



Country Profile of Yemen

A Review of the Implementation of the UN Convention on the Rights of the Child
August 2011

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The Child Rights Governance Programme in Save the Children Sweden's Regional Office for the Middle East and North Africa implemented the activities of the Manara Network: A Civil Society for Child's Rights in the Middle East and North Africa Region.

Work on Child Rights Governance aims to build societies that fulfil children rights by establishing and strengthening the infrastructure necessary for states to effectively implement the United Nations Convention on the Rights of the Child and other child rights obligations. It seeks to support a vibrant civil society pushing children up the political agenda and holding states to account for what they have or haven't done to realise children's rights. It is an effective strategy for impacting at scale the lives of millions of children, resulting in structural and lasting change.

Our long-term vision is that far more children have their rights fulfilled because:

- All states meet their obligations to monitor and implement children's rights
- A strong civil society, including children, holds states and the international community to account for children's rights

To advance this vision the Child Rights Governance Programme will have significantly contributed to two key objectives:

- Strengthened State institutions and mechanisms for the implementation and monitoring of children's rights,
- Increased awareness and capacity among civil society and children to promote children's rights and hold duty bearers to account

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*Save the Children's vision is a world in which every child attains the
right to survival, protection, development and participation.*

*Save the Children's mission is to inspire breakthroughs in the way
the world treats children, and to achieve immediate and lasting
change in their lives.*

*The Manara Network is a regional network focused on coordinat-
ing and promoting information and action on children's rights in the
Middle East and North Africa. Based on the belief that civil soci-
ety can and should play a key role in the protection and promotion of
human rights in general and child rights in particular, Manara aims
to support civil society organisations and children in the MENA
region in their role as advocates and active development partners for
the rights of the child.*

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Foreword

The project “Manara Network: A Civil Society for Child’s Rights” was designed and has been implemented by Save the Children Sweden in a time when the Middle East has experienced an Arab spring.

Our partners, the International Bureau for Children’s Rights and SOUL for Development, were key in producing this country report, a component of the Manara Network project.

The objective of this innovative project is to assure and contribute to effective development and implementation of policies, strategies and legislation in line with the Convention on the Rights of the Child at the national and regional levels in Middle East and North Africa countries. The overall project aim is to establish a regional child rights network of civil society organisations by supporting and strengthening the capacity of local organisations in four main components: analysis and reporting, coordination and networking, advocacy and child rights programme mainstreaming with a high degree of children’s participation. During the year, children across the region have been actively involved in the newly-developed child-led data collection. Based on their findings, the children developed their own animated movies for advocacy purposes, which can be found at www.manaracrc.org.

On behalf of Save the Children Sweden’s Regional Office for the Middle East and North Africa, I am happy to introduce you to one of the key components of the Manara project, the country profile, a report highlighting the commendable practices implemented by government, civil society (parents, non-governmental organisations, media, religious leaders, etc.) and the international com-

munity (United Nations agencies and international non-governmental organisations) towards compliance with the Convention on the Rights of the Child and its Optional Protocols.

The country profile component of the Manara project is a rigorous and exhaustive report on the status of the implementation of the Convention on the Rights of the Child. It aims to be a resource for identifying gaps and challenges on the status of the implementation of the Convention, to highlight the recommendations of the Committee on the Rights of the Child on specific matters, and to identify commendable practices implemented by the State, civil society and the international community in addressing these issues.

We encourage its use as an inspiration to neighbouring countries, since the exchange of experiences presented in the country profiles can only lead to positive changes in the promotion and protection of children’s rights in the region. I would also like to thank the Swedish International Development Cooperation Agency and their regional office in Cairo who believed in this idea and made the funding available.

Sanna Johnson
Regional Director, Save the Children Sweden

Regional Office for the Middle East and North Africa



Acronyms

AHRF	Arab Human Rights Foundation	NMAC	National Mine Action Committee
CHF	Cooperative Housing Foundation International	NODS	National Organisation for Developing Yemeni Society
CRC	Convention on the Rights of the Child	NSMA	National Safe Motherhood Alliance
CSO	civil society organisation	SAF	Sisters Arab Forum
CSSW	Charitable Society for Social Welfare	UNDP/HARPAS	United Nations Development Programme HIV/AIDS Regional Programme in the Arab States
HCMC	Higher Council for Motherhood and Childhood	UNHCR	United Nations High Commissioner for Refugees
IDP	internally displaced people	USAID	United States Agency for International Development
ILO	International Labour Organisation	UXO	unexploded ordnance
ILO/IPEC	International Labour Organisation/ International Programme on the Elimination of Child Labour	YEMAC	Yemeni Executive Mine Action Centre
GDP	Gross Domestic Product		
GPC	General People's Congress		
HIV/AIDS	human immunodeficiency virus/ acquired immune deficiency syndrome		
MDGs	Millennium Development Goals		
MENA	Middle East and North African		
MoPHP	Ministry of Public Health and Population		
MoSAL	Ministry of Social Affairs and Labour		
NGO	non-governmental organisation		

