Committee on the Elimination of Racial Discrimination considers Report of Yemen

Committee on the Elimination of Racial Discrimination

28 February 2011

The Committee on the Elimination of Racial Discrimination has considered the combined seventeenth and eighteenth periodic reports of Yemen on its implementation of the provisions of the International Convention on the Elimination of all Forms of Racial Discrimination.

Presenting the report, Huda Abdullatef Alban, Minister of Human Rights, said that Yemen respected human rights and dignity based on the equality of all its citizens who were respected without any distinction of race, age or colour. The State believed that racial discrimination was one of the worst violations of the United Nations Declaration of Human Rights. For the past 20 years, the State had worked hard to ensure the civil and political rights of its citizens and their right to participate in all activities in the country. Ms. Alban explained that Yemeni citizens from all segments of society were represented in all government organisations. Moreover, laws had been implemented to punish all persons guilty of perpetrating racial discrimination and it was the intention of the government to explore the matter further and two conferences had been organised to that effect.

Ms. Alban underlined that the effort made by Yemen to establish a database in relation to racial discrimination was linked to its demographic situation. This was carried out in periodic censuses which took into consideration all possible categories in order to have a clear understanding of the nature of the country. The country was working continuously to update the database which was useful in designing mechanisms to combat several societal problems including child labour, discrimination against women in the work place and the case of food shortages. It also enabled the State to set up a Social Security System and a Social Protection Fund to guarantee protection to its citizens in the realm of education and the provision of potable water and health services.

In preliminary concluding observations, Pierre-Richard Prosper, the Committee Expert who served as country Rapporteur for the report of Yemen, said he was pleased that the State intended to revisit its reservation to Article 5C. He also urged the delegation to give a proper presentation of marginal groups as well as their conditions of life. Mr. Prosper invited the delegation to allow for a fuller conversation in the next report by providing more details on those people they referred to as “guests” given that the Convention did not make any distinction between guests and citizens. He said the Committee was not there to criticise the delegation, but would be making some recommendations in order to assist the State in pursuing the elimination of racial discrimination in Yemen. Mr. Prosper expressed the hope that the government would find the right solution to protect its citizens and ensure peace in the country.

Other Committee Experts raised questions and asked for further information on subjects pertaining to, among other things, factual data about the make up of Yemeni society so as to aid the understanding of what was happening; the living conditions of refugees, what rights and services they enjoyed and what the rules for acquiring citizenship were; how cases of the violatio of rights of women and some other minority groups were resolved; how the law treated non-Muslim foreigners who violated Sharia law; the possibility that people of African descent might be used as slaves as had been the case in history; efforts made to restore equality of women’s rights particularly in the civil code; safety nets put in place to help vulnerable communities address the problems of endemic poverty; the practice of female genital mutilation among some communities in Yemen and the representation of women in positions of middle management in Yemen.

The delegation of Yemen included representatives from a wide array of governmental organizations including the Ministry of Human Rights, the Ministry of Planning, the Ministry of Legal Affairs, the Ministry of Labour and Social Affairs, the Minister of Justice, and the Permanent Mission of Yemen to the United Nations at Geneva.

The Committee will present its written observations and recommendations on the seventeenth and eighteenth periodic reports of Yemen at the end of its session, which concludes on 11 March.
When the Committee reconvenes at 3 p.m. this afternoon it is scheduled to take up the fifth and sixth periodic reports of Armenia (CERD/C/ARM/5-6).

Report of Yemen

The combined seventeenth and eighteenth periodic reports of Yemen, submitted in one document (CERD/C/YEM/17-18), say the government of the Republic of Yemen seeks constantly to strengthen cooperation with the various international mechanisms and bodies belonging to the Human Rights Council, and, indeed, with the committees of all bodies established pursuant to human rights instruments. In the Republic of Yemen, democracy and human rights have become a pattern of behaviour and a way of life. In this climate, Yemen is witnessing continuing development in terms of the legislative and institutional safeguards that represent the basis for enabling civil society institutions and individuals to exercise the principles and values of rights and freedoms effectively, and to participate meaningfully in political, economic, social and cultural life.

