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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirty-ninth session

SUMMARY RECORD OF THE 1049th MEETING

Held at the Palais Wilson, Geneva,
on Wednesday, 1 June 2005, at 3 p.m.

Chairperson: Mr. DOEK

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 5) (continued)

Third periodic report of Yemen (continued) (CRC/C/129/Add.2; HRI/CORE/1/Add.115; CRC/C/Q/YEM/3; CRC/C/RESP/82)

1. At the invitation of the Chairperson, Mr. Saleh Abdullah, Mr. Abu-Houria, Mr. Al-Doraibi, Ms. Aljaifi, Mr. Aljindari, Mr. Aljunaid, Ms. Arifaai, Mr. Saleh Mohamed, Mr. Sanbani and Mr. Sharfi (Yemen) took places at the Committee table.
2. Ms. LEE said that the delegation should comment on the eradication of polio in Yemen.
3. Mr. KRAPPMANN requested information on poverty reduction strategies.
4. Mr. SIDDIQUI said that the delegation should explain why students were required to pay fees for examinations and certificates.
5. Ms. ORTIZ wished to know what institution was responsible for providing food and scholarships to children from poor families. She requested information on the number of children in orphanages and asked whether all children in orphanages were really orphans. She enquired whether the decision to place a child in an orphanage was made by a court, and what body was responsible for overseeing the child's placement in an orphanage.
6. The CHAIRPERSON said that the delegation should comment on trafficking in children and on illegal immigrants from Saudi Arabia who were accompanied by children.
7. Mr. ALJINDARI (Yemen) said that the restructuring of the Ministry of Education had led to the establishment of two new departments: one for pre-school education and one for girls' education. Through the National Strategy for Girls' Education, special classes had been set up for girls in existing schools, and new primary and secondary schools for girls had been built. In 2004, US\$ 10 million in international assistance had been provided to implement the National Strategy for the Development of Basic Education for the period 2000-2015. That had resulted in improvements in all areas of education, including teacher training, modernization of curricula and the provision of better facilities and equipment to schools throughout Yemen.
8. The Government had recently decided to abolish school fees. Parents who did not send their children to school were punished. Corporal punishment in schools was prohibited.
9. Mr. ALJUNAID (Yemen) said that poor roads and a widely dispersed population had complicated access to health care, which currently was available to only 52 per cent of the population. Generally speaking, health services in Yemen were not modern. Consultations for family planning and contraceptives were provided free of cost. Forty-three per cent of expectant mothers received prenatal care and 9.2 per cent received post-natal care. A reproductive health programme had organized campaigns to increase the number of deliveries that were supervised by qualified health-care workers.

10. Over the past 15 years, the infant and child mortality rate had improved. Over 50 per cent of children had received all their vaccinations; since 1996, the Government had been carrying out campaigns to raise that figure to 80 per cent.

11. From 1996 to 2004, there had not been a single case of polio in Yemen. However, in 2004, an outbreak in Africa had resulted in the resurgence of the disease in Yemen. With the assistance of the United Nations Children's Fund (UNICEF), the Ministry of Health had immediately taken steps to organize a polio vaccination campaign for children.

12. Female genital mutilation had been performed on approximately 21 per cent of women in Yemen. A ministerial decree would prohibit female genital mutilation in government health facilities, and legislation to prohibit that practice and to punish violators would be enacted in due course.

13. The Ministry of Health had organized a campaign to raise awareness in secondary schools about sexual and reproductive health and the risks of early pregnancy. In keeping with a government policy, the population growth rate had decreased. Some 41 cases of HIV/AIDS among children had been reported in 2005. As part of a national HIV/AIDS campaign, information sessions and home visits were organized to provide psychological counselling to infected persons and their families. There were a number of public services to combat HIV/AIDS, including confidential HIV/AIDS testing, the provision of antiretroviral drugs and the distribution of free condoms to infected persons. A hotline had been set up to provide information from specialists, including psychologists.

