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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1\***

**Yemen**

The present report is a summary of seven stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

\* The present document was not edited before being sent to the United Nations translation services.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations

1. AlKarama a souligné que le Yémen a ratifié la plupart des traités internationaux relatifs aux droits de l'homme<sup>2</sup> et a recommandé à l'Etat d'envisager de ratifier le OP-CAT afin de permettre de faire contrôler les centres de détention par un organe de visite fonctionnant sous la responsabilité des Nations unies.<sup>3</sup>

### B. Constitutional and legislative framework

2. Amnesty International (AI) reported that the government initiated a review of the Constitution and the Penal Code and the Press and Publication Law and has proposed new draft laws including a Counter Terrorism Law and a Money Laundering and Financing of Terrorism Law.<sup>4</sup> AI noted that some of the proposed new legislation fails to conform to the requirements of international human rights law.<sup>5</sup>

3. AI stated that in addition to proposing an expansion in the scope of application of the death penalty, the new draft legislation would decrease further the few safeguards provided in the Penal Code. Currently the Penal Code prescribes the death penalty under *Shari'a* law (Islamic Law) for murder (*Qisas*) and *Hudud* (divinely prescribed fixed offences and punishments), including for apostasy and adultery (where the punishment is death by stoning) and *Hiraba* (rebellion, unlawful war, spreading disorder on land), in addition to numerous capital offences related to state security. All of these capital offences are retained under the draft legislation and nine additional capital offences have been proposed; three as amendments to the Penal Code and six in the new Counter Terrorism Law.<sup>6</sup> As to the weakened safeguards, AI considered that there are at least three areas of concern: sentencing to death of children, the application of the death penalty for apostasy, and changes to the Head of State's prerogative to commute death sentences.<sup>7</sup>

4. According to AI, the negative impact that the proposed new legislation could have on the exercise of the rights to freedom of expression, association and assembly is also worrying. The proposed new laws relating to terrorist activity, defamation and apostasy are so vaguely worded that they would appear to encompass many forms of legitimate activity and peaceful expression, association or assembly, in breach of Yemen's obligations under the ICCPR.<sup>8</sup> AI noted that the margin of freedom of expression is further restricted by the criminalization of activities on grounds of apostasy and other religious grounds. "Defamation" is another vaguely formulated restrictive measure under the Press and Publication Law (PPL) and the Penal Code (PC) and that defamation of the President, the council of ministers and visiting Heads of States is prohibited under the PPL and punished by imprisonment under the PC. AI indicated that concern about restriction of freedom of expression is increased by the proposed amendments to the Constitution and that government critics and human rights defenders are concerned that any redistribution of constitutional powers in favour of the executive branch of the government will impact negatively on individual freedoms and rights, particularly the rights to freedom of expression, association and assembly.<sup>9</sup>

5. AI noted that under the draft Counter Terrorism Law, the state authorities are afforded special powers to seize belongings of suspects and to prosecute them. Actually the Criminal Procedure Code does not permit the authorities to take such a step without first receiving a private party complaint.<sup>10</sup> It added that the draft Money Laundering and Financing of Terrorism Law contains provisions which require lawyers to disclose information about their clients, in

breach of the principle of lawyer-client confidentiality, and Principle 22 of the UN Basic Principles on the Role of Lawyers.<sup>11</sup>

6. AI called on the Government of Yemen to ensure that the draft Counter Terrorism Law, the draft Money Laundering and Financing of Terrorism Law, and the Penal Code do not criminalize the legitimate exercise of the rights to freedoms of expression, association and assembly or the legitimate exercise of other rights and that these draft laws and amendments to existing laws conform fully with Yemen's obligations under international human rights law.<sup>12</sup>

### **C. Institutional and human rights infrastructure**

7. AIKarama a souligné que de nombreuses associations de défense des droits humains ont été autorisées et en 2003, un Ministère des droits de l'homme a été installé.<sup>13</sup>

