



# Convention on the Rights of the Child

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

### Summary record of the 1851st meeting

Held at the Palais Wilson, Geneva, on Wednesday, 15 January 2014, at 3 p.m.

*Chairperson:* Ms. Sandberg

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*The meeting was called to order at 3.10 p.m.*

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

*Fourth periodic report of Yemen* (continued) (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), in reply to questions posed at the previous meeting, said that the specialized forensic committee established by his Government would identify any members of the prison population who were below the age of criminal responsibility. There were plans to broaden the committee to include experts who would determine the age of accused persons at the time the offences were committed.
3. Under the Code of Criminal Procedure, death row inmates could receive visits from family members. The children of prisoners who had been executed were cared for by charitable organizations or placed in foster families.
4. Turning to the issue of child labour, he said that contrary to claims that there were more than 3 million working children in Yemen, a Government survey carried out in cooperation with the United Nations Children's Fund (UNICEF) and the International Labour Organization (ILO) had indicated that there were some 160,000 working children. Of those, 95 per cent worked in family businesses, mainly in the fishing and agricultural sectors. Most worked part-time and attended school; very few worked in difficult circumstances.
5. **Mr. Cardona Llorens**, recalling that a child's best interest should be the guiding principle in decisions affecting that child, asked what measures were taken to protect children whose parents were executed and whether such executions were publicized. Regarding the issue of child labour, he cited reports that, in 2010, approximately 1 million children in Yemen were working. In view of that high figure, it seemed unlikely that most worked for only an hour or two a day. What steps was the State party taking to eradicate child labour? Did poor families receive economic support that would encourage them to keep children in school?
6. **Mr. Gastaud** asked whether children who were obliged to work were given time to exercise their right to recreation and leisure.
7. **Mr. Baoom** (Yemen) said that executions were not publicized and that his Government had no information about how the media covered them. The children of prisoners on death row and the orphans of executed prisoners were cared for under the alternative welfare system in homes run by charitable foundations and civil society organizations.
8. Most children who worked might spend an hour or two at a time helping out, for example, on the family farm in rural areas. In many cases, they were not in financial need although it was true that some children did work all day or under difficult conditions.
9. In reply to questions on the age of criminal responsibility he said that, under the current legislation, the minimum age was 7 years. Young offenders between the ages of 7 and 15 were subject to the measures contained in the Juvenile Welfare Act. The death penalty could not be applied to minors. Children between 15 and 18 years of age were not considered to have full criminal responsibility. Consequently, those sentenced for offences for which the death penalty would apply for adults were given reduced sentences ranging from 3 to 10 years' imprisonment. Amendments that would raise the minimum age were being considered.

10. **The Chairperson** asked whether that meant that age was a mitigating circumstance and would be taken into account in the sentencing of all offenders under the age of 18.
11. **Mr. Baoom** (Yemen) said that the proposed amendments would raise the minimum age of criminal responsibility to 12 years of age; young offenders between 12 and 18 would not be considered to have full criminal responsibility and would be subject to reduced penalties.
12. With regard to the right of the child to play, he said that unfortunately Yemen had few parks and playgrounds for children.
13. **Mr. Gastaud** said that his question had referred to the time, rather than the facilities, allocated to play and leisure.
14. **Mr. Baoom** (Yemen) said that when and where children played was determined by the family. The Government did not intervene in the issue.
15. **Ms. Muhamad Shariff** (Coordinator, Country Task Force) said that she would appreciate receiving replies to her earlier questions on so-called “tourism marriages” and on the use of khat by children under the age of 12.
16. **Mr. Baoom** (Yemen) said that a parliamentary committee dedicated to discouraging the practice of “tourism marriages” had been established and regulations governing such marriages had been drawn up. Approval of such marriages was required both from the Ministry of the Interior of Yemen and its counterpart in the prospective groom’s home country, which in most cases was Saudi Arabia. Furthermore, proof was required that the prospective bride was able to assume the burdens of marriage. Since 2011, the number of cases had decreased.
17. The use of khat was a traditional practice in Yemen. It was not prohibited, and its use by children was not widespread or problematic. Nevertheless, his Government had made efforts to increase public awareness of the possible adverse effects of khat on children, pregnant women and adults.
18. **The Chairperson** requested information about policies and programmes to assist children with disabilities.
19. **Mr. Baoom** (Yemen) said that during the previous meeting his delegation had provided information about medical care for children with disabilities. The many rehabilitation, vocational and other educational support programmes available to such children were described in the report. Several associations provided training and other support for children with disabilities and there were a number of programmes for young people with disabilities in tertiary education. There were schools for deaf and mute children and programmes for teaching children Braille and sign language. Statistics on the numbers of children benefiting from such services appeared in the report and the Committee had been provided with statistics on the numbers of children with disabilities enrolled in schools during the period from 2007 to 2012.
20. **Mr. Cardona Llorens** said that the Committee was interested less in programmes offered by private entities than in the State party’s compliance with its obligations under the Convention. It was well known that children with disabilities were stigmatized in Yemen, and he wished to know what steps the State party was taking to reduce such stigmatization. In particular, opportunities for inclusive education needed to be provided to children with disabilities, and other children needed to become accustomed to studying alongside them. What measures were in place to achieve those goals?
21. **Mr. Ahmed** (Yemen) said that there were insufficient national statistics on the numbers of children with particular disabilities. In view of the paramount importance of early diagnosis for children with disabilities and its impact on outcomes, the Ministry of

