



Convention on the Rights of the Child

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Committee on the Rights of the Child Thirty-ninth session

Summary record of the 1048th meeting*

Held at the Palais Wilson, Geneva, on Wednesday, 1 June 2005, at 10 a.m.

Chairperson: Mr. Doek

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Second periodic report of Yemen

* No summary records were issued for the 1046th and 1047th meetings.

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The meeting was called to order at 10.10 a.m.

Consideration of reports of States parties (agenda item 5) (*continued*)

Third periodic report of Yemen (CRC/C/129/Add.2; HRI/CORE/1/Add.115 (core document); CRC/C/Q/YEM/3 (list of issues); CRC/C/RESP/82 (written replies by the State party))

1. *At the invitation of the Chairperson, the delegation of Yemen took places at the Committee table.*
2. **Ms. Aljaifi** (Yemen) said that all ministries involved with children's issues had been consulted during the preparation of the report now before the Committee, as had NGOs working in this area and civil society.
3. With a view to implementing the Convention, the Government had been developing and adopting policies and general and sectoral strategies in the area of children's rights, including the National Population Strategy for 2001–2025, the National Strategy for the Protection of Children in Difficult Circumstances (developed with support from UNICEF, the World Bank and the Social Fund for Development), the National Strategy for Mothers and Children for the period 2003–2013, the National Strategy for the Development of Basic Education for the period 2000–2015, the National Strategy to Combat Child Labour, the National Poverty Alleviation Strategy for the period 2003–2015, the National Strategy for Girls' Education and the Literacy and Adult Education Strategy.
4. All these strategies had resulted in Yemen passing a number of laws after consultation with the various ministries and bodies dealing with children's issues, the main ones being the Child Rights Act No. 45 of 2002, the Disabled Welfare Fund Act No. 2 of 2002, Council of Ministers Decree No. 18 of 2002 regulating the protection and promotion of breastfeeding, Republican Decree No. 38 of 2000 concerning the Implementing Regulations of the Juveniles Act and the Supreme Council Decree establishing a number of juvenile courts in the governorates. In addition, the Ministry of Education was currently working to finalize measures to combat corporal punishment in schools and the Ministry of Labour to itemize the types of jobs that were unsuitable for people under 18. In May 2005, the Higher Council for Maternal and Child Welfare began working to harmonize and modernize child-related legislation with a view to aligning it with the provisions of the Convention.
5. Specifically, juvenile courts had been put in place in the governorates, social rehabilitation centres had been set up to cater to street children, children who had dropped out of school and working children, and new establishments should be opened soon, in collaboration with UNICEF, to care for minors who had entered Yemeni territory illegally. Disabled children and children requiring special protection, meanwhile, benefited from vocational training programmes and psychosocial monitoring. A national network bringing together public agencies and NGOs had also been created to coordinate efforts to combat violence against children.
6. The Ministry of Health had implemented national programmes to combat malaria, tuberculosis, AIDS and sexually transmitted diseases (STDs) as well as mental health and nutrition programmes, and had set itself the goal of improving vaccination coverage through the Expanded Immunization Programme.
7. Considering the urgent need to collect information and data on children and their fundamental rights, the Higher Council for Maternal and Child Welfare was working on a maternity and childhood database that would provide it with all the indicators necessary to monitor implementation of the Convention.

8. In the sphere of education and literacy, poor families received financial assistance for the education of their children, and programmes had been put in place to meet the needs of gifted children. Minors were also being invited to participate in the life of the country, particularly through the Children's Parliament, in which adolescents, including those who worked, had a voice.

9. The Yemeni Government faced a number of obstacles that were hindering application of the Convention, including the structural weaknesses of a number of mechanisms involved in protecting children's rights, inadequate assistance in the implementation of children's policies from Yemeni, regional and international organizations, the absence of an information system and statistical indicators for ascertaining whether children could exercise their rights, the inability of the media and of cultural, social and educational institutions to offer appropriate programmes for raising awareness of children's rights, the country's current economic difficulties and, lastly, the large proportion of children who were working instead of attending school.

