



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In my capacity as Special Rapporteur for Follow-up on Concluding Observations of the Human Rights Committee, I have the honour to refer to follow-up to the examination of the fifth periodic report of Yemen.

At the end of its 104th session, the Committee transmitted its concluding observations to your Permanent Mission. You may recall that, in paragraph 29 of the concluding observations, the Committee requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 7, 10, 15 and 21 of the concluding observations.

Follow-up information on the paragraphs referred to was received on 9 September 2013. At its 113th session, held in March in Geneva, the Committee analysed this information and adopted the following decisions:

- On paragraph 7: **[B2]** While the Committee welcomes the initial legislative measures taken by the State party to develop an independent national human rights institution, the adoption is yet to be finalized. The Committee reiterates its recommendations and requests further information from the State party regarding the status and implementation of the bill.
- On paragraph 10: **[E]** The Committee notes the Council of Ministers Decision No. 137 of 2012 which is interpreted by the State party as an affirmation of the existing laws. The Committee regrets that the decision and the refusal to change the law to ensure equality between men and women as requested by the Committee results in situation which is contrary to the recommendations of the Committee and in conflict with its obligations under the Covenant. The Committee reiterates its recommendations.

His Excellency Mr. Ali Mohamed Saeed Majawar
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- On paragraph 15: **[B2]** While initial legislative measures have been taken by the State party to establish a commission of inquiry to investigate human rights abuses committed in 2011 and to implement requests for the release of certain currently-detained persons, the Committee notes that the presidential decrees remain to be implemented in practice. Furthermore, no substantive information has been provided on measures to ensure that:
 - (a) along with allegations of crimes relating to the 2011 unrest, those related to the unrest in the south, the conflict in the north and the fight against Al-Qaida's presence in the territory of the State party will be investigated;
 - (b) investigations launched will be transparent and independent;
 - (c) criminal proceedings against alleged perpetrators, particularly members of law enforcement and security forces, will be initiated and those convicted sentenced appropriately; and
 - (d) victims will be afforded reparation and adequate compensation.

Additional information on the implementation and impact of the State party's legislative measures as well as information regarding items (a) – (d) outlined above is required.

- On paragraph 21: **(i) [B2]** Further information should be provided on the implementation of the State party's partnership with the UNHCR as well as any consideration of its continuance into 2013 and beyond.
 - (ii) [D1]:** The Committee notes that no information has been received regarding concrete measures taken to ensure the adequacy of the refugee determination process and asylum procedures for migrants of all nationalities.
 - (iii) [D1]:** Concerning immigrants unlawfully held in detention centres, the Committee regrets that no information was provided on measures taken to ensure asylum seekers and refugees are not held in penal conditions.

Taking into account that the next periodic report of the State party is due in April 2015, the Committee considered that the follow-up procedure has come to an end. Nonetheless, the State party is required to provide the Committee with information on the issues referred to in the context of its sixth periodic report.

The Committee looks forward to pursuing its constructive dialogue with the authorities of Yemen on the implementation of the Covenant.

Please accept, Excellency, the assurances of my highest consideration.

Fabián Omar Salvioli
Special Rapporteur for Follow-up to Concluding Observations
Human Rights Committee