14. Malnutrition was a problem in Yemen, particularly among children under 5. Several government departments were responsible for assisting malnourished children, and programmes had been set up to distribute basic commodities free of charge. A volunteer network had been organized at the local level to raise awareness about adequate nutrition for mothers and children. Although the percentage of mothers who breastfed their children until the age of 2 was relatively high, the Government was continuing to promote breastfeeding among women.

15. Mr. ABU-HOURIA (Yemen) said that the Ministry of Human Rights had recently organized 15 workshops for professionals who dealt with juvenile delinquents. The Ministry was carrying out several projects to disseminate information on the rights of the child and had incorporated human rights modules in teacher training programmes. Several awareness-raising campaigns on the situation of displaced children had been conducted, and a database on violence against children would be set up. There were plans to establish an independent human rights commission. The Ministry was in the process of preparing a national human rights report, which would be issued annually, that described progress in improving human rights.

16. Mr. SALEH MOHAMED (Yemen) said that measures taken to protect children's rights included the reform of the Higher Council for Maternal and Child Welfare, the adoption of a law on children's rights and the establishment of the Ministry of Human Rights. Yemen's poor economy had given rise to many social problems, particularly in the field of education, and considerable variations in population density in different parts of the country made it difficult to provide services. The Government had therefore adopted an economic reform programme and had allocated considerable resources for the provision of services. A social safety net had been established to assist families in need.

17. Although Yemen did not have a tribal law system, the tribal composition of the country had caused social difficulties. Legislation was being amended following the unification of the two Yemens, and efforts were being made to eliminate discrimination against women. The Higher Council for Maternal and Child Welfare had been involved in that process and Parliament was currently considering 20 amended laws.

18. There were 5,000 NGOs in Yemen; some of them received financial support from the Government.

19. There were many untrained workers on the labour market. Vocational training was being encouraged in Yemen, and the number of vocational and professional education institutions had increased considerably.

20. Under Yemeni law, children of convicted mothers could not be kept in prison unless they had no other family. That regulation also applied to children born in prisons. Education was provided to children who remained in prisons with their mothers.

21. Of the 60,000 refugees in Yemen, approximately 7,000 were children. Children of refugees received assistance, including free medical care, education, access to libraries, training and food, from international organizations and the National Committee for Refugee Affairs.

22. Owing to widespread poverty, trafficking in children was a serious problem in Yemen. That phenomenon was difficult for the Government to control because poor families allowed their children to be trafficked for economic reasons. Awareness-raising measures were being carried out by NGOs and UNICEF, and centres had been opened on Yemen's borders to accommodate child victims of trafficking. The Government had signed agreements with neighbouring countries in order to deal with the problem.

23. Over 70 NGOs specialized in assisting children with disabilities and children with special needs. Legislation protected persons with disabilities and a government fund for disabled persons provided financial support for rehabilitation centres and assistance for individuals. Very few so-called "street children" actually lived on the streets. There were a large number of shelters for orphans.

24. Ms. LEE asked whether the measures that Yemen had taken to combat discrimination against women included the prohibition of polygamy.

25. Ms. ALUOCH asked what effect government funding had on the work of NGOs. She had received information that NGOs in Yemen tended to have religious or political affiliations; they were therefore not independent and could not speak out on issues such as governance, accountability and legal reforms. She requested the delegation to comment.

26. Ms. SMITH requested additional information on measures being taken to reduce the number of street children.

27. Ms. OUEDRAOGO asked whether midwives were present at home births and, if so, what special training they received. She wished to know whether the Government had a poverty reduction programme and how that programme took account of children's rights.

28. Mr. KRAPPMAN wished to know how parents were punished for not sending their children to school. He asked whether the Government could specify a date when all children in Yemen would attend school.

29. The CHAIRPERSON asked what measures were being taken to facilitate the integration of children with disabilities into mainstream schools.