10. **Mr. Krappman** noted with satisfaction the progress made by the State party in implementing the Convention, and most particularly the reconstitution in 1999 of the Higher Council for Maternal and Child Welfare, the creation of women's and children's affairs departments at a number of ministries, the passing of the Child Rights Act in 2002, the creation of juvenile courts and the different programmes and strategies for education, poverty reduction and the struggle against disease.

11. Action on behalf of children in Yemen was still hindered by a number of factors, including poverty, inadequate budgetary allocations for children's policies, old-fashioned stereotypes about children that persisted in many regions of the country and the absence of a mechanism for monitoring application of the relevant laws.

12. To analyse the evolution of budgetary allocations for health care, social welfare and education, it was necessary to know whether the calculations of the State party took account of inflation and population growth. It was also necessary to know whether the different programmes and projects for children and adolescents had been endowed with adequate human and financial resources, whether a timetable had been laid down for their implementation and whether mechanisms had been put in place to monitor their progress and evaluate their results. On this point, the delegation might indicate whether the results of the National Strategy for Mothers and Children for the period 1997-2002 had been evaluated and, if so, how this valuable information had been used.

13. The delegation could also explain why the State party was simultaneously implementing the National Plan of Action 2006-2010 and the National Strategy covering the period 2005-2015 and state whether they had different goals, how they were coordinated and whether they incorporated the goals of the other strategies and measures mentioned in the report and the written replies.

14. The delegation could also give its point of view on the matter of corruption, which seemed to be very widespread in the State party and had the effect of discouraging donors and undermining the trust of the international community, thus depriving the State party of their financial support and cooperation.

15. Additional information on the definition of a child, particularly as regards the age of majority, would be welcome because article 2 of the Child Rights Act No. 45 of 2002 defined a child as "every human being below the age of 18 years unless majority is attained earlier", while under the Civil Code the legal age of majority was 15. It would also be interesting to know at what age a child could be declared adult by a court ruling pursuant to article 67 of the said Act.

16. Additional efforts were called for to publicize the Convention, including awareness-raising campaigns, training for groups of professionals working with children and mobilization of the media and opinion-formers.

17. It would be interesting to know what action the State was taking to make everyone aware of the conception of the child enshrined in the Convention and what obstacles it was encountering. The Higher Council for Maternal and Child Welfare could analyse these obstacles with a view to surmounting them. To this end, it would be helpful to know whether that body met regularly and had the staff and financial resources it needed to operate on its own initiative. Civil society, represented by NGOs in that body, seemed to play only a marginal role there, whereas closer cooperation with it would be very helpful in dispelling the stereotypes about children that were still prevalent in a large section of Yemeni society.

18. The delegation could also indicate how the concluding observations of the Committee were being publicized and who was responsible for follow-up.

19. **Mr. Kotrane** noted that the 2002 Child Rights Act was controversial, particularly as it did more to spell out how legal provisions were to be applied to children than to establish children as subjects of law. The written replies indicated that the Juvenile Welfare Act had already been invoked in the courts, but this law was not compatible with the Convention, and it would therefore be helpful for the delegation to set forth the measures taken to give priority to the Convention over local laws and how much progress had been made in the work of revising domestic legislation to align it with the Convention. It was to be hoped that this revision work would take due account of the concluding observations of the Committee.

20. There was a tendency in Yemen for new national institutions to be continually created and then restructured and for strategies to proliferate, without there being any clear coordination between them. It would be more judicious to create just one committee with responsibility for the issue of children's rights, ensuring that it conformed to the Paris Principles and giving it the necessary human and financial resources, and to adopt a single strategy that was in line with the conclusions of the Special Session of the United Nations General Assembly on Children (May 2002).

