International Disability Alliance (IDA)

Member Organisations:

Suggestions for disability-relevant recommendations
Human Rights Committee, 104th Session (12 – 30 March 2012)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the State Report and List of Issues.

**YEMEN**


[State Report](#)

**References to persons with disabilities in the State Report:**

42. The legal analysis paper identifies the articles of the Constitution and the main domestic laws and regulations on criminal justice. It examines each article and compares the provisions in the analysis with the corresponding entry in the list of rights. The laws reviewed were: the Code of Offences and Penalties; the Code of Criminal Procedures; the Department of Prisons Regulation Act; the implementing regulation for the Department of Prisons Regulation Act; the Judicial Authority Act; the Civil Code; the Code of Pleadings; the Law Profession Regulation Act; the Children’s Rights Act; the Juvenile Welfare Act; the Disabled Persons Welfare Act; the Abduction and Highway Robbery Act; the Code of Military Offences and Penalties; the Press and Publications Act; the implementing regulation for the Juvenile Welfare Act; and the Act to Counter the Trafficking and Illegal Use of Drugs and Psychotropic Substances. The analysis also looked at how far the principle of equality before the law was applied to women, children and persons with disabilities.

**Article 14**

**Paragraph 4: Procedures to take account of the age of juvenile persons and the desirability of promoting their rehabilitation**

201. The amendments cover several articles on the rights of children in conflict with the law. Such children must be afforded treatment which safeguards their dignity, strengthens their respect for the rights of others, takes account of the difference in the level of criminal responsibility based on the age of the child and promotes children’s social reintegration.… Article 46 bis of the regulation sets out the rules on the following matters:

(a) The working methods of social workers, experts and monitors;

(b) The procedures for transferring and accompanying minors from one area to another in Yemen and abroad;
(c) The conditions for granting leave and visit rights;
(d) The procedures for transferring minors with psychological disorders, mental impairments or disabilities to treatment centres.

**List of Issues**

23. According to information before the Committee, there is no segregation in detention and prison facilities between juveniles and adults. It is reported that female detainees have been raped partly because of lack of female personnel in female prisons. Please explain the measures taken, if any, to ensure that juveniles and adults are separated in detention and prison facilities. What procedures exist whereby a complaint of ill-treatment by prison or other officials in places of detention, including in psychiatric institutions, can be filed and duly investigated, perpetrators brought to justice and victims offered redress and compensation.

**IDA suggested Recommendations**

**Articles 2 and 26**
- Adopt legal measures which explicitly prohibit disability-based discrimination, including the denial of reasonable accommodation (see Article 5 on non-discrimination, CRPD)
- Take urgent measures to ensure the collection of disaggregated data on persons with disabilities in order to develop targeted policies and programmes to promote their equal opportunities of participation in society.

**Articles 3 and 7**
- Address the heightened risk for women and children with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and children with disabilities.

**Articles 7 and 9**
- Take steps to remove children with disabilities from institutions and to develop community-based services and support to ensure that families can care for their children at home. Equally, adopt measures to ensure that adults with disabilities can benefit from community-based services and live in the community.

**Articles 2, 7, 10 and 26**
- Adopt measures to ensure that all health care and services provided to children and adults with disabilities, including all mental health care and services, are based on the free and informed consent of the individual concerned, and that involuntary treatment and confinement are not permitted by law. Ensure that reproductive health services are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law.

**Article 14**
- Ensure the effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations and support, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, in accordance with Article 13 of the CRPD.
Article 16

- Reform the law in accordance with Article 16, ICCPR and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify any person from exercising his or her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned. (See also report of Special Rapporteur on Torture, 28 July 2008, A/63/175, paras 73 and 44)

ANNEX - Disability references in treaty body Concluding Observations with respect to Yemen

CESCR Committee Concluding Observations on Yemen, May 2011, E/C.12/YEM/CO/2

6. The Committee notes with regret that the State party has not yet established an independent national human rights institution. The Committee recommends that the State party establish an independent national human rights institution with a mandate that also covers economic, social and cultural rights, and is in compliance with the Paris Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights.

