

## Submission by the United Nations High Commissioner for Refugees

### For the Office of the High Commissioner for Human Rights' Compilation Report -

#### Universal Periodic Review:

### REPUBLIC OF YEMEN

## I. BACKGROUND INFORMATION AND CURRENT CONDITIONS

### 1. *Refugees and Asylum-seekers*

Yemen is the only country in the Arab Peninsula that is a State party to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). The Government has not yet incorporated its obligations under the *1951 Convention* into national refugee-specific legislation or established a refugee status determination (RSD) procedure. In the absence of such legislation, the legal status of asylum-seekers and refugees is governed by a mix of decrees and provisions, *inter alia*, the Republican Decree N° 47 of 1991 on the entry and residence of foreigners. The Ministry of Foreign Affairs is the main governmental institution in charge of refugee protection and the Bureau of Refugee Affairs (BRA) supports UNHCR by implementing some protection and assistance activities.

The Government accords *prima facie* refugee status to Somalis who have been arriving in Yemen since 1990, while UNHCR conducts refugee status determination (RSD) under its mandate for all other asylum-seekers. As of March 2013, Yemen hosted 237,717 refugees, the majority of whom were Somalis (227,294). Around 16,521 refugees were accommodated in Kharaz refugee camp in the Lahj Governorate, and others lived in urban areas (29,287 in Sana'a and 46,575 in Aden).

### 2. *Internally Displaced Persons (IDPs)*

292,954 persons are internally displaced in the northern governorates of Yemen as a result of the fighting in and around Sa'ada Governorate since 2004. Moreover, fighting that began in May 2011 in the Abyan Governorate resulted in the internal displacement of around 200,000 persons in the south. However, since July 2012, as hostilities subsided and security began to improve, 162,253 persons (as of April 2013) have returned to Abyan.

UNHCR has been working closely with the Government of Yemen's Executive Unit for IDPs to provide support towards the development and adoption of a National IDP Policy. It is expected that the National IDP Policy will be adopted in 2013, to be followed by developing a Policy and Action Plan; the latter will represent the Government's comprehensive plan for addressing internal displacement and facilitating solutions for IDPs. It will also serve as an accountability tool for Government actors and for the international agencies that support Government efforts in specific sectors, to ensure they meet their responsibilities and duties towards IDPs. UNHCR will continue working closely with the Government to assist with the implementation of the Plan.

### 3. *Mixed migration flows*

In 2012, the estimated number of new arrivals at the Red Sea, Arabian Sea/Gulf of Aden seeking protection or economic opportunities amounted to more than 107,532 persons.. This is the largest influx since UNHCR began compiling these statistics in 2006, and a 4% increase from 2011. In 2013, from January to April, new arrivals are estimated to be 35,876 persons, among whom 84% were Ethiopians and 16% from Somalia.

All migrants crossing the Red Sea and the Gulf of Aden face multiple risks and challenges in their areas of origin, during transit, upon arrival in Yemen and during their onward travel. They risk arbitrary arrest and detention, closed borders and *refoulement*, physical and sexual violence, trafficking, inadequate access to basic services such as shelter, water, food, basic education and health care, limitations to freedom of movement and lack of access to a means of livelihood. Only around 15% of all new arrivals register with the Yemeni Government or with UNHCR. Newly arriving refugees and asylum-seekers receive basic assistance from UNHCR and its implementing partners in the reception centres in the south (Kharaz, Ahwar, Mayfa'a) and temporary documentation which allows them to register officially with one of the Government registration centres or UNHCR offices.

Since the first Regional Conference on Refugee Protection and International Migration in the Gulf of Aden organized by UNHCR and the Mixed Migration Task Force-Somalia in 2008<sup>1</sup>, UNHCR has continued to implement its 10-Point Plan of Action to support the Government in addressing challenges in relation to mixed migration. The Government has yet to develop a national migration policy to promote the protection of refugees and migrants in mixed migration flows while ensuring migration management.

Yemen has not ratified the 2000 Protocol on Human Trafficking and Smuggling that supplements the UN Convention against Transnational Organized Crime (UNTOC) and current Yemeni legislation does not cover all forms of exploitation indicated in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. In addition, the Government has not acceded to the 1979 International Convention on Maritime Search and Rescue (SAR Convention). At the end of 2012, the Government acknowledged the magnitude of the problem and established two technical Committees for combating human trafficking and drafting the forthcoming anti-trafficking legislation. UNHCR, in its capacity as an observer, has attended the Committee for Combating Human Trafficking, which is an institution expected to develop a national strategy in 2013.

#### **4. Statelessness**

At the end of 2011, the Government pledged to consider acceding to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.<sup>2</sup> UNHCR would welcome all additional steps taken to implement this pledge.

In 2010, Yemen's Parliament took the critical step of drafting an amendment to the nationality law that would grant women the right to confer nationality to their children on an equal basis as men (*See CERD/C/YEM/CO/17-18, para. 5*). While it appears that this amendment may have been promulgated into law, there are difficulties in its implementation which are impeded by cumbersome procedural formalities. Furthermore, the 2009 Concluding

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<sup>1</sup> UN High Commissioner for Refugees, *Regional Conference on Refugee Protection and International Migration in the Gulf of Aden (Sana'a, Yemen, 19-20 May 2008). Summary Report*, July 2008, available at: <http://www.refworld.org/docid/4a54bc2c6.html>

<sup>2</sup> UN High Commissioner for Refugees, Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011, October 2012, available at: <http://www.unhcr.org/refworld/docid/50aca6112.html>

Observations from the Committee on the Rights of the Child note concerns regarding the lack of birth registration for a significant number of children in the State party.<sup>3</sup> The lack of birth registration compromises child protection, and also introduces a risk of statelessness, as the child is denied legal proof of its parentage and place of birth - the factors used by States to grant nationality at birth.

## **II. ACHIEVEMENTS AND GOOD PRACTICES**

### **1. Protection and Integration of Somali Refugees**

UNHCR praises the Government for its generous asylum policy towards Somali refugees who have continued to arrive in Yemen since 1990, and for the humanitarian assistance provided to refugees and IDPs. Furthermore, UNHCR welcomes the close collaboration between the Ministry of Human Rights, Ministry of Technical Education and Vocational Training and Ministry of Public Health and Population (all of whom UNHCR has formal agreements with), as well the engagement of the National Committee, Sub-Committee and the Bureau for Refugee Affairs, in the registration of and issuance of ID cards to Somali refugees.