21. The age of majority and the age of criminal responsibility needed to be reviewed, as did the age for admission to employment, which was incompatible with ILO Convention No. 138. It was encouraging to read that article 6 of the Child Rights Act stated that the interests of the child must be paramount, but other provisions in the same law contradicted this principle, for example by introducing religious considerations into matters of child custody, when only the best interests of the child should be considered.

22. **Ms. Khattab** asked whether a budget and work plan were associated with the different strategies adopted, including the National Strategy for Mothers and Children, and whether the Higher Council for Maternal and Child Welfare was also responsible for adolescent welfare. She wanted to know which body was responsible for implementing the National Strategy for Girls' Education, which was of great importance given that Yemen had the highest rate of illiteracy among girls of any country in the world, and whether potential partners (including international donors) had any right of oversight over the actions taken. As in all Arab countries, databases were inadequate, complicating the task of anyone attempting to ascertain the situation on the ground.

23. She observed that alterations to school curricula and agreements with the media might contribute to a shift in the way children, and particularly girls, were perceived in Yemeni society. At present, girls of 15 could be married legally, but girls of 12 sometimes were in practice; the age of marriage should be raised to 18.

24. **Ms. Ouedraogo** noted with satisfaction that the competent authorities made use of the media to raise awareness among families and in society about the risks involved in non-registration of births. The Committee had however heard reports that not all children were registered, and the awareness-raising campaigns, which evidently had their limits, ought to be supplemented by measures to register children when this had not happened within the prescribed period, and to facilitate the procedures. The report stated that foundlings were supposed to be transferred to a social welfare agency or a children's home, but the procedure used to give them a name was not explained and further information was needed on this point. Transmission of nationality by the mother was a subject for concern, and in this connection there was also a need to know whether children born in Yemen to foreign parents automatically became Yemeni nationals.

25. The creation of the Children's Parliament was a laudable initiative, regarding which the delegation might provide further details. It would be good to know, for example, how children not attending school were represented there, whether there was local representation and whether recommendations made by it were taken into account by decision-makers. An example of a decision taken in the wake of a proposal of this kind would be welcome.

26. The Committee would like additional information on how the right to privacy was observed in the family and at school, and on children's access to appropriate information. Access to cinemas was regulated, which was a good thing, but more information was needed on how children were protected against harmful documents circulating on the Internet.

27. **Ms. Smith** invited the State party to reflect on why international assistance was not forthcoming. The population growth rate was a problem and it would be interesting to know whether Yemen accepted it or meant to reduce it through family planning.

28. The Committee wished to know the status and influence of tribal law and tribal chiefs. Since the State party had ratified the Convention without entering any reservations, it would be interesting for the delegation to explain how the conflicts liable to arise between *sharia* and the Convention on issues such as religious freedom were resolved. Yemeni culture was quite far removed from the principles enshrined in the Convention. Children's participation, not only at school but also in the family, and its corollary, the right to be heard in all matters concerning them, was another problematic issue.

29. **Mr. Zermatten** noted that the Civil Status Code had been amended in 2003 to give mothers the same powers as fathers to register births and introduce the obligation to register births within 60 days. Registration of births was still uneven, with particularly inadequate levels of registration for children living in remote areas and disabled children, whose parents preferred not to register them to avoid social stigmatization. This was a source of problems both for the State, which suffered from a lack of reliable demographic data, and for individuals, who were denied access to employment because they lacked identity documents. For all these reasons, the delegation was asked to state whether registration of births was free of charge and what documents parents needed to carry out this formality. These documents should be easy to obtain and free of charge.

30. **Ms. Vuckovic-Sahovic** asked whether concrete measures had been taken to ensure that corporal punishment actually was banned from schools in practice, as the law required. According to some studies, 80 per cent of Yemeni students would be subjected to different forms of corporal punishment; the problem was linked to the lack of girls' education, since the more educated mothers were, the less likely they were to resort to violent forms of discipline.

