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**UNIVERSAL PERIODIC REVIEW**

**Report of the Working Group on the Universal Periodic Review \***

**Yemen**

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## **Introduction**

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its fifth session from 4 to 15 May 2009. The review of Yemen was held at the 8th meeting, on 11 May 2009. The delegation of Yemen was headed by H.E. Dr. Huda Abdullatef Alban, Minister of Human Rights. At its 16<sup>th</sup> meeting, on 13 May 2009, the Working Group adopted the present report.
2. On 8 September 2008, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Yemen: Indonesia, Nicaragua and South Africa.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Yemen:
  - (a) A national report submitted in accordance with paragraph 15 (a) (A/HRC/WG.6/5/YEM /1);
  - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/5/YEM /2);
  - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/5/YEM /3).
4. A list of questions prepared in advance by Argentina, the Czech Republic, Denmark, Germany, Hungary, Latvia, Sweden, the Netherlands and the United Kingdom of Great Britain and Northern Ireland was transmitted to Yemen through the troika. These questions are available on the extranet of the UPR.

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **A. Presentation by the State under review**

5. At the 8th meeting, on 11 May 2009, the delegation presented its report, indicating that Yemen was celebrating the nineteenth anniversary of the realization of the unity of the land and people of Yemen on 22 May 1990. It added that the unified Constitution mandated equal rights for citizens without discrimination and adopted democracy, political pluralism and respect for human rights and fundamental freedoms as an irreversible approach.
6. Yemen involved a number of civil society organizations in the preparation of the national report. Democracy and human rights in Yemen have become a behaviour and a way of life and if some negative aspects emerge in practice and application, they are normal symptoms experienced by emerging democracies. Yemen was witnessing a growing trend of legislative and institutional guarantees which represent the basis for the empowerment of civil society institutions and members of society to engage in the actual practice of the principles and values of rights and freedoms and to participate actively in political, economic, social and cultural life.
7. Democracy and human rights in Yemen constitute an integrated system and the most striking evidence in this regard is the ratification of more than 56 international conventions and instruments from an early date and the establishment of the Ministry of Human Rights in 2003.

8. In response to written advance questions, the delegation stated that all trials are conducted in accordance with Constitutional and legal procedures, and based on principles – the most important of which is the presumption of innocence – and require the availability of conclusive irrefutable evidence. There is an effective institutional mechanism to evaluate the performance of judges on a regular basis and to hold judges in error accountable for their acts. The Constitution and laws in force consider torture of accused persons, or persons subject to custody, and arbitrary detention as crimes with no statute of limitation and for which the perpetrators deserve just punishment. Extrajudicial, arbitrary, summary or unjust execution is unlikely to happen and is a violation to the Constitution and subject to punishment under the laws in force.

9. The judiciary does not approve the death penalty except for the most serious crimes, and this penalty has never been executed against any Yemeni citizen or non-Yemeni outside the concerned judicial mechanism. This penalty is limited and confined to cases determined in accordance with legal provisions. It has judicial guarantees that minimize executions, including the right of the President of the Republic to pardon those sentenced in cases specified by the law.

10. The Yemeni Penal Code defines the age of full criminal responsibility as 18 years at the time the perpetrator commits the crime and the law does not permit the imprisonment of children in penal facilities and obliges the Attorney-General's Office to place juvenile offenders in a care and rehabilitation home. A judicial reform strategy has been adopted which affects regulatory and legislative procedures, including the separation of the office of the President of the Higher Council of the Judiciary from that of the President of the Republic and its transfer to the President of the Supreme Court. Laws on the judiciary are being amended now, which will enhance the independence of the judiciary. A restructuring has been made of the Accountability Council within the Higher Council of the Judiciary, which is responsible for the accountability of the judges referred to it.

11. The judicial reforms included activation of the role of judicial oversight in surveillance and inspection of the work of judges and appraisal of their performance through periodic and unannounced inspections, receipt of citizens' complaints and carrying out desk and field examination of such complaints.

12. The Constitution stipulates that citizens are equal in rights and duties, which are guaranteed by the relevant laws and legislation. The Government has taken a number of actions to address discrimination and violence against women, including the establishment of a team of legal experts to study national legislation concerning women and eliminate any discriminatory provisions against women that are incompatible with international conventions. This has resulted in (a) amendment of the Yemeni Nationality Act No. 6 of 1990, by granting the original nationality to the children of a Yemeni mother married to a foreigner on an equal footing with the children of a Yemeni father; (b) addition of an article to the Police Authorities Act No. 15 of 2000, providing for the right of Yemeni women to serve in the police force; (c) amendment of the Social Insurance Act No. 26 of 1991, providing for equality between women and men in terms of the age of retirement; and (d) amendment of article 95 of the Diplomatic and Consular Corps Act, granting Yemeni women the right to work with their husbands in the same mission abroad.

13. Tackling violence against women takes various forms, including the formulation of a strategy containing targets and measures, the most important of which is the development of a programme for combating violence against women. The Yemeni Network for Combating

Violence against Women was established in 2003. The first Yemeni Conference on Combating Violence against Women was held in 2001.

14. Regarding the so-called “tourist marriage”, a limited number of cases occurred in a prior period and ended after the authorities took strict measures to hold accountable those who were behind them. The adoption by the House of Representatives of the age of 17 as the minimum marriage age has made the marriage of minor girls to a Yemeni or non-Yemeni a crime subjecting its perpetrator to legal penalty. The law will be implemented upon completion of its issuance procedures.

15. Six years ago, the Gender Strategy was approved to realize equality in practice between men and women.

16. The delegation affirmed that reports of persecution of religious minorities in Yemen are incorrect. For example, Jewish Yemeni citizens enjoy all the rights provided for in the Constitution and the laws in force as other Yemeni citizens. With regard to allowing international organizations to visit detention places, the Government provides all the facilities required to carry out the visits with the utmost ease. The Government is always keen to strengthen cooperative relations with the various international mechanisms and bodies of the Human Rights Council, including the Special Rapporteurs on human rights issues. In this context, the Government considers the visit requests submitted to it and is very keen to provide all the facilities which contribute to the success of these visits. Yemen received, in previous years, the Working Group on Enforced or Involuntary Disappearances and agreed to the visit of the Special Rapporteur on the Right to Food, and the Independent expert on the situation of human rights in Somalia visited Yemen.