In accordance with basic constitutional principles and fundamental concepts, Yemen’s economic, social, political and human development priorities have been determined with a view to safeguarding and enforcing these rights through a series of five-year plans, of which there have been three to date. These plans have been characterized by concern for issues relating to human rights in the implementation of Government policies aimed at promoting balanced, durable economic, social and human development. The Government’s initiatives are designed, in terms of their general content, to eliminate any provisions of law tending to give rise to racial discrimination. The Republic of Yemen participated effectively in the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban from 31 August to 8 September 2001. Yemen’s active role in the Conference was prompted by the Government’s growing determination to strengthen and protect human rights.

Social safety net mechanisms and programmes have been designed to reduce poverty and curb unemployment by creating permanent and temporary jobs and providing credit and cash assistance and services directly to the poor in order to improve their standard of living. Accordingly, a Social Welfare Fund was created to offer cash assistance and direct benefits to the poorest groups. It also aims to establish a plan to train some 6,000 persons in occupations and trades that will help them to become self-reliant over the course of the plan. In 2006, a total of 2,756 persons received training (through associations, productive family projects, technical education and training centres), while 463 persons from small-scale enterprises received training (sewing, beekeeping, livestock raising, weaving, hairdressing, etc.).

The Republic of Yemen wishes to reaffirm its ethical obligation toward refugees. This appears clearly from its acceptance of hundreds of thousands of refugees (currently numbering approximately 800,000), mainly from Somalia, but also some from Ethiopia, Eritrea, Iraq, Palestine and other places. Yemen has provided them with services and met their essential needs within the limits of its resources and capabilities, and is continuing to do so. Yemen is considered to be a nascent democratic State with respect to its recent political situation and with respect to the evolving democratic path the Government of Yemen has adopted a number of legislative measures aimed at overhauling the nation’s laws in order to bring them into line with international human rights instruments.

Presentation of Report

HUDA ABDULLATEF ALBAN, Minister of Human Rights, in presenting the periodic report of Yemen, said that Yemen respected human rights and dignity based on the equality of all its citizens without any distinction of race, age or colour. The State believed that racial discrimination was one of the worst violations of the United Nations Declaration of Human Rights. The society in Yemen was a homogenous one and in no way were practices of discrimination in conformity with the requirements of the Committee on the Elimination of Racial Discrimination tolerated. For the past 20 years, the State had worked hard to ensure the civil and political rights of its citizens and their right to participate in all activities in the country.

Ms. Alban explained that the State had opened doors to all legal reforms aimed at combating all forms of discrimination and such the State rejected all acts of discrimination and the government endeavoured to provide basic education to all segments of the population. Citizens of Yemen had the right to run for election and participate in the voting process in the State’s political processes. Citizens from all segments of the society were represented in all government organisations. Laws had been implemented to punish all persons guilty of perpetrating racial discrimination. It was the intention of the government to explore the matter further in law and two conferences had been organised to that effect.

The State had established a code of conduct for members of the judiciary. It was the intention of the country to establish measures to combat discrimination against women and refugees. Yemeni women married to foreigners transferred the right of citizenship to their spouses. The majority of refugees were free to practice their religion and profession and the State treated them the same way it treats Yemeni citizens. There were offices established to assist refugees in lodging complaints in cases of discrimination. All related bodies working to assist refugees received support and collaboration from the State. Judicial and legislative measures in economic and political fields as well as in social aspects had been implemented in order to achieve a
The effort made by Yemen to establish a database in relation to racial discrimination was linked to its demographic situation. This was carried out in periodic censuses which took into consideration all possible categories in order to have a clear understanding of the nature of the country. About 42 per cent of the population lived below the poverty line. The country was working continuously to update the database which was useful in designing mechanisms to combat several societal problems including child labour, discrimination of women in the work place and food shortages. It also enabled the State to set up a social security system and a social protection fund to guarantee protection of its citizens in the realm of education and in the provision of potable water and health services. The level of education had seen a marked improvement and a majority of the children from rural areas now attended school.