30. Mr. SALEH MOHAMED (Yemen) said that Yemen's National Poverty Alleviation Strategy had been prepared with the assistance of the World Bank and had been incorporated into the Government's development plan for 2006-2010.

31. The CHAIRPERSON asked whether the Government could achieve the Millennium Development Goal of reducing poverty by 50 per cent by 2015, or whether further international support would be required.

32. Ms. ALJAIFI (Yemen) said that the Government was making efforts to reduce poverty by 50 per cent and achieve education for all by 2015. Yemeni law was governed by the Shariah, which did not consider polygamy to be discriminatory against women; polygamy had therefore not been abolished. Home births were attended by trained midwives or experienced older women from the local community. The strategy for integrating children with disabilities into mainstream schools was still in the initial phase, and measures were being taken to revise school curricula to meet those children's needs.

33. Mr. SALEH MOHAMED (Yemen) said that government funding was granted to NGOs provided that they were effective and had been operating for at least a year. Not all Yemeni NGOs had religious affiliations; some were charitable organizations. In accordance with Yemeni legislation, there were no restrictions on NGO activities. The Government encouraged public support for such organizations.

34. Ms. ALJAIFI (Yemen) said that parents who did not send their children to school were fined. The Government recognized that measures must be taken to improve school attendance rates. With regard to poverty alleviation, she said that the Government had a policy of transparency according to which it informed all donors of how funds would be used. UNICEF had participated in several poverty reduction programmes. In an effort to combat corruption, a new department had been established to protect general funds; the department monitored Government projects and issued reports on how funding was spent.

35. Births in remote areas were not registered. Measures were being taken to raise awareness of the importance of registering births, and proposals had been made to link birth registration with enrolment in schools, and vaccination programmes.

36. The CHAIRPERSON said that mobile registration units were often a successful way of registering births in remote areas.

37. Mr. SHARFI (Yemen) said that women's right to custody of children had been addressed in new legislation. The text of the amended legislation would be forwarded to the

Committee. The minimum age of criminal responsibility was 15. Most regions of the country had special juvenile courts. Legislative amendments had been adopted to prohibit the involvement of children in armed conflict.

38. Mr. SALEH MOHAMED (Yemen) said that the Higher Council for Maternal and Child Welfare and the Ministry of Social Affairs regulated home births, and awareness-raising campaigns were being held to inform women about safe methods of childbirth. Free equipment for home births was being distributed throughout Yemen.

39. Ms. ALJAIFI (Yemen) said that the budget figures contained in the report did not include loans from the World Bank or contributions from donor countries. The Government was making efforts to develop new industries and resources in order not to be completely reliant on its oil revenues.

40. Mr. KOTRANE asked what was the minimum age for carrying weapons. He requested further information on the Government's efforts to amend Yemen's labour laws, particularly in the area of child labour.

41. Mr. SHARFI (Yemen) said that, although the minimum age for performing military service was 18, a Yemeni tradition allowed children to carry weapons to defend their villages. Efforts were being made to raise awareness of the dangers of that tradition. A new draft labour law was currently under consideration in the House of Representatives.

42. Mr. SALEH MOHAMED (Yemen) said that Akhdam children were not discriminated against and that steps were being taken to integrate them into society and facilitate their access to education and vocational training.

43. Ms. ALJAIFI (Yemen) said that the Akhdam often preferred to lead an isolated existence and to have separate schools and health-care institutions. Nevertheless, measures were being taken to raise public awareness of that disadvantaged group and to encourage the Akhdam to mix with the rest of the population. At present, 1,500 houses were being built for them.

44. Mr. SIDDIQUI said that perhaps the Akhdam preferred to lead an isolated existence because they were shunned by other members of society.

45. Ms. ALJAIFI (Yemen) said that the Government was making every effort to prevent discrimination against the Akhdam and to integrate them into society.

46. The CHAIRPERSON asked what steps the Government was taking to deal with the problem of Yemeni children who had been expelled from Saudi Arabia and now lived on the streets or in special centres set up at the border.