8. Human Rights Information and Training Centre/Yemeni Observatory for Human Rights (HRITC/YOHR) noted that the Supreme National Anti-Corruption Commission was formed in Yemen and was received with wide political acceptance at the national level and by international donors. According to HRITC/YOHR, since the Commission's establishment on 3 July 2007, no amendments were made to existing legislation to comply with the UN Convention to Combat Corruption. HRITC/YOHR indicated that the annual report on corruption of the Yemen Journalists Against Corruption reflects the huge amount of money wasted in 2007 due to corruption.<sup>14</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **Implementation of international human rights obligations, taking into account applicable international humanitarian law**

#### **1. Right to life, liberty and security of the person**

9. AI indicated that the government continues to use the death penalty extensively, in defiance both of the international trend and its own laws and against children, the mentally disabled, and often after unfair trials.<sup>15</sup> AI called on the Government of Yemen to review existing and proposed laws so as to significantly reduce use of the death penalty, by progressively reducing the number of capital offences, with the eventual aim of abolition. In the meantime, AI also called on the Government to ensure that the death penalty may be imposed only in response to the most serious crimes and following trial proceedings which fully conform to international fair trial standards, including the right of appeal to a higher court and to petition for executive clemency.<sup>16</sup>

10. AI noted that the exact number of people on death row is not known to it, but it is believed to run into hundreds, which include children such as Walid Haykal, who was convicted of a murder committed when he was reported to have been 16. AI explained that according to Article 31 of the Penal Code, he should not have been sentenced to death while below the age of 18 and that his fate is now in the hands of President Ali Abdullah Saleh before whom the case is pending by confirmation or endorsement.<sup>17</sup> AI called on the Government of Yemen to immediately cease all executions of children or juvenile offenders and prohibit the imposition of the death penalty on anyone for a crime committed when under 18.<sup>18</sup>

11. AIKarama a souligné l'usage excessif de la force par les agents de l'Etat lors de l'intervention de l'armée pour réprimer des manifestations organisées pour protester contre la dégradation de la situation économique et sociale. Les rassemblements de juillet 2005 ont été

réprimés au prix de près de 50 morts.<sup>19</sup> AlKarama a signalé qu'en mai 2007, des vétérans de l'ancienne armée du Yémen du sud ont manifesté en raison de leur situation sociale exigeant une augmentation de leurs pensions ou l'octroi d'un travail. Selon cette Organisation, l'armée est intervenue causant la mort de plusieurs personnes et lançant une vague d'arrestations. En août 2007, des milliers de personnes sont sorties dans la rue pour protester contre la montée des prix des produits de base et de l'essence et là encore, l'armée est intervenue. AlKarama a estimé que dans tous ces cas, les autorités yéménites n'ont pas diligenté d'enquêtes dans le but d'établir les responsabilités, ni engagé de poursuites contre les responsables de ces actions. AlKarama a recommandé à l'Etat de s'abstenir de faire un usage excessif et disproportionné de la force pour réprimer des manifestations publiques et d'engager des poursuites contre les responsables d'exécutions sommaires.<sup>20</sup>

12. AlKarama a rapporté que depuis 2000, le parti Al-Haqq, fondé par l'ancien député Hussein Al-Houthi, fortement implanté dans la communauté zaïdite dans la région de Saa'da dans le Nord du pays, s'oppose au pouvoir central.<sup>21</sup> Selon AlKarama, pour légitimer les interventions militaires, le gouvernement présente ce mouvement comme « terroriste ».<sup>22</sup> Joint Submission also noted that Yemen has been the scene of large-scale violations of human rights and breaches of international humanitarian law during the past year amid the continuing armed conflict between the government and what the government call "Al-Haouthi insurgents" mainly from the Zaydiyyah community, which believe in the Shiite doctrine. Joint Submission indicated that, although the Yemeni President officially announced the end of the internal conflict in July 2008, the prospects for the outbreak of renewed fighting remain high and that peace agreements between the parties to the conflict have broken down four times in recent history amid mutual accusations of breaches to various peace agreements, the most recent time being in 2004.<sup>23</sup>

