



Assemblée générale

Distr. générale
20 mars 2012
Français
Original: anglais

Conseil des droits de l'homme

Dix-neuvième session

Points 2 et 10 de l'ordre du jour

Rapport annuel du Haut-Commissaire des Nations Unies aux droits de l'homme et rapports du Haut-Commissariat et du Secrétaire général

Assistance technique et renforcement des capacités

Note verbale datée du 16 mars 2012, adressée au Président du Conseil des droits de l'homme par la Mission permanente du Yémen auprès de l'Office des Nations Unies et des autres organisations internationales à Genève

La Mission permanente de la République du Yémen auprès de l'Office des Nations Unies et des autres organisations internationales à Genève présente ses compliments au Président du Conseil des droits de l'homme et a l'honneur de lui faire tenir ci-joint le texte des observations de la République du Yémen au sujet du rapport de la Haut-Commissaire aux droits de l'homme concernant le Yémen (A/HRC/19/51) et des mesures prises pour mettre en œuvre la résolution 18/19 du Conseil*.

La Mission permanente de la République du Yémen a également l'honneur de prier le Conseil des droits de l'homme de faire distribuer les observations ci-jointes à tous les États Membres de l'Organisation des Nations Unies en tant que document de la dix-neuvième session du Conseil des droits de l'homme, et de les examiner au cours du débat concernant le rapport qui se tiendra le 21 mars 2012.

* Reproduite telle quelle en annexe, dans la langue originale seulement.

Annexe

Comments of the Republic of Yemen on the report of the United Nations High Commissioner for Human Rights on Yemen (A/HRC/19/51) and the actions taken to implement Human Rights Council resolution 18/19

Introduction

The National Accord Government in the Republic of Yemen expresses its high appreciation for the sincere and dedicated efforts exerted by the High Commissioner for Human Rights in order to improve the situation of human rights in Yemen in light of the serious consequences and impacts of the political crisis that persisted in the country for over a year. These implications affected all life aspects of Yemeni citizens.

We note that Yemen has seriously considered the annual report of the High Commissioner for Human Rights on the situation of Human Rights in Yemen to be presented to the 19th session of the Human Rights Council based on the resolution adopted by the Human Rights Council on 29 September 2011. The aforementioned report includes the results of the visit conducted by the mission of the High Commission for Human Rights to Yemen during the period from 20 to 27.12.2011 to evaluate the situation of human rights and to obtain information from the Yemeni Government, civil society organizations, victims and witnesses as well as the UN country office in Yemen.

The Government of Yemen has welcomed that visit and worked to provide all facilities to make it a success. This cooperation was appreciated by the mission. It is doubtless that you have followed the important steps made by Yemen on the path of political settlement as called for in the Security Council resolution No. 2014 of 2011 to pass the crisis Yemen witnessed. These steps include; the signing of the GCC Agreement and its time-bound implementation mechanism by political parties in Riyadh, Saudi Arabia, on the 23rd of November 2011; then starting the work to implement the GCC Agreement and its implementation mechanism starting with the formation of a National Accord Government; swearing in before the Vice-President of the Republic; the issuance of the Presidential Call for early presidential elections which were held on the 21st of February 2012 with broad participation from the people of Yemen. This participation has exceeded all expectations. In these elections, Mr. Abdrabo Mansour Hadi, was elected as a new president for Yemen. A committee for military affairs was formed to work on stabilizing the country. This committee managed, during the recent few weeks, to accomplish various tasks related to normalization of the situation in the country and removing the elements of tension as well as evacuating armed groups from the streets of the Capital Sana'a and other cities.

Still there are enormous tasks and duties to be undertaken as stipulated in the GCC Agreement and its implementation mechanism not only to overcome the negative impacts of the crisis but also to rebuild the new state and to strengthen the principles and values of good governance, rule of law and respect for human rights. This includes achieving the national reconciliation, enforcing the principle of transitional justice to heal wounds and ensuring that human rights violations are not repeated in the future.

Therefore, the support of the international community to foster the efforts of the Yemeni government, in its pursue to achieve these goals, is crucial as it will have positive effects on improving the level and protection of human rights in the country in general.

Having acquainted itself with the contents of the report, the Yemeni government is shedding light in these comments on two main themes:

- First: Key comments from the Government of Yemen on issues raised in the present report of the High Commissioner.
- Second: Key actions and measures taken by the National Accord Government to implement the recommendations of the OHCHR mission report and the Human Rights Council resolution in its 18th Session, to which Yemen is committed.