### **2. Development of a National IDP Policy**

UNHCR welcomes the engagement of the Executive Unit for IDPs in addressing the plight of IDPs, its participation in the Cluster (Protection and Camp Coordination Camp Management) meetings, and development of a National IDP Policy with the support of UNHCR.

### **3. Pledges made during the December 2011 Ministerial Event**

Yemen made several pledges during the Ministerial Intergovernmental Event on Refugees and Stateless Persons held in Geneva in December 2011<sup>4</sup>, committing itself to: establishing a national protection framework to strengthen the protection of refugees and ensuring unhindered access to asylum for people in need of international protection; strengthening the protection environment for refugees in Yemen; ensuring the full capacity of the Bureau of Refugee Affairs in the aim to facilitate access of refugees to basic rights; ensuring equal treatment between Somali and non-Somalis with regard to access to registration and other services; developing a regional strategic plan to combat human trafficking/smuggling; and taking steps to tackle statelessness issues including considering accession to both Statelessness Conventions.

## **III. KEY PROTECTION ISSUES, CHALLENGES AND CONSTRAINTS**

### **Issue 1: Absence of a National Refugee Protection Framework**

The Government has not yet incorporated its obligations under the 1951 Convention into national refugee-specific legislation. The Government has pledged to work with UNHCR to ensure that non-Somali asylum-seekers and refugees benefit from the same services availed to Somali refugees. The current gap in the legislation leads to different approaches and processes between Somalis nationals and non-Somali individuals in need of international protection. Currently, all protection activities related to non-Somali asylum-seekers are carried out by UNHCR under its mandate, whereas Somali refugees are systematically recognized as refugees by the National Sub-Committee on Refugee Affairs/Bureau of Refugee Affairs. In

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3 Concluding observations and recommendations of the Committee on the Rights of the Child, CRC/C/OPSC/YEM/CO/1, 52nd Session, 13 October 2009, available at:

<http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-YEM-CO1.doc>

4 UN High Commissioner for Refugees, Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011, October 2012, available at: <http://www.unhcr.org/refworld/docid/50aca6112.html>.

addition, although in principle refugees and asylum-seekers have access to basic rights, a national refugee framework would render the access more systematic and consistent. Furthermore, the adoption of a national legislation would increase the protection of refugees and asylum-seekers and assist the Government in addressing challenges related to mixed migration flows to Yemen.

**Recommendations:**

- Develop and adopt national refugee legislation and establish fair and efficient RSD procedures, in accordance with international standards as stipulated in the *1951 Convention*;
- Ensure full respect for the principle of *non-refoulement*;
- Enhance awareness among local authorities, including military and police, on the rights of refugees and asylum-seekers, and the validity of their documentation issued by UNHCR; and
- Ensure that non-Somali asylum-seekers and refugees are benefiting from the same services availed to Somali refugees, including registration.<sup>5</sup>

**Issue 2: Protection of Persons in Mixed Migration Flows**

The influx of migrants and refugees has been a challenge for Yemen and its limited resources. In 2012, the estimated number of new arrivals at the Red Sea and Arabian Sea/Gulf of Aden amounted to more than 107,532 persons (origin: 78.5% Ethiopia and 21.5% Somalia). Newly arriving refugees and asylum-seekers receive basic assistance from UNHCR and its implementing partners in one of the reception centres in the south (Kharaz, Ahwar, Mayfa'a). The Government is not present at the reception centres run by UNHCR in the south.

During the screening procedure conducted by UNHCR in the reception centres, new arrivals receive temporary documentation – the validity for which is 20 days for non-Somali new arrivals and 3 months for Somalis, so as to allow them to register themselves with either the registration Centres run by the Government or by UNHCR Offices in Sana'a or Aden.

A very low percentage of Ethiopian new arrivals seek asylum in Yemen, in part due to a lack of awareness of, and access to, asylum mechanisms and criteria. The smugglers transporting new arrivals across the Red Sea are organized and the most common fate for tens of thousands of Ethiopians is to be transferred to a land-based network of traffickers upon arrival, that smuggle them north to Saudi Arabia. There are continued reports of smugglers engaging in robbery, abuse, and extortion

**Recommendations:**

- Adopt a national migration policy to promote the protection of people in mixed flows and to enhance the conditions for the migrants;
- Accede to the *1979 International Convention on Maritime Search and Rescue (SAR Convention)* and ensure that rescue-at-sea operations involving refugees and asylum-seekers are consistent with international law, particularly, by guaranteeing them access to appropriate asylum procedures;
- Enforce national campaigns through the support of media to increase tolerance towards migrants;

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<sup>5</sup> Pledge made by Yemen at the Ministerial Intergovernmental Meeting available at: <http://www.unhcr.org/refworld/docid/50aca6112.html>.

- Support UNHCR’s work at the Kharaz, Mayfa’a and Ahwar Reception Centres by deploying government staff to these facilities.

### **Issue 3: Trafficking and smuggling**

Children and women are particularly vulnerable upon arrival at the Arabian Sea and the Red Sea Coast or when trying to move irregularly into Saudi Arabia. They are often kidnapped and held hostage by smugglers or traffickers and released only upon payment of a ransom. Refugee women are at a high risk of human trafficking for sexual exploitation. They are subjected to many forms of human rights violations.

The capacity of UNHCR to address this issue and assist victims is limited in the absence of an effective national as well as regional response to address protection, security and assistance needs (health, physical, psychosocial, material) of the victims. The Government has no identification and referral mechanisms in place to respond to child trafficking and does not provide any care arrangements or rehabilitation services to children who have been victims of exploitation, abuse, torture.

Despite some recent initiatives by the Government, the climate of impunity makes the refugees and migrants reluctant to bring their complaints to the relevant authorities. The cases that UNHCR has tried to bring to the court so far, with the consent of the victims, did not lead to the prosecution of any of the perpetrators.