17. The delegation reported that the Council of Ministers issued a decision to study the establishment of an independent national human rights body in accordance with the Paris Principles and that Yemen is seriously moving forward in this direction.

18. The delegation stressed that despite the significant efforts made in the context of the promotion and protection of human rights, there are still many challenges and difficulties, most notably limited resources and assets, poverty, negative social and cultural heritage, emergency challenges such as terrorism and the continued flow of refugees from the Horn of Africa, particularly from Somalia.

## **B. Interactive dialogue and responses by the State under review**

19. During the interactive dialogue 62 delegations made statements. A number of delegations thanked the Government for the comprehensive national report, prepared through a large consultation process; for its comprehensive presentation; and for responses to advance questions that allowed for an assessment of Yemen’s human rights promotion and protection efforts. Many delegations also welcomed the ratification by Yemen of most international human rights instruments and the establishment of the Ministry of Human Rights in 2003. Recommendations made during the interactive dialogue are to be found in section II of the present report.

20. Algeria noted the establishment of commissions mandated to align national law with international conventions ratified by Yemen. Algeria welcomed Yemen’s commitment to establishing an independent national human rights commission in accordance with the Paris Principles.

21. Israel expressed concern about forced early marriages, draconic methods of execution and punishment, and discrimination and violence systematically directed against women and children.
22. Qatar noted the significant developments occurred in Yemen since unification and the Constitutional and legislative guarantees for the protection of human rights.
23. Canada welcomed the ratification of the Convention on the Rights of Persons with Disabilities and the Arab Charter on Human Rights, and the Parliament's recent law banning marriages under the age of 17. Canada expressed concern about the use of capital punishment, particularly about reports of an execution of a minor in 2008.
24. The United Kingdom welcomed Constitutional guarantees for fundamental freedoms and stressed that significant achievements have been made since 1990. It noted that challenges remained, referring to concerns expressed by CEDAW Committee about ongoing discrimination against women; the Committee on the Rights of the Child on issues of the definition of a child, family law and juvenile justice; the Human Rights Committee on offences carrying the death penalty; and the Committee against Torture on the practice of de facto incommunicado detention.
25. Saudi Arabia noted the National Strategies for Youth and Children and Basic Education. The establishment of the Ministry of Human Rights to strengthen human rights and to assist in the formulation of legislation and procedures, and the Constitutional and legislative reforms to ensure compliance with international norms, demonstrated Yemen's commitment to human rights.
26. Bahrain referred to policies developed to promote economic, social and cultural rights, including women's and children's rights. Bahrain noted the firm political will of Yemen to advance the role of women in society, notably through initiatives aimed at removing discriminatory measures in national law. It asked for clarification about efforts undertaken to raise the level of education for women.
27. Cuba stressed that despite limited resources, Yemen has demonstrated a clear will to improve the daily life of its citizens, particularly in the areas of education, health care, food and combating poverty. Cuba welcomed measures taken in the field of health care to expand coverage and improve the quality of services. It referred to the national report containing information on measures taken to promote the rights of women and voluntary commitments.
28. Austria referred to recommendations made by treaty bodies that Yemen adopt a definition of torture consistent with the Convention against Torture; end the practice of incommunicado detention; and raise the age of criminal responsibility in accordance with international standards. Austria was concerned about the widespread application of the death penalty and about reports that victims' families are involved in deciding whether a death penalty should be applied.
29. France enquired about measures preventing the application of the death penalty when the age of the convicted person could not be determined. Recalling the worrying situation of Jewish and Baha'is people, France asked about policies undertaken to combat discrimination based on religion or belief. Taking into consideration the observations of the CEDAW Committee, France enquired about plans to remove discriminatory provisions from laws on citizenship and personal status.

30. Brazil commended Yemen for the commitments contained in its report and asked the international community to consider assisting Yemen in those endeavours. Brazil welcomed the establishment of the National Women's Committee and the recent increase in the ratio of girls to boys in primary education. It asked about concrete measures to ensure increased access of girls and women to all levels of education

31. Belarus noted the attention paid to the advancement of women. Belarus noted the measures to protect children's rights, that rehabilitation centres are being set up for disadvantaged children and that child mortality rates are decreasing. Belarus praised the idea of establishing a Children's Parliament.

32. Morocco noted achievements in the field of human rights since unification and Yemen's determination to comply with its commitments despite various challenges. Morocco noted the will of Yemen to align its legislation with international conventions on women, recognized efforts to host refugees and encouraged Yemen to continue these efforts with the support of the international community.

33. Egypt stressed the achievements made in the field of human rights since reunification and challenges faced due to the shortage of available resources, anti-terrorism policies and the influx of refugees from the Horn of Africa. Egypt enquired about plans to address these challenges and to provide access to education in rural areas.

34. Pakistan noted the sustained progress in the human rights situation, both in terms of Constitutional and legislative guarantees and through effective implementation, and steps taken to improve the status of women through a range of reforms and bodies established to follow up on them. Pakistan welcomed Yemen's voluntary commitment to establish an independent human rights institution in accordance with the Paris Principles.

35. Azerbaijan noted reforms undertaken to bring national legislation into compliance with international human rights standards and the numerous institutional reforms related to women's rights. It referred to challenges such as limited resources, continuous inflow of refugees and the threat of terrorism, and called upon the international community to support Yemen in that regard.

36. Malaysia welcomed Yemen's commitment to strengthen democracy and institutionalize human rights standards, measures for the advancement of women, ratification of the United Nations Convention against Corruption and cooperation with special procedures. Remaining challenges include administrative and capacity constraints, land mines and the large number of refugees and IDPs.

37. Sweden noted the concern of the CEDAW Committee regarding discrimination and violence against women. Citing resolutions 62/149 and 63/168 in which the General Assembly called upon states to establish a moratorium on executions, Sweden noted that there had been reports of minors being executed even though legislation prohibits it.

38. Turkey stated that the high number of governmental bodies working on human rights reaffirmed Yemen's commitment to human rights. The high number of civil society organizations is an indication of enhanced public awareness and activism. Turkey noted the considerable progress achieved in promoting women's rights and the review of domestic legislation aimed at eliminating discriminatory provisions against women.

