

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE AGAINST TORTURE 43TH SESSION YEMEN, 2ND REPORT 3 NOVEMBER 2009

The Committee against Torture considered the 2nd periodic report of the Republic of Yemen on 3 November in the absence of the delegation.¹ Committee member Mr Xuexian Wang expressed regret for the absence of the Yemeni delegation and decided not to engage in the consideration of the report on the basis that the purpose of the Committee is to have a dialogue in the presence of the delegation of the State under review. Committee member and co-rapporteur Ms Felice Gaer also regretted the absence of the delegation, but drew attention to the fact that ‘there is no mention in Article 19 of a dialogue. It has been the practice of treaty monitoring bodies to conduct examinations in the presence of State parties. Dialogue is a means to an end, not an end itself. The end is compliance with the Convention’.

The co-rapporteur for the report of Yemen Ms Nora Sveaass criticized the delay in providing the Committee with the report. She highlighted the fact that the initial report, due in 1992, was considered only in 2003 and a number of letters that the Committee sent to the State were never answered.

Issues

During the consideration of the report, a series of issues were raised by the many members of the Committee. These included the serious discrepancies between theory and practice of human rights. Although Yemen has ratified most human rights instruments, practice suggests a lack of openness and transparency, blocking of monitoring bodies and a lack of importance attributed to issues dealing with torture, such as claims of excessive force by the police in exercising new anti-terrorism measures.

According to reports from NGOs, Committee member Ms Nora Sveaass stated that the practice of torture is widespread in Yemen and yet the Courts seem to not take the allegations seriously. There is a lack of investigation and persecution of the perpetrators. The rights of detainees were also raised, particularly access to legal counsel and medical aid. This included allegations related to interrogation techniques, families not being notified of the arrest, incommunicado detention and prolonged detention without trial. The attention of the Committee also focused on women in detention, where it had received allegations of prolonged detention due to the inability of families to pay the fine or an unwillingness to receive them back. Women in detention were also at risk of rape by male police officers.

The Committee also expressed its serious concern with claims that honor killings occurred, and corporal punishment within the household remained legal. On the protection of the child, the Committee was concerned that children of 7 or 8 years old are being imprisoned with adults, where they suffer abuse and ill treatment. The Committee also received information on children between 15 and 18 years old being

¹ CAT/C/YEM/2, available at <http://www2.ohchr.org/english/bodies/cat/cats43.htm>

sentenced to death for misdemeanors. Allegations were also received of trafficking of minors, especially being taken to Saudi Arabia, and the culture of child marriage.

Ms Sveaass also noted reports from NGOs alleging that members of the Baha'i community are badly treated in prison and some are forced to leave the country. Regarding the issue on refugees and IDPs, Committee member Ms Essadia Belmir reported that because of the present armed conflict in the North of Yemen, the number of refugees and IDPs increased considerably and their camps are being bombed by the State.

The Committee's list of concluding observations set the date of 15 February 2010 for the State to provide responses to the Committee.²

² Final concluding observations and recommendations available at: <http://www2.ohchr.org/english/bodies/cat/cats43.htm>

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