13. Last year the armed conflict has been the cause of hundreds of deaths, according to the Joint Submission. It also indicated growing concern about the involvement of the Yemeni authorities in some of these extrajudicial executions. It reported that dozens were victims of enforced disappearance and arbitrary detention, many of whom have not been heard from for weeks or even months after their disappearance amid allegations that those subject to enforced disappearance and/or arbitrary detention were subjected to ill-treatment and torture.<sup>24</sup> AI<sup>25</sup> and HRITC/YOHR<sup>26</sup> reported similar information. Joint Submission indicated that the Yemeni authorities prohibited access to prisons and detention centres by Yemeni rights organizations and the International Red Cross.<sup>27</sup> It indicated that in the light of the deteriorating security situation, a number of humanitarian organizations have been forced to halt operations and evacuate from Saa'da and that according to the International Red Cross, access to the areas most affected by the conflict has become almost impossible.<sup>28</sup>

14. Joint Submission reported that a large amount of complaints have been made by the families and lawyers of detainees accusing the security authorities of not allowing access or visits to those detained, and that according to statements made by some Yemeni parliamentarians some of the prisoners have been subjected to torture and inhuman treatment, and cases of rape have been attributed to some officers in women's prisons.<sup>29</sup> AlKarama a signalé que la loi interne interdit la torture et l'obtention d'aveux par la force au cours de l'enquête<sup>30</sup> et que le Comité contre la torture avait, dans ses Observations finales du 5 février 2004, déploré le manque d'une définition complète de la torture reprenant celle de la Convention internationale<sup>31</sup> ainsi que la pratique de la torture par des agents de sécurité, l'absence d'enquête sur ces allégations et de poursuites contre les auteurs.<sup>32</sup>

15. Selon AlKarama lorsque les personnes sont arrêtées et détenues par la Sécurité politique (Al Amn Assiyassi), elles sont souvent victimes de tortures et de mauvais traitements. Les

conditions de détention au secret à elles seules relèvent des traitements inhumains et dégradants et les témoignages des victimes font état de passages à tabac les yeux bandés, de menottes serrées pendant de longues périodes, de privation d'eau et de nourriture ainsi que de menaces de mort etc.<sup>33</sup>

16. AIKarama a rapporté que de nombreux opposants, parmi lesquels des défenseurs de droits de l'homme et des journalistes, ont subi des arrestations et des détentions arbitraires, que les détentions au secret pendant une période allant de quelques jours à plusieurs mois sont courantes et que des personnes ayant été rapatriées vers le Yémen, ont été maintenues pendant de longues périodes en détention, sans avoir été jugées.<sup>34</sup> AIKarama a recommandé à l'Etat de lutter contre la pratique de la détention prolongée sans jugement et la détention au secret en instituant un système de contrôle sur tous les lieux de détention du pays par une commission de contrôle au niveau de la représentation nationale et en les plaçant notamment sous le contrôle et la seule autorité de l'institution judiciaire ; et de garantir effectivement le droit de toute personne détenue d'exercer un recours judiciaire pour contester la légalité de sa détention devant une juridiction indépendante et le droit de tout accusé à être assisté par un avocat à toutes les étapes de la procédure pénale.<sup>35</sup>

17. Joint Submission indicated that an exact account of the number of detainees included in the Presidential Amnesty was not given.<sup>36</sup> It noted that the Presidential Amnesty measures on 12 September stipulated the release of 12 members of the Yemeni Socialist Party, previously charged with inciting violence and disorder in southern Yemen.<sup>37</sup> Joint Submission reported that this amnesty did not prevent new arrests intended to suppress certain forms of political and social movements and activism, that civilians from Aden were detained on grounds of protesting against regular water and electricity cuts and that others from southern governorates did not benefit from this amnesty and remained in prison since their detention in 2007, also on grounds of participating in political and social protests.<sup>38</sup> Joint Submission stated that, in August 2008, there were reports of the continued existence of some 1,200 political detainees in the prisons of Yemen.<sup>39</sup>