First: General comments

Alleged violations of Human Rights:

As for the alleged violations for human rights contained in the report under different terms such as: illegal killing, the excessive use of force, the enforced disappearance, torture and ill-treatmentetc. Although these allegations are not accurate in narrating events and figures in related statistics, but the National Accord Government, formed of political parties signatory to the GCC Agreement and its implementation mechanism, as the body concerned by these allegations related to the political crisis, will not spare any effort in investigating and verifying these allegations. Actions will be taken to restore justice for those whose rights were violated in line with international conventions and national laws. Legal actions will be taken against these violations through a process of transparent and independent national investigations that cope with international standards regarding the credibility of these allegations.

Some government clarifications on some issues were not considered:

Paragraph 23 points out that security forces shot protesters resulting in the killing of 57 civilians. We note that this case is still being considered before courts and there are 68 accused people involved.

Paragraphs 26 and 28 in relation to the dramatic events for Alhayat march in Sana'a. We note that the Minister of Interior, during his meeting with the High Commission delegation in the meeting of the Security and Military Committee, clarified that the High Security Committee has met one day before the march arrives to Sana'a. The committee identified a certain route for the march leading it to reach to the protest square. However, and sadly, part of the march tried to derail from the defined route and headed towards the Presidential Palace. Such derailment resulted in violent reactions and victims. The National Accord Government instructed the Ministers of Defense and Interior to establish an investigation committee to examine the facts of this incident and to report to the government so it can take necessary actions against the perpetrators.

Inaccuracy in describing some events:

There is no discrimination between what could be considered as terrorist acts and alleged human rights violations. For instance, the report mentions the so called "Insar Alsharia" group in Abyan governorate without stating that this is a group affiliated to Alqaeda Organization and internationally classified as a terrorist organization targeting, through its terrorist acts, to threaten security and stability and establish an Islamic Emirate. The same comment applies to the events in Arhab area and the allegations that government armed forces used long range missiles in that area. The reality is that this area is witnessing armed confrontations between government forces and some armed tribes who seized control over strategic locations taking advantage of the political conflict and the security vacuum in some parts of the country.

The exaggeration and inaccuracies in describing some events:

- The report mentions that “some governorates are under the full control of armed militias”. In other parts of the report it mentions specific governorates such as Hajja and Aljawf in addition to large parts of the Capital Sana’a. This is inaccurate.
- Paragraph 51 mentions that the delegation was also informed during a meeting with representatives of numerous ministries and public bodies forming a technical committee that President Saleh had announced an amnesty for security personnel on 27 November for the “mistakes” made during the events of 2011. This is inaccurate. It might be a result of misunderstanding of information stated by committee members. The mentioned amnesty was issued by the ex-president for all those who committed wrong acts during the protests.
- Some events were used out of their context. Our government was held responsible for the death of 30 Ethiopians without identifying the reasons and locations of these deaths.

Issues omitted by the report:

- Although the report covered events beyond the timeframe of the mission, including the 18th of March 2011 events in Sana’a and the 29th of May 2011 events in Taiz, but it neglected to mention the terrorist act on 03.06.2011 in the Presidential Mosque. That act resulted in the martyrdom and injury of large number of worshippers during Friday prayer. The Chairman of the Consultative Council, Mr. Abdulaziz Abdulghani, martyred in that act.
- The Government of Yemen expresses its surprise from the second recommendation to the international community which calls for conducting international transparent investigations in the alleged human rights violations in Yemen. The Government of Yemen had previously committed, during the discussions of the OHCHR report last September, to establish a national independent investigation committee in line with international standards. The Government is currently working in that direction. The Human Rights Council Resolution on Yemen refers to the commitment of the Yemeni Government in this respect.

Second: Key actions and measures undertaken to implement the recommendations**Drafting of a matrix for the implementation of recommendations:**

The National Accord Government has taken a number of actions to bring together all national forces and relevant stakeholders to implement the recommendations of the OHCHR mission and the Human Rights Council Resolution on Yemen issued on 29.09.2011. We summarize the key actions as follows:

- An implementation matrix for the recommendations of the Human Rights Council was prepared.
- The matrix was presented to the Council of Ministers in its ordinary session on Tuesday 15 November 2011 for approval.
- Resolution of the Cabinet No. 238 of 2011 was issued on informing the Council of Ministers about the Human Rights Council Resolution and the implementation matrix for the recommendations contained in the OHCHR mission report (attachment No. 1).

- The resolution contains an explicit agreement to implement the Human Rights Council resolution issued on 29.09.2011 and states that all line ministers shall implement relevant recommendations in the resolution and the OHCHR mission report in light of the implementation matrix.
- The Minister of Human Rights communicated with all concerned authorities to submit reports on the level of implementation of the recommendations. The Minister also communicated with military leaders and held bilateral meetings with them to discuss the implementation of the Human Rights Council recommendations.
- The Government held a number of meetings with donor countries to discuss the required support for Yemen for implementation of the recommendations.
- Necessary support was provided to facilitate the visit of the technical team from OHCHR and meetings were arranged with all political parties and civil society organizations.