31. **Mr. Parfitt** asked whether an independent monitoring mechanism had been put in place to carry out regular assessments of the progress made in implementing the Convention and to receive and process individual complaints. He wondered whether the

Department of Children's Affairs of the Ministry of Human Rights had authority to conduct inquiries, whether it sought to promote the Convention, whether it published freely accessible reports and whether children could easily approach it, for example by means of a free telephone helpline. It would also be helpful to have detailed information on the work the Ministry intended to carry out in collaboration with NGOs to create a new complaints mechanism.

32. **Mr. Filali** asked for details of the composition of the Higher Council for Maternal and Child Welfare and its degree of independence; he particularly wished to know whether that body had a presence on the ground, whether it had contacts with the population and whether children could call upon it to assist them and uphold their rights.

33. The delegation might also indicate whether judges had ever based their rulings on articles of the Convention, which had been incorporated into Yemeni law.

34. Regarding registration of births, information was needed on whether children born outside wedlock were declared and what laws governed the declaration of births.

35. **Mr. Siddiqui** asked what was done to combat discrimination against akhdam children and street children.

36. He regretted that the data provided on budgetary allocations, and particularly those for education, were not broken down by educational level, and that there was no information on girls' education.

37. Noting that the statistics provided dealt solely with particular situations, with years and not with specific time periods, he asked whether there were any plans for national statistics services to carry out systematic or periodic collection of more general data on all children.

38. The Committee also wished to know why the State party did not place more stress on family planning, which Islam did not condemn, given the negative consequences of a high population growth rate on children's development and respect for their rights. It would be helpful to know what relationship there was between the Higher Council for Maternal and Child Welfare, the Supreme National Committee for Human Rights and the NGO Coordinating Commission on Child Welfare.

39. **Ms. Aluoch** was concerned about the inadequate number of girls' schools, something that could only have a negative effect on the prospects of women holding positions of responsibility in future.

40. She asked where very young girls who became pregnant could obtain help and whether they were allowed to return to school, given that they were known to be discriminated against and sometimes driven out of their homes. It was a very serious matter that once a relationship between two children became known, only the girl got into trouble.

The meeting was suspended at 11.40 a.m. and resumed at 11.55 a.m.

41. **Ms. Aljaifi** (Yemen) said that the Higher Council for Maternal and Child Welfare included representatives of the ministries dealing with children's rights together with four representatives of NGOs and three leading figures involved with children's issues. Its role was to develop childhood-related strategies, endorse and coordinate strategies put forward by other ministries, ensure there was a balance between the public sector and civil society on the issue and strengthen ties with regional and international organizations.

42. The Council had decided to continue the Children and Youth Strategy, whose new version, which had been in preparation for three years with the participation of numerous international experts, would be presented in September 2005; it incorporated the Millennium Development Goals and planning for programmes that would be discussed with

all partners, including children (who would be consulted in all governorates and their views taken into account) and two NGOs. Under this strategy, the Council had prepared an action plan in collaboration with UNICEF, a Swedish organization, the ministries concerned and the nine NGOs active on children's issues; information campaigns had also been launched. A meeting held under the auspices of the World Bank would provide an opportunity to canvass potential donors and determine the resources needed to apply the strategy.

43. The Council was also formulating recommendations for applying the Convention on the basis of other countries' experience.

44. Two studies on violence against children had been carried out in recent years under the supervision of the Council, the first dealing with the education system and the second with corporal punishment at school and in the home. Their findings would be presented to numerous institutions and NGOs, which would provide for their further publicization. Other studies were going to be undertaken to assess the psychological after-effects of such violence and determine the scale and nature of the phenomenon of sexual exploitation of children in Yemen. A national network comprising all the NGOs concerned and the public authorities had been put in place to combat violence against children, and a national plan, jointly financed by donors and the Government, had been set in motion. A network devoted to children in conflict with the law had also been put in place.