7. The Committee is deeply concerned about the widespread manifestations of discrimination in Yemen against disadvantaged and marginalized individuals and groups, in particular women, which often bear a structural character. The Committee recommends that the State party adopt a comprehensive anti-discrimination law, addressing all disadvantaged and marginalized sectors of the society. The Committee invites the State party to draw guidance in these endeavors from its General Comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

12. The Committee is deeply concerned about continued discrimination and marginalization of persons with disabilities, in particular regarding the access of women and girls with disabilities to employment (art.6). The Committee recommends that the State party take steps to eliminate discrimination and stigma attached to disabilities in all spheres of life. Urgent measures are recommended to counter the discrimination of women and girls with disabilities in accessing employment. The Committee recommends the State party to ensure that an appropriate percentage of government jobs is made available to persons with disabilities.

24. The Committee is concerned about the very high level of poverty prevailing in the State party, in particular in the Amran, Shabwah and Al-Bayda governorates. The Committee recommends that the State party strengthen its efforts to combat poverty, paying special attention to the most disadvantaged and marginalized individuals and groups, including children and people living in rural areas. To that end, the Committee recommends that the State party adopts a new National Development and Poverty Reduction Plan, supported by an effective, participatory and transparent monitoring and implementation mechanism. The Committee draws the attention of the State party to its Statement on Poverty and the International Covenant on Economic, Social and Cultural Rights (E/C.12/2001/10, 10 May 2001).

25. The Committee is concerned about the extent of malnutrition in the State party, the high rates of wasting, underweight and stunting, as well as rising household food insecurity, especially in rural areas. The Committee expresses its deep concern that this situation has been aggravated by the rise in food prices. The Committee is also concerned that a disproportionate portion of agricultural land is allocated to the...
The Committee recommends that the State party adopt effective and urgent measures to combat hunger and malnutrition, especially child malnutrition, and take urgent measures to offset the negative impact of rising food prices on family budgets, especially in the case of disadvantaged and marginalized individuals and families. The Committee invites the State party to draw guidance in these endeavors from its General Comment No.12 (1999) on the right to adequate food.

29. The Committee is deeply concerned about the continued discrimination of persons with disabilities, in particular women and girls with disabilities, regarding their access to education (art.13 and 14). The Committee recommends that the State party take urgent measures to ensure the implementation of inclusive education of children with disabilities, including through:

(a) mandatory training of all teachers (beyond special education teachers);
(b) individual education plans for all students;
(c) availability of assistive devices and support in classrooms, and educational materials and curricula;
(d) barrier-free physical access to schools and their facilities;
(e) teaching of sign language;
(f) the allocation of sufficient financial resources; and
(g) enforcement of the legally established exemption from payment of university tuition fees for persons with disabilities.

CRC Committee Concluding Observations, 2005, CRC/C/15/Add.267

53. While acknowledging the efforts made by the State party, the Committee remains concerned at the numerous problems faced by children with disabilities. It is particularly concerned about the lack of:

(a) accurate disaggregated statistical data on children with disabilities;
(b) A comprehensive government policy for children with disabilities; and
(c) integration of children with disabilities into the regular schooling system.

54. The Committee recommends that the State party:

(a) Collect accurate disaggregated statistical data on children with disabilities;
(b) Establish a comprehensive policy for children with disabilities;
(c) Review the situation of children with disabilities, in terms of their access to employment, education, housing and health-care facilities, and allocate adequate resources to strengthen services for children with disabilities, support their families and provide training for professionals in this field;
(d) Formulate a strategy, one which includes appropriate teacher training, to ensure that all children with disabilities have access to education, and whenever possible they are integrated into the mainstream education system;
(e) Ensure accessibility to all public buildings as well as to the transport system;
(f) Take note of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee’s recommendations adopted at its day of general discussion on the rights of children with disabilities (CRC/C/69, paras. 310-339); and
(g) Seek technical cooperation from, among others, UNICEF and WHO.