Child Rights References in the Universal Periodic Review

Summary:
A compilation of extracts featuring child-rights issues from the reports submitted to the first Universal Periodic Review. There are extracts from the 'National Report', the 'Compilation of UN Information' and the 'Summary of Stakeholder's Information'. Also included is the 'Final Report' and 'Conclusions and Recommendations' from the Review.

Yemen - 5th Session - 2009
11th May 2009, 2.30pm to 5.30pm

National Report

(b) Domestic laws in force: In addition to the constitutional provisions that guarantee equal citizenship as well as rights and freedoms to all citizens, Yemen has enacted laws to support those provisions and ensure that they are implemented in practice, in particular:

• The Rights of the Child Act, No. 45 of 2002, which focuses on children, highlighting their special needs and emphasizing their best interests; the provisions of the Act are in conformity with those of the Convention on the Rights of the Child.

• The Juvenile Welfare Act, No. 24 of 1992, which guarantees special safeguards for juvenile offenders and ensures that measures consistent with their legal status are implemented with a view to their rehabilitation.

7. The human rights situation on the ground
(c) Yemeni children

• The Rights of the Child Act sets the age of majority at 18 years, in line with the Convention on the Rights of the Child.

• Adoption of the National Strategy for Children and Young People.

• Establishment of centres for the care and rehabilitation of street children and child workers and provision of facilities and resources for their reintegration into society.

• Lowering of the under-five mortality rate from 102 to 78 per 1,000 live births.

• Raising of the routine immunization coverage rate for quintuple and polio vaccines to 87 per cent.

• Protection of Yemeni children from the risks of child-smuggling; implementation of awareness campaigns to counter the smuggling of children to neighbouring countries in cooperation with the United Nations Children’s Fund (UNICEF); and equipment of a special centre in the Ministry of Human Rights to monitor cases of smuggling and to receive reports and complaints in this regard.

• In coordination with the Government, the Democratic School is overseeing the elections to the Children’s Parliament. The political leadership follows these elections with keen interest, since they develop young people’s awareness of the importance of political participation and opens up their minds to democratic thinking.

• The Government is paying increasing attention to the role of orphans and young people, and is providing them with appropriate educational and cultural tools and ensuring a calm and stable environment for their intellectual, physical and psychological development.

(e) Education

Following unification in 1990 and throughout the intervening period, Yemeni society has experienced far-reaching changes in the field of education. The education systems were integrated and harmonized and growing importance was attached to educational policy. The Constitution of the Republic of Yemen guarantees the right of every citizen to education. Education has also been given high priority in the Government’s plans. Among the general goals set out in the development strategy, the State undertakes to make basic education available to all citizens; to expand secondary and higher education; to promote access to technical and vocational education; to extend educational services to disadvantaged areas; to promote girls’ education and welfare, especially in rural areas; to develop and support technical and vocational training; to increase the number of students attending such courses and to raise awareness of its importance; to improve and develop teacher training courses; and to promote and develop literacy and adult education. Furthermore, the education plans provide for a set of policies and measures designed to achieve a variety of objectives, including the construction and maintenance of educational facilities; improvement of school management skills; increasing enrolment in basic and secondary education; promotion of involvement of the private sector in educational activities; curriculum development and guidance; implementation of the school map; development and improvement of the examination system; reduction of school wastage such as academic failure and dropping out;
meeting the needs of society and the requirements of development, while ensuring that qualifications are of a high quality and are linked to the labour market. Other aims include expansion of university projects in the governorates; oversight of community universities; raising of levels of admission to fields of scientific specialization; and improvement of university administration. With a view to achieving these aims, the Ministry of Education developed a basic education strategy in 2001 and proposed the adoption of a fast-track plan based on the strategy with effect from October 2002. As a result, Yemen was admitted to the Fast-Track Initiative at a meeting in Paris in 2003. The Yemeni Government has made considerable progress in raising standards at the different levels of education. The most important points are highlighted below.