It is noteworthy that some recommendations are related to the implications of the current political crisis in the country. These recommendations are considered as priority recommendations as they aim at normalizing the situation in the country. Some other recommendations were incorporated in the program of the National Accord Government. In this report, we shall present the recommendations of the Human Rights Council against which the National Accord Government has taken implementation actions:

1. *Stop attacks against civilians and civil targets*

- On the 4th of December 2011, Presidential Decree No. 29 was issued establishing the Military Affairs and Stabilization Committee. The Committee commenced its activities and conducted field visits to directly supervise the removal of armed elements from cities and sending back military and security units to their camps as well as the removal of all barracks and ditches from streets, the evacuation of government and civil buildings from armed men and handing over these buildings to concerned security forces to restore the situation to before January 2011. The committee also declared that citizens returned to their houses, especially those living in Alhassaba and Amran St. neighborhoods (north Sana'a). All these actions are aiming at protecting civilians and spreading security and stability.
- The committee confirmed that it is determined to finalize all its functions and programs in order to restore normal life in the country. The committee is still working in Sana'a, Taiz and other areas which witnessed tensions and frictions in order to achieve stability and peace for all people of Yemen.
- There are tangible achievements. The committee managed to mitigate tensions and started to remove armed elements and machineries including ditches, barracks, sand and concrete berms which represented the ugly face of the political crisis in the country. These armed features are starting to disappear as a result of the political settlement.
- We note that Yemen is in an extraordinary situation and there is a current defection in some military units. Sincere efforts are being made to reunify the army and restore its professional military structure.

2. *Immediate unconditional release of all detainees as a result of their peaceful practice*

- The Cabinet issued resolution No. 12 of 2012 on the immediate release of those detained in an illegal manner and the closure of all illegal detention centers (attachment No. 2).

- The Military Affairs and Stabilization Committee instructed all military and security units and other authorities in Sana'a and other governorates to release all detainees and arrested people as a result of the events the country saw last year. The committee will follow up the implementation of these instructions and will hold accountable any unit that violates these instructions.
- The committee called all military and security units and all stakeholders to refrain from detaining or arresting any military or civil person without a legal order issued from authorized law enforcement agencies. The committee considered that any of such acts will be considered as a crime punishable by law.
- In Taiz governorate, 26 detainees were released. Instructions were issued to release the individuals affiliated with the First Armored Division who are detained in the military intelligence unit.
- Military Judicial Department, under the Ministry of Defense, ordered the release of 70 military personnel who were referred to the Department for charges related to the events in Yemen in 2011. (Attachment No. 3).

3. *Announcement of transparent and independent investigations on serious human rights violations*

- The order of the Cabinet No. 4 of 2012 was issued to establish a ministerial committee chaired by the Minister of Human Rights with the Minister of Foreign Affairs, the Minister of Parliament and Shura Affairs and the Minister of Justice as members. The committee shall work on presenting a proposal for the creation of an independent investigation committee in line with international standards to investigate the alleged human rights violations. (Attachment No. 4).
- The order of the Cabinet No. 13 of 2012 was issued on reviewing the transitional justice and national reconciliation law. (Attachment No 5).
- An initial proposal on guidelines for the creation of an investigation committee in alleged human rights violations was submitted. This proposal was prepared by the ministerial committee chaired by the Minister of Human Rights, the technical committee of the Ministry of Human Rights, Equality Organization and the Yemeni Center for Transitional Justice.
- It was agreed to develop a legal framework for this committee. The legal framework is included in the draft law on transitional justice and national reconciliation. The draft law defines how the committee is established, its functions and competencies.
- The Ministry of Interior assigned 3 telephone numbers to receive notifications and complaints.
- As for the results of investigations in the Presidential Mosque explosion, results were submitted to the Attorney General and to the Penal Prosecution on January 4, 2012. The number of accused people is 30 and the penal prosecution commenced its investigations in accordance with the law.
- In Taiz governorate, investigations are ongoing for the events of the Women prayer area.
- In Taiz also, actions were taken against military officials who committed wrongdoings and 6 of them were referred to the military prosecution. On the other hand, there are instructions to security authorities to investigate 30 criminal acts committed against armed forces and security personnel.

- Criminal Investigation Department in Taiz governorate referred the documents of 14 complaints to the penal prosecution. These complaints are about alleged violations committed during the violent events in the country last year 2011.