MOHAMED ALHAWRI, Deputy Minister of Planning, said the State was working toward decreasing poverty and its effects on the population and a draft document was being developed to address the Millennium Development Goals. Women participated alongside men in all government branches at an equal pace. In 2009 a bank was created to finance projects for poor Yemeni. About 800,000 refugees from the horn of Africa lived in Yemen and the State was collaborating with the United Nations High Commissioner for Refugees in order to ensure good living conditions and the provision of social services to them. The State had limited finances to carry this out, but this had not stopped it from sending out field workers to determine the actual situation in the places inhabited by the refugees. Other efforts had been initiated so that education of refugees and their children was fully covered and more schools were built and/or renovated.

Mr. Alhawri underlined that Yemen’s main problems included finance and security, but the State was doing all in its power to address the issue of the refugees in the country. Regarding the rights of migrant workers in Yemen, the legal framework made sure that no form of discrimination was carried out and targeted a particular group. The government was engaged in covering the full labour market in order to give the same rights to all job seekers irrespective of their origin. Several events linked to labour had been organised and all issues linked to labour were addressed.

ALI SALEH ABDULLAH, Deputy Minister of Labour and Social Affairs, explained that there was no specific information about the number of marginalised persons in Yemen. However, according to past census figures 500,000 individuals considered themselves marginalised and actual forecasts based on those figures suggested that the figure stood at about 1 million persons. Mr. Abdullah said the social realities did not help the country because certain groups of the population did not consider themselves as Yemeni even though they had the same physical, cultural and linguistic characteristics as the Yemeni. The government had started providing some services to these particular groups in order to allow them full protection and consideration in the State system. The government had also initiated amendments to the constitution in order to provide more services to these marginalised groups in various domains such as health care, employment and politics. The current data at the government’s disposal showed that these marginalised groups had started enjoying some of the rights, especially in politics.

AWSAN ABDULLAH ALAUD, Chargé D’affaires of the Director of Human Rights, said in order to assist refugees, the government issued a decree in 2009 to improve legislation dealing with refugees. There was a database which contained every detail about them such as names and places of residence. Refugee children could enrol in schools free of charge in cities, while those in camps had access to free education in the schools created in the camps. The State had created special institutions to assist refugee children, and the State had health and nutrition campaigns to combat malnutrition. Yemen continued asking for international assistance in order to cover everything that had to deal with refugees, create jobs for them and provide other social amenities.

TAREG AL-MUGAHED, Deputy Minister of Legal Affairs, underlined that regarding legal and judicial affairs, Yemen viewed the Convention as an integral part of its legal system and the aim was to meet international standards. Yemen had a single legislative system in which parliament had to approve international conventions in order to be in a position to draft domestic law. Concerning the domain of human rights, Yemen had taken measures to align its legislation with that of the international recommendations and some of the existing pieces of legislation went beyond what was initially required of the State. For instance, a woman had the right of custody even when she was married to a foreigner and the penal code was being amended to cover everything to do with racial discrimination. Mr. Al-Mugahed said the issue dealing with removing reservations on certain legal instruments had to do with Yemen’s national sovereignty, not with Islam, and the parliament was working on it.

YAHYA AL-KHAZAN, Chief of the International Conferences and Reports in the Ministry of Justice, said the right to life had always been protected and principles of equality were strictly respected. The judicial system was crafted in such a way that judges received constant training through seminars on human rights, women, and treatment of minors. In all legislation there were also issues about the right of the child and trafficking in human beings. The code of conduct for judges was focussed on human rights. Judicial investigations were conducted to ensure that the rights were fully respected and Yemen was committed to accepting the recommendations of the Committee.
PIERRE-RICHARD PROSPER, the Committee Expert serving as country Rapporteur for the report of Yemen, said the delegation’s report was rich in depth and addressed the particular issues raised by the Committee. Mr. Prosper said Yemen was actually in the midst of change; one which was sweeping parts of the Arab world where people were raising their voices to question their various governments on issues of interest and preoccupation of the Convention. He reminded the delegation the citizens had to share in the principle of freedom. Mr. Prosper said democracy and human rights had become a pattern, but noted that there had been reports of violence against citizens. The Rapporteur expressed satisfaction that the government had taken steps to protect the people. One concern in relation to the protests was that immigrants had become targeted in the face of these unrests because of their origin. According to Mr. Prosper, the critical issue was that there was not enough information and facts about the make-up of the Yemeni society so as to aid the understanding of what was happening.

