

| UN CRC | Ratification Date | Care-Related Concluding Observations |
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| <p>CRC/C/YEM/CO/4</p> <p>The Committee considered the fourth periodic report of Yemen (CRC/C/YEM/4) at its 1849 and 1850 meetings (see CRC/C/SR.1849 and 1850), held on 14 and 15 January 2014, and adopted, at its 1875th meeting, held on 31 January 2014, the following concluding observations.</p> | <p>1 May 1991</p> | <p>31 January 2014 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fYEM%2fCO%2f4&Lang=en</p> <p>IV. Main areas of concern and recommendations</p> <p>B. Definition of the child (art. 1 of the Convention)</p> <p>27. The Committee notes the information provided in the replies to the list of issues with respect to the proposals to amend the State party's national legislation with the aim to incorporate therein a definition of the child in line with article 1 of the Convention. However, it is concerned that the age of majority is set at 15 years. It expresses its serious concern at the absence of a legal provision setting a minimum age of marriage as well as at the very low age of criminal responsibility, set at 7 years, in the State party. It is further concerned at the considerable delay, since 2007, in adopting the legislative amendment which proposes to set the minimum age of marriage at 18 years, due to opposing views within the Parliament in this regard.</p> <p>28. The Committee urges the State party to expedite the adoption of the legislative amendments so as to explicitly incorporate a definition of the child in full compliance with article 1 of the Convention and ensure that the age of majority is set at 18 years. It recommends that the State party take the necessary measures to ensure the adoption of the legislative amendment setting the minimum age of marriage at 18 years for girls and boys and raise the minimum age of criminal responsibility in line with international standards.</p> <p>C. General principles (arts. 2, 3, 6 and 12 of the Convention)</p> <p>Non-discrimination</p> <p>29. The Committee is concerned at the persistence of discriminatory social attitudes against categories of</p> |