4. *Compensations for victims and their families*

- Cabinet resolution No. 4 of 2012 on reconstruction of public buildings was issued. The resolution stipulates that a committee shall be formed to draw plans, programs and budgets for the reconstruction of government buildings and constructions affected by the crisis and finalize the survey of the remaining buildings to include them in these plans and programs. (Attachment No. 6)
- Committees were formed to survey material and human damages in the Capital Sana'a and other governorates.
- A committee was established to survey the damages inflicted to government buildings and staff. The committee is chaired by the Secretary General of the Cabinet and has almost completed its works.
- A mechanism for compensations shall be developed immediately upon completion of investigations, the promulgation of National Reconciliation and Transitional Justice Laws and the improvement of economic conditions.
- Initial estimations were prepared for damages in Alhasaba zone.
- In Taiz governorate, 140 million Riyals were paid for treatment of injured people. Blood money was paid for 22 cases and follow up is ongoing to pay the blood money for 50 other cases. The Governor of Taiz created a committee chaired by the Deputy Governor and engineers to survey damages. However, the continuous confrontations and the emergence of new victims and damages to some houses and constructions obstructed the work of the committee.

5. *Stop using and recruiting children and cooperate with the UN to reintegrate them in the society*

- Coordination was made between the Supreme Council for Motherhood and Childhood, the Ministry of Defense and the Ministry of Interior regarding this matter. In light of that, instructions were issued from the Minister of Defense to the Personnel and General Reserve Department to survey and verify the existence of any children who were recruited in violation to the Military Service Law No. 67 of 1991. The law stipulates that recruitment in the armed forces should be for those aged 18 years and above. The Minister instructed to disband all those who are below the legal age and refer those who caused their recruitment to judiciary.
- The Ministry of Defense is working to prepare a detailed study on children recruited in armed conflicts. The study will include one part on children who possess light weapons and another part will focus on children among armed tribal groups. This study aims at rehabilitating and reintegrating in the society all children below 18 years who are engaged with armed groups or with the Houthis. This study is being carried out with support and cooperation from the UNICEF.
- Support and advocacy was provided for the reintegration of those children. Some government and non-government entities implemented some programs for rehabilitation and reintegration of children affected by armed conflicts. The Supreme Council for Motherhood and Childhood held several meetings for the preparatory committee and the committee for the review of the Initial Report of the Republic of Yemen in the level of implementation of the Protocol on Preventing the Involvement of Children in Armed Conflicts 2010-2011. During these meetings, the importance

of this issue was raised. Moreover, meetings were organized by the Council and some partners in the National Network for Child Protection in the field of preventing the involvement of children in armed conflicts, marches and protests.

- The Supreme Council for Motherhood and Childhood issued a number of communication brochures on preventing the involvement of children in armed conflicts, marches and protests as well as landmine risks. Other brochures highlight the importance of child friendly spaces. TV series were produced on the risks of landmines, the unexploded ordnance, the risks of storing weapons at home and child friendly spaces. In addition, radio discussion sessions on the same issues were broadcasted.
- On 28 January 2012, a meeting was held for the Committee of Military Affairs and Stabilization, the Secretary General of the Supreme Council for Motherhood and Childhood, the representative of the Ministry of Defense in the technical committee of the Ministry of Human Rights and the Child Protection Manager in the UNICEF. The meeting objective was to agree on solutions for violations that took place in the field of child recruitment.
- A circular was issued from the Commandment of North-Western Region, Commandment of the First Armored Division, to disband the sons of martyrs who were recruited as substitutes for their martyred fathers and to allocate permanent financial stipends for their families so they can continue their basic education. These families were notified by the financial allocations granted to them.
- The Ministry of Interior, for human reasons, is employing the sons of martyrs and granting them scholarships so they continue their education as a gesture of appreciation for the martyrs who sacrificed their lives for the sake of the country.
- With joint efforts from different government entities, Siyaj Child Protection Organization and the UNICEF, 100 children were disbanded from military service.
- The Supreme Council for Motherhood and Childhood is currently working to establish the National Child Rights Observatory in cooperation with relevant governmental and non-governmental bodies. The Observatory aims to develop and strengthen mechanisms for surveillance of child protection against violence, abuse and negligence as well as prosecuting the violators of child rights. This initiative is supported by the UNICEF and Save the Children Organization.

6. *Ensure the provision of basic supplies and utilities*

Electricity

- The Ministry of Electricity and Energy is exerting tremendous effort to ensure the supply of power and repair the damages in transmission lines and Mareb Gas Plant. These efforts resulted in substantial improvements in power supplies. Power is now available for more than 20 hours per day while it used to be available for only 2 hours per day during the crisis.

Health

- The Ministry of Public Health and Population developed a national emergency strategy to contain health hazards resulting from demonstrations, protests and marches in coordination with the WHO, the International Committee for the Red Cross, the Yemeni Red Crescent, French Medecins Sans Frontier and Spanish Medecins Sans Frontier organizations. The plan was submitted to the Cabinet and was approved via Cabinet resolution No. 86 of 2011.