Public Health and Population, in cooperation with the United Nations Development Fund (UNDP), had drafted a handbook on that subject.

22. **Mr. Baoom** (Yemen) said that the State was involved in the rehabilitation of persons with disabilities and provided up to 95 per cent of the budget of civil society organizations that provided such services to them. The State also helped cover the basic needs of children with disabilities through social security or a disability and rehabilitation fund. Efforts were under way to improve the access of persons with disabilities living in remote areas to services. There were plans to carry out campaigns to change social perceptions of disability and to put an end to the stigmatization of persons with disabilities and their families.

23. **Mr. Al-Gabil** (Yemen) added that a specialized department within the Ministry of Education provided training to teachers on teaching children with special needs.

*Initial report of Yemen on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (continued) (CRC/C/OPAC/YEM/1; CRC/C/OPAC/YEM/Q/1 and Add.1)*

24. **Mr. Kassim** (Yemen) said that since 2007, the Ministry of Defence had turned its full attention to children's rights and sought to prevent the involvement of minors in armed conflict. Demobilization would take place over a period of time. The recruitment of children under 18 years of age into the armed forces was prohibited by law; anyone who violated that prohibition was liable to prosecution. An action plan involving the United Nations on the recruitment of children to the armed forces had been drafted by a technical committee.

25. **The Chairperson** asked why the demobilization of minors would be gradual rather than immediate. She wished to know whether the recruitment of a minor into the armed forces was considered a war crime in times of peace as in times of war. Was the recruitment of minors to non-State armed groups also criminalized?

26. **Mr. Mezmur** (Country Task Force) asked when the proposed amendments that would make the recruitment of minors a war crime would enter into force and whether the law, once amended, would comply fully with the Optional Protocol. He invited the delegation to comment on reports that military funding was tied to the number of soldiers recruited, as such a practice might lead some to recruit minors in order to boost numbers.

27. **Ms. Aldoseri** asked whether all child soldiers had been discharged from the armed forces and whether the authorities ensured that children who had been discharged were enrolled in school.

28. **Mr. Kassim** (Yemen) said that efforts had been under way since 2007 to raise awareness about the recruitment of minors, to criminalize the practice and to prosecute those who violated the ban. The Ministry of Defence and the Ministry of the Interior had issued directives to their units nationwide regarding the prohibition against the recruitment of children into the armed forces. While the Government was committed to preventing the recruitment of minors and facilitating the social reintegration of those who had been discharged, its resources were limited.

29. **Mr. Madi** (Country Task Force) said that he took the delegation's replies to mean that children remained in the Yemeni armed forces. In view of the low rate of issuance of birth certificates, he asked what documents the armed forces required for recruitment purposes and how the actual age of recruits was verified.