Mr. Prosper said that Yemen was a democratic republic with a complex history that had been divided into north and south and had faced several national challenges which it was willing to address. The Rapporteur noted that the delegation devoted a lot of explanatory portions as to the instruments put in place to prevent violation of human rights and its implementation saying that the basis of the discussion would be to address implementation of the measures. Mr. Proper said he would have liked more data to give a clear image of the demographics of the society because it was known that there were several groups present in Yemen who were not featured in the report and asked the delegation to say who was actually considered in the Yemeni society.

Regarding the presence of refugees, the Rapporteur wanted to know more about the living conditions of the refugees, where they lived, what rights and services they enjoyed and what the rules for acquiring citizenship were. The delegation needed to give a clear description of who these people were because there was conflicting classifications of this group of people, their plight and what was being done to address them. Regarding the issue of skin colour, Mr. Prosper wanted to know who the delegation actually categorised under this description. Reports alleged that some people had been deported without the use of proper documentation and asked the delegation to look closely at the matter.

Concerning reports about the indiscriminate bombing of internally displaced persons’ camps in 2009, Mr. Prosper asked for clarification about the composition of the internally displaced persons in question. Mr. Prosper asked for more information about how problems of violation of rights of women and some other minority groups were resolved and who the perpetrators were.

With regards to lifting reservations as hinted by the delegation, Mr. Proper wanted to know why the reservation on Article 5C existed in the first place. In addition to clarification, the delegation should provide a particular definition of those who were covered by these areas of the Convention. He concluded with the hope that the people of Yemen were the holders and source of power and would guide the government in its efforts to implement measures to guarantee their rights and freedoms.
An Expert underlined that the question of citizenship and provision of citizenship to Yemeni women was a concern of the Committee and congratulated the delegation for that development. The Expert asked the delegation to look into the issue of the existence of Bedouins who were nomadic and tended to be vulnerable in their livelihoods and living conditions. The State has to take into account the fact that those minorities who were really of a small number were more vulnerable to having their rights violated. How did the State explain the handling of cases where foreigners living in Yemen violated some rules linked to particular laws? For instance, how did the law treat a foreigner who violated a rule linked to the Sharia law even when the foreigner was not Muslim?

Another Expert expressed concern at the apparent possibility that people of African descent might be used as slaves as had been the case in history and asked for more clarification.

An Expert said it was very important to examine the delegation’s reports against the backdrop of the current political situation and the State had to be encouraged to pursue its efforts of protecting people from discrimination. The Expert underlined the need to strengthen the protection of members of minority groups who were targets of discriminatory attacks. The delegation was asked to inform the Committee if it intended to ratify the charter on human rights which was based on Sharia law.

A Committee Expert asked to what extent Sharia law would be applied to foreign nationals. What efforts were made to restore equality of women’s rights, particularly in the Civil Code? How were the rights of the Paktam community restored? Of the close to 850,000 refugees, predominantly of African origin, what would be the State’s intention to define their status and what legislation would be considered in order to define their right to employment and social services?

An Expert noted the tug of war between the government, which was committed to promoting universal principles, and another group fighting to implement Sharia law and asked how the State intended to resolve the issue. The delegation was asked to explain if the safety nets in place had succeeded in helping vulnerable communities solve their endemic problems with poverty. Regarding the protection of children’s rights, the Expert asked for more information about the practice of female genital mutilation among some communities in Yemen. The government was said to have banned the practice in health institutions but was silent on the practice by private individuals in private homes. Regarding the seemingly widespread phenomenon of girl child marriage, such as the case of the 8 year-old girl who was married to a 30 year-old man (which was largely protested by women), the Expert wanted to know what the State had initiated as follow-up. The Expert also asked for information about the representation of women in parliament.