39. Indonesia appreciated the decision to prepare a national human rights strategy and efforts to upgrade the situation of women, and stated that the projected establishment of an independent national human rights institution should be encouraged. It requested Yemen to share its best practices in reconciling international human rights norms with religious and cultural precepts.

40. India appreciated the establishment of a committee to harmonize legislation with international obligations and the adoption of progressive laws, including on women's rights. India was encouraged by the adoption of the National Strategy for Children and Young People and the lowering of the under-five mortality rate. India referred to the influx of refugees and welcomed efforts undertaken for their welfare. India asked about the envisaged establishment of an independent national human rights institution in accordance with the Paris Principles.

41. Japan welcomed restrictions on the minimum age of marriage for women. It noted the inclusion of human rights in the Constitution but stated that many citizens remain unaware of these provisions. Japan stressed the lack of adequate infrastructure in the judiciary system and the failure to execute court rulings, which undermined public trust in the judiciary.

42. The Islamic Republic of Iran appreciated the efforts of Yemen to further human rights and address challenges, with due regard to national and regional particularities and historical, cultural and religious backgrounds. It requested further information on the activities and responsibilities of the Ministry of Human Rights.

43. Mexico applauded Yemen's cooperation with UPR and its voluntary commitments as reflected in the national report. Yemen has made significant progress in consolidating democracy and has a broad infrastructure in place to promote human rights.

44. Tunisia noted Yemen's commitment to human rights and democracy, demonstrated by the cooperation with the United Nations mechanisms and the enactment of laws. Tunisia greatly appreciated the achievements made since unification. Tunisia applauded the courage of the Yemeni authorities in providing a frank and transparent list of challenges faced.

45. The Syrian Arab Republic stressed Yemen's great efforts to strengthen human rights, highlighting the institutional structure established. It stated that despite limited resources, Yemen had spared no effort to provide education free of charge and had enlarged vocational training and education.

46. The Republic of Korea noted with satisfaction that the Constitution and other laws enshrine human rights principles. It noted various mechanisms designed to uphold human rights of vulnerable people. It noted that Yemen's reports to the Committee against Torture are long overdue and enquired about difficulties faced by Yemen in this regard.

47. Viet Nam noted that, despite limited resources and challenges, Yemen registered significant progress since unification. It congratulated Yemen for its voluntary commitments, establishment of a legislative and institutional human rights framework, efforts to harmonize national law with international instruments and cooperation with United Nations human rights mechanisms.

48. The Netherlands welcomed steps taken to eliminate provisions in legislation that discriminate against women. It asked how Yemen would ensure that a decree recently issued by the Ministry of information, suspending the publication of any paper harming national unity, will not encroach freedom of expression, particularly press freedom.

49. Djibouti welcomed the establishment of several specialized committees and measures taken to harmonize legislation with ratified international instruments.
50. The delegation noted that Yemen had adopted a number of legislative and legal measures to protect all human rights and that the Council of Ministers had recently appointed experts to elaborate a national human rights strategy that focused, inter alia, on harmonizing laws with the international instruments Yemen has ratified and integrating the concepts and principles of human rights in all educational curriculums. Within the Ministry of Human Rights there are a number of departments that are directly concerned with human issues like the general directorate of complaints and petitions.
51. Freedom of expression and opinion and freedom of the press are perfectly protected through the Constitution and no restrictions or threats are facing journalists. Yemen receives a great number of foreign media correspondents and there are more than 400 publications available in Yemen. The President of the Republic has recently issued a decree preventing imprisonment of any journalist for any issue connected with publications and freedom of opinion and speech. The Jewish people, the Baha'is and other minorities in Yemen live a secure and stable life, protected by the Constitution and enjoy all human rights without any discrimination on the basis of religion or ethnicity. The delegation affirmed that no capital punishment through stoning has ever taken place in Yemen.
52. The delegation noted that there are continued efforts to combat trafficking in children, which is a shrinking phenomenon, and that Yemen had adopted a comprehensive plan to combat the smuggling of children outside the country. Solitary confinement is strictly limited to three cases: as a disciplinary measure in prisons, which cannot exceed 15 days; for those who have received capital sentences; and finally for detainees who suffer mental diseases, before referring them to mental care institutions.
53. The delegation categorically refuted the need for Yemen to take any measures to abolish child executions because they do not exist and have no place in legislation or the judicial system. The age of criminal responsibility that would constitute a possible basis for capital punishment is 18 years. No child under 18 has ever been executed, and this finds its basis in the Islamic sharia. Sexual harassment is addressed in the penal code namely under the categories of rape and acts of indecency. Sexual harassment is well covered and sanctioned by the law. The delegation categorically stated that there is no policy that advocates torture in Yemen. Torture is criminalized by both the Constitution and the laws and the perpetrators of such crimes are punished after being tried and the acts of torture are not covered by prescription. Places of pre-trial detention and prisons are under the direct supervision of the judiciary. In the very rare cases where it has been proven that an accused was tortured, those responsible were apprehended and questioned administratively first, and if their acts proved to be deliberate, they were referred to courts.
54. All places of detention are under the supervision of the judiciary and the rights of detainees are fully protected. Any shortcomings are due to the scarcity of financial resources. The fight against terrorism in Yemen is carried out in a manner that respects all human rights and Yemen has sought to engage in dialogue with the perpetrators of terrorist acts in order to convince them to forsake the path they adopted. Trials are held according to the legal norms and there is cooperation with the relevant United Nations organs.

55. The delegation reported that improvement of the situation of rural women is part of the second five-year plan and the the poverty alleviation strategy. Femal genital mutilation is about to be wiped out and the Ministry of Health is raising awareness on this issue and prohibiting the practice by health workers. More women have been appointed to decision-making positions and there is political will to increase this trend.

56. Yemen adopted a programme for economic reform and other medium-term development plans, which led to the improvement of living standards and per capita income. The Government has drawn up an independent and comprehensive poverty reduction strategy. Poverty was reduced from 41 per cent to 34 per cent between 2003 and 2005. Other institutional mechanisms work in this area such as the Social Fund for Development which has the second best record at the international level. These efforts, which were blessed by the international partners, resulted in some improvement in living conditions. Priority is given to education with three ministries working in this field. The funding for education is 6 per cent of GNP. Basic enrollment has increased, and the hope is to reach, as per the MDGs, 100 per cent enrollment by 2015.