*The meeting was suspended at 4.25 p.m. and resumed at 4.45 p.m.*

30. **Mr. Kassim** (Yemen) said that there had been no reports in recent months of children being recruited into the armed forces. He emphasized that while Yemen would

never have allowed external missions on its territory a few years earlier, in the near future it would host a United Nations technical team on a visit to assess the situation of child soldiers. However, the Government had yet to receive a response to its request for assistance from UNICEF. The action plan on the prevention of the recruitment of minors would be implemented within 12 months of its approval and the results assessed. The Government was attempting to demobilize, rehabilitate and reintegrate children who had been recruited by rebel forces. Many had since been imprisoned at the request of their families, for their own safety. Efforts were also being made to combat people-smuggling and talks were under way with Saudi Arabia in that connection.

31. Yemen had signed an agreement with the United States of America to combat terrorism which included the use of drones. Although mistakes had been made, the Government was doing its best to avoid repeating them.

32. **Mr. Mezmur** said that the State party report lacked specific information and primarily described future actions. Accordingly, he asked the delegation to indicate exactly how many children had been discharged from the First Armoured Division; how many prosecutions and convictions there had been for violations of children's rights; what steps were being taken to hold members of the Popular Army accountable, in addition to members of government armed forces; what specific measures were in place to determine the age of recruits; and whether the Government had adopted measures to prevent and punish the recruitment of boys for the purpose of sexual exploitation by Ansar al-Sharia. Referring to a list of known child victims of American drone attacks, he asked what tangible steps had been taken to discuss with the United States ways of limiting the collateral damage caused by its strikes and whether the Government intended to provide psychological support to children who had survived such attacks.

33. **Mr. Kassim** (Yemen) said that parliament had recently decided to prohibit American drone strikes. It was not always possible to identify the children used by organizations such as Ansar al-Sharia and Al-Qaida in the Arabian Peninsula to carry out attacks, or to determine their origin. He emphasized that his country faced terrorism on a daily basis and asked the Committee to show forbearance, in view of the complexity of the situation on the ground. His country would appreciate the Committee's assistance in implementing the Convention.

34. **Ms. Winter** assured the delegation that the only reason the Committee was so insistent in its requests for specific information was because that information would enable it to draft useful observations which would help the State party to better promote and protect the rights of the child.

35. **Mr. Kassim** (Yemen) said that the children recruited by the breakaway First Armoured Division had been demobilized. The Government had entrusted non-governmental organizations with the task of providing psychological support to those children; the Government itself did not have their names or personal details. With support from UNICEF, the Government had conducted a survey which had shown that Ansar al-Sharia and Al-Qaida in the Arabian Peninsula had recruited children into armed conflicts in the north and the south of the country. The Government had no control over those groups and could not provide any statistics on the children recruited by them.

36. The recruitment of children by the armed forces or by non-State armed groups was prohibited by law and penalties had been established for that offence. The prohibition applied in wartime and in peacetime. An action plan to address the issue had been adopted in 2013, and government ministries and United Nations agencies were currently coordinating the implementation of that plan.

37. A proposal had been put forward at the National Dialogue Conference to provide compensation for victims of the internal armed conflict. The Government, in cooperation

with UNDP and UNICEF, was conducting awareness-raising campaigns about the dangers posed by landmines and unexploded ordnance. Those campaigns had reached some 300,000 people and had led to a decrease in the number of persons killed by those munitions. To date, 98 persons had died as a result of such accidents. Efforts were being made to demarcate mined areas and to detonate any unexploded ordnance.

38. Medical teams were present at all military recruitment centres to verify the age of new recruits. Since 2000, approximately 400,000 children had benefited from psychological, educational and rehabilitation services provided with help from UNICEF and various NGOs. Some international NGOs included information on those activities in their annual reports. In general, drone attacks were carried out only in non-residential areas. There had been one exception, in a residential area in Abyan Governorate; in response to that attack, a counselling centre had been set up to provide psychological support to local residents. In view of the numerous challenges facing Yemen, he asked the Committee for its advice on how best to prevent non-State armed groups from recruiting children.

