



Refugee Documentation Centre (Ireland)  
LEGAL AID BOARD

## **Yemen: Researched and compiled by the Refugee Documentation Centre of Ireland on 4 February 2011**

### **Information on social attitudes in Yemen towards children born out of wedlock. As adults, are people born out of wedlock discriminated against (by the state or society?) Are there any NGOs to offer help to people in this situation?**

A *UN Human Rights Council* report, in a section titled “Equality and non-discrimination” (paragraph 14), states:

“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. It recommended that Yemen prioritize and target social services for such children.” (UN Human Rights Council (9 March 2009) *Compilation Prepared by the Office of the High Commissioner for Human Rights, in accordance with paragraph 15(b) of the Annex to Human Rights Council Resolution 5/1 – Yemen*, p.6)

A report published by the *NGO Group for the Convention on the Rights of the Child*, in a paragraph headed “Birth Registration”, states:

“The Committee stated that the authorities were aware of unregistered births, but the report did not indicate the measures taken to register children. The Delegation acknowledged the lack of birth registration in remote areas. There was an attempt to link registration with school enrolment, but the State was worried it would dissuade parents from sending their children to school. When a child was born out of wedlock it was given the mother’s name. A child with a Yemeni mother and foreign father received Yemeni citizenship until the age of majority when he had to choose between the father and mother’s nationality. The Delegation also indicated there were no fees for documentation or registration.” (NGO Group for the Convention on the Rights of the Child (1 June 2005) *CRC 39: Yemen reporting to the Committee on the Rights of the Child*)

In a paragraph headed “Discrimination” this report states:

“The Committee asked if there was a word for ‘illegitimate child’ in Arabic or if the term born out of wedlock was used. It was also greatly concerned about the discrimination against girls and indicated that it was important to raise the position of women and children. The Committee noted Yemen’s great effort to address their lack of status. It also remarked on the different treatment of unmarried girls and boys if girls got pregnant. It emphasized the need to get rid of discrimination against women as it fostered family violence.” (ibid)

A German-language response from the *Austrian Centre for Country of Origin and Asylum Research and Documentation* quotes an English-language *Yemen Times* article published in 1998 as follows:

“Yemeni law recognizes only formal marriage. Any other relationship such as cohabitation or common law marriage are considered a crime - adultery, punishable by the Yemeni penal law. Any child borne out of wedlock is considered illegitimate and is given a name different to his biological father's. In reality, society usually imposes marriage on the couple.” (Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (21 August 2008) *Eherecht (gesetzliche Form der Eheschließung, Zustimmung der Familie, Regelungen zur Heirat von Jemenitinnen mit Ausländern)*)

A *Yemen Times* article on children with unknown fathers states:

“Raja’ gave birth to her baby, but found that she could not hand the new-born over to her friend. Instead, she went to the house of her sister pretending that the baby was in fact the abandoned child of her brother’s ex-wife. Despite her scheme, time uncovered the truth and society discovered that the baby was conceived out of wedlock and that the father is unknown. The baby is now three years old and still does not have a birth certificate. This is the case of many more children who have been abandoned by their fathers, leaving the responsibility on the mother’s shoulders. Society refuses to acknowledge them and, even when they enroll in school, teachers treat them badly simply because they do not know who their parents are. Sometimes, their mothers prefer not to keep them. They are left in the street or near a garbage can, or crying in front of the door of a shelter or a house.” (Yemen Times (25 March 2010) *Birth certificates for children without fathers*)

A *Yemen Observer* article on abandoned children states:

“An abandoned child has no right to a surname, which causes problems with officialdom and carries heavy stigma in Islamic societies. But Yemeni law does give abandoned children certain rights. For example, Yemeni law states that any abandoned child born on Yemeni soil has the right to Yemeni citizenship. 'Abandoned children here in Yemen are better off than in some neighbouring countries, because Yemeni law gives all abandoned children who have been born on Yemeni soil the right to hold Yemeni nationality,' said Nabela al-Mufti, a lawyer. She added that Yemeni law has not yet dealt with all the problems abandoned and illegitimate children face, but it has granted them some rights. 'These children have the right to a surname; the Civil Affairs Authority must give these children names and surnames, and register them under these names in the civil registry.'" (Yemen Observer (27 November 2007) *Lawyers: Abandoned children in Yemen have the right to citizenship*)

We hope this information is of use to you. If you have further questions, please do not hesitate to contact us.

**References:**

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD) (21 August 2008) *Eherecht (gesetzliche Form der Eheschließung, Zustimmung der Familie, Regelungen zur Heirat von Jemenitinnen mit Ausländern)*  
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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

#### **Sources Consulted:**

Amnesty International  
Child Rights Information Network  
Electronic Immigration Network  
European Country of Origin Information Network  
Freedom House  
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