Introduction

SOUL for Development

SOUL for Development wrote this country profile. It is a professional, non-profit, non-governmental organisation (NGO) founded in 1997 and operating in the Republic of Yemen. SOUL's activities aim at improving the status of children, youth and women in Yemen through the establishment of effective and sustainable development projects and services, as well as enabling the local community to build viable partnerships with civil society, private, international and governmental organisations. SOUL is committed to helping the women, youth and children of Yemen, implementing its main activities, projects and programmes in the fields of health, poverty reduction and education, as well as information and communications technologies. SOUL believes that all people must be given access to equal human rights, a fundamental component of any society seeking economic development, social harmony and a prosperous future.

The International Bureau for Children's Rights

Created in 1994 and based in Montreal, Canada, the International Bureau for Children's Rights (IBCR) is an international nongovernmental organisation (INGO) with special consultative status with the United Nations Economic and Social Council (ECOSOC). IBCR offers its expertise, particularly in the legal sector, for the protection and promotion of children's rights in conformity with the CRC and its Optional Protocols. IBCR is involved in projects around the world to facilitate the sharing of knowledge and good practices and the development of tools and models to inspire implementation of children's

rights. IBCR's expertise also lies in raising awareness about children's rights to persuade decision-makers to adopt laws and programmes that more effectively respect the rights of the child. In recent years, IBCR's main successes include its contribution to the elaboration of the Guidelines on Justice in Matters Involving Children Victims and Witnesses of Crime, as well as their adoption by the United Nations Economic and Social Council. IBCR worked with Save the Children Sweden and the various country partners to produce the following country profile.

Save the Children Sweden

Save the Children Sweden was established in 1919 as an independent rights-based NGO with no religious or political affiliations. The basis of its work is the United Nations Convention on the Rights of the Child (CRC) and the United Nations' Declaration on Human Rights. These build on the principles that all people are equal, children have special rights and everyone has a responsibility - but governments have a special obligation. We believe that children themselves can also fight for their rights, if they are given the chance to do so and if they receive support and encouragement.

Save the Children Sweden works both in Sweden and in eight regions around the world, carrying out its own programmes and in cooperation with other organisations. It is also part of Save the Children International, comprised of 27 Save the Children organisations. Save the Children's vision is a world in which every child attains the right to survival, protection, development and participation. Its mission is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.



About This Country Profile

All Middle East and North Africa (MENA) states have ratified the CRC since its adoption in 1989. Following ratification, MENA countries have enacted or proposed the enactment of laws to protect children from violence, abuse, neglect and exploitation. Some states have gone further, putting in place comprehensive mechanisms to prevent violations of children's rights, monitor the situation and ensure justice for victims of violations. However, despite these initiatives, the rights of children in the 17 countries of the region continue to face challenges.

In fact, child protection remains a sensitive issue in MENA countries, some of which have yet to comply fully with international standards. The nature and extent of child protection concerns varies from country to country, and includes issues such as violence against children, harmful practices (particularly female genital mutilation and early marriage), juvenile justice, exploitative child labour and birth registration. Children in Lebanon, Yemen, Iraq and the occupied Palestinian territory (oPt) have been exposed to political violence and conflicts, and have been affected by the deteriorating humanitarian situation. In other countries around the region, children also face violence, abuse, neglect and discrimination. However, all children deserve the full enjoyment of their rights, including the right to education, health, housing, and a basic standard of living, as well as the right to express their views, to be heard and to participate in matters concerning them.

About the Manara Network

Bearing in mind the importance of the role of civil society organisations (CSOs) in ensuring the respect, protection and fulfilment of children's rights, the project "Manara Network: A Civil Society for Child's Rights"¹ was

designed and implemented by Save the Children Sweden in collaboration with civil societies from the region.

This innovative project was made possible thanks to the funding of the Swedish International Development Agency.

The objective of the project is to contribute to the effective development and implementation of policies, strategies and legislation in line with the CRC in MENA countries but also at the regional level. The project aims to establish a regional child rights network of CSOs by supporting and strengthening the capacity of local organisations in four main components: analysis and reporting, coordination and networking, advocacy and child rights programming mainstreaming.