39. In December 2013 the United Nations Security Council Working Group on Children and Armed Conflict had recommended that the World Bank and other international donors should mobilize funds to help the Yemeni Government prevent the recruitment of children and their involvement in armed conflict and to provide vocational training for young people in Yemen, as such training would improve their employment prospects and discourage them from becoming involved in armed conflict. The Working Group had urged donors to provide funding and resources for demining programmes and for the rehabilitation of victims, including children. It had also made a number of positive statements about the Government's efforts in those areas.

40. **Mr. Mezmur** said that while the majority of attacks on schools and hospitals had been carried out by non-State armed groups, in a few cases government armed forces or groups aligned with them had occupied schools and hospitals or had destroyed them in aerial bombardments. Such was the case of Al-Razi hospital in Abyan, which had been bombed in September 2011. While he understood the need to protect national security, efforts to do so must not violate the Convention. He asked what measures were in place to prevent attacks against schools and hospitals and to care for the victims of such attacks.

41. **Mr. Baoom** (Yemen) said that when Al-Razi hospital had been destroyed in 2011, local residents had already left the area. Government forces had bombed the hospital, in addition to other hospitals and schools occupied by members of Al-Qaida in the Arabian Peninsula, in order to clear the city of that group's forces. There had been no patients in the hospital at that time.

42. **Mr. Kassim** (Yemen) said that in 2011, Republican Guard troops had been stationed next to Al-Thawrah hospital in Abyan Governorate in order to protect it. The State did not target hospitals for attacks, apart from in exceptional situations such as the situation at Al-Razi hospital, and then only when it was known that there were no civilians in the hospital.

43. **Mr. Madi** said that he appreciated the serious, frank and constructive dialogue and reminded the delegation that the Committee's sole aim was to help the State party honour its obligations concerning the rights of the child. The Committee was not an investigative body, but must ask questions of States parties in order to fulfil its mandate. The Committee understood the difficulties stemming from the security situation in Yemen. It hoped that the National Dialogue Conference would be fruitful and that Yemen would overcome its security problems so that it could achieve the socioeconomic development that would benefit its people, including its children. The Committee hoped that the proposed amendments to the Children's Act would soon be adopted, so as to ensure the full implementation of the Convention. It also hoped that Yemen would consider ratifying the

Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

44. **Mr. Mezmur** said that the Committee would take the current situation into account when considering all the issues that had been raised. While numerous problems remained, some progress had been made and the specific examples provided by the delegation had helped the Committee to better understand the situation. The State party had made a clear commitment to implementing the Optional Protocol, as evidenced by the invitations that it had extended to the Working Group on Children and Armed Conflict and the Special Representative of the Secretary-General for Children and Armed Conflict. The main challenge faced by the State party was the need to balance its national security interests with respect for the rights of the child. Other issues on which the Committee would provide guidance in its concluding observations included age verification and the adoption of proposed legislative amendments, in addition to accountability for persons who violated the law. He expressed the hope that when the Committee considered the State party's next periodic report it would hear that further progress had been made in implementing the Optional Protocol, including through measures to change social attitudes and behaviours. Moreover, he expressed confidence that the spirit of the Yemeni people was strong enough to overcome the current problems.

45. **Mr. Majawar** (Yemen) said that the Committee was right to be critical in its consideration of his country's periodic report. The Government had done its best under very difficult circumstances. The Yemeni people took pride in the fact that against the background of the Arab Spring, Yemen had chosen the path of peaceful transition in the form of the National Dialogue Conference, which would officially conclude its work on 22 January 2014. He expressed the hope that the final outcome of the Conference would be in the best interests of Yemeni children. His Government took its international commitments seriously and would make meaningful efforts to implement the Committee's recommendations.

46. **The Chairperson** thanked the delegation for the fruitful and frank dialogue and said she believed that Yemen was truly committed to the rights of the child. She expressed the hope that the Government would use the Committee's concluding observations to help it further give effect to those rights.

*The meeting rose at 5.55 p.m.*