



# Convention on the Rights of the Child

Distr.: General  
20 January 2014

Original: English

---

## Committee on the Rights of the Child Sixty-fifth session

### Summary record (partial)\* of the 1849th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 14 January 2014, at 3 p.m.

*Chairperson:* Ms. Sandberg

## Contents

Consideration of reports of States parties (*continued*)

*Fourth periodic report of Yemen*

---

\* No summary record was prepared for the rest of the meeting.

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.14-40215 (E) 170114 200114



\* 1 4 4 0 2 1 5 \*

Please recycle 



*The discussion covered in the summary record began at 4 p.m.*

**Consideration of reports of States parties** (continued)

*Fourth periodic report of Yemen (CRC/C/YEM/4; CRC/C/YEM/Q/4 and Add.1)*

1. *At the invitation of the Chairperson, the delegation of Yemen took places at the Committee table.*
2. **Mr. Baoom** (Yemen) said that extensive consultations had been held with relevant government bodies and NGOs during the preparation of the State party's fourth periodic report. Once drafted, the report had been presented at a workshop in which many children had taken part before it was finalized.
3. His Government had made every effort to implement the recommendations set forth in the Committee's concluding observations on the third periodic report of Yemen. It had conducted a thorough review of national legislation relating to the rights of the child. In total, 54 laws, bills and regulations had been reviewed and consolidated into a single piece of legislation, namely, the Rights of the Child Act. His Government had also launched efforts to set up a national observatory for the rights of the child. Meetings with NGOs to discuss its establishment had been disrupted by the domestic turmoil experienced by Yemen in 2011 and 2012, however, and governmental and non-governmental bodies had been unable to resume work on the observatory until early 2013. The observatory would be a fundamental part of the country's human rights machinery once it was in place.
4. Turning to children's health, he said that the under-five mortality rate had decreased from some 78 per 1,000 in 2006 to 58 per 1,000 in 2013. Health workers had received intensive training in children's health issues. A demographic health survey was currently being conducted by the Ministry of Health which would provide data on child mortality rates. Vaccination coverage of children under 5 years of age, particularly against measles and polio, had increased to 98 per cent.
5. The overall school admission rate in Yemen was some 71 per cent. The admission rate for girls had been 65 per cent and for boys 76 per cent in the academic year 2011/12. The primary school enrolment rate (years 1 to 6) had been 99 per cent for boys and 83 per cent for girls in the same year.
6. His Government had made considerable efforts to provide social and psychological protection for child victims of armed conflict. It was drafting a national action plan aimed at rehabilitating child soldiers, caring for street children and increasing birth registration. In addition, his Government had worked with the United Nations Children's Fund (UNICEF) and other international organizations to reform the juvenile justice system, and a minimum age of criminal responsibility had been set.
7. With the support of the Gulf Cooperation Council, Yemen had been making great strides towards the establishment of a modern, civil State that promoted and protected human rights, particularly those of children. It had developed an action plan to mitigate the consequences of the recent conflict in the country. All segments of society were taking part in the ongoing national dialogue, in which many children's rights issues were being addressed. The rights of the child were enshrined in the new draft constitution. Female genital mutilation had been banned. The involvement of children in armed conflict was also prohibited. Child soldiers had been demobilized and rehabilitated.
8. Nevertheless, more work was needed to fill the remaining gaps in child rights protection. The Government was faced with tremendous challenges, including recent armed conflicts and terrorist activity that had led to the displacement of many Yemeni nationals, including children. Yemen also suffered from a lack of resources. The destruction by terrorist groups of infrastructure, such as oil pipelines, had further reduced the country's

scarce economic resources. Despite the troubles it faced, his Government remained committed to meeting its obligations under the Convention. In that connection, he wished to point out that his delegation had had difficulty obtaining visas so that its members could be present in Geneva to discuss the report with the Committee.

9. **Ms. Muhamad Shariff** (Coordinator, Country Task Force) said that the Committee looked forward to holding a fruitful dialogue with the delegation concerning ways to serve the best interests of the State party's children, who made up more than half of the country's population. The Committee would endeavour to help the State party to fulfil its obligations under the Convention.