- The Ministry of Public Health and Population adopted a number of measures to ensure medical and drug supplies. Preventive, diagnostic and curative services are provided to all population groups through 3,948 health facilities around the country.
- Implementation of immunization campaigns for internally displaced people.
- Many national programs are operating in Yemen in the following fields: emergency, drug supplies, medical camps, malaria, AIDS, health education and tuberculosis.
- Hospitals, health centers, IDPs camps, field hospitals and mobile medical teams were all provided with medicines and medical supplies with support and coordination from the WHO.
- Transport and receive emergency cases using ambulance teams.
- Provide mobile medical teams for IDPs camps.
- The Ministry of Public Health and Population communicated with private hospitals requesting them to treat the injured people in demonstrations on the cost of the Ministry and the Presidency of the Republic.
- The total number of injured people registered during marches and demonstrations during the period from 15 February until 31 December 2011 is 6414 cases. Necessary medical care in public hospitals in the Capital Sana'a and governorates was provided for 4309 cases representing 60% of total registered cases. The rest of cases received medical services in private hospitals. (Attachment No. 7 is a report on the actions taken by the Ministry of Health during the 2011 events).
- The Ministry of Public Health and Population implemented a training program for training of trainers on dealing with collective injuries and emergency medical care for 230 individual trainers. 30 physicians participated in this program. The training was delivered by a specialized international team from the International Committee of the Red Cross during the months of September and October 2011. In total, 10 training courses were implemented targeting 80 physicians and 120 assistant physicians 50% of them are from public hospitals and 50% are from field hospitals.

Education

- The Ministry of Education established a committee for education in emergency situations. The committee composes of representatives from the ministry sectors and departments. This committee shall supervise the collection of data and information on students in emergency affected areas and will coordinate the efforts of education offices in all concerned governorates where emergency situations exist such as areas hosting IDPs who fled the conflicts in Sadah and Abyan. The committee shall also coordinate the efforts of international and regional organizations and their interventions.
- The committee shall formulate plans and programs to provide education services in emergency areas, assess the needs and provide supplies and logistics as well as mobilizing resources to reconstruct affected schools. Needs of areas affected by emergencies and crises shall be assessed and education requirements shall be provided in order to secure the continuation of the educational process in areas encountering exceptional conditions.
- The Committee on education in emergencies implemented the following activities this year:
 - Implementation of a communication campaign targeting local communities and educational staff. The campaign stressed on the right in education for all

children in school age including IDPs and those affected by emergency situations. The campaign encouraged communities to give due attention to education of their children and enroll them in schools as well as facilitating obstacles hindering the educational process in order to ensure a suitable environment for education.

- Distribute school bags containing books, pens and rulers for students in emergency affected areas.
- Provide tents to be used as school classes in areas where operation of schools is obstructed.
- Train teachers and school administrations on psychological and educational support for students to overcome any psychological issues they suffer from in emergency situations.

Petroleum products

- The Cabinet issued resolution No. 2 on resolving the problems of petroleum products supply. The resolution stipulates that a committee shall be established to develop necessary solutions and implementation mechanisms to settle the dues on different bodies to the Yemen Petroleum Company to enable the Company of securing the supply of petroleum products to cover the needs of local market in required quantities. The committee shall also work to resolve the problems of road blockades in some highways, especially Sana'a-Hodeidah highway. (Attachment No. 8).

7. *Development and implementation of a comprehensive program to protect all people affected by the protracted conflict in the northern governorate of Sada, especially IDPs*

- Cabinet resolution No. 180 of 2011 on the executive actions to strengthen cooperation with international organizations and facilitate the humanitarian operations to assist people affected by confrontations in Abyan was issued. The resolution stresses on taking necessary actions to provide health care and water for IDPs and those affected by confrontations in Abyan governorate. It also addressed the problem of IDPs from Sada, Harf Sufian and Aljawf areas who fled their homes as a result of the events that took place following the stoppage of the war in February 2010. The work of international governmental and non-governmental organizations was facilitated to provide humanitarian services and assistance for IDPs in our country. (Attachment No. 9)
- The resolution provides for the formation of mobile medical teams to survey and contain any epidemics in Abyan and IDPs locations and implementation of a national campaign in all media means to encourage students to enroll in schools by September to avoid the risks of leaving them outside schools.
- A number of sport, cultural and social activities were implemented for IDPs from Sada governorate in their camps in cooperation with UNICEF, Save the Children and other INGOs.
- The Ministry of Health, since 2008, is providing medical services for IDPs and people affected by Sada conflict in makeshift hospitals, health centers and unit. Mobile medical teams were also deployed to provide these services under the supervision of the General Emergency Department and health emergencies offices in units. These activities were supported by WHO and French Medicins Sans Frontier.
- The field committee under the High Ministerial Committee to Survey the Damages of Sada War decided to establish two working groups; the first to survey damages in

public properties and the second to survey damages in private properties for reconstruction purposes.

