

**STATE PARTY EXAMINATION OF THE YEMEN'S
INITIAL PERIODIC REPORT ON THE OPTIONAL PROTOCOL ON
THE INVOLVEMENT
OF CHILDREN IN ARMED CONFLICT**

**65TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
13 – 31 JANUARY 2014**

Contents

Opening Comments	1
General Measures of Implementation.....	2
Prevention	3
Protection, Recovery and Reintegration	3
International Assistance and Cooperation	4
Concluding Remarks	4

Yemen accessed the Optional Protocol on the Involvement of Children in Armed Conflicts (OPAC) on 2 March 2007. On 15 January, the Committee on the Rights of the Child (the Committee) examined the initial periodic report to the OPAC of Yemen.

Opening Comments

The delegation of Yemen was led by Mr. Naser Mohsen Nasser Baoom, Vice Minister of Public Health and Population. He was supported by a delegation consisting of representatives of the Ministry of Social Affairs and Labour, Ministry of Defence, Ministry of Human Rights, Ministry of Education, Supreme Council for Motherhood and Childhood and the Permanent Mission in Geneva.

The delegation informed the Committee about recent steps taken to implement the OPAC despite tremendous post-conflict challenges. The delegation said that the Ministry of Interior had been currently carrying out projects to demobilize, rehabilitate and reintegrate children as

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well as to prevent children from carrying arms. In particular, extensive efforts had been deployed to prevent the recruitment of children into armed forces. The delegation stated that it had no information on children being recruited unlawfully into armed forces over the last months.

Mr. Benyam Dawit Mezmur, the Country Rapporteur, welcomed the delegation and wished for a fruitful dialogue. He said that while the State Party had made progress, children had been still affected by human rights violations, such as recruitment into armed forces, death, sexual violence and injury by anti-personnel mines. He welcomed the legal and legislative advances and expressed his wish for the dialogue to focus on their actual impact and implementation.

General Measures of Implementation

Legislation

The Committee asked for more detailed information on the prohibition and the criminalization of child recruitment by armed forces and non-State armed groups. It also asked for clarification whether the recruitment of children was illegal only during war time, or whether peace time was likewise covered by the provision.

The delegation said that all military laws in force established that the minimum age for compulsory or voluntary recruitment into armed forces and armed group was 18 years. These laws included the Act number 67 of 1991, which concerned service in the Armed Forces, Act number 22, which concerned compulsory and national service, and Act number 23 of 1990, which concerned the Reserve Forces. Moreover, President Abd Rabbuh Mansur Hadi issued a decree on the prohibition of the engagement of children in armed conflicts and a special Committee on Children in Armed Conflicts, chaired by the Minister of Legal Affairs, had been established. The delegation explained that unlawful recruitment of children had been criminalized and that there were military penalties for anyone that violated these provisions and recruited an individual under the age of 18 into armed forces or groups. Finally, the delegation informed the Committee that the prohibition to recruit children into armed conflicts and groups had been applicable even in time of peace.

Dissemination and training

The Committee asked for more information on measures taken to disseminate and train members of armed forces, law enforcement officials and migration officers on human rights, with a particular emphasis on the provisions under the OPAC. The delegation informed the Committee that awareness raising campaigns, military and security directives, educational material and handbooks had been circulated among armed forces and law enforcement officials in order to sensitize them on child recruitment. Specific training on human rights was equally delivered both in military schools and to armed forces and law enforcement officials.

Monitoring

The delegation expressed to the Committee its openness and willingness to cooperate with international actors, such as the United Nations Special Representative of the Secretary-General for Children and Armed Conflicts. It also stated that the Ministry of Defence and of Interior were willing to facilitate field visits in the country. Moreover, the delegation informed that the government had been working with Non-Governmental Organizations

(NGOs) and with UNICEF in order to monitor concerned areas. A Plan of Action adopted in 2013 on Children in Armed Conflicts had been developed by the government and the United Nations in order to monitor and prevent the use of children in hostilities.

The Role of National Dialogue Conference (NDC) in the implementation of OPAC

The Committee enquired whether the State Party used the NDC framework to prevent recruitment and use of children in armed conflict. The delegation responded that the NDC debated the issue of children in armed conflicts, especially with regard to compensation and rehabilitation of children. Constitutional amendments had been prepared in order to prohibit recruitment and use of children in hostilities.