10. Nelson Mandela had described the Convention as a "luminous, living document". It was indeed a beacon for all children. The Committee was well aware of the challenges that the State party had faced in recent years, and members were saddened by the fact that the state of affairs had affected the lives of so many children. The Committee was also aware of the State party's efforts to restore the situation to normal. It was grateful for the reports that had been submitted and especially for the written replies to the list of issues provided by the State party. However, a number of issues of great importance remained to be addressed in the dialogue.

11. **Mr. Mezmur** (Country Task Force) said that he appreciated the information in the State party's replies on the steps taken to address legislative issues that had a bearing on children's well-being. The Committee was aware that a comprehensive review of national legislation had led to the development of proposed amendments. He would like to know whether or not they had been finalized and if there was a time frame for their adoption. He had been informed that a parliamentary committee that had been set up to examine provisions that would have a bearing on sharia law was working to defeat some of those proposed amendments.

12. In its concluding observations on the third periodic report, the Committee had welcomed the restructuring of the Higher Council for Maternal and Child Welfare. Unfortunately, however, the restructuring had apparently not resulted in any meaningful coordination of efforts to protect children, nor had adequate human and financial resources been made available to the Council. What measures had been taken to make the Council more effective? Were there plans to carry out further reforms and to identify shortcomings in its role as a coordinating mechanism?

13. The conflict that had beset the country and the global economic downturn had both had an adverse impact on the national budget, and that situation had been exacerbated by corruption and waste, which continued to erode the country's dwindling resources for the promotion and protection of children's rights. What steps was the State party taking to combat corruption? As there was no specific budget for children, it was difficult to measure spending on relevant social services.

14. He welcomed the growing cooperation between the State and civil society organizations, but he would like to know whether the increased politicization of such organizations since 2011 had had an impact on the realization of children's rights. What was the State party doing to ensure that such organizations met their obligations to promote and protect those rights?

15. The State party was to be commended for having incorporated the principle of the best interests of the child into the Rights of the Child Act and for having developed reasonably comprehensive legislation on children's rights. However, translating that principle into practice and enforcing that legislation remained a challenge. He would therefore like to know whether training and awareness-raising measures had been taken in order to help to ensure that the proposed amendments would be fully implemented. A number of groups continued to be subject to discrimination in the State party, including

girls, *akhdam* children and children born out of wedlock. Had the State party adopted any comprehensive strategy to address discrimination against vulnerable groups and to increase their access to social services? He noted with satisfaction that children were being included in the ongoing national dialogue. More specific information on how children actually participated in national dialogue meetings and bodies such as the children's parliament would be appreciated.

16. In relation to the issue of the right to life, he had received reports that more than 30 death sentences had been handed down to persons who, strong evidence suggested, had been under the age of 18 at the time that the offences in question had been committed. There were more than 150 children currently at risk of being sentenced to death. Among them was a girl whose medical reports indicated that she had been 16 at the time that the offence had been committed. There was also a medical report stating that she suffered from schizophrenia, which should have freed her from criminal responsibility for her actions. There were also reports that birth certificates and other official documents showing convicted persons to be minors had been disregarded. Clarification was therefore urgently needed on how the State party was addressing the issue of the death penalty for minors, especially given the serious shortcomings of the national birth registration system.

17. **Mr. Madi** (Country Task Force) said that he was concerned that there was no definition of the child in Yemeni law. The minimum age for marriage, the age of criminal responsibility and the legal working age were all too low. While the Committee was encouraged by the legislative reform process that had been launched in that regard, that process would appear to be unduly slow. When was parliament expected to adopt the relevant legislative amendments?

18. It appeared that efforts to improve birth registration rates were being hindered by a number of problems, including corruption. The practice of demanding bribes constituted a major hurdle to birth registration, especially in rural areas. What steps were being taken to combat corruption, to monitor the State body responsible for registering births and to raise awareness in rural areas about the importance of birth certificates?

19. Noting that children automatically inherited Yemeni nationality from their father, he asked whether Yemeni mothers could also transmit their nationality to their children. He would appreciate clarification on paragraph 93 (b) of the State party's report, which appeared to indicate that national legislation discriminated against persons with disabilities.

20. Corporal punishment was permitted under Yemeni law both at home and at school, provided that it was not severe. Did the State party intend to criminalize the use of corporal punishment? He would like to know whether there were any programmes to raise awareness among parents and teachers about the harmful effects of corporal punishment and to provide training to teachers on alternative disciplinary methods.