Following up on the previous question, another Committee Member asked about the representation of women in positions of middle management and what measures had been taken to further the protection of women and ensure their equality in society. The delegation was asked to provide information regarding the reduction of poverty among the most marginalised minority groups.

Response by Delegation

The delegation started by commenting on the latest developments in Yemen and underlined that these events, which affected the entire Arab region, were a healthy sign especially for Yemen as the State had accepted a multiparty political approach. Prior to these events, certain measures had been taken to respond to the demands of Yemenis which aimed at stopping the Constitutional reforms as well as reducing poverty. Yemen had very good laws, but the problem lay with their implementation. How did the State explain the handling of cases where foreigners living in Yemen violated some rules linked to particular laws? For instance, how did the law treat a foreigner who violated a rule linked to the Sharia law even when the foreigner was not Muslim?

The delegation said the State believed in working hard to combat the chaos under the Yemeni law and defend all human rights, any violations would be subject to punishment. All departments of State had been instructed not to use force against peaceful demonstrators because people had a legitimate right to demonstrate. Acts of force or use of violence would not be tolerated.

Regarding the issue of the rights of women, the delegation said several women were in positions of management and there was an initiative to create a quota of about 44 seats in parliament to be devoted to women in addition to the 301 that would be open for competition.

There was a civil society organisation and national women’s committee to combat the practice of female genital mutilation.

Regarding the issue of the safety net to alleviate poverty, the delegation said since 2005, poverty had become part of the 2015
Regarding the issue of the safety net to alleviate poverty, the delegation said since 2005, poverty had become part of the 2015 Development Plan in order to accelerate the elimination of poverty among the Yemeni population. The 2007 food crisis had a negative impact on efforts to reduce the poverty rate, which affected about 45 per cent of the population. There was a local council’s fund which granted funds for entrepreneurship for the poor. Over the next five years the State expected to lower the unemployment rate in line with its programme based on the Millennium Development Goals.

Regarding the law governing foreigners, particularly non-Muslims, the actual issue was the conflict of rules of application. The State applied rules governing foreigners based on the particular situation.

The delegation underlined that the current political challenges facing Yemen were exaggerated by the foreign media and didn't reflect the positive developments and practices such as the frequency in democratic elections which were witnessed and certified by international observers.

The refugees in Yemen since 1991, especially from Somalia, had been subject to the State’s open-door policy. The State had called on the international community to assist it in shouldering the financial responsibilities which came with such a policy. Those who made it to Yemen were sent to camps where they received assistance and they were asked to say where they intended to go to. After two weeks, they were then transferred to other camps where they received enormous support to help with their integration into the local community. The United Nations High Commissioner for Refugees usually cooperated with the Yemeni authorities. There were a lot of complaints from refugees from certain countries like Iraq and Palestine because they were not recognised by the United Nations High Commissioner for Refugees and so the Yemeni Ministry of Human Rights in turn did not want to handle their problems. The delegation urged the Committee to assist in looking into the matter.

The delegation agreed that women were able to participate effectively in the socio-political life of the State and stressed that women were present in all spheres of political and administrative life of Yemen. They were allowed to participate in elections both as candidates and as voters and could play a preponderant role. The delegation said the State probably needed some more awareness campaigns in order to encourage more women to run for office.

The delegation further underlined that in May 2009, the State accepted the Universal Periodic Review recommendation to set the marriage age for girls at 17 and this law had been voted on in parliament. Regrettably, there was a group that stood in opposition to the promulgation of this law because they said it should be up to the woman to decide whether she was ready for marriage or not. The delegation certainly hoped that this law would finally be promulgated so that marriages at earlier ages would eventually be punishable.

Regarding female genital mutilation, the delegation said this was not a deep rooted or widespread practice in Yemen. This phenomenon had entered Yemen due to the influx of African refugees and immigrants, and was limited to certain areas. The delegation underlined that this phenomenon had greatly decreased and hoped that it would completely disappear in the near future.

