

## INFORMATION NOTE

18<sup>th</sup> session of the Universal Periodic Review – Human Rights Council

2<sup>nd</sup> UPR of Yemen: 31 January 2014

Previous UPR of Yemen: 11 May 2009 (8<sup>th</sup> session of the UPR)

**Troika:** Congo, the Czech Republic and Vietnam

### Summary of child related issues

#### **I- Issues pertaining to juvenile justice and the rights of the child in general:**

##### 1. Issue n°1: **Juvenile detention**

Delegations	Recommendations	Responses by Yemen
Czech Republic	Ensure that special attention is paid to cases where the age of alleged juvenile offenders is in dispute while fully respecting international human rights law.	
Chile	Take measures to combat forced disappearances, collective arrests without a warrant and arbitrary detention without presentation of charges.	

##### 2. Issue n°2: **Death penalty**

Delegations	Recommendations	Responses by Yemen
Czech Republic	Impose a moratorium on the death penalty with a view to abolishing the capital punishment. Further with regards to numerous cases of juvenile offenders facing death penalty.	
Italy	Comply with the minimum international standards regarding capital executions, also by further implementing the already existing national legislation that protects juveniles and mentally impaired from being sentenced	

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	to death.	
Belgium	Respect the Convention on the Rights of the Child, to which Yemen is party, in regard to the death penalty.	

### 3. Issue n°3: **Children's rights within legislation**

<b>Delegations</b>	<b>Recommendations</b>	<b>Responses by Yemen</b>
Chile	Continue efforts to adopt and implement legislative and administrative measures for the promotion and protection of the rights of the child.	
Guatemala	Spare no effort so as to expedite the guarantee of the rights of the child at the constitutional level.	
Senegal	Establish an institutional framework which protects the rights of the child and guarantees implementation of these rights.	
Colombia	Protect and promote the human rights of the entire population, particularly the most vulnerable groups such as women, children and minorities; and include these rights in the upcoming constitutional review process.	
Ireland	Adopt a comprehensive strategy which is grounded in human rights principles, in particular non-discrimination and equality, to combat malnutrition and further reduce the mortality rates of children under five.	
Portugal	Sign and ratify the Optional Protocol to the ICESCR and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.	

### 4. Issue n°4: **Children involved in armed conflict**

<b>Delegations</b>	<b>Recommendations</b>	<b>Responses by Yemen</b>
Eritrea	Ensure the safety of children in particular through taking steps to protect them from taking part in armed conflicts.	

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Italy	Further increase the efforts in order to totally eradicate the recruitment or use of children by armed forces and armed groups.	
Slovenia	End the recruitment and use of children in armed forces as a matter of priority by the government forces and the opposition armed groups and to release those who have already been recruited (Slovenia); Fully implement the adopted action plan on the recruitment of children to the armed forces and take into consideration the relevant recommendations made by the Secretary General in his annual report on children and armed conflict.	
United States of America	Continue activities to protect and promote the rights of children by taking steps – such as implementing the Action Plan on Child Soldiers – to eliminate the unlawful recruitment and use of child soldiers.	
Botswana	Intensify efforts to end harmful traditional customs such as female genital mutilation; and recruitment of child soldiers.	

## 5. Issue n°5: **Children’s wellbeing in general**

<b>Delegations</b>	<b>Recommendations</b>	<b>Responses by Yemen</b>
Mexico	Take all necessary measures to abolish in practice cases of early and forced child marriages.	
Uruguay	Step up necessary measures to eradicate harmful traditional practices, especially those affecting girls, and those that are harmful to the physical and psychological well-being of children in general.	
Netherlands	Implement the recommendation of its National Dialogue Conference to set the minimum marriage age at eighteen years in line with its obligation under the Convention on the Rights of the Child to take measures with a view to abolish practices detrimental to the health of children.	
Germany	Take effective measures to end the practice of early, forced and child marriage,	

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	including by setting a minimum marriage age of 18 years for both genders.	
Ireland	Adopt and implement legislation setting the minimum age of marriage at 18 years, as recommended by the National Dialogue Conference, and raise awareness of the negative effects of child marriage.	
Canada	Promptly investigate any continued allegations of child, early and forced marriage, especially in the case of young girls, and undertake measures to prevent girls from being forced to withdraw from school.	
Denmark	Take urgent steps to follow up on the recommendation which was made at the National Dialogue Conference that recommended a universal minimum age of Marriage of 18 years and ensure that an appropriate legal framework is put in place to prevent marriage for children under the age of 18.	
Libya	Incorporate the proposed recommendation of the National Dialogue Conference, to set the minimum age for marriage at 18 years for men and women equally, in the Yemeni legislation.	

## II- Other relevant issues with *positive feedbacks* by the States present at the review:

- *Ecuador* welcomed the adoption of the Action Plan on child labour.
- *Egypt* appreciated the open approach in dealing with the international mechanisms for human rights for the past two years, in addition to the notable efforts to enhance the rights of women, children and people with disabilities.
- *Ethiopia* noted the progress made in primary education and in promoting gender parity in education.
- *Indonesia* was pleased with the submission of the National Human Rights Institution Bill to Parliament.
- *Norway*, as well as many other nations, welcomed the National Dialogue Conference, attended by many women and young people.
- *Oman* noted efforts taken to enhance and protect human rights by developing many strategies and national plans to improve education, training and youth employment.

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- *Senegal* welcomed efforts to enhance the protection and promotion of human rights and implement a transitional stabilization and development programme. It highlighted programmes developed specifically for children with special needs and from poor backgrounds.
- *Bhutan* commended Yemen on the establishment of the 2011 independent commission of inquiry into human rights abuses, and on measures to eliminate discrimination against women and the exploitation of children. It noted poverty and unemployment were major challenges.

### **III- Other relevant concerns by the States present at the review:**

- *Congo* expressed concern about discrimination against women and girls, the situation of minors in conflict with the law, among others.
- *Ireland* expressed concern about the death penalty for juveniles, widespread malnutrition among children under 5 and the critical problem of stunting. It was concerned that the minimum marriageable age had not been set and that child marriage was a major factor in malnutrition and a root cause of female illiteracy.
- *Japan* concerned with unequal school enrolment rates for boys and girls, early marriage, and reports of unlawful arrests and torture by law enforcement authorities.
- *Slovenia* concerned with the capital punishment for juvenile offenders imposed de facto and that children recruitment into the armed forces continued in Yemen.
- *United States of America* concerned by violence against women and journalists, child recruitment into armed groups and continued imprisonment of persons detained by the former regime.
- *Guatemala* concerned about the lack of constitutional protection of children's rights and of a clear and consistent definition of the child applicable in all legal texts.
- *Botswana* was concerned about reports of human rights violations, including restrictions on freedom of expression, religion, association and peaceful assembly, torture, amputations, domestic violence, trafficking of women and children, use of child soldiers and arbitrary detentions.
- *Denmark* enquired about progress in removing juvenile prisoners from death row and implementing the National Action Plan for the eradication of FGM.

### **IV-Adoption of the report: recommendations accepted by Yemen**

- There was no article in Yemeni law that authorized the imposition of a death penalty on juveniles. A Committee had been established with the assistance of experts from Jordan to ensure that children were not executed by identifying their exact age. Of the 25 detainees suspected of being children on death row, only three had been found to be under 18 and their sentences had been revised.

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