18. AI noted that for many years, women's organizations and human rights NGOs have urged the government to address discrimination and violence against women, including rape and other sexual violence, at the hands of both state and non-state actors. They have identified at least 20 laws which need to be amended or repealed in order to address discrimination against women. However, the amendments to the Penal Code, which the government now proposes, appear likely to further aggravate such discrimination and violence.<sup>40</sup> AI noted, in particular, that a proposed amendment to Article 26 of the Penal Code would heighten the risk of "honour killings" and other killings within the family by allowing for the application of non-coded rules of Shari'a in addition to written legal texts.<sup>41</sup> It further noted that a proposed amendment to article 297 of the Penal Code, which states that a woman's testimony is to be accorded half the value of that of a man, would change this to render a woman's testimony valueless on the ground that only male testimony is acceptable in *Hudud*. AI reported that another amendment proposes to criminalize *Khilwa* (meeting in private between a male and female who are not immediate relatives) and prescribe a punishment of up to one year's imprisonment. This punishment would be applicable to both men and women, but would likely impact most severely on women due to the many strict and severe forms of discrimination to which they are subject.<sup>42</sup> AI called on the Government of Yemen to ensure that all its laws, starting with those currently being discussed, are free from discrimination against women and unequivocally prohibit violence against women.<sup>43</sup>

19. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children is lawful in the home, that article 146 of the Children's Rights Act (2002) confirms the "legislative rights of parents to discipline their children" and that laws against violence and abuse are not interpreted as prohibiting corporal punishment in childrearing. It indicated that, as at May 2008, draft amendments to the Penal Code included the addition of an article which restricts but does not prohibit corporal punishment of children, prohibiting only that which causes severe injury and prohibiting food and drink deprivation.<sup>44</sup> GIEACPC noted that corporal punishment is prohibited in schools<sup>45</sup> and is lawful in alternative care settings<sup>46</sup> and as a disciplinary measure in penal institutions.<sup>47</sup> It reported that in the penal system, corporal punishment – including stoning, flogging and amputation – is lawful as a sentence for crime and that the Children's Rights Act does not prohibit doctrinal punishments, and provides for a child over 10 years to be given reduced sentences under the Penal Code. GIEACPC indicated that the Penal Code and the Code of Criminal Procedure allow for sentences of retribution (qasas) and doctrinal punishment (hadd), including "loss of life or limb".<sup>48</sup>

## **2. Administration of justice, including impunity and the rule of law**

20. European Centre for Law and Justice (ECLJ) indicated that Yemen's judicial structure has three distinctive characteristics: first, Islamic jurisprudence plays a larger role in legal and judicial training than in most other Arab states. Second, the judiciary is unusually unified and Yemen does not have specialized courts. Third, the executive branch has a strong presence in the Supreme Judicial Council, though there has been some promise of reform to enhance judicial independence.<sup>49</sup> According to ECLJ, no single court handles personal status issues. Rather, such issues are handled by the specialized chamber in the courts of general jurisdiction according to Shari'ah law and codified law.<sup>50</sup>

21. AlKarama a recommandé à l'Etat de veiller à ce que la composition de l'appareil judiciaire soit entièrement conforme au Principes fondamentaux relatifs à l'indépendance de la magistrature en consacrant notamment, le principe de l'inamovibilité des juges.<sup>51</sup>

22. AI noted that the Specialized Criminal Court (SCC) was first introduced in 1999 to try crimes of *Hiraba*, including occupation of public land, theft of means of public transport and aggression against officials. In 2004, its jurisdiction was expanded to include state security offences that previously had been tried by ordinary criminal courts. AI indicated that this Court applies the Code of Criminal Procedures, but only those related to urgent matters and that it has been criticised on the grounds that it is effectively a special court although Yemeni law prohibits the establishment of special courts. AI reported that according to defence lawyers and former defendants, trials before the Specialized Criminal Court fail to satisfy international fair trial standards and safeguards contained in Yemen's domestic law.<sup>52</sup> AlKarama a signalé que de nombreux avocats yéménites considèrent que ce tribunal est anticonstitutionnel, son existence n'ayant pas été discutée et approuvée par le parlement ; critiquent le fait que le Procureur général ait le pouvoir de déférer tous les cas devant ce Tribunal ; et relèvent aussi de nombreux dysfonctionnements : Les jugements sont expéditifs et les procédures sont trop rapides et ne permettent pas aux avocats d'assurer la défense de leurs clients d'une manière effective.<sup>53</sup>