57. The delegation said that last month, the second stage of the national reform agenda was adopted, and one of its pillars is combating corruption. A comprehensive national strategy to combat corruption is being developed.

58. Venezuela highlighted the commitment by Yemen to promoting human rights. Venezuela understood the sacrifice made by Yemen, a developing country, to host refugees and asked the international community to support Yemen in this regard. Venezuela also stressed the improvement of health indicators over the past years.

59. Denmark, noting constitutional provisions protecting human rights, enquired about measures envisaged to improve the rule of law and to bring a halt to arbitrary arrest and detention and detention without charge. It was concerned about numerous cases of juveniles on death row and gender discrimination, noting in particular the frequency of female genital mutilation.

60. Oman noted that human rights were being promoted through constitutional and legal guarantees to enable governmental human rights institutions and NGOs to increase their activities. Oman welcomed Yemen's cooperation with United Nations mechanisms. Oman stated that Yemen's achievements are many and considerable.

61. Lebanon welcomed the planned establishment of a national human rights commission; measures taken to promote human rights, particularly women's rights, notably through urban and rural development programmes; and measures to further advance the participation of women in decision-making. Lebanon enquired about measures taken to end domestic violence.

62. China noted with satisfaction Yemen's commitment to decrease poverty; the tremendous progress achieved in education, health and food; and cooperation with the international community and United Nations agencies. China understood that Yemen still faced challenges. It enquired about specific measures taken to reduce the illiteracy rate and protect the vulnerable, in particular their right to food.

63. Jordan noted the efforts to institute a democratic and pluralistic society. Jordan appreciated the establishment of human rights institutions and the formulation of plans and strategies. Jordan referred to the importance attached by Yemen to the advancement of women

and its cooperation with UNHCR regarding the situation of refugees. Jordan called upon the international community to continue to assist Yemen.

64. Italy welcomed the growing human rights awareness in Yemen and the adoption of new legislation, while noting that traditions often constituted an obstacle to its full implementation.

65. Kazakhstan recognized progress achieved despite challenges; referred to institutional mechanisms established; and stressed the importance of adopting national strategies on gender equality. It welcomed Yemen's commitment to establish an independent human rights institution in compliance with the Paris Principles and efforts made to address problems in the areas of education, health and poverty.

66. Nigeria noted Yemen's strong commitment to its international obligations and its voluntary commitment to establish an institutional mechanism to implement the recommendations of this review and narrow the gender gap in education and illiteracy. Nigeria noted the inadequate training of persons monitoring abuses and limited resources, and called upon the international community to assist Yemen in these areas.

67. Kuwait welcomed new measures taken in the area of human rights. Kuwait recalled the challenges identified in the national report, like traditions or difficulty in reaching rural areas. Kuwait stated that Yemen undertook efforts to combat corruption and that technical assistance might be vital in this regard.

68. Palestine underlined the progress made, referring to the ratification of international instruments on the protection of refugees and stressing that a large number of Palestinians enjoy their rights in Yemen. It welcomed efforts to improve the situation of women and eliminate discriminatory legislation not in compliance with international treaties.

69. The United Arab Emirates welcomed the progress made in enhancing development, raising the standard of living and ensuring basic rights and services, combating poverty, creating work opportunities and advancing the situation of women. It noted with appreciation the establishment of rehabilitation centres, immunization programmes and measures to address the smuggling of children. It welcomed efforts to reform the judiciary and establish the rule of law.

70. The Democratic People's Republic of Korea stressed Yemen's efforts to harmonize domestic legislation with international instruments. It was particularly impressed by a series of achievements like increased participation of women in many areas. Despite challenges, it encouraged the Government to continue efforts to promote human rights.

71. Nepal noted Yemen's national institutions and legislative measures premised on democratic principles and pluralism for the promotion of human rights. It welcomed the deployment of substantial resources to reduce poverty and promote the realization of economic, social and cultural rights, and Yemen's voluntary commitment contained in the national report.

72. The Libyan Arab Jamahiriya, recognizing the attention accorded to women, stated that, although Yemen had ratified several conventions and established institutions to ensure equality between men and women, it could adopt more equitable legislation.

73. Bangladesh stated that Yemen made significant efforts in consolidating its legal and institutional human rights framework. Bangladesh noted that efforts to protect vulnerable people created the basis to combat discrimination and exploitation. Bangladesh stated that the

international community must provide assistance to Yemen to tackle poverty and under-development.

74. Portugal, welcoming efforts made, noted that inequality between women and men persisted in the legal system. It asked how Yemen intended to ensure that the current review of the Constitution and the Penal Code would not expand the scope of the death penalty and weaken safeguards regarding the execution of juveniles and the application of capital punishment for apostasy.

75. The Philippines lauded measures adopted to cushion the negative impact of the global financial crisis. It enquired about the extent to which climate change contributed to water scarcity. It congratulated Yemen for creating mechanisms at all levels of Government to promote the rights of women, and departments for the advancement of women in provinces, and enquired about coordination among these bodies.

76. The United States of America made recommendations related to prisons, freedom of expression, women's rights and gender discrimination and labour rights.

77. Germany noted Yemen's ambitious programme of transition and legal reforms. It enquired about measures taken to increase the school attendance of boys and girls and to diminish the illiteracy rate.

78. Norway noted that discrimination against women reportedly remained rampant and enquired about steps envisaged to implement the new law fixing a minimum marital age. Norway shared concern of the CEDAW Committee regarding discriminatory provisions in the Personal Status Law and appreciated plans to eliminate discriminatory provisions against women. Norway remained concerned about reports of harassment and intimidation against people expressing their views through peaceful demonstration.

79. Thailand commended Yemen for its human rights institution-building efforts. It fully understood the challenges faced by Yemen during the current financial crisis. Thailand was encouraged by measures taken to protect economic and social rights and acknowledged efforts undertaken for the advancement of women.

80. Latvia appreciated the responses provided regarding the issue of standing invitations to special procedures. It noted the cooperation of Yemen with special procedures, while referring to a number of pending requests for visits.