45. The Council was working with a Swedish institution to prepare a document on children's rights, with participation by children and the Ministry of Education. Measures were being taken to encourage the election of children's committees in schools. The Children's Parliament, elected on the initiative of *L'école démocratique*, an NGO, dealt with subjects such as the school dropout rate and education for girls, and was supported by a number of ministries; its recommendations were studied closely by the ministries concerned. Children of all ages, including disabled and working children, had been elected to it on the basis of different criteria, including school results, and there was parity between boys and girls.

46. Consideration was currently being given to the role of children and differences between *sharia* and the Convention in this area.

47. It should be stressed that the report of Yemen contained a large amount of information from NGOs, even though unfortunately not all the NGOs working in this area were able to participate in the report's preparation because the person responsible for asking them to do so did not fully discharge this responsibility.

48. **Mr. Sharfi** (Yemen) said that Yemen intended to amend the Child Rights Act and set the age of majority at 18; article 59 of the Act did indeed confer certain civil rights upon people aged under 18, but their legal representative remained responsible for them. People under 18 who drove although banned from doing so by the Road Traffic Act thus made their legal representative liable to sanctions; the absence of legal sanctions for the minors concerned did not, however, prevent rehabilitation measures from being ordered for them.

49. Current legislation was vague on the subject of juvenile courts. Regarding the progress made in revising this legislation, the text was at the finalization stage and would shortly be presented to civil society institutions for their views before being submitted to Parliament for approval.

50. **Mr. Kotrane** noted that under article 25 of the Child Rights Act, children under 10 who committed an offence could not be punished but could become subject to measures provided for in another article. Children aged 10 and over could be imprisoned. Between 7 and 10, they could be brought before a judge. These measures were not in compliance with the provisions of the Convention, and there was thus a need to settle on an age below which children could not be brought before a judge or held responsible.

51. It also seemed to him inappropriate to retain the provisions of the League of Arab States handbook in the Child Rights Act, especially since numerous institutions in Arab civil society had decided not to use the handbook insofar as it fell short of the Convention.

52. **Mr. Sharfi** (Yemen) said that the Rights of the Child Bill had been amended to bring it into line with the Convention. It set the legal age of marriage at 18. If the Bill was passed, the legal representative of a minor who married, whether a boy or a girl, would become liable to legal penalties, as would witnesses.

53. Children born outside wedlock were registered with the civil registry like any other child and were entitled to a nationality and a name. As for foreign children, these were entitled to a residence permit until they reached the age of majority if the mother was Yemeni, and upon reaching majority were required to choose between their father's nationality and Yemeni nationality, which would automatically be granted if requested. When children were registered with the civil registry, their papers (birth certificate and health record) were furnished to the parents free of charge.

54. If tribal law and statute law conflicted, the latter prevailed.

55. **Ms. Smith** asked whether statute law was currently in force in all regions of the country.

56. **Ms. Ouedraogo** wished to know what steps were planned to register children who had not been registered at birth, including those living in remote areas.

57. **Mr. Filali** asked whether there were laws authorizing fathers of illegitimate children to acknowledge them and wanted to know what percentage of children were married before the age of 18.

58. **Ms. Khattab** wished to know whether it was compulsory to register customary marriages involving under-eighteens.

59. **Mr. Sharfi** (Yemen) said that all marriages had to be registered and that marriages of minors, whose age appeared in the contract, could only be registered with the competent religious representatives, the minimum age of marriage at present being 15. Illegitimate children were registered and had Yemeni nationality.

60. **Mr. Aljindari** (Yemen) said that children born outside wedlock, despite the stigmatization of such relationships, received Yemeni nationality and identity papers. At the present time, no marriages took place without the presence of a representative of the State and marriages between minors aged under 15, while rare, had to be validated by the State, which could not oppose or dissolve them.

61. Street children were given Yemeni nationality and benefited from a welfare and rehabilitation programme whose purpose was to place them in juvenile welfare centres set up in various governorates, where they were provided with education and health care.