- The UNHCR, in cooperation with its international and local partners and donors, is playing a critical role in providing shelter and life-saving assistance for refugees, asylum seekers and migrants. UNHCR provides protection, basic humanitarian services and other services to these groups. It also works to develop community projects in return areas and coordinating humanitarian activities to provide humanitarian aid in emergency situations.

8. *Implementing the recommendations of UN treaty bodies, the universal periodic review and the ratification of conventions related to the protection of enforced disappearance people, Rome conventions and the recommendations of the Secretary General Report to the Security Council on children and armed conflicts*

- The government has taken a number of actions to implement the recommendations of the Human Rights Council. Resolution of the Cabinet No. 114 of 2010 was issued to approve the implementation matrix for the recommendations of the Human Rights Council. That resolution is based on the Cabinet resolution No. 317 of 2009 on implementing the recommendations ratified by our country in light of the universal periodic review. Workshops were conducted for civil society organizations to define their role in implementing the recommendations of the Human Rights Council.
- The government is preparing all treaty reports and discusses them with treaty committees within the fixed deadlines. The government also follows up the implementation of treaty bodies recommendations at the national level. Yemen has prepared its initial report on the implementation of the optional protocol on preventing the involvement of children in armed conflicts; the fifth report on civil and political rights; the second report on economic, social and cultural rights; the second report on combating torture and the 17th and 18th reports on combating racial discrimination.
- The National Committee for Refugees Affairs is currently considering preparing a draft law to prevent the compulsory repatriation of refugees.

9. *Cooperation between the Government of Yemen and the OHCHR to develop a framework for continued dialogue and fostering work in the field of human rights*

- By virtue of Cabinet resolution No. 14 of 2012, Yemen welcomed the establishment of an office for the OHCHR in Yemen to foster cooperation in the field of human rights between our country and the OHCHR and to contribute in building the capacities of human rights and establish a national institution for human rights in Yemen. (Attachment No. 10)
- The Government of Yemen extended an invitation to the OHCHR to visit Yemen to conduct consultations with government officials and human rights activists on opening an office for the OHCHR in Yemen. In this respect, Yemen received Mr. Fateh Azzam, the regional director of the OHCHR in Middle East and Gulf Region. Mr. Azzam also participated in the consultative meeting on the proposed Transitional Justice and National Dialogue Law held on 25 and 26 February in Sana'a.
- The Ministry of Human Rights developed a draft memorandum of understanding between the Ministry and the OHCHR to foster partnership between both sides.
- The Ministry of Human Rights developed its annual plan for 2012. The plan includes the implementation of various activities in all fields related to human rights.

These activities include: building the capacities and preparation of a national strategy for human rights; raising the awareness on human rights; making preparations for the national dialogue conference; organizing a conference on political rights of women; conducting activities for the harmonization of laws; preparing international reports for human rights committees and conducting the third conference on criminal justice.

10. *Cooperation between OHCHR and donors to assist the Government of Yemen and NGOs in the fields of capacity building to establish a national institution for human rights pursuant to Paris Principles*

The creation of a national institution for human rights is a key task under the plan of the Ministry of Human Rights for the future. There are a number of preparatory steps and actions taken in this regard in coordination with civil society organizations. The creation of this institution is linked also to the support of donor countries in addition to the technical support to be provided by the OHCHR as contained in relevant recommendations.

11. *Adopt constitutional and legal amendments to establish a quota system for women in different decision making positions*

The Government of Yemen has taken a number of initiatives towards adopting constitutional and legal amendments related to the political participation of women, especially adopting the quota system in parliamentary elections. These amendments are:

(a) Propose amending article 31 of the constitution which sets forth: “Women are the sisters of men having rights and duties as imposed by Sharia and as provided for by law”. The amendment is to add the following phrase to the article: “the state and society bodies shall work to support women and ensure their participation in representative bodies to foster their contributions in building the society”. The Women National Committee proposed to add to the amendment to this article the phrase: “so the representation of women in representative bodies shall not be less than 30%”.

(b) Propose amending article 63 of the constitution to state: (a): the Parliament shall compose of 345 members; (b) 301 members shall be elected through free and direct secret ballot. They shall represent equal constituencies in terms of population with variation to be defined by law. Each constituency shall be represented by one member; (c) 44 seats in the parliament shall be allocated for women. The law shall define the method of nomination and election for these seats. Women shall maintain their full electoral rights in all constituencies. It is also proposed to incorporate in the constitution a transitional provision stating: “legal and executive procedures to fill the 44 seats allocated for women shall be finalized immediately following the effectiveness of this constitutional amendment”. It is noted that this amendment has provided for the constitutional quota in response to the demands of women.