23. AlKarama a ajouté que le droit de la défense n'est pas toujours respecté, que les « aveux » soustraits par le moyen de la torture et consignés dans les PV d'audition sont utilisés comme moyens de preuve et que les familles des accusés ont été empêchées d'assister aux audiences qui sont publiques. AlKarama a souligné que dans de nombreux cas, les personnes arrêtées ne se sont pas vues notifier de mandat de justice, et en l'absence de procédure légale, aucun avocat ne

peut se constituer et que les prévenus ignorent souvent les raisons légales de leur détention et la durée de cette mesure.<sup>54</sup>

24. According to Joint Submission, authorities impose tight restrictions on carrying out independent missions to inspect and monitor conditions inside detention centres and have also barred the Yemen Observatory for Human Rights from making visits to all prisons with the exception of the Hajja one. Joint Submission reported that while the International Committee of the Red Cross (ICRC) indicated that during 2007-2008 it met with authorities to obtain their approval on accessing all detention facilities, as of August 2008, ICRC's requests for access have been rejected.<sup>55</sup>

### **3. Freedom of religion or belief, expression, association and peaceful assembly, and right to participate in public and political life**

25. ECLJ indicated that while Yemen purportedly supports the freedom of creed and conscience, it "holds that to change one's religion and to proclaim such change would be to create discord that would be highly detrimental to social stability and security". ECLJ added that the Human Rights Committee has repeatedly reiterated its concern for the prohibition of Muslims converting to another religion, in the name of social stability and security and that the Committee has held, inter alia, that "such a prohibition is in violation of article 18 of the ICCPR".<sup>56</sup>

26. Islamic Commission for Human Rights (ICHR) reported that the greatest cause for concern is the Yemeni government's persecution of the country's large Shiite minority, which has targeted the Zaidi and Ithna Asheri sects and suspected members of Shabab al-Mu'minoon (the Believing Youth). ICHR also reported that these phenomena continue to be widely documented in the local and regional Arab press.<sup>57</sup> ICHR added that closely linked to the State's suppression of Shiite minorities is its interference with journalists who report on the conflict;<sup>58</sup> and that as part of its campaign of religious persecution, the government has targeted prominent scholars.<sup>59</sup> It recommended that the Government allow minority Shia groups to practice religion freely.<sup>60</sup>

27. Joint Submission reported that television and radio stations are all state controlled.<sup>61</sup> It indicated that repressive measures were used against political and human rights activists and journalists in an effort to prevent them from criticizing public figures and silence reporting and criticism about the repercussions of the Saa'da war and the violations of human rights carried out during this conflict. The authorities continued to block many web sites, particularly those containing political commentary, criticisms of the government or information about the war in Saa'da.<sup>62</sup> Joint Submission reported that, in June 2007, shortly after the Al-Share' newspaper published a story on the fact that the Yemeni army is mobilizing different tribes to help it on the ongoing war in Saa'da, a group of armed men in two military cars forced their way into the newspaper's headquarters and threatened to kill its Editor-in-Chief if he did not stop publishing information on the war in Saa'da. The Ministry of Defence also filed a complaint to the competent Penal office of the Attorney General claiming that publications made by the paper had been detrimental to combat operations by having a negative impact on the morale of the armed forces.<sup>63</sup>

28. HRITC/YOHR noted that freedom of press in Yemen has declined recently and that very rarely are detentions made on the basis of official charges and fewer on the basis of court convictions. The year 2007 has witnessed less instances of violations to freedom of expression (press freedoms), compared to 2006. However, tense relations persisted between the authorities

and the press,<sup>64</sup> with the Ministry of Information still refraining from issuing licenses to newspapers and the government imposing censorship on war news and preventing journalists and aid workers from entering the war zone in Saa'da, disconnecting mobile phone service, except for a few numbers, intimidating journalists to deter them from writing about the conflict and detaining those who report on the fighting or interview those escaping from the conflict areas.<sup>65</sup> HRITC/YOHR added that the government was hypersensitive about video records and photographs on the war. The Political Security detained a 13 years child at the airport for possessing a CD on the Houthis and finally was released after seven months of detention.<sup>66</sup>