62. **Mr. Krappmann** wished to know whether the Arab equivalent of the term "illegitimate child" appeared in Yemeni laws or whether there had been a mistranslation, as the term was proscribed by the Convention.

63. He wished to have additional information on the evolution of the resources devoted to education and the specific measures Yemen planned to take to educate the numerous children who were not in school, despite this being compulsory. The delegation might state, in particular, whether the National Strategy for Girls' Education, which provided for the creation of girls-only schools, had been subject to an evaluation. Details of measures taken to prevent primary school pupils from dropping out and remedy the poor quality of basic education would also be welcome. Lastly, it would be good to know whether the Government intended to make education genuinely free of charge and to create the

conditions for broader access to vocational training, especially for girls, thereby raising the qualification level of the active population, which was currently very low, as 93 per cent of the active population had no qualifications and were largely illiterate.

64. **Ms. Lee**, in view of the alarming indicators for mother and infant care, malnutrition and the under-five infant mortality rate, wished to have more information on actions taken to promote breastfeeding and the “5-in-1” vaccine, and on vaccination campaigns in general, as these should be able to prevent deaths due to complications from easily avoidable diseases such as measles. The delegation might also provide details of the steps taken, apart from the Strategy for Health Sector Reform, to improve health indicators.

65. **Mr. Kotrane** asked whether it would be possible to repeal article 16 of the Child Rights Act No. 45 of 2002 prohibiting fathers from recognizing children born from an adulterous liaison or outside wedlock and wished to learn of the measures envisaged by the State party to determine the paternity of a child born in these circumstances. The delegation was also asked to specify whether, in the event that the mother was not a Muslim, the child was handed over to another woman to be brought up in the Islamic faith, something that would be incompatible with the Convention, as was the fact that the legislation referred to included no provision regarding the obligation of child maintenance, not to mention chapter five of the second part of the Act, which provided that the father alone had guardianship of the child, and that in the event of the former’s death the latter would be entrusted to the father’s nearest male relative, something that also contravened the Convention on the Elimination of All Forms of Discrimination against Women, particularly article 16.

66. **Ms. Khattab** asked whether the Ministry of Public Health decree forbidding female circumcision in public-sector establishments applied to hospitals that did not come under State authority.

67. She also wished to know whether there were services available to receive refugee children, whether Yemen benefited from external aid for this purpose and, if so, what procedures and budget were in place.

68. **Ms. Anderson** asked what proportion of the 38 cases of HIV/AIDS identified among under-fifteens could be ascribed to transmission from mother to infant and whether the children concerned were placed in institutions or continued to live with their families. Details were also needed of the type of aid provided to families in this situation and their access to antiretrovirals.

69. Furthermore, it would be interesting to know whether the practice of keeping children up to the age of 12 with their mothers in prison was the result of a deliberate policy and, given the absence of all-women detention centres, how these children’s safety was assured and what services they had access to.

70. **Mr. Zermatten** wished to know the exact age below which children could not be held criminally liable, as the report mentioned two, 7 and 10, and to find out whether it was the ordinary courts or special juvenile courts that tried adolescents aged 15 to 18, who seemed to benefit from a regime of diminished liability. It would likewise be interesting to know how the risk situations described in table 14–1 of the written replies were dealt with, whether they were penalized and why there were only seven children’s courts in the whole country. Lastly, the delegation was invited to speak out on the subject of conditions of detention for minors.

71. **Ms. Smith** wanted to have additional information on the fate of street children and the outcome of discussions between Yemen and Saudi Arabia on the subject of child trafficking between the two countries.

72. **Ms. Aluoch** wished to know more about opportunities for adolescents to obtain information on sexual and reproductive health, whether at school or elsewhere.

73. **The Chairperson** asked whether the studies planned as part of the project to combat child labour had been carried out, what had become of the project to combat child labour in dangerous conditions and whether the national programme to provide education to working children had been implemented, given that only between 10 per cent and 13 per cent of these children attended school.

The meeting rose at 1 p.m.