(c) The Women National Committee has proposed a number of amendments to various laws to ensure the effective participation of women. These amendments are as stated below:

| <i>S</i> | <i>Law to be amended</i> | <i>Article</i> | <i>Current applicable article</i> | <i>Proposed amended article</i> |
|----------|--------------------------|----------------|---|---|
| 1 | Elections law | 7 | The Supreme Commission for Elections shall take actions to encourage women to practice their electoral rights. The Commission shall establish women committees to be in charge of registering | The Supreme Commission shall take actions to encourage women to practice their electoral rights as follows: (a) allocate 30% of the seats in elected bodies for women; (b) appoint women in 30% of the positions of heads and members of supervisory, main and original committees; (c) establish women |

| <i>S</i> | <i>Law to be amended</i> | <i>Article</i> | <i>Current applicable article</i> | <i>Proposed amended article</i> |
|----------|---|----------------|---|--|
| | | | the names of female voters in voters' lists and verify their identities at polling stations within the electoral centers in every electoral constituency. | subcommittees to be in charge of registering the names of female voters in voters' lists and verify their identities at polling stations within the electoral centers in every electoral constituency. |
| 2 | Political parties and organizations law | 14-b | Upon submission of the application for formation of any political party or organization, the minimum number of members in the political party or organization upon formation shall not be less than 2500 members provided they are from most governorates of the Republic including the Capital Sana'a. | The proposed amendment is to add to the end of the paragraph the following phrase: "and provided the number of women is not less than 30% of all members". |
| 3 | Council of Ministers and Civil Service Laws | | | The proposal is to add an article stipulating that all ministries, public authorities and institutions shall allocate a quota for women equal to 30% in all administrative levels. |
| 4 | Local Authority Law | - | - | If the constitution does not contain a quota system, an article should be added to the local authority law stating: 30% quota shall be allocated for women in all elected bodies pursuant to the law at the level of all administrative units in the Republic. |

- The Women National Committee, in its policies for the coming months, is advocating for the adoption of a quota system. Work will commence to prepare an analytical study on the Yemeni constitution from gender perspective. Another analytical study shall be prepared on the Yemeni laws on political parties and elections from gender perspective.
- The Women Department at the Supreme Elections Commission organized a series of training courses in different governorates to train female students on various skills related to their political participation, encourage them to participate in the early presidential elections on 21 February 2012 and informing them about political rights of women.

12. *Address disparities in livelihoods, access to health and educational services, job opportunities and social support structures, especially those affecting women, youth and marginalized groups in different parts of the country*

- The National Childhood and Youth Strategy 2006-2015 was approved in a national conference on youth and children. The conference was attended by more than 1000 participants representing government institutions, civil society organizations, international organizations, donors and political parties.
- The Supreme Council for Education Planning is continuing its efforts to improve the situation of women, ensure their equality with men and guarantee their access to education. The Council is preparing a comprehensive vision for education and combining the sectoral education strategies in the three education ministries in one comprehensive strategy.

- Youth camps and summer centers were organized to accommodate large numbers of youth, students, IDPs and marginalized groups affected by conflicts. In these centers, various educational, cultural, social and health activities are carried out.
- Male and female youth graduated from training courses on languages, computer, sewing, embroidery and handcrafts from training centers affiliated to the Ministry of Youth and Sport. Hundreds of unemployed youth graduated from economic and social training and empowerment centers in the field of entrepreneurship.
- Cabinet resolution No. 94 of 2011 was issued approving the implementation mechanism to employ 25% of job applicants registered at the Ministry of Civil Service until 2010 who hold university qualifications and graduates of technical and vocational institutes during the year 2011.
- The resolution sets forth a competitive process for selection to recruit the 25% new employees. The process is based on the year of graduation (seniority), taking 25% of every specialization, every governorate and district.
- The resolution provides for the principles and rules for distribution of new employees; to be distributed to government administrative units, public and mixed sector units.
- Automated selection process was conducted by the Ministry of Civil Service for job applicants to determine the eligible candidates. Names of candidates were announced.
- Selected candidates were received by civil service offices in the Capital Sana'a and governorates to finalize their recruitment process.