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| | <p>children in marginalised and disadvantaged situations, including children who are addressed as Muhamasheen children, children born out of wedlock and children with disabilities, all of which have a negative impact in the enjoyment of their rights. It is deeply concerned at discrimination against girls from the earliest stages of their life and through their childhood due to the persistence of traditional attitudes and norms by which girls are perceived as inferior than boys.</p> <p>30. The Committee recommends that the State party:</p> <p>(a) Adopt and implement a comprehensive strategy addressing all forms of discrimination, including multiple forms of discrimination against all categories of children in marginalised and disadvantaged situations, and implement it in collaboration with a wide range of stakeholders and involving all sectors of society so as to facilitate social and cultural change;</p> <p>(b) Ensure that children who are in marginalised and in disadvantaged situations, such as children who are addressed as Muhamasheen children, children born out of wedlock and children with disabilities have access to basic services and enjoy their rights under the Convention; and</p> <p>(c) Take all the necessary measures to eliminate societal discrimination against women and girls through public educational programmes, including campaigns organized in cooperation with opinion leaders, families and the media.</p> <p>D. Civil rights and freedom (arts.7, 8, 13-17, 19 and 37 (a) of the Convention)</p> <p>Birth registration</p> <p>37. The Committee is deeply concerned that although birth registration is free of charge, very low levels of birth registration persist in the State party. It is also concerned at the lack of reporting and monitoring of births taking place in homes, in particular in rural areas, as well as at corruption linked to birth registration as illegal fees are requested and birth certificates are also counterfeited.</p> <p>38. The Committee reiterates its previous recommendations and strongly urges the State party to ensure the registration of all births, including by raising awareness among government officers, midwives,</p> |
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| | <p>doctors, community and religious leaders; establishing civil registration mechanisms in hospitals as well as a registration and monitoring mechanism of births taking place in homes (CRC/C/OPSC/YEM/CO/1 para. 32). It also recommends that the State party take appropriate measures to tackle corruption, inter alia, by identifying and sanctioning those responsible for charging illegal birth registration fees and those responsible for counterfeiting birth certificates.</p> <p>Nationality</p> <p>39. The Committee is concerned at a discriminatory provision against children with disabilities contained in article 4 (b) of the Nationality Act No. 6 (1990), according to which one of the prerequisites for children born in the State party to foreign parents to acquire the Yemeni nationality, once they have attained majority, is not to have a disability.</p> <p>40. The Committee urges the State party to repeal any discriminatory provisions against children with disabilities in the National Act No. 6 (1990), in particular article 4 (b) and ensure that all children without discrimination of any kind have the right to acquire nationality.</p> <p>E. Violence against children (articles 19, 37 (a) and 39 of the Convention)</p> <p>Corporal punishment</p> <p>43. The Committee notes that the Ministry of Education issued Decree No. 426 (2012) prohibiting corporal punishment in schools. However, it is concerned at the challenges to the effective implementation of this decree, such as the lack of adequate monitoring mechanisms, the teachers' preconceptions regarding corporal punishment as a disciplinary measure and the lack of accountability mechanisms. It remains concerned that corporal punishment continues to be widely used within the family, in alternative care settings and as a sentence for a crime.</p> <p>44. The Committee urges the State party to: (a) Explicitly prohibit in its legislation all forms of corporal punishment</p> |
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| | <p>including by adopting the draft amendments package on the rights of the child;</p> <p>(b) Introduce sustained public education, awareness-raising and social mobilization programmes, involving children, families, communities, traditional and religious leaders, on the harmful effects, both physical and psychological, of corporal punishment, with a view to changing the general attitude towards this practice;</p> <p>(c) Ensure that legal proceedings are systematically initiated against those responsible for ill-treating children;</p> <p>(d) Promote positive, non-violent and participatory forms of child-rearing and discipline; and</p> <p>(e) Establish a child-friendly complaints mechanism.</p> <p>Abuse and neglect</p> <p>45. The Committee is concerned that domestic violence against children is widely associated with the assumption that parents have the right to physically punish their children as a form of discipline in the State party. It is further concerned at reports indicating that domestic violence against children could lead to their death or to disabilities and that children are also victims of sexual assault in the family sphere. The Committee notes with concern the absence of a legislative framework on domestic violence.</p> <p>46. The Committee urges the State party to adopt legislation on domestic violence and to amend the relevant legislation, including the Penal Code to criminalize domestic violence. The Committee, in line with its previous concluding observations (CRC/C/15/Add.267, para. 52), recommends that the State party:</p> <p>(a) Conduct awareness-raising and education programmes, including campaigns, aimed at preventing and responding to domestic violence, child abuse and neglect targeting parents, children and community members;</p> <p>(b) Establish a national database on all cases of domestic violence against children, and undertake a</p> |
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| | | <p>comprehensive assessment of the extent, causes and nature of such violence;</p> <p>(c) Establish a special complaints mechanism for children to report such ill- treatment, domestic violence and abuse;</p> <p>(d) Investigate all cases of abuse and ill-treatment of children, including all forms of abuse within the family, apply sanctions to perpetrators and ensure that publicity is given to decisions taken in such cases, with due regard to protecting the right of the child to privacy; and</p> <p>(e) Ensure that all child victims of abuse and neglect are provided with support and have access to a protective shelter and psychosocial support.</p> <p>E. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)</p> <p>Children deprived of a family environment</p> <p>51. The Committee notes the information provided by the State party with respect to the development of an alternative family care system. It reiterates its concern about the quality of care services provided to children placed in foster families (kafalah) as well as the lack of proper regulations and monitoring mechanisms and control of children placed under the kafalah system.</p> <p>52. The Committee recommends that the State party finalize the elaboration of its alternative family care system and ensures that it complies with article 25 of the Convention and that it takes into account the Guidelines for the Alternative Care of Children annexed to the United Nations General Assembly resolution 64/142 of 20 December 2009. It also recommends that the State party:</p> <p>(a) Ensure adequate safeguards and clear criteria, based on the needs as well as on the best interests of the child, for determining whether a child should be placed in alternative care;</p> |