29. Joint Submission reported that in March 2008, the Ministry of mass communication banned Al-Sabah newspaper on the allegations that the information it published was detrimental to "national unity and public order" and for publishing news on the Al-Haouthis. It noted that in April 2008, the Ministry, by virtue of a court order, revoked the license of El-Wasat (The Centralist) daily newspaper on similar grounds. For the same reasons, the editor of the Ayam newspaper was severely beaten by unknown men, as well as the editor of the Moharer newspaper.<sup>67</sup> IHRC reported that other government targets have included the editor of the weekly Al-Adwaa, who was beaten unconscious in Sana'a in December 2007 by thugs clad in army uniforms.<sup>68</sup> IHRC indicated that in addition to harassment and intimidation, the State has also resorted to more direct forms of censorship. At least a dozen stringers for foreign satellite TV stations were banned from sending out material on social unrest in the last quarter of 2007. Moreover, journalists from the Al-Arabiya station and a crew from the Al-Jazeera station have been stopped or arrested when travelling to areas in order to cover anti-government views.<sup>69</sup> IHRC recommended that the Government of Yemen should amend and review all legislation that criminalises freedom of expression and freedom of religion and ensure freedom of expression enshrined in article 19 of ICCPR, to which it is a State party.<sup>70</sup>

30. HRITC/YOHR indicated that one of the most significant features of human rights and political scene in Yemen in 2007/2008 is the escalation in the number of civilian protest movements compared to previous years, particularly in the South. HRITC/YOHR reported that security apparatuses and authorities prevented people from practicing their rights of peaceful gathering/association, by, inter alia, changing places of the events, deploying forces and blocking roads leading to such events.<sup>71</sup>

31. Joint Submission reported that members and activists of some human rights organizations and within civil society experienced further repressive measures for their expressed solidarity with victims of human rights violations, or for their role in attempting to expose such violations, especially within Saa'da, or even for participating in peaceful demonstrations to stop the war there. It reported on detentions carried out on named activists of the Yemeni Organization for Defending Democratic Rights and Freedoms, who were severely mentally and physically tortured, and some of them were threatened to be sexually abused or to have some of their relatives sexually abused. It further reported that other active members of the Organization have in turn been subjected to arbitrary detention and threats.<sup>72</sup> Joint Submission also stated that the chairperson of Women Journalists without Chains has received anonymous death threats and that, on 13 July 2008, security forces prohibited a sit-in protest organized by civil society organizations to be staged in front of the parliament in solidarity with victims of enforced disappearance. Security forces also prohibited another sit-down in front of the Supreme Court in solidarity with a journalist.<sup>73</sup>

#### **4. Right to social security and to an adequate standard of living**

32. According to HRITC/YOHR, disparities in economic and social levels had risen in recent years, which pushes wide categories of marginalized and poor into the lowest step in the social ladder, and deprives them of basic services. They noted that the poverty rate in Yemen has reached 33 percent, according to recent estimations. They indicated that Government programmes to alleviate poverty proved inefficient and fail to achieve any tangible progress, and that the government has failed to invest the enormous increase of oil prices that brought additional revenues to the State treasury. HRITC/YOHR also indicated that in 2007, commodities prices increased to the highest rates with some goods increasing by 100 percent, whereas monthly wages, particularly for public sector employees, remained unchanged, impacting on their ability to achieve a decent livelihood and undermining economic, social and cultural rights.<sup>74</sup>

33. HRITC/YOHR indicated that economic, social and cultural rights need more accurate and comprehensive investigation and monitoring.<sup>75</sup> They also reported on high rates of deprivation of health services and that official statistics show that infant mortality rate is 365 out of each 100 thousand births and that 50 percent of the children have access to health services. They added that, according to WHO reports, tuberculosis cases in Yemen reached 17107 (7691 persons get infected annually with lungs tuberculosis and 9466 with other types of tuberculosis). HRITC/YOHR stated that in spite of the availability of multiple funding sources to combat AIDS, the possibility for safe and free diagnosis and treatment is still limited, and HIV-positive patients are stigmatized and face difficulties in receiving medication and care. They noted that infection with AIDS is a social stigma in Yemen which impacts on the patient and his family, that official statistics estimate HIV-positive cases at (1850), although by other estimations the number could be higher.<sup>76</sup>