47. Ms. ANDERSON asked what measures the Government was taking to prevent children from chewing qat.

48. Ms. ALJAIFI (Yemen) said that a number of measures had been taken to prevent children from migrating to Saudi Arabia. A special committee had been established and a national plan had been prepared to deal with that phenomenon. Steps had been taken to ensure that children

had access to health care and education, and loans were given to their families to help them overcome poverty. The Government was currently studying the situation of Yemeni children working in Saudi Arabia.

49. Measures were being taken to raise children's awareness of the harmful effects of chewing qat, including of the risk of developing mouth and throat cancers. A national conference had been held to discuss the issue, and information on the adverse effects of qat on health had been included in school curricula.

50. Mr. AL-DORAIBI (Yemen) said that, owing to Yemen's geographical situation, the Government found it difficult to prevent trafficking not only in children but also in persons in general, and in animals and agricultural products. The Government was cooperating with Saudi officials in combating the phenomena and was considering introducing a number of measures, including mobile police units and helicopters, to control the border.

51. Mr. SIDDIQUI asked whether the Government planned to develop comprehensive statistics on children.

52. Mr. ZERMATTEN asked whether there were reception centres for children who arrived in Yemen by boat. He wished to know whether the Government planned to prohibit the sale of qat to children under a certain age.

53. Ms. ALJAIFI (Yemen) said that the Government planned to set up a database on children drawing on information collected over the past few years. Although chewing qat was not prohibited under Yemeni legislation, measures were being taken to limit that practice. It was prohibited to chew qat at school, in the army and during working hours. He said that the Office of the United Nations High Commissioner for Refugees had set up special camps for boat people.

54. Mr. AL-DORAIBI (Yemen) said that it was extremely difficult to control Yemen's long seacoast, and that lack of resources, security staff and equipment exacerbated the situation. Most people came to Yemen in small, overcrowded boats. Many lost their lives. Further efforts would be needed to deal with the problem.

55. The CHAIRPERSON said that he was surprised that the Ministry of Human Rights had received only 12 complaints on child abuse during the period 2001-2004. He asked whether the new independent human rights institution, which the Government planned to establish, would receive complaints about human rights violations, and whether it would deal specifically with children's issues.

56. Mr. SANBANI (Yemen) said that the Ministry of Human Rights had a special centre that received complaints concerning the sexual exploitation of children, trafficking in children and all other forms of child abuse. A hotline had been set up for that purpose. In addition, an awareness-raising programme was being broadcast on the radio and special brochures on child abuse were being distributed.

57. Mr. AL-DORAIBI (Yemen) said that the Supreme National Committee for Human Rights had been criticized in the past for not having complied with the Paris Principles. The Government was currently considering the establishment of an independent human rights institution that would fully comply with international standards.

58. Mr. SANBANI (Yemen) said that, in the past, few complaints on violations of children's rights had been received because most people had not been aware that it was possible to file a complaint. The new institution should help improve the situation in that regard.

59. The CHAIRPERSON expressed concern about the large number of children in some orphanages. In particular, he noted that there had been 1,750 children in one orphanage in 2004. He asked whether only children who had lost both parents were placed in orphanages and wished to know who decided whether a child should be placed in an orphanage.

60. Ms. ALJAIFI (Yemen) said that the Government defined an orphan not as a child who had lost both parents but as one who could not receive proper care at home. The orphanage that had held 1,750 children in 2004 was a public orphanage. Most children stayed in that orphanage during the day and returned home in the evening. They were provided with education, food, clothing and health care. Other orphanages, run by NGOs provided full-time accommodation for children.

61. The CHAIRPERSON asked whether there were any regulations to ensure the quality of care provided in private orphanages.

62. Mr. SALEH ABDULLAH (Yemen) said that there were no private orphanages in Yemen. Orphanages were run either by the Government or by NGOs. Special regulations ensured the suitability of care, education and living conditions in orphanages.