No special provisions have been adopted by the Government to prevent refugees, asylum-seekers and other persons of concern from being trafficked. The Government should take into account the fact that victims or potential victims of human trafficking may qualify as refugees within the meaning of the 1951 Convention relating to the Status of Refugees.<sup>6</sup> Specialized programmes and policies to protect and support victims who cannot return to their countries of origin should be adopted.

### **Recommendations:**

- Accede to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and the Protocol against the Smuggling of Migrants by land, Sea and Air* to supplement the UNCTOC;
- Adopt without delay an anti-trafficking legislation in line with the *Protocol to Prevent, Suppress and Punish Trafficking in Persons*, which should include trafficking as a specific crime; and ensure that victims of trafficking in need of international protection can access asylum procedures;
- Adopt a national plan of action to combat smuggling and trafficking, and raise national awareness of the risk of trafficking, with the support of specialized agencies;
- Strengthen regional cooperation with countries of origin, transit and destination including on trafficking and smuggling issues, data sharing and good practices;
- Provide protection for victims of trafficking and ensure their access to medical, social, rehabilitative and legal services, including counselling services;
- Create adequate conditions for victims to exercise their right to make complaints, conduct prompt, impartial and effective investigations into all allegations of

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<sup>6</sup> UNHCR Guidelines on International Protection No.7: “The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to Victims of Trafficking and Persons At Risk of Being Trafficked”, 7 April 2006, available at: <http://www.unhcr.org/443b626b2.html>

trafficking and ensure that perpetrators are brought to justice and punished with penalties appropriate to the nature of their crimes.<sup>7</sup>

#### **Issue 4: Detention of Asylum-Seekers**

As non-Somali arrivals may be detained upon arrival in the country for illegal entry, UNHCR has established a detention monitoring mechanism to ensure that persons in need of international protection have the opportunity to express their protection needs to UNHCR. UNHCR, with relevant stakeholders, has established a legal network in nine Governorates, in order to monitor detention facilities and to screen detainees. The network allows UNHCR to monitor 15 detention facilities.

Over 200 Eritrean asylum-seekers have been detained in Hodeida Detention Centre –some of them since 2011, allegedly for security reasons. In October 2011, when the security situation in the area allowed, UNHCR Yemen undertook a registration and RSD mission to the Hodeida prison, in order to address the international protection needs of the group. At the time, UNHCR registered 240 asylum-seekers in the prison. Resettlement was identified as the preferred durable solution for Eritrean refugees in this particular situation and all eligible refugees were submitted for resettlement based on legal and physical protection needs, and lack of local integration prospects. So far, 199 individuals have been submitted by UNHCR to various resettlement countries. As of April 2013, 139 individuals have been accepted.

Due to a limited number of juvenile centres in Yemen, refugee and asylum-seeking children are detained in detention facilities. Lack of basic procedural guarantees in the detention facilities leave children without appropriate protection, care and assistance. UNHCR continues to advocate that the detention of children is permitted only as a measure of last resort and only when it is ‘in the best interest of the child’, for the shortest appropriate period of time and in conditions that ensure the realization of the rights enshrined in the Convention on the Rights of the Child.<sup>8</sup>

#### **Recommendations:**

- Ensure that refugees and asylum-seekers are not penalized for illegal entry into the country, that the detention of asylum-seekers is only used as a last resort, and where necessary, for as short a period as possible, and that judicial safeguards are in place to prevent arbitrary and/or indefinite detention;
- Ensure individual procedural guarantees to detained persons immediately upon their detention without discrimination, including the right to interpretation, legal counseling and provision of information, in particular about the right to seek asylum;
- Ensure that UNHCR and its implementing partners have unhindered access to any detention or holding centre including immigration centres;
- Ensure that children are not detained in penal facilities and that they receive appropriate protection and assistance in juvenile centres.

#### **Issue 5: Violence against women**

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<sup>7</sup> See further the concluding observations and recommendations made by the Committee Against Torture, CAT/C/YEM/CO/2, 43<sup>rd</sup> Session, 17 December 2009, para 30, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/426/51/PDF/G1042651.pdf?OpenElement>

<sup>8</sup> See, UN High Commissioner for Refugees, *Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention* (Geneva, 2012) page 34, available at: <http://www.unhcr.org/refworld/docid/503489533b8.html>

The number of sexual and gender-based violence (SGBV) incidents committed against refugees and asylum-seekers has continued to be of concern to UNHCR. In 2012, 458 refugee and asylum-seeking SGBV victims were identified and provided assistance by UNHCR (health, legal, protection and psycho-social assistance). Most of the SGBV incidents were cases of rape and domestic violence occurring in Yemen. Victims are particularly exposed to stigma and prosecution of perpetrators is limited, leading to the perception of impunity amongst victims and reluctance to bring their case to court. As a result, SGBV incidents remain largely unreported. Members of the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community are particularly affected by ostracism and intolerance. Additionally, Female Genital Mutilation (FGM) and early marriage remain practices in the refugee community, especially amongst Somali refugees, as well as in the host community. UNHCR organizes major awareness campaigns covering domestic violence, child abuse, and sexual violence.

**Recommendations:**

- Ensure national awareness campaigns on the rights of women, violence against women and the risk of FGM;
- Implement effective measures to address violence against women in line with the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW); and
- Ensure due redress of the victims by all actors (legal, security, protection, medical, psycho-social). Strengthen the capacity of the judiciary to prosecute perpetrators of violence, FGM, sexual abuse and rape and establish facilities to support victims.

**Issue 6: Internally Displaced Persons (IDPs)**

Several rounds of fighting in and around Sa'ada Governorate since 2004 have caused repeated and protracted large-scale displacement with 316,787 IDPs in the northern governorates. Moreover, fighting that began in May 2011 in Abyan Governorate resulted in the internal displacement of around 200,000 persons. However, since July 2012, as hostilities subsided and security began to improve, 162,000 IDPs (as of April 2013) have returned to Abyan. UNHCR, with other humanitarian organizations, is promoting durable solutions for IDPs and returnees. UNHCR is also providing technical assistance to the Government to develop and implement a national IDP policy for addressing and resolving internal displacement throughout the country.

