STATE PARTY EXAMINATION OF YEMEN’S
THIRD PERIODIC REPORT

39TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE
CHILD
16 MAY – 3 JUNE 2005

Yemen ratified the Convention on the Rights of the Child (CRC) in 1991, the Optional Protocol (OP) on the sale of children, child prostitution, and child pornography and the OP on the involvement of children in armed conflict in 2004. The Committee on the Rights of the Child (the Committee) met with State Party representatives on 1 June 2005 to consider Yemen’s third periodic report on the implementation of the CRC.

Opening Comments
Dr. Nafisa Hamoud Aljaifi, Head of the Delegation, began by remarking that the report was written by a committee consisting of all the appropriate Government departments as well as NGOs (they participated through workshops). She highlighted the many important accomplishments, including a strategy for children and youth in difficulty. In addition, a poverty reduction plan was underway with the preparation of a second five-year plan. It included technical and vocational programmes and a National Strategy to reduce child labour. All legislation concerning mothers and children was being reviewed to remove any contradictions. As part of national development, increasing attention was focused on childhood issues. Dr. Aljaifi also noted obstacles, such as the budget decrease which led certain children to begin working at an early age. She acknowledged the insufficient number of
preventive or awareness programmes about the CRC and the larges distances between different
groups which hampered on dissemination.

Mr, Krappman, Country Rapporteur, commented that Yemen was one of the few States that send
their reports on time. He questioned the implementation of programmes. He commended the State
for its achievements. These included the establishment of the Higher Council for Maternal and Child
Welfare, the Child Rights Act 2002, Juvenile Courts, as well as the development of Poverty
Reduction Strategies and measures to combat diseases. He noted that half of Yemen’s 20,000,000
people were under 18. It was the poorest Arab State and its per capital income was continuing to
shrink. He emphasised the diminishing resources from oil and agriculture and encouraged the
Delegation to see well-educated children as part of the future solution.

Legislation
The Committee noted that the Rights of the Child Act appeared to be reflecting the report of the
League of Arab States and Arab Ministers of Justice which was controversial, as it was not in line
with CRC. They asked about the status of the CRC in internal law. The Committee also noted that
Yemen ratified the CRC without reservation and wanted information on the influence of Sharia Law
and what the State was doing to manage incongruities between the two. The Delegation responded
that the League of Arab States Laws and Sharia law were in accordance with the CRC. It noted that
in the juvenile courts there was no clear reference to the CRC and that the
Government was in the
final phase of making amendments before submitting it to civil society for comment.

The Committee was interested in the tribal law, the positions of tribal chiefs and their influence. The
Delegation indicated that this referred to tribal customs which were old and no longer valid, and that
modern State laws took precedent. Parents were being educated about the negative impact of giving
children guns and revenge customs.

Budget
The Committee noted the widespread poverty and the lack of sufficient budget allocations. It
enquired about the apparent two parallel plans for the National Plan of Action and asked if they
integrated. The Committee noted that Yemen was very negatively rated in the area of cooperation
and that it needed to combat corruption to build international trust. It also noted the very high
population growth. The Delegation indicated that there was only one National Plan of Action. It
stated that in an effort to work with donors, the Government provided all the information
requested. Family planning and sex education in secondary programmes had reduced population growth from
3.5% to 3.02%. It was continuing to decline in accordance with State policy.

Data Collection
The Committee voiced its irritation that the Higher Council for Maternal and Child Welfare,
responsible for collecting data and carrying out investigations, remained in its infancy despite being
started in 1999. The Committee noted that the report did not show the progress made in response to
the Committee’s previous Concluding Observations. It asked the Delegation how the State would
make this information available and who would be responsible for the follow-up.

Definition of the Child
The Committee was concerned with the lack of definition for a child. Even the Child Rights Act was
unclear about the age of maturity and the minimum age for a child to go before the courts. The
Committee was also concerned that boys were allowed to carry weapons and drive cars when they
were tall enough and that girls were considered adults at puberty. The Delegation responded that
amendments to the law had aligned the ages to the CRC. Legally children could not get married until
18. There were still cases of children getting married at 15 illegally, but these were very rare. In
addition, fathers would be fined if their children were driving under the age of 18.
Participation

The Committee asked how children who were not in school could be represented in the children’s parliament and how they were taken into account by national decision-makers. The Delegation responded that elections took place in all social categories: school children, marginalized children, disabled children, and working children. There was also equity between boys and girls.

The Delegation stated that the Government had a consolidated strategy for youth and children. The Delegation indicated that the accusation of non-inclusion of NGOs was not true.

Corporal Punishment

The Committee indicated that it had information that there was still corporal punishment in schools, institutions and in the homes of undereducated women. The Delegation indicated the Government was raising awareness on the radio, but there were very few reported cases due to a lack of awareness of parents and children.

Child Labour

The Committee asked about the ILO project to combat child labour which aimed to remove 3,000 children from hazardous work.

Juvenile Justice

The Committee asked for clarification on the age of criminal responsibility and whether there were specialized courts for youth. The Delegation responded that there were special juvenile courts in most of the country. A child between 10 and 12 years old could not be detained unless the parents could not be found. Between the ages of 12 and 17 they could be imprisoned but not sentenced to death. Criminal responsibility began at 18. The philosophy was to rehabilitate them rather than treat them as criminals. Girls were housed with women and there were no educational opportunities due to a lack of resources. Meanwhile, boys were not kept with adults and had schools and rehabilitation programmes.