63. Ms. LEE asked whether orphanages were open to children who were not orphans. She enquired whether the children were educated in the orphanages or enrolled in neighbourhood public schools to prevent their social exclusion.

64. Ms. ALJAIFI (Yemen) said that orphanages were open to all children in need. Those children's well-being was ensured through State- or NGO-run orphanages or child fostering arrangements known as *kafalah*. Orphanages operated mainly as day-care centres; most children continued to live with their families in their communities. Many parents chose to send their children to public orphanages so that they could benefit from the education and assistance offered by those institutions. The public orphanage in San'a had educational facilities on the premises; children placed in the care of smaller orphanages were normally enrolled in regular public schools.

65. Ms. ALUOCH requested the delegation to specify the upper age limit for placement in orphanages.

66. Mr. KRAPPMANN asked whether orphanages were part of the National Poverty Alleviation Strategy.

67. Ms. ALJAIFI (Yemen) said that orphanages were open to children under the age of 18. Rehabilitation centres offered vocational training or higher education to disadvantaged young persons over 18. Orphanages were part of the National Poverty Alleviation Strategy, which did not contain any other specific measures to assist children in need.

68. Ms. ORTIZ requested additional information on the *kafalah* system of care.

69. Ms. ALJAIFI (Yemen) said that *kafalah* did not necessarily involve the placement of a child in alternative care. In accordance with the traditional values of social solidarity, children in need were sponsored by other members of the community. Supervision of institutionalized childcare fell within the purview of the social welfare authorities.

70. Ms. LEE said that it might be preferable to provide free public education and allowances for children in need, instead of placing them in institutional care.

71. Mr. SALEH ABDULLAH (Yemen) said that between 70,000 and 100,000 orphans received monthly financial assistance through the Social Welfare Fund.

72. Ms. ALJAIFI (Yemen) said that facilities for children in conflict with the law remained inadequate. Funds were limited because the principle of social solidarity did not extend to juvenile delinquents. The Government conducted awareness campaigns to encourage citizens to support children in need.

73. The CHAIRPERSON requested detailed information on the administration of juvenile justice for young offenders of different age groups. He asked whether Yemeni legislation provided for alternative sentences to imprisonment.

74. Mr. FILALI said that the delegation should indicate the maximum period of pre-trial detention and the maximum prison sentence for minors.

75. Mr. SHARFI (Yemen) said that young offenders under the age of 12 could not be placed in detention and were normally released into the custody of their parents. Children between the ages of 15 and 18 could be held liable but received lighter sentences than adults who had committed the same offence. Minors could be held for a maximum period of 24 hours before being brought before a competent legal authority. For the purpose of investigation, minors could be detained for a maximum period of seven days; that period could be extended by a court. Juveniles were held in special detention facilities separately from adults.

76. Measures taken with respect to juvenile offenders over the age of 12 included the prohibition to frequent certain places; placement in juvenile rehabilitation and welfare centres; enrolment in vocational training; placement in specialized hospitals; and probation. As a rule, death sentences for minors were commuted to imprisonment.

77. Mr. AL-DORAIBI (Yemen) said that, in murder cases, detention could protect children from retaliatory acts. Police and justice personnel were trained in juvenile justice. Only specialized public prosecutors and juvenile courts were competent to deal with cases involving minors. Separate detention facilities for juveniles were equipped with education and rehabilitation facilities.

78. Mr. KRAPPMANN, Country Rapporteur, said that, while the Committee was encouraged by the State party's achievements in institutional capacity-building and child rights legislation, coordination between the various programmes and institutions must be improved. Data collection, discrimination, birth registration, disadvantaged families, health, education and special protection measures were all areas of concern. Poverty was a serious obstacle to the implementation of children's rights, and the Committee would support the reporting State's efforts to obtain international assistance.

79. Ms. ALJAIFI (Yemen) said that the Government would take account of the Committee's comments and recommendations. It would welcome any additional advice or technical support to help it to improve the situation of children in Yemen.

The meeting rose at 5.55 p.m.