One of the components of the project is the production of a country profile. This report highlights commendable practices implemented by the government, civil society (including parents, local non-governmental organisations, media and religious leaders, among others) and the international community (both United Nations agencies and INGOs) to improve compliance with the CRC and, where applicable, its Optional Protocols.

The country profile component of the Manara project is two-fold: it includes the publication of a credible and exhaustive report on the status of implementation of the CRC in each country, but also involves strengthening the capacity of local CSOs in conducting research and analysis. To this end, the IBCR provided technical expertise and support to partners. During the project, a one-week training workshop on research methodology on children's rights was given on site to each partner, followed by a complementary training session a few weeks later. Throughout the project, the IBCR provided support

in drafting the report in order to ensure its credibility and reliability.

Methodology Used

In order to paint a clear picture of the situation of children's rights in its respective country, each partner conducted an exhaustive literature review

to identify existing reports and documents on all issues affecting the rights of children, followed by field research involving a series of interviews with identified stakeholders. Key respondents in relevant government ministries and institutions, local and INGOs, academics, unions and professional associations, media, religious authorities and United Nations agencies were contacted and interviewed. These interviews contributed to filling the gaps identified through the desk research. By meeting with relevant stakeholders, partners were able to gather information about the practices implemented by governmental and non-governmental actors following the recommendations of the Committee on the Rights of the Child in its latest Concluding Observations, as well as the challenges they faced.

The availability of respondents contacted in the course of the research for this project, and their willingness to share their experiences, allowed partners to identify praiseworthy initiatives implemented by a variety of stakeholders, at the same time as noting the gaps and overlaps that may prevent children from the full enjoyment and exercise of their rights. Therefore, the results of the research are based on responses given by a wide range of interlocutors in corroborating and completing data collected from

“Child protection remains a sensitive issue in MENA countries, some of which have yet to comply fully with international standards.”

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secondary sources, so as to depict as accurately as possible the situation of children's rights in the country.

The research and drafting of this country profile was undertaken by SOUL for Development staff members Fatima Kahtan, Shaima Alrai and Arwa Alawadi.

Constraints and Challenges

Besides the contextual challenges specific to each country, the writing of the country reports has faced some constraints. The lack of up-to-date statistical data or information was a challenge common to all partners. While each country has rather extensive expertise on children's rights, accessing it remains a challenge as reports and studies conducted by experts and other stakeholders are not available to the public. Also, taboos and cultural considerations sometimes prevented partners and respondents from having reliable and accurate data on issues that remain unspoken of, underreported and therefore, unaddressed. On the other hand, stakeholders were at times reluctant to share their experience on the initiatives implemented. Therefore, the report reflects only information that was corroborated by various stakeholders. In Yemen, these obstacles were particularly challenging, as reports and documents were only available on the internet.

Most of the research for the country profiles was carried out until January 2011, with final interviews for the corroboration of information or updates planned for the first semester. However, due to the political situation that prevailed in Yemen from late January, SOUL was unable to complete the report as planned. In addition, while some countries like Yemen have undergone major changes following the uprisings in the Middle East and North Africa, the reports do not reflect legislative amendments or projects implemented since the first semester of 2011.

Country Overview

1. Demographic and Geographic Presentation

Yemen lies in the south of the Arabian Peninsula and is bordered from the west by Oman and from the north by the Kingdom of Saudi Arabia. The Red Sea is to its east, and the Indian Ocean lays to its south. A number of islands in the Red Sea and the Socotra Island in the Arabian Sea belong to Yemen.¹⁴ Yemen is geographically divided into five main regions: the coastal plain, the mountain highlands, the mountainous basins, the plateau areas, and the desert areas.¹⁵

Generally, temperatures in Yemen are very high, reaching 42 degrees Celsius, especially in the coastal plain region. The mountain highlands enjoy a moderate, rainy summer with an average high temperature of 21 degrees Celsius, and a cool, moderately dry winter with temperatures occasionally falling below four degrees Celsius. Yemen's main natural resources are oil and natural gas. In addition, Yemen is agriculturally-productive land, especially in its west. Fish, seafood, marble, rock salt, copper, minor deposits of coal and gold are other less significant Yemeni natural resources.¹⁶

The Republic of Yemen has the highest total fertility rate (5.5 children) per woman in the Middle East and North African (MENA) region.¹⁷ In 2008, the total Yemeni population was 22,917,000, with a 2.9% annual population growth rate.¹⁸ The same year, the life expectancy at birth was 63 years for males and 66 years for females.¹⁹ The percentage of young people in Yemen is escalating because of its high birth rates—45% of the Yemeni population is under 15 years old²⁰ and 16% is under the age of five.²¹