81. Slovenia noted that Yemen is a country of origin for child trafficking, and asked what measures would be taken to eradicate child trafficking. Slovenia noted that juvenile offenders had been executed in contravention of ICCPR and CRC. Slovenia asked for more information about juvenile offenders reportedly on death row.

82. The Sudan asked for more information on the obstacles that had faced the strategies to combat poverty, eradicate illiteracy and reform the education system, and on the national strategy on microfinancing.

83. Hungary welcomed legislative and constitutional achievements in the field of human rights. It expressed concern about amendments to legislation regarding criminal investigation and detention. It recognized difficulties faced by Yemen in addressing terrorism, but stressed that

reducing human rights is not an option. It welcomed the success achieved in involving women in education, but remained concerned about the overall situation of women.

84. South Africa acknowledged the burden that the influx of refugees placed on Yemen. It noted the accession to the 1951 Refugees Convention and its Protocol and the establishment of national mechanisms for their implementation. It welcomed steps taken to address food security. It asked about lessons learned regarding training held in cooperation with OHCHR for ministerial staff on humanitarian welfare for refugees.

85. Zimbabwe commended Yemen for the thorough consultative approach used for the preparation of the national report, which showed its total commitment to human rights. Zimbabwe noted the challenges faced by Yemen.

86. Somalia commended efforts to host a large number of refugees from the Horn of Africa, in particular from Somalia. It called upon the international community, in particular United Nations agencies such as UNHCR, WFP and WHO, to better support Somali refugees in diverse countries. Somalia strongly supported Yemen's request to hold an international conference on refugees in Yemen. It stressed that it is high time for the international community, and in particular Arab countries, to provide timely and constructive cooperation to the African Union to stabilize Somalia.

87. The Czech Republic commended Yemen for being a party to both CAT and the 1951 Refugee Convention. It noted with regret that the state applied censorship and restrictive measures on media, journalists and political, human rights and other activists.

88. Argentina made recommendations regarding ratification of international human rights instruments and freedom of expression.

89. Senegal applauded Yemen's commitment to improve further and consolidate human rights, and referred to various programmes aimed at protecting the rights of vulnerable people. While noting remaining challenges, Senegal expressed the wish that the international community provide support to Yemen. Senegal encouraged Yemen to pursue the thinking under way regarding the establishment of a national human rights institution in accordance with the Paris Principles.

90. The delegation reported that the Government is finalizing the amendment of a number of laws that, in some of their provisions, are in conflict with CRC, in order to strengthen the reflection of the Convention in national laws and to provide more protection to children in special circumstances. The delegation reiterated the importance of UPR and its commitment to strengthen and protect human rights, despite a number of challenges including poverty and the influx of refugees from the Horn of Africa, especially Somalia. Drawing attention to the great burden Yemen is shouldering in receiving approximately 800,000 refugees, it called upon the international community to pay attention to this problem.

## **II. CONCLUSIONS AND/OR RECOMMENDATIONS**

91. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Yemen:

1. Continue to bring its policies and legislation in line with its obligations under the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) (Netherlands);
2. Review the Criminal Code with special attention to discrimination against women (Hungary);
3. Revise its national legislation with a view to the total elimination of discrimination against women and implement effective measures to address violence against women in line with the CEDAW Committee recommendations (Zimbabwe);
4. Ensure that all its laws are free from discrimination against women, in conformity with the ratified treaties by Yemen (Nigeria);
5. Amend the provisions of the Crime and Penalty Law, the Election and Referendum Law, the Labour Code and the Prison Law which are in contradiction to its international obligations under CEDAW and take concrete measures to improve the social, economic and political participation of women (Austria);
6. Take concrete measures to ensure effective birth registration, particularly in remote and rural areas (Norway);
7. Examine relevant laws and measures to guarantee that restrictions imposed on freedom of expression are in line with the International Covenant on Civil and Political Rights (ICCPR), to which Yemen is party. (Argentina);
8. Revise its legislation and practice so that they both ensure full protection of the principle of non-refoulement (Czech Republic);
9. Proceed with its intention to establish an independent national human rights commission (Algeria); finalize the procedures aiming at the establishment of an independent national human rights commission (Jordan);
10. Consider establishing (South Africa)/Establish (France)/Continue its endeavour to create (Thailand) an independent national human rights institution that complies with the Paris Principles;
11. Speed up the establishment of an information centre in the Ministry of Human Rights, taking into account its important envisaged role in designing future strategies and plans (Sudan);
12. Continue practical efforts to improve the overall human rights situation in the country (Azerbaijan);
13. Ensure effective enforcement of human rights-related laws in all its territory and at all administrative and judiciary levels (Italy);
14. Continue the promotion of human rights in conformity with the universally recognized principles and reject attempts to impose foreign values that are outside the United Nations legally approved framework (Egypt);

15. Continue its reform process with all possible financial and technical assistance from the international community and relevant agencies for the political, economic and social uplift of its citizens, in particular women (Pakistan);
16. Continue placing strong emphasis on promoting and protecting human rights in crucial areas such as poverty eradication, justice administration, education, public health and gender equality (Malaysia);
17. Continue with the formulation of a human rights strategy and with human rights education (Jordan);
18. Develop a national plan of action aimed at fostering a culture of human rights and at raising public awareness of human rights among the society (Islamic republic of Iran);
19. Strengthen the implementation of educational and awareness-raising programmes on human rights (Japan); continue its efforts to raise human rights awareness, and provide human rights education and training for the relevant Government officials (Thailand);
20. Continue its efforts to build national institutions, increase its people's awareness of all sets of human rights and broaden the space for the enjoyment of economic, social and cultural rights (Nepal);
21. Organize intensive training courses for judges and the judiciary on human rights principles (United Arab Emirates);
22. Enhance cooperation and consultation with civil society and work towards the promotion of civil society (Jordan);
23. Pursue its efforts to combat administrative and financial corruption (Kuwait); pursue with resolve its efforts towards the eradication of corruption (Turkey);
24. Intensify cooperation with United Nations mechanisms to, inter alia, address the issue of outstanding reports to various treaty bodies, and enhance cooperation with special procedures (Germany);
25. Continue to fulfil its international human rights commitments and obligations and continue its cooperation with international human rights mechanisms (Algeria);
26. Take into account, when examining the UPR recommendations, those that are in line with its religious, social and cultural specificities (Algeria);
27. Honour its voluntary commitment to submit national reports to the treaty bodies by the due date (Republic of Korea);
28. In cooperation with the relevant bodies, follow up on the implementation of voluntary commitments as reflected in its national report and consider their inclusion in its national human rights strategy (Mexico);