Major challenges remain and require the attention of the State. The risks posed by landmines and unexploded ordnances in the areas of return, as well as the widespread damage to property and infrastructures, remain obstacles for the durability of the safe and voluntary return process. A lack of civil documentation prevents IDPs/returnees from accessing public services and basic rights.

**Recommendations:**

- Adopt and implement the National IDP Policy developed with the support of UNHCR;
- Activate the newly established Commission on land disputes to enhance the viability of local integration for IDPs;
- Enhance the issuance of civil documentation to IDPs, and with the support of the Ministry of Human Rights, initiate awareness campaigns to enhance knowledge amongst IDPs of their human rights and ability to access public services.

**Issue 7: Access to birth registration and issuance of birth certificates**

Birth registration helps prevent statelessness by establishing a legal record of where a child was born and who his or her parents are. As such, it serves as a key form of proof of whether a person has acquired nationality by birth or by descent. It also provides children with a degree of protection against child labour, illegal adoption, early marriage, sexual exploitation, and trafficking.<sup>9</sup> Failure to document a person's legal existence can prevent the effective enjoyment of a range of human rights, including access to education and health care. While the Government does not discriminate against refugees in general when issuing civil documentation, administrative procedures prove to be insensitive to refugees in particular situations. In addition, it is observed that it is more difficult to secure birth certificates for children due to restrictions for those born out of rape or out of wedlock. For this reason, the number of refugee and asylum-seeking children without birth certificates has increased in urban settings.

**Recommendation:**

- Ensure full access of children to effective birth registration and issue birth certificates for all new-borns on the territory irrespective of the legal status of their parents.

**Issue 8: Prevention and reduction of statelessness**

Yemen is not a State party to either the *1954 Convention relating to the Status of Stateless Persons* or the *1961 Convention on the Reduction of Statelessness*. Accession by Yemen to the international statelessness instruments would establish a stronger framework to prevent and reduce statelessness and avoid the detrimental effects of statelessness on individuals and society by ensuring minimum standards of treatment for stateless persons. During the UNHCR Ministerial Intergovernmental Meeting in December 2011, the Government pledged to “take the necessary measures to prevent and respond to cases of statelessness on its territory – including giving consideration to adopting the 1954 and the 1961 Conventions on Statelessness.”

The *1954 Convention relating to the Status of Stateless Persons* ensures minimum standards of treatment for stateless persons in respect to a number of fundamental rights. These include, but are not limited to, the right to education, employment, housing and public relief. Importantly, the 1954 Convention also guarantees stateless persons a right to identity and travel documents and to administrative assistance. The *1961 Convention on the Reduction of Statelessness* establishes an international framework to ensure the right of every person to a nationality by establishing safeguards to prevent statelessness at birth and later in life. This treaty is therefore complementary to standards contained in other human rights treaties that address the right to a nationality. An increase in the number of State parties to the two Statelessness Conventions is essential to strengthening international efforts to prevent and reduce statelessness and ensuring full enjoyment of a number of these rights.

In 2008, the Committee on the Elimination of All Forms of Violence against Women recommended that Yemen amend its laws to ensure the right of a child born to a Yemeni mother to acquire his or her mother's nationality in the same circumstances he or she would acquire it from a Yemeni father.<sup>10</sup> In 2010, Yemen was commended for taking the key step of drafting a legislative amendment that would remove the element of gender discrimination

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<sup>9</sup> UN High Commissioner for Refugees, *Birth Registration: A Topic Proposed for an Executive Committee Conclusion on International Protection*, 9 February 2010, EC/61/SC/CRP.5, para. 2, available at: <http://www.unhcr.org/refworld/docid/4b97a3242.html>.

<sup>10</sup> Committee on the Elimination of Discrimination against Women, CEDAW/C/YEM/CO/6, 41<sup>st</sup> Session, 9 July 2008, para 390, available at: <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-YEM-CO-6.pdf>



from its nationality law regarding the acquisition of citizenship by descent (*jus sanguinis*).<sup>11</sup> Further clarification as to the status of this law and the degree to which it is being implemented in practice is required.

The Committee noted the vital role of birth registration in enhancing the protection of children by ensuring “*the full enjoyment of their fundamental rights and freedoms.*”<sup>12</sup> Birth registration is equally important, however, as a measure to prevent statelessness, as it documents the child’s parentage and place of birth, thereby offering proof that the child qualifies for nationality on the basis of the *jus sanguinis* or *jus soli* principles.

**Recommendations:**

- Accede to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*;
- Conduct national awareness campaigns on statelessness, the right to nationality, and the amendments to the *1990 Nationality Law*, to ensure that all persons in Yemen are protected against statelessness;
- Clarify the status of the amendment drafted in 2010 to grant Yemeni women the right to confer nationality to children on an equal basis as men and its implementation in practice;
- Implement the concrete steps recommended by the Committee on the Rights of the Child in its 2005 Concluding Observations to ensure the registration of all children at birth, in line with the State Party’s obligations under Article 7 of the Convention.

**Human Rights Liaison Unit  
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UNHCR  
June 2013**

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<sup>11</sup> Concluding observations of the Committee on Racial Discrimination, Committee on the Elimination of Racial Discrimination, CERD/C/YEM/CO/17-18, 78<sup>th</sup> Session, 10 March 2011, para. 5, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/418/33/PDF/G1141833.pdf?OpenElement>

<sup>12</sup> Noting its continued concern at the lack of birth registration for a significant number of children in the country, the Committee on the Rights of the Child recommended in its concluding observations that Yemen “*take appropriate measures to ensure the registration of all births, in accordance with article 7 of the Convention, such as by organizing awareness-raising campaigns for birth registration, establishing civil registration mechanisms in hospitals, as well as encouraging the use of mobile registration units, particularly in remote and rural areas.*” Concluding observations and recommendations of the Committee on the Rights of the Child, CRC/C/OPSC/YEM/CO/1, 52nd Session, 13 October 2009, para 32, available at: <http://www2.ohchr.org/english/bodies/crc/docs/co/CRC-C-OPSC-YEM-CO1.doc>

## ANNEX

### Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies

#### Universal Periodic Review:

#### YEMEN

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations relating to issues of interest and persons of concern to UNHCR with regards to Yemen.