The density of Yemen's population is 43.4 persons per square kilometre. In 2007, the urban population is increasing, comprising 30.1% of the total population.²² Yemen is divided administratively into 21 governorates, including the Capital Secretariat. These governorates are divided into 333 districts. Yemen's population is mainly Arab. The official language is Arabic. Almost all of Yemen's population is Muslim, save a Jewish minority.²³

2. Historic Overview

The name of Yemen was derived from the words for 'prosperity' and 'blessings'.²⁴ Because of its position on the ancient spice routes, Yemen, the reputed home of the Queen of Sheba, has been at the crossroads of Africa, the Middle East and Asia for thousands of years, and has been known as Arabia Felix.²⁵ Until the beginning of the 1960s, the Yemen Arab Republic (North Yemen) was ruled by imams, whereas South Yemen was a British colony. North Yemen's revolution took place in September 1962 and South Yemen revolted against the British in October 1963. The Republic of Yemen was established on 22 May 1990, unifying the People's Democratic Republic of Yemen (South Yemen) and the Yemen Arab Republic (North Yemen). Differences over power sharing and the pace of integration between the north and the south came to a head in 1994, resulting in a short civil war. The north's superior forces quickly defeated separatists from the south in July 1994.²⁶

Starting in July 2009, some 342,000 people have been registered as internally displaced people (IDPs) as a result of a conflict between the army and northern Houthi rebels belonging to the minority Shia Zaidi sect.²⁷ In February 2010, the government declared a ceasefire.²⁸

General Statistics on Yemen

Official Name	Republic of Yemen
Capital	Sana'a
Official/National Languages	Arabic
Type of Political Regime	Parliamentary republic/ Presidential republic
Date of Unification	22 May 1990
Date of Admission to the United Nations	30 September 1947 ²
Human Development Index (/177)	153/177 ³
Total Population	22,917,000 (2008) ⁴
Youth (under 18)	11,836,000 (51%) ⁵
Children (under 5)	3,733,000 (16%) ⁶
Density	43.4 persons per sq km, 2008 ⁷
Urban Population (%)	30.1% (2007) ⁸
Life Expectancy (male/female)	Male: 63 years/ Female: 66 years (2008) ⁹
Fertility Rate	5.5 (2007) ¹⁰
Literacy Rate	Above 15 years old: 60.9% ¹¹
People Living on Less than USD 2/day	45.2% (2003) ¹²
Average Annual Growth of GDP per Capita (%)	1.6 (1990-2007) ¹³

3. National Political System

The unification of the country under the Republic of Yemen marked a new era in its history, with the subsequent government following a liberal economic system and adopting democratic systems and political pluralism²⁹, which is exercised directly through referendums and general elections.³⁰

The bicameral legislature consists of a Shura Council of 111 seats whose members are appointed by the President and the House of Representatives, which has 301 seats and whose members are elected by popular vote to serve eight-year terms.³¹ The House of Representatives is the legislative authority of the State, adopting laws, approving general policy and budgets and exercising control over the Executive in the manner prescribed in the Constitution. The Executive authority is exercised by the President of the Republic, the Council of Ministers, and the Local Authority within the limits set forth in the Constitution. The President appoints the Prime Minister, who is the head of the government. The Prime Minister, in consultation with the President, selects the members of the Council of Ministers.³² A Judiciary is responsible for adjudicating in all disputes and crimes. Judges are independent and not subject to any authority, except that of the law.³³

In early 2009, the governing political party, the General People's Congress and the opposition agreed on electoral reform and constitutional amendments restructuring the government. Part of this agreement was the extension of the term of the sitting House of Representatives an additional two years, i.e. postponing the April 2009 national elections to 2011. The last presidential election took place in September 2006. Ali Abdullah Saleh, in power since 1978³⁴, was re-elected in this round. Subsequent elections were to take place in 2013, although widespread demonstrations gripped the country in 2011 calling for reforms



and new leadership and throwing Yemen's political system into turmoil.³⁵

4. Social and Economic Situation

Yemen has comparably high poverty rates, which in turn reflects upon indicators for health, education, gender and unemployment.³⁶ It is a developing country, ranked 153 out of 177 in the Human Development Index. From 1990 to 2007, the country's Gross Domestic Product (GDP) rose annually by 1.6% on average. In 2003, 45.2% of the population was living on less than two US dollars per day.³⁷

Oil is one of Yemen's natural resources, whose contribution to the GDP ranges from 30% and 40%. It also contributes to more than 70% of the revenues of the state budget and represents more than 90% of the value of Yemeni exports. Agriculture is the second major product, with contribution to the GDP ranging from 10% to 15%. Industry (excluding the oil industry) contributes between 10% and 15% of the country's GDP.³⁸

