realities of the Yemen society, what actions is the Yemen Government taking to diminish the number of yearly executions and in the end to abolish capital punishment? What are the challenges that Yemen faces in this regard and is the Government willing to review existing laws to reduce the use of the death penalty?
- Recent reports indicate the suppression of religious minorities in Yemen. The government has promised to better protect religious minorities, but complaints have been brought forward that the government has yet to fulfil its promise. What measures will the government of Yemen undertake to better protect religious minorities?
- In the light of a deteriorating security situation, some international organizations have not been able to access the secure tight zone nor visit prisoners in the detainees facilities. To what extent does the Yemeni authorities allow for the proper implementation of their commitments under international law?

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

- Would you elaborate further on the range and number of civil society organizations which were involved in the preparation of the Yemen's national report
- Would you please elaborate on the existence and independence from government of a national human rights institution, in accordance with the Paris principles, in Yemen?
- We would be grateful for information about how Yemen is promoting the equality of men and women as urged by CEDAW, in particular to increase the representation of women at all levels of politics.
- Would Yemen provide an update on the status of proposals by the Women's National Committee to ensure that homicides committed against women husbands or male relatives are prosecuted and punished in the same way as other murders?
- Are there any plans to raise the minimum age of criminal responsibility to an internationally acceptable level as noted by the Committee Against Torture?
- Concerns have been raised about the judicial system which means that cases can be subject to delay without due process; this affects the human rights of those detained without trial and makes the presentation of evidence more difficult and generally erodes public confidence in the justice system. What steps has Yemen taken to tackle this problem?