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| | <p>(b) Provide support and guidance to the most vulnerable families in order to prevent the placement of children in alternative care and to promote the permanence of children within their families;</p> <p>(c) Ensure periodic review of the placement of children in kafalah and institutions, and monitor the quality of care therein, including by providing accessible channels for reporting, monitoring and remedying maltreatment of children; and</p> <p>(d) Ensure that adequate human, technical and financial resources are allocated to alternative care centres and relevant child protection services, in order to facilitate the rehabilitation and social reintegration of children resident therein to the greatest extent possible.</p> <p>F. Disability, basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)</p> <p>Children with disabilities</p> <p>53. The Committee notes the efforts of the State party to ensure the rights of children with disabilities through the Disability Fund for Care and Rehabilitation as well as through the Social Fund for Development. However, it remains concerned about the lack of accurate disaggregated statistical data on children with disabilities. It is also concerned about the lack of information on the extent and quality of services provided to children with disabilities, their actual access to health care, integration and rehabilitation services, education as well as measures in place to ensure accessibility to public buildings and public transportation.</p> <p>54. The Committee recommends that the State party adopt the draft National Strategy for Disabilities and ensure that it includes a child rights-based approach to disability, in light of article 23 of the Convention and the Committee’s general comment No. 9 (2006) on the rights of children with disabilities. In line with its previous concluding observations (CRC/C/15/Add.267, para. 54) the Committee recommends that the State party:</p> <p>(a) Conduct an assessment on the overall situation of children with disabilities as well as on the extent and</p> |
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| | | <p>quality of services provided by the Disability Fund for Care and Rehabilitation and the Social Fund for Development to children with disabilities;</p> <p>(b) Allocate adequate human, technical and financial resources to support their families and ensure the enjoyment of their rights; and</p> <p>(c) Take the necessary measures to ensure accessibility in public buildings and public transportation to children with disabilities.</p> <p>H. Other special protection measures (arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32- 36 of the Convention)</p> <p>Asylum-seeking and refugee children</p> <p>75. The Committee notes the efforts of the State party to address the situation of refugee and asylum-seekers, in particular Somalis and Ethiopians. However, the Committee is concerned that legal status of refugees and asylum-seekers is ruled by a decrees and legal provisions which are applied inconsistently and in an ad hoc manner. It is further concerned at:</p> <p>(a) The high number of unaccompanied children and/or children separated from their families who arrive to the State party in mixed migration flows and the absence of a mechanism in place to provide protective measures, including the appointment of guardians;</p> <p>(b) The detention of refugee and asylum-seeker children, including unaccompanied children, because of illegal entry into the State party, in detention facilities for adults situation which expose them to a high risk of sexual abuse;</p> <p>(c) Cases of sexual violence against refugee, asylum-seeker and internally displaced children; and</p> <p>(d) The difficulties faced by refugee and asylum-seeker children born out of wedlock or without a father as a result of separation or death during fight to have access to birth certificates.</p> |
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| | | <p>76. The Committee recommends that the State party adopt a comprehensive legal framework for refugees and asylum seekers in line with international standards and to develop an efficient and well founded cooperation mechanism with UNHCR to identify and provide assistance to children in need of protection, especially unaccompanied refugee and asylum seeking children. The Committee also urges the State party to:</p> <p>(a) Establish a mechanism to provide protective measures for unaccompanied children, including the appointment of guardians to, inter alia, assist children with the relevant processes and procedures;</p> <p>(b) Ensure that unaccompanied children, refugees and asylum-seeking children are not detained because of illegal entry/stay and have effectively the right to seek asylum and to stay in the State party until the end of asylum procedures;</p> <p>(c) Ensure the provision of adequate medical treatment, mental health care and psychosocial support to refugee, asylum-seekers and internally displaced children victims of sexual violence;</p> <p>(d) Ensure that all children born on its territory are properly registered at birth, without discrimination and regardless of the status of their parents and that they fully enjoy their economic, social and cultural rights; and</p> <p>(e) Ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.</p> <p style="text-align: center;">Country Report</p> <p>CRC/C/YEM/4 23 October 2012 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fYEM%2f4&Lang=en</p> |
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| OPSC to CRC | Ratification Date | Care-Related Concluding Observations |
|----------------------------|--------------------------|--|
| | 15 December 2004 | |
| OPAC to CRC | Ratification Date | Care-Related Concluding Observations |
| CRC/C/OPAC/YEM/CO/1 | 2 March 2007 | 31 January 2014 http://tbinternet.ohchr.org/Treaties/CRC-OP-AC/Shared%20Documents/YEM/CRC_C_OPAC_YEM_CO_1_16310_E.pdf |
| OPIC to CRC | Ratification Date | Care-Related Concluding Observations |
| | 24 September 2013 | |
| ICCPR | Ratification Date | Care-Related Concluding Observations |
| | 9 February 1987 | |
| ICESCR | Ratification Date | Care-Related Concluding Observations |
| | 31 July 1978 | |

| CEDAW | Ratification Date | Care-Related Concluding Observations |
|------------------------------------|------------------------------|---|
| | 30 May 1984 | |
| CRPD | Ratification Date | Care-Related Concluding Observations |
| | 26 March 2009 | |
| UPR | Date of Consideration | Link to Page |
| | | |
| Hague Intercountry Adoption | Ratification Date | Link to Country Profile |
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Acronyms and Abbreviations:

- CEDAW Convention on the Elimination of All Forms of Discrimination against Women
- CRC Convention on the Rights of the Child/Committee on the Rights of the Child
- CRPD Convention on the Rights of Persons with Disabilities
- ICCRP International Covenant on Civil and Political Rights

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| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| OPAC to CRC | Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict |
| OPSC to CRC | Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography |
| OPIC to CRC | Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure |
| UN | United Nations |
| UPR | Universal Periodic Review |