Yemen's trade with the outside world varies annually, depending on exports and imports. In 2010, exports were valued at approximately USD 7.462 billion and imports at USD 8.35 billion.³⁹

5. General Human Rights Situation

Human rights conditions in Yemen have deteriorated over the last couple of years. Many previous advances in legislation, the Constitution and the penal and criminal procedure codes were walked back by security measures adopted by the Government within the context of its fight against the Houthis in the north of Yemen and social and political conflicts in the south.⁴⁰

Since 2004, the Sa'ada governorate has been the site of recurrent fighting between government forces and tribal allies, on one hand, and the rebel Houthis, on the other.⁴¹ The sixth round of fighting that ended in February 2010 even expanded to involve neighbouring Saudi Arabia.⁴²

The Ministry of Information has almost full control of the media, constraining printing presses, granting newspaper subsidies, and (until recently) owning the country's first and only television and radio stations. Over the last four years, a number of television channels have been launched by various opposition groups.⁴³

Yemen levies the death penalty for a wide variety of offenses. In 1994, Yemen amended its Penal Code to reduce sentences for crimes committed by persons under 18.⁴⁴ However, implementation of this provision and a similar provision in the Juvenile Act have been hampered by Yemen's very low birth registration rate (45% in 2008)⁴⁵, which make it difficult for many juvenile offenders to prove their age at the time of the offense.⁴⁶

Yemen's Personal Status Law sets no minimum age for marriage of girls, stating instead that a girl "is not to be wed until she is ready for sex, even if she exceeds 15 years of age". **In April 2008, the House of Representatives rejected provisions in a proposed Safe Motherhood Law, introduced in 2005 to raise the minimum age of marriage to 18 years of age.**⁴⁷ **The House of Representatives is still studying a 2007 amendment project that includes a provision to raise the minimum age of marriage to 17 years of age.**⁴⁸

The Children of Yemen

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Tribal Yemeni society values children as the family's and/or the tribe's 'human wealth'; therefore, the more children—especially males—a family has, the more prestigious it is. The Yemeni words for child (*jabel* meaning “unaware” or “ignorant”) could be said to reflect the community's perceptions towards children. Corporal punishment is used at home and school as a means of disciplining children and making them mind their manners. These attitudes also justify for the community its over-protective attitude, which denies children the right to participate and make their own decisions. Children might be forced into early or unwanted marriage because parents or the family or tribe planned the marriage. Male children are also forced into revenge killing between families or tribes. Rural and tribal children become involved in military conflicts. Further, children carry the weight of the country's economic crises and poverty, with increasing numbers abandoning school to join the labour market and support their families.⁴⁹

1. The Convention on the Rights of the Child and the Optional Protocols

i. General Overview

Yemen signed the Convention on the Rights of the Child (CRC) on 13 February 1990, and ratified it on 1 May 1991. Yemen's initial periodic report on the implementation of the CRC was submitted to the United Nations' Committee on the Rights of the Child in November 1994. The Concluding Observations of this first State periodic report were issued in February 1996. Yemen's second periodic report was submitted in October 1997, and the

Concluding Observations were issued in May 1999. The State's third periodic report was submitted in May 2003. Finally, the Concluding Observations to the third report were issued in September 2005.

In response to these State reports, two alternative reports were submitted to the Committee on the Rights of the Child (“the Committee”), one after the State's first periodic report on 11 January 1996, and the other after the State's third periodic report in June 2005.

“Children carry the weight of the country's economic crises and poverty.”
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In December 2004, Yemen ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and in March 2007 ratified the Optional Protocol on the involvement of children in armed conflicts. As of 2010, Yemen had submitted only one report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child Prostitution and child pornography, on 15 February 2008.

In its Concluding Observations, the Committee acknowledged the efforts made by the State to integrate child rights in accordance with CRC standards into its national strategies, plans, and legislation. However, the Committee remained concerned that “the State party 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”.⁵⁰ Moreover, civil society organisations (CSOs) share this point of view, emphasising that Yemeni legislation and the practical realisation of children's rights is still not in conformity with the CRC.⁵¹



ii. Ratification and Reporting to the Committee on the Rights of the Child by Yemen and Relevant Alternative Report Submissions

This table presents data pertaining to the Convention on the Rights of the Child and its Optional Protocols, as well as Yemen's State Periodic Reports and Yemen alternatives reports submitted to the Committee.