Regarding the issuance of passports to women, the delegation said that women were able to obtain passports and other travel documents without restrictions and they were free to travel in and out of the country to attend international seminars and conferences as well as for leisure.

The delegation said that Yemen had been receiving refugees since the late sixties and seventies and many of them had voluntarily returned to their countries of origin, particularly after the Ethiopian war.

The delegation stated that apart from political rights, everybody living in Yemen was able to enjoy a huge range of rights including the rights to healthcare, employment, decent housing and others. There was no hatred against refugees and Yemen had opened doors to refugees from all parts of the world because Yemenis could also become refugees tomorrow and would seek protection from other sovereign States. The Yemeni society was not based on racial hate and discrimination and the Government worked tirelessly to guarantee freedom and basic needs to all including the less favoured group called “Al Akhdam”. This particular group had taken the option to live differently from all other Yemenis but the government had taken steps to integrate the members of this group into State life.

The Yemeni displaced persons had received appropriate care and a number of centres had been set up that offered essential care and food. The internally displaced persons were Yemenis and many of them had returned to their homes after reconstruction and others would be returning soon.

Regarding the treatment of the poor, the delegation said they were treated according to Muslim precepts and they received a number of services especially under the canopy of the social safety net designed particularly for them. The delegation said there had not been any complaints about forced disappearances and all such cases had been closed.
Regarding the issue of the State’s reservation on Article 5C, the delegation said the reservation was made after the union of 1990 which saw political changes where a multiparty system came into force. The Yemeni delegation would transmit the issue to the appropriate quarters and the parliament would decide on whether to maintain or withdraw the reservation. The other reservation concerned Islamic teaching and so could not be withdrawn given the characteristic nature of the State’s system. The delegation however promised to submit the questions to the authorities in charge for examination.

Yemen had enacted both a public law system and family law system and the application of these systems depended on the types of infringements. Regarding legal protection of children of a Yemeni mother, the delegation referred to a 2009 law that granted citizenship to children of Yemeni citizens who were married to foreign nationals and these children were allowed to apply for the nationality of their foreign parents once they turned 18. Customary practices were taken into account on the law that were applied to Yemeni Jews with regards to civil status.

Regarding the issue of the “marginalised group”, the delegation said that Yemen was a homogenous society because there was no peaceful co-existence between its inhabitants and the existence of this group had been attributed to their economic background. The delegation underlined that it could not deny the fact that some of the members of the “Al Akhdam” group were of African origin and 70 or 80 years ago were able to integrate in the Yemeni society and to marry Yemeni citizens and could subsequently liberate themselves from the discrimination they were subjected to. Others had still not succeeded in integrating into the society and so might still be discriminated against. The delegation insisted that there was no systematic or State-orchestrated discrimination against this marginal group of people who enjoyed many privileges and held leadership positions in the southern part of Yemen where they lived. Despite Yemen’s other problems, refugees and displaced persons had been able to make Yemen their home.

The delegation underlined that the State did not deem it necessary to grant asylum to Ethiopian nationals given that the war in their country had ended. Some of these refugees had returned home while others refused to return. During the past period, Yemen had expelled Ethiopians because they no longer had a legitimate claim to asylum and would be better off back in their country. Throngs of refugees still clandestinely entered Yemen and the State endeavoured to provide them with necessary services, but with the ultimate aim of sending them back home. Due to security concerns, some people irregularly entered and lived in Yemen with the aim of transiting into the Gulf region and when the Yemeni authorities identified them, they were repatriated to their countries at Yemen’s expense. Such extraditions respected terms of agreement signed with the countries in question and regional conventions in the absence of inter-state treaties.

Regarding the judiciary, the delegation said the basic principle was to ensure true independence of the judiciary and training courses were organised targeting all citizens, women in particular, to enable them to become judges. The Supreme Court of Yemen also ensured that training could be carried out within and outside the country and the State received financial aid from both France and Italy. There were two female judges in the Supreme Court and more than 800 women occupied middle and senior ranking positions in the judiciary. The delegation also stressed that there were no Bedouins in Yemen because that term meant nomadic and all nomads in Yemen had settled down permanently in the country.