21. While the legal minimum age for marriage was 15 years for girls, the Committee had received reports that girls as young as 8 years old were married off. Since child marriage severely limited girls' future prospects, he wished to know what efforts the Government was making to raise awareness of its negative effects, especially in remote and rural areas where the tradition was deeply engrained. He asked what had been accomplished under the national plan to combat female genital mutilation and whether the Government intended to criminalize that harmful practice. The Committee had received reports of instances of domestic violence against children that had been so brutal that they had resulted in death or severe disability. He asked how the Government was addressing that problem and whether there were any channels through which children could report domestic violence.

22. The Committee was deeply concerned about reports that children were subject to the death penalty in the State party, which was unacceptable. The low birth registration rate and

the dearth of trained forensic physicians made it difficult to verify the age of a child. In cases where there was uncertainty about a child's age, the child must be given the benefit of the doubt. He asked whether judges were familiar with the provisions of the Convention relating to the death penalty. Noting that the President, in response to a letter sent by the Committee, had ordered a moratorium on the implementation of the death penalty in cases where it had been imposed on children, he asked the delegation to provide information on the effectiveness of that order, including specific examples of cases involving children who had been sentenced to death.

23. **Mr. Gurán** enquired about the current status of the national human rights institution, whose establishment had been approved in 2012. What was the primary function of the national observatory for the rights of the child and did children have the opportunity to participate in the work of that body? He would be interested to learn how the Government planned to address the considerable discrepancy between the level of participation of public- and private-school students in the children's parliament.

*The meeting was suspended at 4.50 p.m. and resumed at 5.10 p.m.*

24. **Mr. Baoom** (Yemen) said that the National Dialogue Conference had taken into consideration the Committee's past observations and recommendations. The work of the Conference would draw to a close in the coming weeks, and the documents that it adopted would be submitted to a constitutional drafting committee. The new constitution would address many of the issues that had been raised by the Committee, including the definition of the child in Yemeni law, the minimum age for marriage and the applicability of the death penalty to minors. A referendum on the adoption of the new constitution would be held three months after the National Dialogue Conference concluded its work, and a new modern State would be constructed over the coming three years.

25. **Mr. Al-Sharabi** (Yemen) said that, under Yemeni law, corporal punishment was classified as a criminal offence if it was detrimental to the child's mental or physical health. That issue would also be dealt with in the new constitution. An inter-ministerial committee for children's affairs was responsible for drawing up a budget for programmes for children. That committee had met twice to date and would hold further meetings. A considerable number of NGOs, civil society organizations and government ministries were also actively involved in various committees that were working to promote and protect the rights of the child.

26. According to a 2012 UNICEF survey, a large number of children suffered from stunting, which made it difficult to determine their age accurately. It had been established that some persons thought to have been children when they had committed offences which carried the death penalty had, in fact, been adults at the time. A specialized forensic committee had therefore been established to review those cases.

27. **Mr. Al-Sharabi** (Yemen) said that all death sentences imposed on persons whose age was in doubt had been suspended by order of the President until the age of the offender could be verified. The specialized forensic committee established for that purpose was led by a physician from Jordan who was training 10 Yemeni physicians in forensic techniques. In all, 105 cases were to be reviewed; of those cases, 20 had been examined to date.

28. **The Chairperson** asked whether the Government had sufficient control over the situation to ensure that no children were executed while the moratorium was in effect.

29. **Mr. Mezmur** observed that Mohammed Abdel-Karim Mohammed Haza`a had been executed in early 2013 and asked what evidence had served as the basis for that execution. He shared the concerns expressed by Ms. Flavia Pansieri, United Nations Deputy High Commissioner for Human Rights, during her recent visit to Yemen and would therefore like

to know what measures were being taken to reform the specialized forensic committee and to ensure that it was equipped with sufficient human and financial resources.

30. **Mr. Al-Sharabi** (Yemen) said that death sentences had been suspended in all cases where the age of the offender was in doubt, pending a thorough examination of those cases by forensic physicians. Mr. Haza`a had been executed in March 2013, prior to the issuance of the presidential order concerning a moratorium. The specialized forensic committee had been established on the basis of that order later in the same year.

31. **Ms. Oviedo Fierro** asked whether a final decision had been made regarding the moratorium on the death penalty.

32. **Mr. Al-Sharabi** (Yemen) replied that one of the issues addressed by the National Dialogue Conference had been the execution of juvenile offenders.