	REPORT NUMBER	TYPE OF REPORT	DUE DATE	DATE OF SUBMISSION OR RELEVANT CRC SESSION ⁵²	CODE OR NAME OF ORGANISATION
Convention on the Rights of the Child Ratified 1 May 1991	1	State report	30 May 1993	6 June 1994	CRC/C/8/Add.20
	1	Alternative report		CRC Session 11, January 1996	Yemen National NGO Coalition
	1	Concluding Observations		13 February 1996	CRC/C/15/Add.47
	2	State report	30 May 1998	23 July 1998	CRC/C/70/Add.1
	2	Concluding Observations		10 May 1999	CRC/C/15/Add.102
	3	State report	30 May 2003	3 December 2004	CRC/C/129/Add.2
	3	Alternative report		CRC Session 39, 16 May - 3 June 2005	Yemen National NGO Coalition
	3	Concluding observations		21 September 2005	CRC/C/15/Add. 267

Optional Protocol to the CRC on the involvement of children in armed conflict Accession 2 March 2007	4	State report	30 May 2008	21 May 2010 ⁵³	CRC/C/YEM/4
	1	State report	2 April 2009	Not yet submitted	
	1	State report	15 January 2007	15 February 2008	CRC/C/OPSC/YEM/1
Optional Protocol to the CRC on the sale of children, child prostitution and child pornography Accession 15 December 2004					

iii. Reservations

The Yemeni government stated no reservations to the CRC or to its two Optional Protocols.⁵⁴

However, some legislation and legal provisions are not yet in full conformity with the three documents. The minimum age of marriage and the definition of a child in age require amending, pending action by the House of Representatives. Some children rights laws and acts are not being implemented simply because they either contradict other national laws and acts (e.g. the Penal code), or because the judges apply specific laws, which supersede general laws. Furthermore, national laws, which are based

on Islamic *Sharia*, supersede the CRC; if they conflict, national laws would prevail.⁵⁵

iv. Punctuality/Quality of State Report

Yemen's third periodic report was submitted on time in 2003 and the second periodic report was also delivered on its due date. The third report was submitted but with some delay. Yemen's fourth periodic report was due on 30 May 2008 and was submitted on 21 May 2010, during the writing of this report.⁵⁶

According to the Committee, Yemen's third periodic report was generally in compliance with the Committee's

guidelines. It provided “extensive information” but did not outline the measures that the Yemeni government took to follow up on the recommendations offered by the Committee to the initial and second reports.⁵⁷

v. The Concluding Observations of the Committee

In its Concluding Observations of 2005, the Committee noted with appreciation the timely submission of the State party’s third periodic report, and welcomed the “presence of the high-level and cross-sectoral delegation, which contributed to an open dialogue and a better understanding of the process of implementation of the Convention in the State party”.⁵⁸

Positive Aspects and Progress Highlighted in the Committee’s Concluding Observations Regarding the Implementation of the CRC and the Optional Protocols

The Committee highly appreciated the Yemeni State’s ratifications of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in December 2004, and the International Labour Organisation (ILO) conventions concerning the minimum age of employment and the prohibition of the worst forms of child labour in 2000.⁵⁹

The Committee welcomed the State’s adoption of the Rights of the Child Act No. 45 of 2002, which takes into consideration the CRC; the establishment of the Ministry of Human Rights; adoption of Republican Decree No. 38 of 2000 concerning the Juvenile Act; and the establishment of the Fund for the Welfare and Rehabilitation of Disabled Persons Act No. 2 of 2002.⁶⁰

Main Factors and Difficulties Impeding the Implementation of the CRC and the Optional Protocols

Nevertheless, the Committee noted that Yemen continued to face serious economic challenges that impede the full implementation of the Convention. These challenges included the scarcity of human and natural resources, harsh geographic conditions, and political instability.⁶¹

The Committee regretted that the third State report did not respond to its previous recommendations and urged the State to take all necessary measures to address them.

The Committee’s numerous Concluding Observations on Yemen’s third periodic report comprised some fundamental themes, the most central of which were the need for:

- ▶ Careful revision of Yemen’s legislation related to children “so as to respond to the principles and provisions of the Convention on the Rights of the Child at national and local levels”;⁶²
- ▶ Timely provision of adequate financial and human resources ensuring the effective implementation of plans to realize the CRC and its Optional Protocols;⁶³
- ▶ Systematic involvement of children and youth, interested parties, and civil society throughout all phases of CRC implementation. “[T]he State was also advised to promote and facilitate children’s views and their participation in all matters affecting them”;⁶⁴
- ▶ Restructuring and empowering of independent bodies and institutions for monitoring the implementation of the CRC and its Protocols;⁶⁵
- ▶ Establishment of an inclusive data collection mechanism, and development of indicators for ensur-

ing efficient monitoring and evaluation of CRC implementation and to assess the impact of all policies affecting children in Yemen;⁶⁶