#### Human Rights Committee

CCPR/C/YEM/CO/5, 104<sup>th</sup> Session

19 April 2012

5. The Committee welcomes the continuing efforts of the State party to respond to the influx of migrants arriving mainly from the Horn of Africa and the protection and assistance it pledges to afford to IDPs who have been displaced as a result of the sixth war in the Northern Governorates.

9. The Committee regrets the State party's inertia in matters related to discriminatory practices affecting women and the persistence of domestic violence. It is particularly worried at the responses provided by the delegation which maintains that female genital mutilation is a traditional practice, is difficult to eradicate and is not yet prohibited. The Committee also regrets the delegation's statement that marital rape does not occur and that the response given to the phenomenon of domestic violence merely consists in providing victims with temporary shelters. No attention has been given to the criminalization of these phenomena, the prosecution of alleged perpetrators and their sentencing if found guilty (arts. 2, 3, 6, 7 and 26). **In line with the Committee's previous concluding observations (CCPR/CO/84/YEM, para. 11 and 12), the State party should expand its efforts to end traditions and customs that are discriminatory and contrary to article 7 such as female genital mutilation. The State party should step up its efforts to increase awareness about female genital mutilation, particularly in communities where it is still widespread. It should penalize the practice and ensure that those who perform female genital mutilation are brought to justice. The State party should criminalize marital rape and other forms of domestic violence, prosecute alleged perpetrators of such crimes and sentence them in a manner which is proportionate to the nature of the crime committed. The State party should promote a human rights culture within society along with greater awareness of the rights of women, especially the right to physical integrity. It must also take more effective action to prevent and punish domestic violence and provide assistance to the victims.**

21. While appreciating the efforts made by the State party to respond to the situation of mass influx of migrants, arriving especially from the Horn of Africa, the Committee is concerned that similar care is not extended to the treatment of non-Somalis seeking protection. While the former are granted prima facie refugee status, the latter are systematically considered illegal immigrants and placed in detention centres (arts. 2, 7 and 26).

**The State party should take concrete measures to ensure the adequacy of the refugee determination process and asylum procedures for migrants of all nationalities. Asylum seekers and refugees should not be held in penal conditions.**

22. The Committee is concerned about the fate of the estimated 400,000 internally displaced persons in the State party, more than half due to the pre-existing conflicts with the Huthis in the North. The Committee is particularly concerned about allegations of attacks against internally displaced persons, especially in the Southern part of the country, in the area of Abyan (arts. 2, 7 and 26).

**The State party should ensure the protection of all those affected by the pre-existing conflict as well as those who fled as a result of the 2011 unrest. In particular, the State party should enhance its capacities to respond to the multiple protection needs of the displaced for instance by adopting the 2010 Draft Strategy on internal displacement in Yemen, and work towards finding a durable solution to end displacement.**

23. The Committee is seriously concerned about reports revealing the use of children, i.e those who are under 18 years old, in the manning of military checkpoints and the protection of protesters during the 2011 unrest (arts. 6 and 24).

**The State party should take all necessary measures to prohibit the use of child soldiers in accordance with article 24 of the Covenant and the State party's obligations under the Optional protocol to the UN Convention on the rights of the child. In this regard, the State party should establish a reliable mechanism, including systematic provision of birth certificate enabling an accurate determination of the age of all persons wishing to enrol in military forces. The use of children in manning checkpoints and protecting protesters should be strictly prohibited.**

#### **Committee on Economic, Social and Cultural Rights**

E/C.12/YEM/CO/2, 46<sup>th</sup> Session

1 June 2011

7. The Committee is deeply concerned about the widespread manifestations of discrimination in Yemen against disadvantaged and marginalized individuals and groups, in particular women, which often bear a structural character.

**The Committee recommends that the State party adopt a comprehensive anti-discrimination law, addressing all disadvantaged and marginalized sectors of the society. The Committee invites the State party to draw guidance in these endeavors from its General Comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.**

8. The Committee is concerned that the Al-Akhdam people continue to face social and economic marginalization and discrimination, especially concerning access to employment, conditions of work, extensive level of child labour, extremely high levels of school drop-out, lack of adequate housing, water and sanitation, as well as electricity, (art.2).

**The Committee calls on the State party to combat the social discrimination and marginalization faced by the Al-Akhdam people, including through temporary special measures, in line with the Committee's General Comment No.20 on Non-Discrimination in Economic, Social and Cultural Rights, and to adopt a national action plan for this purpose, elaborated with the participation of Al-Akhdam people and equipped with an effective, participatory and transparent monitoring and implementation mechanism. The Committee also recommends that the planned measures focus on access to**

**employment, adequate conditions of work, enrolment of children in education and prevention of school drop-outs, access to medical care, and reduction of child mortality, as well as access to adequate housing, water, sanitation and electricity.**

17. The Committee continues to be concerned about the prevalence of domestic violence, including sexual harassment of women and children in the State party, and about the reported difficulties for victims to file complaints and seek redress following such abuse (art.10).

**The Committee recommends that the State party immediately promulgate the Domestic Violence Act No.6 of 2008 and thus, criminalize domestic violence and marital rape, prosecute offenders, as well as ensure protection to victims of domestic violence, including through expanding the number, coverage and capacity of shelters. The Committee also recommends that the State party intensively undertake to raise awareness of the phenomenon of domestic violence among police officers, prosecutors, judges, social workers, and the general public. The Committee further recommends that the State party strengthen its research and data collection capacity on domestic violence and provide detailed information on it in its next periodic report, together with information on the number of complaints filed by victims, remedies granted, as well as prosecutions and sentences imposed on perpetrators.**

18. The Committee remains concerned about the persistent inequality of women in matrimonial and family matters in law and in practice, including forced marriages, severe discrimination of women demanding divorce and the inferior position of women in relation to the inheritance of conjugal property.