33. **Ms. Parsi** (Country Task Force) said that, in view of the fact that many children were separated from their families during armed conflicts, she would appreciate further information on alternative care options, the measures in place to ensure decent living conditions in centres for orphans and child asylum seekers, and also on government efforts to protect children from violence, trafficking, abuse and sexual exploitation. She asked whether there was any oversight of children in alternative care and whether a complaints mechanism was in place through which children living in institutions could report abuse. She asked how the foster care (*kafalah*) system worked and whether there were alternatives to institutionalization. Were data on foster care in domestic and international settings available? Did the Government intend to overhaul the system? Lastly, was adoption possible for non-Muslim children and, if so, was it properly regulated?

34. **Ms. Muhamad Shariff** said that she would like to know more about the State health budget and Government efforts to extend State health insurance to children and low-income individuals and to improve health-care services in rural areas. She wished to know what steps were being taken to limit disruptions to water supply and sanitation services, which were triggering outbreaks of disease. She wished to know whether the health-care facilities that had been commandeered for military purposes had been restored to their original use. Additional information would be appreciated about the access to public services of persons with disabilities and the support available to persons living with HIV/AIDS.

35. In view of the fact that Yemen had one of the world's highest rates of chronic malnutrition in children, it would be helpful to learn more about programmes and awareness-raising initiatives focusing on that problem. She asked whether there were plans to establish baby-friendly hospitals, how the Government was promoting exclusive breastfeeding and whether the enforcement of the International Code of Marketing of Breast-milk Substitutes was being monitored. Were minors entitled to confidential medical treatment? Did children, especially war victims, have access to mental health care? It would be useful to know what assistance was provided to children who developed diseases due to exposure to chemical pesticides and whether data were available on children with substance abuse problems.

36. She was concerned about the treatment of child refugees and asylum seekers, in particular those who were unaccompanied. What services, such as shelters, were available to street children? She wished to know what safeguards were in place to protect children from organ trafficking and whether there had been any arrests, trials and/or convictions for that offence. On the subject of child trafficking, particularly to Saudi Arabia, she would like to know what protective measures were in place and what actions the Government was taking to end the practice of so-called "tourism marriages". Had Yemen signed anti-trafficking agreements with other countries? She would like to know whether there was a helpline for child victims of trafficking and whether the population was informed about the

risks associated with migration in some cases. She enquired whether there were still internally displaced children and, if so, why they could not return home.

37. Lastly, she asked whether the State party intended to align the age of criminal responsibility with international standards and invited the delegation to describe how children in conflict with the law between the ages of 15 and 17 were treated. Further information would be appreciated on the efforts being made to improve the juvenile justice system by creating specialized courts, increasing judges' qualifications and making greater use of alternatives to detention.

38. **Mr. Mezmur** asked what steps were being taken to define appropriate indicators for use in assessing the impact of government programmes. He wished to know whether the specialized forensic committee which was responsible for determining the age of persons sentenced to death had the necessary authority to fulfil its mandate. He would also like to know what support was provided to children of death row inmates and what measures were taken to ensure that they did not face discrimination as a result of their parents' situation. Were children's best interests taken into account when their parents were sentenced and were death row inmates allowed family visits? Were families given warning of an impending execution? Lastly, he would like to know whether the body of a person who had been executed was returned to the family and, if so, at whose cost.

39. **Mr. Madi** said that it was lamentable that more than 3 million Yemeni children continued to work, primarily in agriculture and fisheries, even though Yemen had ratified the International Labour Organization (ILO) Minimum Age Convention, 1973 (No. 138) and the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). In view of the prevalence of child labour, it would be useful to know how many children actually attended school. What administrative and legal measures were in place to punish those who employed minors and were any efforts being made to raise awareness of issues relating to child labour? He wished to know whether the State party had the means to identify unaccompanied child refugees and asylum seekers from Somalia and elsewhere and to determine whether they had been involved in armed conflicts in their country of origin. If so, how were those children treated?

40. **Ms. Parsi** commended the State party for its efforts to improve the delivery of education between 2005 and 2010. However, many of the problems raised by the Committee in its previous concluding observations remained, such as students' lack of job skills upon leaving school and the shortage of vocational training and university places, in addition to poor access to education in rural areas. She asked whether the policy prohibiting the use of schools for military purposes was being implemented, and what efforts were being made to ensure that education was adequately funded.

*The meeting rose at 6.05 p.m.*