29. Take measures to implement the recommendations of the CEDAW Committee in the area of women's rights as soon as possible (Mexico);
30. Continue its policy aiming at incorporating women's issues in its comprehensive development plans; enhance healthcare services for women, increase their access to credit, promote rural women and enhance women's access to education (Algeria);
31. Review legislation to ensure it does not discriminate unfavourably against women and introduce laws to unequivocally prohibit violence against women (United Kingdom);
32. Review its national legislation to eliminate any discrimination against women (Libyan Arab Jamahiriya);
33. Actively enhance respect for the rights of women, including access to education and equal treatment in custody cases, and by creating support mechanisms for divorcees and women victims of violence, particularly sexual violence (Canada);
34. Continue its efforts to advance the role of women in society and support women in acceding to high-level decision-making posts (Bahrain);
35. Continue working on promoting and protecting the rights of women (Cuba);
36. Continue its work in creating and using opportunities to encourage and defend the rights of women, including the voluntary obligations which are set out in the national report (Belarus);
37. Ensure a gender perspective in all fields and stimulate women's participation in public life, while putting emphasis on the situation in local and rural communities (Morocco);
38. Take additional measures to reform the justice system and enable women to accede to judicial positions (Morocco);
39. Continue efforts made to upgrade the status of Yemeni women to one of equality with that of men, including with regard to their representation in society and politics, their access to education and their treatment before the law (Indonesia);
40. Intensify the efforts undertaken to make progress in the area of gender equality, especially with regard to the equality of women before the law, equal access to judicial processes and participation in the education system at all levels (Mexico);
41. In the framework of reinforcing its pioneering policies to promote women's rights, continue its efforts aimed at prohibiting early marriages of girls, taking into account that women represent half the population (Tunisia);
42. Continue to improve the condition of women and ensure their effective participation in political life by appointing them to political positions of responsibility (Djibouti);

43. Continue with initiatives aimed at increasing the number of women in education and employment (Lebanon);
44. Redouble its advocacy efforts to enhance public awareness on gender equality and women's role in social and economic development (Republic of Korea);
45. Strengthen measures, both in regard to policy and legislation, to combat discrimination and violence against women (Germany);
46. Continue efforts to improve the status of women and to empower them (Jordan); maintain its efforts aimed at strengthening the status of women in society (Turkey);
47. Intensify efforts to reduce the gap between the sexes in all political, economic and social activities of the country, to bring down the child mortality rate and to better protect the most vulnerable social groups (Viet Nam);
48. Continue measures to enhance the protection of the human rights of women and gender equality, taking into account the observations of the CEDAW Committee (Philippines);
49. Continue to consolidate existing legal and institutional frameworks to further improve the situation of women in society (Bangladesh); continue to work towards improving the opportunities for women within society in order to empower them to become an important driving force for development (Thailand);
50. Continue to implement measures designed to promote and protect the rights of children (Belarus);
51. Continue with measures to protect disadvantaged children and to create conditions for their fully-fledged development (Belarus);
52. Redouble its efforts to support persons with special needs and to facilitate their integration in public life (Qatar);
53. Abide only by internationally agreed principles of international law; in this regard, capital punishment does not fall within such agreed norms, the imposition of capital punishment is the prerogative of individual States (Sudan);
54. Stop the sentencing of children to any form of physical punishment (United Kingdom);
55. Ensure compliance with its obligations under article 37 (a) of the Convention on the Rights of the Child not to impose capital punishment for offences committed by persons below 18 years of age (Canada);
56. Ensure that the death penalty is not applied to minors, in keeping with resolutions adopted by the United Nations in this area (Mexico);
57. Review the use of the death penalty on minors and mentally disabled persons (Hungary);

58. Take immediate steps to remove juvenile prisoners from death row (Denmark);
59. Ensure that all detained persons have prompt access to a doctor and a lawyer, as well as contact with their families, at all stages of detention, and that detainees held by the Political Security Department be given prompt access to legal advice and information (United Kingdom);
60. Take measures to effectively end the practice of incommunicado detention and to ensure access of detainees to legal representation without undue delay (Austria);
61. Raise the legal age of criminal responsibility, develop a system of alternative sentencing for juvenile offenders and ensure that prison sentences for offenders below the age of 18 are only used as a last resort (Austria);
62. Continue to take steps to ensure that Yemeni authorities at all levels respect the integrity of persons and support the human rights standards set out in the Constitution (Denmark);
63. Prohibit any practice of forced early marriage of young girls, including “tourist” or temporary marriages, female genital mutilation, and parent-supported trafficking of children through, inter alia, the adoption and subsequent implementation of the Safe Motherhood Law, recently brought before Parliament, without delay, as recommended by the CEDAW Committee (Israel);
64. Consider measures to prevent “tourist marriages” with a view to combating them as considered by the CEDAW Committee (Brazil);
65. Address the problems arising from the trafficking of children to the neighbouring countries within the context of the National Strategy for Children and Young People (Brazil);
66. Continue efforts to prevent the smuggling of Yemeni children outside the country (Saudi Arabia);
67. Strengthen the vigilance of the authorities and take effective measures to address the serious issue of domestic violence against women (Djibouti);
68. Take immediate steps to ensure the full implementation of the recently formulated National Plan of Action for the eradication of female genital mutilation from Yemen (Denmark);
69. Take practical measures to rehabilitate women prisoners after their release and to rehabilitate offending juveniles and street children (Palestine);
70. Work to improve conditions in its prisons, including sanitary conditions, access to food and health care and overcrowding (Canada);
71. Implement strict judicial measures on corruption and bribery, which continue to have devastating effects on socio-economic rights (Canada);