13. *The appeal to provide humanitarian assistance and financial support for the Humanitarian Response Plan in Yemen 2012*

- The Government of Yemen is facing myriad security and economic challenges represented in the increasing activities of armed groups, including Alqaeda Organizations, which is a great threat jeopardizing the stability and security of the region. Another challenge is the increasing number of IDPs as a result of the wars in Sada and Abyan and the continuous flow of refugees from the Horn of Africa countries.
- The events Yemen witnessed casted a shadow on different aspects of life. Yemen still encounters the challenges of providing electricity and water and the short supplies of gasoline, diesel and gas. Other challenges include the spread of armed groups, their control of some parts of Taiz governorate, the destruction of houses and government buildings and the stagnancy of the Yemeni economy. These challenges exacerbate the deterioration of the livelihoods of population. (Attachment No. 11 contains a list showing damages to courts and judicial buildings as a result of violent events in 2011)
- The Humanitarian Response Plan for Yemen 2012 requires the collaboration of all national and international efforts. Yemen looks forward to the Donors' Conference to be held in Riyadh, Saudi Arabia, during this year 2012 to contribute in moving Yemen to the safe side.
- Yemen expresses its deep gratitude for the efforts made by the Gulf Cooperation Council, its Secretary General, the Secretary General of the United Nations, the UN Special Envoy to Yemen, the ambassadors of the five permanent states in the Security Council, the ambassadors of GCC countries, the European Union, international organizations and UN agencies operating in Yemen who are supporting

the peaceful transfer of power and the initiatives to support Yemen. Yemen calls the international community to provide support and assistance to implement various programs including:

- The Fourth Five-Year Plan for Economic Development and Poverty Reduction 2011-2015
- The implementation of the National Strategy for Children and Youth and its action plan in different economic, social, cultural and health components.
- Projects for employment of youth to reduce unemployment among them.
- Support and finance sport, cultural and social institutions working in the field of women and marginalized groups.
- Support programs for instilling the principles of democracy, civic education, co-existence, protection of rights and human relations between people regardless of religions and beliefs.
- Support social and health insurance programs to achieve adequate living standards for youth and marginalized groups to foster security, stability and social peace.

In conclusion

The Government of Yemen appreciates the great efforts made by the technical team of the OHCHR in collecting data and information on the level of implementation of the resolution of the Human Rights Council.

The Republic of Yemen affirms its strong belief that substantial efforts are required to strengthen the rights of all its citizens, protect their interests and restore the damages inflicted to them as a result of the events the country saw for more than a year. These dramatic events resulted in enormous suffering and deterioration in all aspects of life for citizens. The economic issue is on top of the priorities of Yemen for the future.

Yemen encounters huge challenges in its work to restore normal life; remove tension factors and causes of the crisis as well as adopting root reforms; restoring the rule of law based on the equality of citizens in rights and duties; supporting political pluralism as pillars for the state and calling for a national conference to set the stage for building a new Yemen.

The Republic of Yemen calls the international community, brothers, friends and international organizations to continue their financial and technical support to Yemen to overcome the economic and development challenges and to maintain the security, stability and integrity of the territories of Yemen.

Yemen calls for the fulfillment of the pledges made in the Donors' Conference for Yemen. It may be useful to establish an emergency fund to assist the Government of Yemen in overcoming its economic crisis, which started to cast shadow on different aspects of the life of Yemeni citizens. Yemen also hopes from the G-20 states to adopt a conference to provide economic support for Yemen to face its challenges.

Attachments

1. Cabinet resolution no. 238 of 2011 on informing the Council of Ministers about the Human Rights Council Resolution and the implementation matrix for the recommendations contained in the OHCHR mission report.
2. Cabinet resolution No. 12 of 2012 on the immediate release of those detained in an illegal manner.

3. A list of 70 military personnel released from prison following charges related to events that took place in Yemen in 2011.
 4. Cabinet order no. 4 of 2012 on establishing a committee to investigate in alleged human rights violations.
 5. Cabinet order No. 13 of 2012 on reviewing the transitional justice and national reconciliation law.
 6. Cabinet resolution No. 4 of 2012 on reconstruction of public buildings.
 7. Report on the actions taken by the Ministry of Public Health and Population as a result of the events Yemen witnessed in 2011.
 8. Cabinet order no. 2 regarding resolving the problems of petroleum products.
 9. Cabinet resolution No. 180 of 2011 on the executive actions to strengthen cooperation with international organizations and facilitate the humanitarian operations to assist people affected by confrontations in Abyan.
 10. Cabinet resolution No. 14 of 2012 on the establishment of an office for OHCHR in Yemen to foster cooperation in the field of human rights between our country and the OHCHR.
 11. List showing damages to courts and judicial buildings as a result of violent events in 2011 in the spirit of the common policy approach coordinated by the Heads of States of the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation, and taking into consideration the repeated statements from the USA and the European Union on the possibility of imposing economic restrictions towards one of the member states of the Customs Union/Common Economic Space the Governments of the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation reaffirm their position that the use of economic pressure or coercion is unacceptable.
-