Further Questions by Experts

An Expert said that they still needed information as to the size and economic and social make up of the various distinct group living within Yemen. The Expert noted that the State was involved in a series of dialogues regarding its legislative development and remarked that there was some signs of exacerbation on the part of the government as to the positions taken by some groups.

Response by Delegation

Regarding data about homogeneity in Yemen, the delegation said there was a degree of that in the country with distinct social classes and so forth. There also was a poor servant class and as already explained this group emerged after the country merged in 1990 and the socialist system inevitably withered away and a new market-based system was ushered in and those who had been entirely dependent on the State became worse off. The government had taken steps to grant rights and services to this class of people but it was an ongoing process.

The delegation said the international community believed that Yemen supported terrorism but this was a misconception. The delegation further explained that Yemen was a tribal country and there were tribal conflicts emerging because some tribes supported the government while others were opposed to it. There was a huge number of guns in the country, but there were laws in Yemen that prohibited the possession of weapons and any kind of tension could result in a bloody conflict. The President had made it clear that he had no intention of clinging on to power, but was concerned about having a peaceful transition. The current situation was one in which the population was neither in favour of the government nor of the oppositio
so the entire State needed to follow the path of logic in order to resolve this deadlock.

Further Questions by Experts

Another Expert expressed concern about the current delicate situation that the State faced and hoped that there would be a peaceful resolution of the issue. The Expert asked for more information about the relationship between general civil law and Islamic Sharia law.

Response by Delegation

The delegation said the text regarding the Islamic law applied exclusively to Yemeni Muslims while foreigners were governed by certain technical laws which were applied to a number of things such as rules of international criminal law for crimes committed outside Yemen. As to crimes committed in Yemen, the Yemeni public law was used.

Further Questions by Experts

An Expert said there were a number of specific features in the Islamic law prevailing in Yemen and asked the delegation to explain if there were nuances to their application or not.

Response by Delegation

The delegation said there were different opinions in Yemen with regards to the Islamic law and this was due to an open jurisprudence which took into account the changes in circumstances around the country.

Preliminary Concluding Observations

In preliminary concluding observations, PIERRE-RICHARD PROSPER, the Committee Expert who served as country Rapporteur for the report of Yemen, thanked the delegation for the presentation which was a testament to the State’s commitment to respecting the recommendations of the Committee on the Elimination of Racial Discrimination. He expressed hope that the government of Yemen would find the right solution to protect its citizens and ensure peace in the country.

Regarding the government’s reservations to Article 5, the Rapporteur applauded the explanation provided and was pleased that the state intended to revisit this reservation. Regarding the definition of the Yemeni society as homogenous, Mr. Prosper said the delegation’s succinct explanation was very helpful to understand the fabric of Yemeni society and he hoped that the comments made today would be included in the next report. He also urged the delegation to give a proper presentation of the marginal groups as well as their conditions of life.

Mr. Prosper invited the delegation to allow for a fuller conversation in the next report by providing more details on those they referred to as “guests”, given that the Convention did not make any distinction between guests and citizens. Regarding the marginalised people, the Rapporteur noted that the delegation recognised that many of them were of African descent and encouraged the delegation to give a clearer picture of the complete composition of this group of people. He underlined that this was not just for the delegation, but would particularly help the Yemeni government to have a clearer understanding as to the condition of these people and the discriminations perpetrated against them. He said the Committee was not there to criticise the delegation, but would be making some recommendations at a later stage which would be communicated to the delegation in order to assist the State in pursuing its policies for the elimination of Racial Discrimination in Yemen.

In concluding remarks, HUDA ABDULLATEF ALBAN, Minister of Human Rights, reiterated that the Republic of Yemen would not accept any form of discrimination and would link their words with actions. She said they did not claim that the situation in Yemen was perfect, but as an emerging democratic state, they had learned a number of lessons and listened to all advice received with regards to human rights. The Minister promised to be the personal messenger for the protection of human rights in Yemen. She thanked the Committee members for their advice and comments and promised to document them in the next report.

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