Prevention

The Committee asked about measures taken by the State Party in order to prevent the recruitment of children into the armed forces. The delegation responded that a Work Plan to End the Recruitment of Children was adopted in 2013 and had been implemented by the Ministry of Social Affairs, Human Rights, Legal Affairs and the Supreme Council of Motherhood and Childhood. The delegation further explained that the timetable for the implementation of this work plan was 12 months and would be overseen by the United Nations monitoring team.

Birth certificates and age verification process

The Committee expressed its concern about the lack of systematic birth registration and its negative impact on the age verification during the recruitment process. The delegation informed the Committee that there were special medical teams working with recruitment agencies in order to determine the age correctly. The delegation clarified that these medical teams were present in all areas, where military and police recruitment occurred. The delegation acknowledged that more needed to be done in increasing birth registrations.

Use of schools and hospitals as military basis

The Committee was concerned with the fact that schools and hospitals, particularly in the Saana and Abyan regions, were often used as military basis by armed forces and non-State armed groups. It asked for more information about measures taken in order to prevent such actions. The delegation clarified that schools and hospitals had been mainly targeted by non-State armed groups. It acknowledged that in some exceptional instances, armed forces occupied schools and hospitals (as for example the Al-Razi hospital) in order to protect social infrastructure against occupation by armed groups.

Protection, Recovery and Reintegration

Demobilization of children

The Committee asked for more information with regard to the implementation of the November 2011 decree issued by the Defector General Ali Mohsen of the breakaway First Armoured Division (FAD) that ordered the release of 100 children who had been recruited and used in hostilities. The Committee also asked how many children were released and how many people had been prosecuted.

The delegation informed the Committee that the breakaway FAD, which was fighting against the armed forces, agreed to demobilize all 100 children. NGOs provided psychological assistance to victims and were supposed to follow-up on these children to ensure their reintegration. The delegation has no specific information on rehabilitation and reintegration of these children.

Further on, the delegation declared that some parents preferred their children to be incarcerated as a measure to prevent their recruitment into unlawful armed groups such as Al-Akbar, Hutsi or Al Qaeda. The delegation stated that the government was aware of this phenomenon and had released these children who had been provided with rehabilitation programmes.

Reintegration and rehabilitation

The Committee asked more information on rehabilitation and reintegration programmes for children who had been recruited and used in hostilities. The delegation stated that the government was committed to implement a plan to reintegrate children who had been recruited by State armed forces or by non-State armed groups. However, numerous challenges existed and undermined this process, such as budgetary constraints.

Drone attacks

The Committee expressed concern about the high rates of children who were sacrificed to the drone attacks. The Committee asked whether the State had taken any concrete steps to engage with the United States to reduce these attacks and if psychological assistance was delivered to concerned children and families.

The delegation explained that due to an increasing number of terrorist groups operating on the State Party's territory, the government signed an agreement with the United States to fight terrorism. Therefore, drones attacks in non-residential areas had become more frequent. The delegation reported that following the exceptional drone attack in the residential area of Abyan, a recovery centre had been established to address multiple needs of concerned individuals.

International Assistance and Cooperation

Developing incentives to prevent recruitment

The delegation stated that the government had been mobilizing funds to prevent the recruitment of children into armed forces. In particular, it had been encouraging donors to allocate resources and develop programmes to provide work incentives for youth in order to prevent recruitment for economic and social reasons.

Concluding Remarks

Mr. Benyam Dawit Mezmur thanked the delegation for the fruitful and constructive dialogue. He acknowledged the difficult situation, especially due to an increase in terrorist groups, and urged the government to take concrete measures to stop the recruitment and use of children in hostilities. He recommended that the State Party should fully harmonize domestic legislation with the OPAC. In addition, he highlighted that a balanced approach between national security and the respect of the rights of the child was needed. He noted that, despite the political will to improve current situation, including through cooperation with international

actors, some issues remained unresolved, such as the age verification, the lack of accountability and regulation of behaviour of the unlawful armed groups.

Mr. Naser Mohsen Nasser Baom reiterated that the State was committed to children's rights and thanked the Committee for the support and constructive recommendations that would be taken into account while implementing the OPAC.