34. HRITC/YOHR mentioned that in recent years, Yemen has become an open market for pesticides used in agriculture, including 50 types that are internationally prohibited, but are available in the Yemeni market without any control, in addition to phony and smuggled medicines that have a great portion of the market due to the high price of medicines. HRITC/YOHR noted that these smuggled and fake medicines resulted in a high rate of all type of cancers and that reports indicated that cancer cases in Yemen reached to (15000) cases. They reported that cancer patients lack medication, that there is only one centre for cancer treatment in the country, rendering such treatment very expensive and that the majority of patients cannot afford to travel abroad for treatment.<sup>77</sup>

#### **5. Right to education and to participate in the cultural life of the community**

35. HRITC/YOHR stated that the right to education has also declined, as the rate of enrolment in basic and high education remained low among a wide group of the poor population, particularly in the rural areas. It noted that the illiteracy rate in Yemen reached 50 per cent according to the World Bank report, and that it reached 40 percent according to the Ministry of Education.<sup>78</sup>

#### **6. Migrants, refugees and asylum-seekers**

36. D'après AlKarama, le 17 juillet 2007, neuf personnes, huit militaires et un civil, tous de nationalité érythréenne, avaient fui leur pays à bord d'une embarcation militaire et débarqué au port de Midi, dans le nord du Yémen où elles se sont rendues aux autorités. Elles ont cependant été placées dans un centre de détention dans l'attente de leur expulsion. Bien que le Yémen ait

ratifié la Convention de 1951 des Nations Unies relative au Statut des réfugiés, ces neuf personnes n'ont pas été mises en mesure de présenter une demande d'asile ou de contester juridiquement leur expulsion. Elles ont finalement été refoulées vers leur pays le mois de septembre suivant et AlKarama est restée sans nouvelles de ces personnes depuis.<sup>79</sup>

37. AlKarama a fait remarquer que même étant partie à la Convention contre la torture, le Yémen a cependant procédé à des expulsions de non ressortissants vers des pays où il y avait objectivement lieu de craindre qu'ils y soient soumis à la torture et/ou à des traitements inhumains et dégradants.<sup>80</sup>

### **7. Internally displaced persons**

38. Joint Submission noted that international reports have suggested that the continuing armed conflict has led to the displacement of more than 100,000 people, and that 17 thousand more of whom living in the city of Saa'da suffer from poor living conditions, with no access to electricity or potable water. It indicated that more than 15 thousand displaced people endure life threatening living conditions in the camps adjacent to the city of Saa'da, with little access to clean water and medical care, and the threat of starvation caused by soaring food prices.<sup>81</sup>

### **8. Human rights and counter-terrorism**

39. Joint Submission reported that during the trial of 32 accused of planning and carrying out terrorist attacks on oil fields, three of the accused were subjected to torture and forced to sign confessions of their involvements in the above mentioned incidents. Despite their complaints of torture, the Court sentenced them to up to 15 years in prison.<sup>82</sup>

## **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

N/A.

## **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

N/A.

## **V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE**

N/A.

### *Notes*

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<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.

#### *Civil society*

AlKarama	AlKarama, Geneva, Switzerland.
AI	Amnesty International*, London, United Kingdom.
ECLJ	European Centre for Law and Justice*, Strasbourg, France.
GIEACPC	The Global Initiative to End All Corporal Punishment of Children, London, United Kingdom.

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HRITC/YOHR	Human Rights Information and Training Centre*, Sana'a, Yemen; Yemeni Observatory for Human Rights, Sana'a, Yemen
ICHR	Islamic Commission for Human Rights, London, United Kingdom.
Joint Submission	Sisters Arab Forum for Human Rights, Sana'a, Yemen; Yemeni Organization for the Defense of Rights and Freedoms, Yemen; Committee against Torture and Arbitrary Arrests; Change Organization; Cairo Institute for Human Rights Studies*, Cairo, Egypt..

<sup>2</sup> AlKarama, p.3

<sup>3</sup> AlKarama, p.6.

<sup>4</sup> AI, p..3.

<sup>5</sup> AI, p. 3.

<sup>6</sup> AI, pp. 3-4.

<sup>7</sup> AI, p.4.

<sup>8</sup> AI, p.4.

<sup>9</sup> AI, p.5.

<sup>10</sup> AI, p.5.