72. Ensure that the standards of a fair trial are guaranteed under all circumstances (Austria);
73. Strengthen the capacity of judicial administrators (Japan);
74. Remove restrictions on the ability of journalists to report and criticize government policy freely and without of fear of repression, intimidation, imprisonment or threat (Canada);
75. Take appropriate measures to guarantee and promote freedom of expression and pluralism of information (Italy);
76. Amend the Press and Publication Act so that it clearly and unequivocally protects freedom of expression for journalists and enforce this law (United States);
77. Develop a comprehensive policy to address the issue of gender discrimination in employment (United States);
78. Ensure better enforcement of laws protecting employees from anti-union discrimination (United States);
79. Publish case studies and annual statistics of labor disputes brought before the Government, and their manner of disposal (United States);
80. Pursue its efforts to combat poverty and continue applying measures to mitigate the impact of the economic and financial crisis on Yemeni people and share its pioneering experience in this regard with other concerned States (Algeria);
81. Continue the effective policy of combating poverty and promoting economic, social and cultural rights (Kazakhstan);
82. Continue its efforts, with the support of the international community, to eradicate poverty, increase literacy and enrolment rates and improve access to basic health services (Philippines);
83. With the support and assistance of the international community, continue efforts to fight poverty and guarantee the enjoyment of the economic, social and cultural rights of the Yemeni people (Bangladesh);
84. Maintain the efforts under way to increase the access of the entire population to health care services, both in rural and urban areas (Cuba);
85. Adopt more effective policies and programmes to combat unemployment, particularly among women and youth (Malaysia);
86. Continue improving the healthcare system to ensure the best welfare for the Yemeni people in this area (Saudi Arabia);
87. Expand the social welfare scheme and the number of beneficiaries (Jordan);
88. Increase efforts to improve access to public health by people living in rural areas (Djibouti);

89. Continue its efforts to further the promotion and protection of economic, social and cultural rights, including the right to development, for a better realization of the MDGs, and in this regard, take concrete steps to reduce poverty and unemployment rates with a view to improving the livelihood of all citizens (Islamic Republic of Iran);
90. Improve the social security system and make it easily accessible (Germany);
91. Carry on its important achievement in supporting vulnerable groups, especially those living in rural areas (Venezuela);
92. Commit more resources to housing development for low-income families and focus on committing more resources to the health sector, especially in rural areas and other less-developed areas (Zimbabwe);
93. Allocate more resources for economic and social development measures and policies to better ensure the population's enjoyment of the most essential economic and social rights, notably the rights to food, medical care and employment, and to fight against poverty and illiteracy (Viet Nam);
94. Continue efforts to promote education and combat illiteracy, particularly among rural women (Egypt);
95. Strengthen efforts, in the framework of the MDGs, to make basic education generally accessible (Syrian Arab Republic);
96. Make greater efforts to protect the access of children to education and implement its new law prohibiting child marriages (Canada);
97. Continue implementing its basic education strategy and enhancing educational opportunities in deprived areas in order to support education in the country (Saudi Arabia);
98. Take concrete measures to increase access to education and health for all, particularly for the vulnerable segments of society, including women and children in rural and remote areas (Islamic Republic of Iran);
99. Include in the school system at all levels, appropriate measures in the field of human rights education, in accordance with the Plan of Action of the World Programme for Human Rights Education (Italy);
100. Within the spirit of the Durban Review Conference, continue to make all efforts to adopt effective measures to prevent the recurrence of threats against religious minorities, including the Jewish and the Baha'i communities (Brazil);
101. Continue efforts for the promotion and protection of the rights of migrants, refugees and internally displaced persons, as well as persons with disabilities (Islamic Republic of Iran);

102. Continue hosting refugees coming from the Horn of Africa, in particular from Somalia, with the concrete and timely support of the international community, particularly Arab countries (Somalia);
  103. While recognizing the commitment to welcome on its territory refugees from the Horn of Africa, continue its efforts in this laudable work (Venezuela);
  104. Seek the necessary financial and material support from the international community to fulfil its humanitarian responsibilities (Djibouti);
  105. Guarantee the protection of fundamental freedoms even in counter-terrorist legislation (Hungary);
  106. Take all measures to ensure that the counter-terrorism efforts in Yemen are applied in accordance with human rights obligations (Sweden);
  107. Step up efforts aimed at capacity-building and increasing awareness of human rights in Yemen (Malaysia);
  108. Request OHCHR support to conduct awareness-raising programmes and training for those working in the human rights field and provision of technical assistance to promote human rights (Kuwait);
  109. Seek technical assistance from the United Nations as outlined in part 12 of its national report (South Africa).
92. Yemen considers that recommendations Nos. 2, 7, 8, 31, 32, 58, 60, 61, 63, 74 above are either already implemented or in the process of implementation.
93. The following recommendations will be examined by Yemen, which will provide responses in due time. The response of Yemen to these recommendations will be included in the outcome report adopted by the Human Rights Council at its twelfth session:
1. Become a party to the Optional Protocol to CEDAW (Netherlands);
  2. Ratify the UNESCO Convention against Discrimination in Education (Azerbaijan);
  3. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance, accept the competence of the Committee as foreseen in article 26 of the Convention and modify its national legislation to criminalize this act (Argentina);
  4. Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Optional Protocol to the Convention against Torture (CAT-OP) and implement the national prevention mechanism foreseen in this instrument (Argentina); accede to CAT-OP and establish its national preventive mechanism accordingly, which would also facilitate a better and more effective fight against secret detention, prolonged detention without trial and cases of torture by prison officers (Czech Republic);