**The Committee urges the State party, as a matter of priority, to amend its matrimonial and family law with a view to eliminating the discrimination of women in marital matters and ensuring its consistency with the relevant human rights standards under the Covenant and other international instruments. In particular, it is recommended that urgent steps be taken with a view to (1) ensuring that all marriages are registered in line with article 14 of the Personal Status Act; (2) prohibiting forced marriages, (3) guaranteeing the right of women to enter into marriage without the consent of a guardian; (4) ensuring equal rights of women in divorce proceedings, (5) guaranteeing equal rights of women under the inheritance law.**

19. The Committee is deeply concerned that the amendment to the Personal Status Act No.20 of 1992 by Law No.24 of 1999, legalizing marriage of girls under 15 years of age with the consent of their guardian remains in force, and that the Parliamentary Sharia Committee in October 2010 has prevented the entering into force of an amending Act aimed at establishing a minimum age of marriage. The Committee is also concerned about the growing number of victims of child marriages. (art.10)

**The Committee recommends that the State party: (1) adopt and implement the Law on the minimum age of marriage and set it at 18 years of age in accordance with recommendations by relevant international bodies; (2) ensure access to effective remedies and other forms of necessary protection to victims of child marriages; and (3) undertake to raise awareness on the negative effects of child marriages.**

20. The Committee expresses its deep concern about the continued harmful practice of female genital mutilation in the State party, especially in the coastal and rural areas (art.10).

**The Committee recommends that the State party urgently adopt legislation criminalizing female genital mutilation and ensure the prosecution and adequate punishment of those performing it or imposing it on girls or women. It also recommends that the State party**

**strengthen its awareness-raising and education efforts with the aim of completely eliminating this practice and countering its underlying arguments.**

22. The Committee is concerned about the lack of effective implementation and enforcement of the legal prohibition of child labour, leading to the exploitation of children on a large scale (art.10).

**The Committee recommends that the State party undertake effective measures to enforce the prohibition of child labour, including through sufficiently resourcing the Child Labour Unit at the Ministry of Social Affairs and Labour. The Committee also recommends that the State party more effectively monitor instances of child labour in order to ensure its gradual eradication, especially in the context of hazardous work, in accordance with ILO Convention No. 182.**

23. The Committee expresses its deep concern about the large scale trafficking in women and children, including to neighbouring countries for sexual and other exploitative purposes. It is also concerned about the low rate of prosecutions against perpetrators of women and child trafficking (art.10).

**The Committee recommends that the State party strengthen its efforts to prevent and combat trafficking in women and children, including in the framework of the implementation of the revised and developed National Plan to Combat Child Trafficking. In particular, the Committee recommends to the State Party a prompt adoption of the proposed amendments to the Code of Offences and Penalties, and swift prosecution of perpetrators of the crime of trafficking. The Committee also recommends that the State party further strengthen its system for the rehabilitation and reintegration of victims of trafficking, including rehabilitation to victims of sexual exploitation.**

25. The Committee is concerned about the extent of malnutrition in the State party, the high rates of wasting, underweight and stunting, as well as rising household food insecurity, especially in rural areas. The Committee expresses its deep concern that this situation has been aggravated by the rise in food prices. The Committee is also concerned that a disproportionate portion of agricultural land is allocated to the cultivation of qat (art.11).

**The Committee recommends that the State party adopt effective and urgent measures to combat hunger and malnutrition, especially child malnutrition, and take urgent measures to offset the negative impact of rising food prices on family budgets, especially in the case of disadvantaged and marginalized individuals and families. The Committee invites the State party to draw guidance in these endeavours from its General Comment No.12 (1999) on the right to adequate food.**

31. The Committee is deeply concerned about the insufficient attention by the State party to its obligation under the Covenant concerning cultural rights, as revealed by the total absence of information within the periodic report, as well as by the lack of answers to the list of issues related to article 15 of the Covenant. (art.15)

**The Committee requests the State party to provide in its next periodic report detailed information on concrete measures taken to guarantee the enjoyment of the rights recognized in article 15 of the Covenant, in particular by minorities and other disadvantaged and marginalized individuals and groups. The Committee recommends the State party to collect disaggregated data on the ethnic composition of the society, as well as on disadvantaged and marginalized individuals and groups, in order to enable it to adopt concrete and targeted measures to fully implement article 15 of the Covenant.**

## **Committee on the Elimination of Racial Discrimination**

CERD/C/YEM/CO/17-18, 78<sup>th</sup> Session

10 March 2011

### **Introduction**

3. The Committee also welcomes the State Party's willingness to engage in dialogue during a time when the State party is experiencing domestic political challenges. The Committee urges the State party to respect the rights of all protesters to voice their concerns, seek reform and demonstrate peacefully. The Committee urges the State party to ensure that the current political situation in the State party does not foment further violence that targets groups particularly non-citizens, migrant populations, migrant workers, refugees and other vulnerable ethnic groups.

### **Positive aspects**

5. The Committee welcomes the amendment of legislation in order to address discrimination in the State party, particularly the amendment of the Nationality Act (Act No. 6 of 1990), which now allows Yemeni women that are married to foreigners to pass on their nationality to their children.

### **Concerns and recommendations**

9. The Committee is concerned that the State Party continues to view its country as a homogeneous society despite the existence of numerous national and ethnic groups. The Committee also regrets the lack of disaggregated statistical data on the ethnic and racial composition of the population considering the existence of the diversity of ethnic and racial groups in the State party (article 2).

**Further to its previous concluding observations (CERD/C/YEM/CO/16) and General Recommendation No. 4 (1973) on the demographic composition of the population, the Committee reiterates its recommendation that the purpose of gathering statistical data is to make it possible for States parties to identify and obtain a better understanding of the ethnic groups in their territory and the kind of discrimination they are or may be subject to, to find appropriate responses and solutions to the forms of discrimination identified, and to measure progress made. The Committee also recommends that the State Party should formally recognize the existence of various ethnic groups within its territory and the fact that the State Party is not a truly homogeneous society.**

14. While noting the challenges presented by the influx of refugees and asylum seekers into the State party, the Committee regrets the lack of legislation governing asylum applications. The Committee is also concerned at the lack of recognition of refugee certificates that are issued by the Office of the United Nations High Commissioner for Refugees in the State party. The Committee is further concerned with the plight of internally displaced persons (IDPs) in various governorates of the State party (article 2 and 5).