<sup>11</sup> AI, p.5.

<sup>12</sup> AI, p.8.

<sup>13</sup> AlKarama, p.2.

<sup>14</sup> HRITC/YOHR, p..3.

<sup>15</sup> AI, p..6.

<sup>16</sup> AI, p. 8.

<sup>17</sup> AI, p.6.

<sup>18</sup> AI, p. 8.

<sup>19</sup> AlKarama, p. 6.

<sup>20</sup> AlKarama, p. 6.

<sup>21</sup> AlKarama, p. 5.

<sup>22</sup> AlKarama, p. 6.

<sup>23</sup> Joint Submission, para. 1, p.1.

<sup>24</sup> Joint Submission, para. 2, p. 1.

<sup>25</sup> AI, p.7.

<sup>26</sup> HRITC/YOHR, p.4.

<sup>27</sup> Joint Submission, para. 2, p.1.

<sup>28</sup> Joint Submission, para. 6, p.1

<sup>29</sup> Joint Submission, para. 10, p.3.

<sup>30</sup> AlKarama, p. 4.

<sup>31</sup> AlKarama, p. 3

<sup>32</sup> AlKarama, p. 4.

<sup>33</sup> AlKarama, p. 5.

<sup>34</sup> AlKarama, p. 4.

<sup>35</sup> AlKarama, p.6.

<sup>36</sup> Joint Submission, para. 8, page 2.

- <sup>37</sup> Joint Submission, para 8, pp.2-3.
- <sup>38</sup> Joint Submission, para 8, page 3.
- <sup>39</sup> Joint Submission, para. 8, page 2.
- <sup>40</sup> AI, p. 7.
- <sup>41</sup> AI, p. 5.
- <sup>42</sup> AI, p.. 6.
- <sup>43</sup> AI, p. 8.
- <sup>44</sup> GIEACPC, para. 1.1, p. 2.,
- <sup>45</sup> GIEACPC, para. 1.3.
- <sup>46</sup> GIEACPC, para. 1.6.
- <sup>47</sup> GIEACPC, para. 1.5.
- <sup>48</sup> GIEACPC, para. 1.4.
- <sup>49</sup> ECLJ, pp.. 3-4.
- <sup>50</sup> ECLJ, p. 4.
- <sup>51</sup> AlKarama, p. 6.
- <sup>52</sup> AI, p..7.
- <sup>53</sup> AlKarama, p. .3.
- <sup>54</sup> AlKarama, p.3.
- <sup>55</sup> Joint Submission, para. 9, p..3.
- <sup>56</sup> ECLJ, p.2.
- <sup>57</sup> IHRC, p.1.
- <sup>58</sup> IHRC, p.1.
- <sup>59</sup> IHRC, p.2.
- <sup>60</sup> IHRC, p.5.
- <sup>61</sup> Joint Submission, para. 15, p. 4.
- <sup>62</sup> Joint Submission, para. 11, p. 3.
- <sup>63</sup> Joint Submission, para. 12, p. 4.
- <sup>64</sup> HRITC/YOHR, p. 3.
- <sup>65</sup> HRITC/YOHR, p. 3 and p. 5.
- <sup>66</sup> HRITC/YOHR, p. 5.
- <sup>67</sup> Joint Submission, para. 15, p. 4.
- <sup>68</sup> IHRC, p. 2.
- <sup>69</sup> IHRC, p. 3.
- <sup>70</sup> IHRC, p. 5.
- <sup>71</sup> HRITC/YOHR, p. 7.
- <sup>72</sup> Joint Submission, para. 17, p.5.
- <sup>73</sup> Joint Submission, para. 19, p. 5.
- <sup>74</sup> HRITC/YOHR, p.5.
- <sup>75</sup> HRITC/YOHR, p.5.

<sup>76</sup> HRITC/YOHR, p.6.

<sup>77</sup> HRITC/YOHR, p.6.

<sup>78</sup> HRITC/YOHR, p.6.

<sup>79</sup> AlKarama, p.5.

<sup>80</sup> AlKarama, p.5.

<sup>81</sup> Joint Submission, para. 5, p. 2.

<sup>82</sup> Joint Submission, para. 10, p .3.

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