5. Consider ratifying the individual complaints procedures under the treaties to which it is a party (Norway);
6. Amend the provisions of the Personal Status Law legalizing marriage of girls below the age of 15 and raise the minimum age to 18 (Austria);
7. Eliminate any discriminatory provisions that are incompatible with international treaties dealing with the rights of women (Portugal);
8. Consider extending a standing invitation to all special procedures of the Human Rights Council (Latvia);
9. Review all relevant existing and prepared legislation, including the Penal Code, with a view to ensuring its compliance with international human rights law, namely with protection of privacy and prohibition of discrimination.(Czech Republic);
10. Take further concrete measures to ensure equal rights of women and men with regard to personal status (Norway);
11. Implement the decision of the House of Representatives to set the minimum age of marriage no lower than 17 years (Netherlands);
12. Continue its efforts to amend legislation and strengthen measures to deal with the problem of violence against women and girls, including honour killings, with a view to ensuring that all types of discrimination and violence against women are effectively eliminated (Sweden);
13. Step up enforcement of laws protecting women from rape and violence, criminalize spousal rape and treat honor killings no differently than murder (United States);
14. Immediately allow the Ministry of Human Rights and domestic and international NGOs greater access to its prisons; subsequently that the President of Yemen establish a commission with the purpose of analyzing the recommendations of the Ministry of Human Rights and NGOs and implementing reforms to bring Yemen's prison system up to internationally recognized standards (United States);
15. Allow access to its prisons and detention centres to Yemeni and international human rights organisations, in particular the International Committee of the Red Cross (Czech Republic);
16. Guarantee an all-embracing freedom of expression and in particular stop censorship and repressive measures against journalists and civil society activists (Germany);
17. Take necessary measures to ensure full enjoyment of freedom of expression, notably press freedom, and to prevent, combat and punish acts of harassment and aggression committed against journalists (France);

18. Ensure full protection and realization of the right to freedom of expression and plurality of information sources as well as the right to peaceful assembly and association in compliance with international standards (Czech Republic);
  19. Protect and respect the freedom of expression and association of human rights defenders and refrain from placing any unnecessary restrictions on their work (Norway);
  20. Adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders (Norway);
  21. Ensure that the legislation on fighting terrorism complies with international standards of protection of human rights and fundamental freedoms and attend to the recommendations of the Human Rights Committee and the Committee against Torture with regard to the non-derogable character of some rights and the inadmissibility of torture (Mexico).
94. The following recommendations did not enjoy the support of Yemen:
1. Ratify the Second Optional Protocol to ICCPR and definitively abolish the death penalty (Portugal);
  2. Amend the Personal Status Law of 1992 and the Citizenship Law of 1990 to prevent discrimination and violence against women in marriage, divorce, guardianship, testimony, property, nationality, child custody and inheritance, and repeal all discriminatory provisions of the Penal Code, including articles 232, 273 and 275, as recommended by the CEDAW Committee, and the proposed amendment to article 26 of the Penal Code (Israel);
  3. Take all measures necessary to abolish the death penalty and, as a first step, introduce a moratorium with a view to adhering to the resolutions of the General Assembly in this regard (Sweden); restrict the application of the death penalty not only to the most serious crimes but also according to the international minimum standards; consider the establishment of a moratorium on the use of the death penalty with a view to its abolition (Italy); consider a moratorium on executions with a view to the complete abolition of the death penalty in line with General Assembly resolutions 62/149 and 63/168 (Netherlands);
  4. Impose a moratorium on executions of all offenders with a view to abolishing the death penalty (United Kingdom);
  5. Consider adopting a moratorium on the use of the death penalty (Canada);
  6. Favourably consider the establishment of a moratorium on the application of the death penalty (Mexico);
  7. Reduce significantly the use of the death penalty with a view to its complete abolition (Hungary);

8. Reduce the number of capital offences and reduce the use of the death penalty (Netherlands); progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed (Brazil);
  9. Abolish torture and other cruel, inhuman and degrading treatment in all forms, in particular stoning, flogging and the amputation of limbs, and the execution of minors, as recommended by the Human Rights Committee and the relevant special mandate holders, respectively (Israel);
  10. Abolish corporal punishments such as flogging and, in a few cases, amputation of limbs, as they are in violation of article 7 of ICCPR. (Nigeria);
  11. Consider a moratorium on the application of capital sentences (Austria);
  12. Ensure the freedom of persons to choose a religion or belief including the right to change one's current religion or belief (Nigeria).
95. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and /or the State under review thereon. They should not be construed as endorsed by the Working Group as a whole.

## **Annex**

### **COMPOSITION OF THE DELEGATION**

The delegation of Yemen was headed by H.E. Dr. Huda Abdullatef ALBAN, Minister of Human Rights, and composed of 21 members:

H.E. Dr. Ibrahim AL-ADOOFI, Ambassador, Permanent Representative;

Mr. Ali Saleh Abdullah HUSSEIN, Deputy Minister of Labor and Social Affairs, For the Social Development Sector;

Dr. Mohamed Ahmed Ali AL-HAWRI, Deputy Minister of the Ministry of Planning, For the studies and economic projections;

Dr. Tariq Abdullah Issa ALMGAHAD, Deputy Minister of the Ministry of Legal Affairs;

Mr. Ali Saleh Abdulla TAISSIR, Deputy Minister of the Ministry of Human Rights;

Mr. Abdullah AL-YOUSEFI, General Advocate for International Cooperation And protection of Human Rights;

Brig. Dr. Abdulkader Mohamed Kahtan Kaid, Director General for External Relations And International Criminal Police in the Interior Ministry;

Mr. Ali Nasser Mehdi SHARAFADIN, Head of the Local Authority and Civil Societies Organizations, Presidential Office;

Colonel Mohamed AL-NUMAILI, Director General in the Interior Ministry;

Dr. Yahya Ahmed Ali AL-KHAZAN, Chairman of the Department of Conferences And International Cooperation at the Ministry Of justice;

Mrs. Eshrak Mohammed AL-GUDAIRI, Head of the Department of Civil Organizations and Human Rights, Prime Minister Office;

Mr. Ibrahim A-A- AL-KHARSANI, Director-General of Press in the Information Ministry;

Mr. Adel AL-YAZID, Director-General of the Office of the Minister for Human Rights;

Mr. Fadhl AL-MAGHAFI, Minister Plenipotentiary in the Permanent Mission of Yemen;

Mr. Walid ALETHARY, Counsellor in the Permanent Mission of Yemen;

Mr. Sulaiman Mohamed TABRIZI, Director of the Department of International Organizations in the Ministry Of Human Rights;

Mr. Saddam Abdulhameed ALQOOFAILY, Head of International Communications in the Ministry of Human Rights;

Mr. Marwan AL-SHAMI, Third Secretary in the Permanent Mission of Yemen;

Mrs. Liza Khaled Abdullah AL-KASADI, Responsible of the File of Human Rights Officer in the Department of International Organizations and Conferences – MOFA;

Mr. Nagib HAMIM, Attaché (Affaires Commerciales), Permanent Mission of Yemen.

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