**The Committee recommends that the State party should establish a legal framework to govern the application process of asylum. The Committee further recommends to the State party that it adopts specific measures aimed at promoting the coordination of the process of issuing refugee certificates with UNHCR in order to ensure that their certificates are recognized and that the rights of refugees and asylum seekers are protected. The Committee further recommends that the State party should strengthen its efforts in the provision of humanitarian assistance to IDPs and ensuring their immediate return to their communities.**

15. While noting the State party's efforts to introduce safety net programmes aimed at improving the livelihoods of marginalized groups, the Committee is concerned at the persistent and continued social-economic exclusion of descent-based communities such as the Al-Akhdam, some of whom are understood to be of African descent. The Committee also expresses its concern at the failure by the State party to acknowledge that the Al-Akhdam have different ethnic characteristics (articles 2(2) and 5).

**Bearing in mind its General Recommendation No. 29 (2002) on Descent, the Committee recommends that the State party should study the root causes of the marginalization of the Al-Akhdam people. The Committee further recommends that the State party should strengthen its efforts to improve the welfare of all marginalized and vulnerable descent-based groups, particularly the Al-Akhdam, in the fields of education, access to health, housing, social security services and property ownership.**

16. While taking note of the State party's statement on its efforts to protect the rights of Jews and Bahai's, the Committee notes with concern that these minority religious groups are often subjected to threats that affect their right to freely practice their religion (articles 2 and 5).

**The Committee, recognizing the "intersectionality" of racial and religious discrimination, recommends that the State party should ensure that the rights of religious minorities, particularly Jews and the Baha'is, to freely practice their religion, is protected by guaranteeing their security and freedom of worship at all times.**

17. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).

18. In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Outcome Document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.

24. In accordance with article 9, paragraph 1, of the Convention and rule 65 of its amended rules of procedure, the Committee requests the State party to provide information, within one year of the adoption of the present conclusions, on its follow-up to the recommendations contained in paragraphs 9, 13 and 14 above.

### **Committee against Torture**

CAT/C/YEM/CO/2, 43<sup>rd</sup> Session

17 December 2009

### **Positive aspects**

5. The Committee notes the ongoing efforts at the State level to reform its legislation, policies and procedures in order to ensure better protection of human rights, including the right not to

be subjected to torture and other cruel, inhuman or degrading treatment or punishment, in particular:

a) The State party's signature of several Memoranda of Understanding with the United Nations High Commissioner for Refugees in 2004, 2005 and 2007, including its commitment to prepare a Refugee Law and promote it;

### **Anti-terrorism measures**

11. The Committee acknowledges the difficulties that the State party faces in its prolonged fight against terrorism. However, recalling the absolute prohibition of torture, the Committee is concerned at reports of grave violations of the Convention committed in the context of the State party's fight against terrorism. Such violations include cases of extrajudicial killings, enforced disappearances, arbitrary arrests, indefinite detention without charge or trial, torture and ill-treatment, and deportation of non-citizens to countries where they are in danger of being subjected to torture or ill-treatment. The Committee is also concerned at the content of the draft Anti-Terrorism and Money Laundering and Funding Terrorism Laws, including the reportedly broad definition of terrorism and the absence of legal/judicial procedures pertaining to the delivery, arrest or detention of individuals. (arts. 2 and 16)

**The State party should take all necessary measures to ensure that its legislative, administrative and other anti-terrorism measures are compatible with the provisions of the Convention, especially with article 2, paragraph 2. The Committee recalls that no exceptional circumstances whatsoever can be invoked as a justification for torture and, in accordance with relevant Security Council resolutions, especially resolution 1624 (2005), anti-terrorism measures must be implemented with full respect for international human rights law, especially the Convention. The State party is requested to provide information on the content and status of the draft Anti-Terrorism and Money Laundering and Funding Terrorism Laws.**

### **Incommunicado detention**

12. The Committee reiterates its concern at substantiated reports of the frequent practice of incommunicado detention by Political Security Department officials, including detention for prolonged periods without judicial process (CAT/C/CR/31/4, para.6(c)), and it is concerned that other security agencies reportedly also engage in such practices. The Committee is further concerned at the lack of information on the exact number and location of places of detention in the State party. (arts. 2 and 11)

**The State party should take all appropriate measures to abolish incommunicado detention and ensure that all persons held incommunicado should be released, or charged and tried under due process. The State party should submit information on the exact number and location of places of detention used by the Political Security Department and other security forces, and the number of persons deprived of liberty in such facilities. The State party should also provide an update on the case of four Cameroonian nationals, Mouafo Ludo, Pengou Pierpe, Mechoup Baudelaire and Ouafu Zacharie, who have been detained incommunicado and without legal process in Sana'a since 1995.**

### **Internally displaced persons**

19. The Committee is seriously concerned at the high number of internally displaced persons in the northern Sa'ada province and that the State party has reportedly not taken sufficient steps to ensure the protection of persons affected by the conflict in the north, in particular the internally displaced persons currently confined in camps. (arts. 12 and 16)



**The State party should take all necessary measures to ensure the protection of persons affected by the conflict in the northern Sa'ada province, particularly internally displaced persons currently confined in camps.**

### **Non-refoulement**

22. The Committee remains concerned at numerous cases of forced return of foreign nationals, including to Egypt, Eritrea and Saudi Arabia, without the individuals being able to oppose it by means of an effective remedy which may be in breach of the obligations imposed by article 3 of the Convention. The Committee also regrets the lack of information on measures taken by the State party to ensure that those foreign nationals did not run a real risk of being subjected to torture or inhuman or degrading treatment in the country of destination, or that they would not subsequently be deported to another country where they might run a real risk of being subjected to such torture or ill-treatment, as well as the lack of any follow-up measures taken by the State party in this respect. (art. 3)

**Under no circumstances should the State party expel, return or extradite a person to a State where there are substantial grounds for believing that he or she person (sic) would be in danger of being subjected to torture or ill-treatment. The State party should ensure that it complies fully with article 3 of the Convention and that individuals under the State party's jurisdiction receive appropriate consideration by its competent authorities and guaranteed fair treatment at all stages of the proceedings, including an opportunity for effective, independent and impartial review of decisions on expulsion, return or extradition.**

**When determining the applicability of its non-refoulement obligations under article 3 of the Convention, the State party should examine thoroughly the merits of each individual case, ensure that adequate judicial mechanisms for the review of the decision are in place and ensure effective post-return monitoring arrangements. Such assessment should also be applied with regard to individuals who may constitute a security threat.**