1. General education
   • A commitment to the standardization of curricula and educational administration, in accordance with the provisions of the Education Act, and to the elimination of duplication and overlapping
   • Completion of the school map project with a view to ensuring the equitable distribution of educational establishments and effective school management
   • Special action in support of education for girls, inter alia through continued implementation of the relevant national strategy
   • Free education for all, improvement of the quality of general education and restructuring of general education establishments
   • Promotion of community-based and private education; catering for outstanding students and giving them priority for grants to study abroad
   • Expansion of infrastructure, capacity-building, and development and modernization of education and training curricula
   • Development of secondary education through the adoption of a national secondary education strategy, and preparation by development partners of a secondary education project
   • School fee exemption for girls enrolled in the first to the sixth grade and for boys enrolled in the first to the third grade of basic education
   • Two studies of the educational situation of girls in Yemen, and a national review of projects undertaken in support of education for girls in Yemen

2. Complication of UN information

3. While welcoming the adoption of the Rights of the Child Act No. 45 of 2002, 25 the Committee on the Rights of the Child (CRC) remained concerned that the existing legislation in Yemen does not fully reflect the principles and provisions of the Convention, e.g. regarding the definition of the child, family law and the administration of juvenile justice. 26 Similarly, the Committee on the Elimination of Discrimination against Women (CEDAW) was concerned, inter alia, that, substantial parts of Yemen’s legal system remains in contradiction to the CEDAW 27 and urged Yemen to incorporate the principle of equality between women and men in its Constitution, or other appropriate legislation, in line with article 2 (a) of the Convention, and reflect fully the definition of discrimination contained in article 1 of the Convention in its national legislation. 28

4. In 2005, CRC was deeply concerned at the persistence of discriminatory social attitudes against girls and was concerned at the disparities in the enjoyment of rights and social discrimination experienced by, inter alia, children addressed as Akhdam, children born out of wedlock, children with disabilities, children living or working on the street and children living in rural areas. 58 It recommended that Yemen prioritize and target social services for such children. 59

5. In 2005, CRC expressed its deep concern at the information that many children are trafficked to a neighbouring country often with the support of their parents. 76 It recommended that Yemen strengthen its efforts to address this problem and prevent children who are sent back from ending up in the streets. 77 It also recommended that Yemen develop a comprehensive strategy to address the increasingly high number of street children. 78

6. While noting the existing health policies and programmes, CEDAW was concerned about the high rate of infant, child and maternal mortality in Yemen, and the limited access to health care services and family planning, especially in rural areas. 110 Similar concerns were raised by CRC and CESCR. 111 The 2007-2011 United Nations Development Assistance Framework (UNDAF) report noted that prevailing social and cultural norms constrain the use of family planning. Much of the lack of access, even to physically accessible services is due to social restrictions on movement of women and the absence of female health workers. 112

7. CRC was concerned at the existence of harmful traditional practices in certain regions of Yemen, including female genital mutilation (FGM), early marriages and deprivation of education. 113 CEDAW noted with concern the serious health complications for girls and women arising out of the practice of FGM. 114 CEDAW urged Yemen to adopt without delay the Safe Motherhood Law recently presented to the Parliament, which includes provisions prohibiting any practice that endangers women’s health, such as early marriages and female genital mutilation, in addition to ensuring the provision of contraceptives in all health centres. 115

8. Summary of Stakeholder compilation

9. The Global Initiative to End All Corporal Punishment of Children (GIEACPC) noted that corporal punishment of children is lawful in the home, that article 146 of the Children’s Rights Act (2002) confirms the “legislative rights of parents to discipline their children” and that laws against violence and abuse are not interpreted as prohibiting corporal punishment in childrearing. It indicated that, as at May 2008, draft amendments to the Penal Code included the addition of an article which restricts but does not prohibit corporal punishment of children, prohibiting only that which causes severe injury and prohibiting food and drink deprivation. 44 GIEACPC noted that corporal punishment is prohibited in schools45and is lawful in alternative care settings and as a disciplinary measure in penal institutions. 47 It reported that in the penal system, corporal punishment – including stoning, flogging and amputation – is lawful as a
sentence for crime and that the Children’s Rights Act does not prohibit doctrinal punishments, and provides for a child over 10 years to be given reduced sentences under the Penal Code. GIEACPC indicated that the Penal Code and the Code of Criminal Procedure allow for sentences of retribution (qasas) and doctrinal punishment (hadd), including “loss of life or limb”.48

35. HRITC/YOHR stated that the right to education has also declined, as the rate of enrolment in basic and high education remained low among a wide group of the poor population, particularly in the rural areas. It noted that the illiteracy rate in Yemen reached 50 per cent according to the World Bank report, and that it reached 40 percent according to the Ministry of Education.78

For the final report, including conclusion and recommendations, click here