Trafficking

The Delegation indicated that poverty increased and that families sometimes became involved in trafficking due to their financial problems. The State provided awareness education for children, health services and soft loans to families to prevent the trafficking of children. The State required that the cases of trafficking of Yemeni children in Saudi Arabia be studied further. There were controls at boarders, but trafficking was difficult to monitor due to the terrain and area to cover. The State was working with UNICEF to assist children who were smuggled or had immigrated illegally.

Adoption

The Committee was alarmed at the number of children in public orphanages. The Delegation indicated that the definition of orphan was a child who had lost both parents or those in financial difficulty. Some children were there during the day and went home at night. There were some orphanages that provided day and night care by NGOs or assistance to the extended family to care for them. People rarely seek Government help, as the community often helped those less fortunate. There was unofficial Kafalah within the community. The Kafalah was institutionalised by an order of the State. The person in charge of Kafalah had legal obligations to provide alternative care. It was similar to adoption but there was no inheritance.

Birth Registration

The Committee stated that the authorities were aware of unregistered births, but the report did not indicate the measures taken to register children. The Delegation acknowledged the lack of birth
registration in remote areas. There was an attempt to link registration with school enrolment, but the State was worried it would dissuade parents from sending their children to school. When a child was born out of wedlock it was given the mother’s name. A child with a Yemeni mother and foreign father received Yemeni citizenship until the age of majority when he had to choose between the father and mother’s nationality. The Delegation also indicated there were no fees for documentation or registration.

**Discrimination**

The Committee asked if there was a word for ‘illegitimate child’ in Arabic or if the term born out of wedlock was used. It was also greatly concerned about the discrimination against girls and indicated that it was important to raise the position of women and children. The Committee noted Yemen’s great effort to address their lack of status. It also remarked on the different treatment of unmarried girls and boys if girls got pregnant. It emphasized the need to get rid of discrimination against women as it fostered family violence. The Committee was also interested in Female Genital Mutilation (FGM). The Delegation indicated that this accounted for 21.5% of women. Government hospitals did not carry out this procedure and the Minister prohibited FGM. There would soon be an Act which would officially prohibit FGM.

The Committee asked about discrimination against Akhdam children (who were street and working children) and the State’s measures to address their needs. Akhdam children would be incorporated into society. The Delegation clarified that it did not use the term ‘Akhdam’. Their social distinction was due to their occupation as domestics and their status as a disadvantaged group. The State was working to integrate them into society and had built 1,500 houses. They previously kept to themselves. Although they wanted their own schools, they were integrated into mainstream schools. Some of them held Government positions. One of the children in the children’s parliament was from this group.

The Committee noted Yemen’s proximity to conflict areas and asked about the services provided to refugee children. The Delegation responded that financial and social care for 7,000 refugee children was provided, such as free medical aid, schools, training, libraries and food aid.

**Health**

The Committee noted that health indicators were low and declining in some areas. Only 20% of births took place in hospital and there were disparities between urban and rural areas. They indicated that the infant mortality rate was high and asked about initiatives to promote breastfeeding. The Committee also asked about the low level of HIV/AIDS and the services available to children and their families.

The Delegation said that the State focused on prevention, primary health care, childhood diseases, tuberculosis, AIDS, sexually transmitted diseases, psychological health and nutrition. It underlined the difficulties given the geographical terrain. It could take four hours to cover 3-4 miles. The child mortality rate had been reduced over the previous 15 years. It had gone from 152 deaths for every 1000 births to 101 for 1000 births. Vaccination coverage was around 80%. Children with AIDS received psychological support which was available to infected people and their families. Confidential medical attention, retroviral drugs and condoms were free for infected people. There was also a hotline with information on AIDS. The State raised awareness about the importance of breastfeeding and nutrition. It advised women to breastfeed for two years and this was done by 95% of mothers.

**Disabled Children**

In response to the Committee’s questions, the Delegation said that there were 70 NGOs which specialised in disabilities. A law was passed to take care of the disabled. There were centres for
rehabilitation, assistance through vehicles or special chairs. Integration of people with disabilities into mainstream society only began in 2003.

**Sexual Exploitation**

The Delegation indicated that entire chapters of the law were being amended on this issue.

**Street Children**

The Delegation disputed the figure of 28,789 street children in the capital, as the total population was only 1 million. They indicated that there were few cases of children who lived fulltime on the street. The State provided them with Yemeni nationality and special care houses.

**Education**

The Committee asked how the State promoted the attendance of girls and noted the apparent high dropout rate of the majority of girls. They asked the State when education would be free. They noted that 93% of the population was unskilled and illiterate and asked if the State had plans for vocational schools. The Delegation responded that the strategy of girl’s education was in concordance with the MDGs. There was a National strategy for girls which was evaluated every year. In addition, new schools were being built and there was free education in accordance with the constitution. The curriculum had been updated in the previous two years to include concepts of human rights, the CRC and the environment.

**Concluding Remarks**

The Country Rapporteur acknowledged the Delegation’s reporting of accomplishments without denying the problems. He indicated that the concluding comments would address legislation, data collection, discrimination, the best interest of the child, birth registration, protection, health and education issues. The main obstacles were poverty and customs that do not recognise children’s rights. The Committee was there to remind the international community when assistance was needed. The development of Yemen depended on a new perception of the child - active, creative and wanting to participate.

The Delegation appreciated the Committee’s interest in the children of Yemen and was glad to share its views and ideas. It noted that the recommendations would guide the Government in modifying its laws and in evaluating its programmes.