### **Trafficking**

30. The Committee expresses its concern at reports of trafficking in women and children for sexual and other exploitative purposes, including reports of trafficking of children out of Yemen, mostly to Saudi Arabia. The Committee is also concerned at the general lack of information on the extent of trafficking in the State party, including the number of complaints, investigations, prosecutions and convictions of perpetrators of trafficking, as well as on the concrete measures adopted to prevent and combat such phenomena. (arts. 1, 2, 12 and 16)

**The State party should increase its efforts to prevent and combat trafficking of women and children and cooperate closely with the authorities of Saudi Arabia in respect of cases of combating trafficking in children. The State party should provide protection for victims and ensure their access to medical, social, rehabilitative and legal services, including counselling services, as appropriate. The State party should also create adequate conditions for victims to exercise their right to make complaints, conduct prompt, impartial and effective investigations into all allegations of trafficking and ensure that perpetrators are brought to justice and punished with penalties appropriate to the nature of their crimes. The State party is requested to provide information on measures taken to provide assistance to the victims of trafficking as well as statistical data on the number of complaints, investigations, prosecutions and convictions relating to trafficking.**

13 October 2009

### **Birth registration**

31. The Committee, notes that the low levels of birth registration related to the persistence of fees despite the fact that the Government has announced that birth registration shall be issued free of charge, increases the vulnerability of children to practices prohibited under the Optional Protocol.

**32. The Committee, in line with previous recommendations, encourages the State party to take appropriate measures to ensure the registration of all births, including by raising awareness among government officers, midwives, community and religious leaders, establishing civil registration mechanisms in hospitals, and encouraging the use of mobile registration units, particularly in remote and rural areas. The Committee further recommends that the State party prohibit in law and in practice the charging of birth registration fees for all children in its territory and in all governorates.**

### **Recovery and reintegration of victims**

53. The Committee takes note that safe childhood centres have been set up to provide care to street children and shelters exist to accommodate the immediate needs of children returned from border areas. The Committee is, nevertheless, concerned about the scarce availability of social reintegration and physical and psychosocial recovery measures for child victims, whereas the State party acknowledges the shortage of local expertise, the absence of residential centres, the shortage of centres offering rehabilitation and assistance for social reintegration to child victims.

**54. The Committee recommends that the State party:**

- (a) Design an action plan to protect children from offences under the Optional Protocol;**
- (b) Increase, as a matter of priority, the number and availability of centres offering protection, rehabilitation and reintegration services to child victims and ensure that such centres are provided with adequate human, technical and financial resources;**
- (c) Take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with child victims, in accordance with article 8, paragraph 4, of the Optional Protocol;**
- (d) Ensure that all child victims have access to and information about their rights and adequate procedures to seek, without discrimination, compensation for damages from those legally responsible, in accordance with article 9, paragraph 4, of the Optional Protocol;**
- (e) Seek assistance to develop local capacity and expertise, including from UNICEF.**

### **Committee on the Elimination of Discrimination against Women**

CEDAW/C/YEM/CO/6, 41<sup>st</sup> Session

9 July 2008

### **Trafficking**

369. The Committee is concerned about the lack of information on trafficking and smuggling provided by the State party, especially of women and girls, as well as on the concrete measures adopted to prevent such phenomena.

**370. The Committee urges the State party to adopt comprehensive and effective measures to prevent and combat trafficking and smuggling in persons, especially women and girls, and investigate thoroughly such cases, in accordance with article 6 of the Convention and the Committee's general recommendation No. 19. It calls upon the State party to increase international cooperation efforts to prevent trafficking, to prosecute**

and punish traffickers in proportion to the gravity of their crime, and to ensure the protection of the human rights of women and girls who are victims of trafficking. The Committee also calls upon the State party to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It further calls upon the State party to provide to the Committee, in its next periodic report, statistical data related to trafficking and smuggling, concrete interventions and their results.

#### **Female genital mutilation**

383. While welcoming the 2001 decree of the Ministry of Health banning the practice of female genital mutilation in all private and public health facilities or by public health servants, the Committee is concerned that female genital mutilation remains legal and, as expressed in its previous concluding observations, about its high incidence, especially in the coastal and rural areas, as well as with the State party's reluctance to adopt measures aiming at eradicating this persistent harmful practice. The Committee notes with concern the serious health complications for girls and women arising out of this practice, which in some cases may lead to death, as well as with the impunity of perpetrators.

384. **In the light of its general recommendations Nos. 14 and 19, as an act of violence against women inflicting physical, mental or sexual harm or suffering, the Committee reiterates the recommendation that the State party adopt urgently legislation criminalizing female genital mutilation, and recommends that the State party enforce its prohibition through the prosecution and adequate punishment of offenders. It also recommends that the State party strengthen its awareness-raising and education efforts, targeted at both men and women, with the support of civil society organizations and religious authorities, in order to completely eliminate this practice and its underlying cultural justifications. The Committee encourages the State party to seek technical assistance from relevant United Nations agencies and bodies.**

389. The Committee notes with concern other discriminatory provisions in the Personal Status Law of 1992 and in the Citizenship Law of 1990 which affects women's equal rights in matters relating to marriage, divorce, testimony, property, nationality, child custody and inheritance.

390. **The Committee calls upon the State party to ensure equal rights between women and men with regard to personal status, especially in marriage, divorce, testimony, property, nationality, child custody and inheritance. The Committee recommends that the State party amend all other discriminatory provisions (...). It also recommends that the State party grant the same five-year residency rights a non-Yemeni wife of a Yemeni husband has to a non-Yemeni husband of a Yemeni wife.**

#### **Cooperation with the Office of the United Nations High Commissioner for Refugees**

399. **The Committee calls upon the State party to continue to strengthen its cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and adopt the draft refugee law, in compliance with the Convention relating to the Status of Refugees and its Protocol. The Committee also calls upon the State party to grant full access to UNHCR to detention centres for refugees, not to deport refugees without previous UNHCR verification of their status and to ensure refugees their right to security, especially for women and children due to their exposure to violence, including sexual violence.**