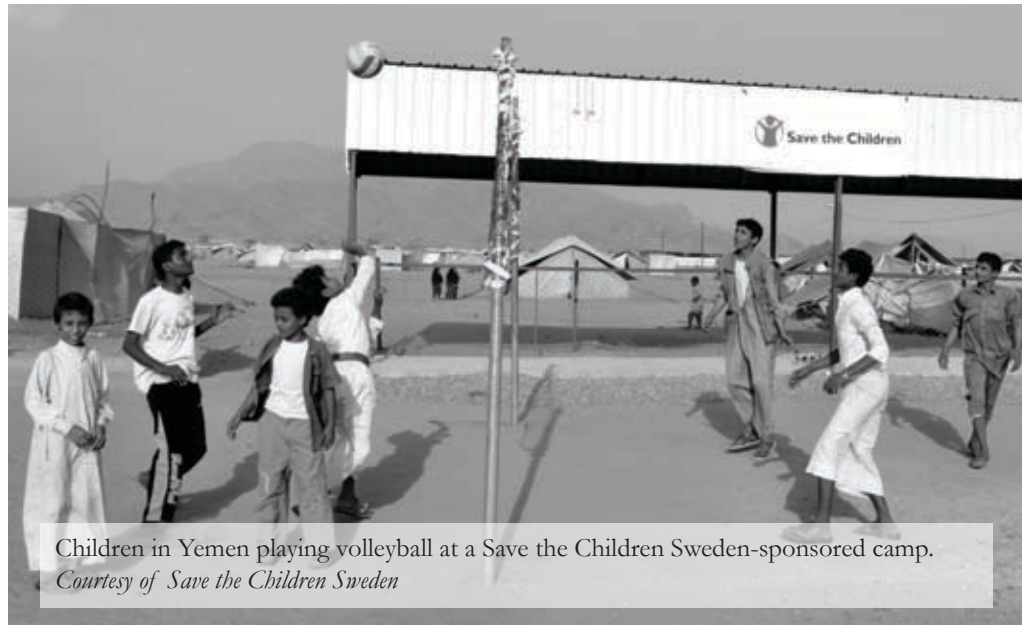
► Enhancement of the State's important work sensitizing, raising awareness and training on child rights among the public and professionals working for and with children;⁶⁷ and

► The urgent need to take all measures to end all types of discrimination and negative social attitudes, including integration of the concept of the child's 'best interest' into Yemeni legislation, policies, judicial decisions, plans, programmes and services that impact children.⁶⁸

vi. Overview of the Response of the Government to the Committee

In its Concluding Observations to Yemen's third State periodic report, the Committee noted that the report did not specify the measures taken by the State to follow up on the Committee's Observations on both its initial and second periodic reports.⁶⁹

Therefore, the Committee reiterated its previous recommendations and urged Yemen to provide adequate follow-up mechanisms and take necessary measures to respond to both its previous recommendations and to those made after this third report.⁷⁰



According to the Higher Council for Motherhood and Childhood (HCMC), the State's responses to all Observations on all three periodic reports will be submitted in Yemen's fourth periodic report. The fourth State report was due on 30 May 2008, but was not available to the public as of end 2010, the time of this writing.

2. Applicable International and Regional Human Rights Instruments

i. Overview

The following section summarises Yemen's record in ratifying the main international human rights treaties and conventions, as well as other treaties and conventions that have an impact on children's rights.

**ii. Relevant International and Regional Human Rights
Conventions and Treaties and their Status of Ratification by Yemen**

INTERNATIONAL AND REGIONAL HUMAN RIGHTS CONVENTIONS/TREATIES	STATUS	LAST REPORT SUBMITTED BY STATE
Admission to the UN	30 September 1947	--
Convention on the Rights of the Child	Ratification 1 May 1991	Submitted 7 May 2003
Optional Protocol to the CRC on the involvement of children in armed conflict	Accession 2 March 2007	No Action
Optional Protocol to the CRC on the sale of children, child prostitution and child pornography	Accession 15 December 2004	Submitted 15.02.2008
International Convention on the Elimination of All Forms of Racial Discrimination	Accession 18 October 1972	Submitted 16 November 2005
Convention on the Elimination of All Forms of Discrimination against Women	Accession 18 October 1972	Submitted 13 March 2007
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	No action	
International Covenant on Economic, Social and Cultural Rights	Accession 9 February 1987	Submitted 3 July 2008
International Covenant on Civil and Political Rights	Accession 9 February 1987	Submitted 4 August 2004
Optional Protocol to the International Covenant on Civil and Political Rights	No action	
Second Optional Protocol to the International Covenant on Civil and Political Rights	No action	
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	Accession 5 November 1991	Submitted 3 July 2008

Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	No action	
Convention on the Rights of Persons with Disabilities	Ratification 26 March 2009	
Optional Protocol to the Convention on the Rights of Persons with Disabilities	Ratification 26 March 2009	
Convention for the Protection of all Persons from Enforced Disappearance	No Action	
Convention related to the Status of Refugees	Accession 18 January 1980	
Protocol relating to the Status of Refugees	Accession 18 January 1980	
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	No Action	
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others	Accession 6 April 1989	
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	No Action	
Convention on Consent to Marriage, Minimum Age of Marriage and Registration of Marriages	Accession 9 February 1987	
Convention concerning the Minimum Age for Admission to Employment (C-138)	Ratification 15 June 2000	
Convention concerning the Elimination of the Worst Forms of Child Labour (C-182)	Ratification 15 June 2000	
Rome Statute of the International Criminal Court	Signature 28 December 2000	
African Charter on the Rights and Welfare of the Child (or any other relevant regional convention)	Not applicable	Not applicable

3. National Legal Framework and Practices Affecting Children's Rights

i. The National Legal Framework

After Yemen's ratification of the CRC in 1991 and its two Optional Protocols in 2004 and 2007, the State worked on realizing its international commitment by issuing new laws, and amending others, in order to reduce the contradictions between international and national laws.

To put those laws into practice, the government developed institutional mechanisms such as the HCMC (in 1999) and a number of strategies, policies and development programmes, such as the Children and Youth National Plan of 2006-2015 and the National Plan for Violence against Children, which is slated for approval in December 2010. Through those policies and strategies, the Government seeks to improve the situation of Yemeni children and to provide them with appropriate care and protection from violence, in accordance with the social and economic resources available.⁷¹

Furthermore, Yemen issued the Rights of the Child Act No. 45 of 2002 that provides a comprehensive legislative framework concerning the rights of the child. This act is the first Yemeni law exclusively for children's rights based on the CRC. It includes several legal provisions on the rights of the child that are consistent with Yemeni culture.⁷² However, there are gaps and conflicts between some items in this act and existing national laws related to children, such as the legal age of adulthood, the minimum legal age for criminal responsibility, the minimum age to enter the armed forces and the minimum age for marriage.

The objectives of the Rights of the Child Act No. 45 of 2002 are explained in Article 3:

This law aims at the following:

- ▶ Defining the legal, social, economic, health, educational, physical, and cultural rights of the child, which he enjoys as a child or as a newborn baby.
- ▶ Defining the obligations of the State and the society as well as the family towards the child and his enlightenment and to guarantee the availability of these requirements.
- ▶ Providing the necessary legal protection to guarantee that the rights of the child are not infringed upon, in accordance with the rules of the Islamic *Shari'a* and the laws in force.
- ▶ Protecting the child from all kinds of exploitation, which should be considered crimes in the eyes of the law.
- ▶ Defining the authorities entrusted with observing protecting the rights of the child mentioned in this law and the laws in force.
- ▶ Defining the services that the State must provide for the child and the special arrangements provided for the protection of childhood and its development.
- ▶ Guaranteeing that the child is raised to be proud of his Islamic belief and national identity, love of Yemen and respect for its land and history, and a feeling of affiliation with the Yemeni, Arab and Islamic civilisations.
- ▶ Working for the dissemination and spreading of awareness on the rights of the child, to show the importance of building the child's personality and its equilibrium, and to deepen awareness about responsi-



Six-year-old Dalal Joma'an, displaced from Saada in North Yemen, drew this scene at a psychosocial activity. *Courtesy of Save the Children Sweden*

bility towards the child by his/her parents and family, as well as society as a whole.

► Allowing the child to participate in all that is useful for him, and to respect his rights and support them since it is for his own benefit.

► Raising the child to have good manners and do fruitful work and develop his/her awareness of the need to respect his/her parents and family surroundings, the honourable methods of earning money, and self-reliance.⁷³

Other articles of the Rights of the Child Act No. 45 of 2002 are divided into sections based on similar division of the CRC.

Juvenile Act No. 24 (1992), which was amended with Law No. 26 in 1997⁷⁴, is another act issued by the State after ratification of the CRC. The Committee appreciated Republican Decree No. 38 of 2000 that established the Implementing Regulations of the Juvenile Act.⁷⁵

After ratifying the CRC and its two protocols, the HCMC in partnership with other ministries including the Ministry of Justice conducted an analytical study of 14 Yemeni laws and proposed amending 11 of them. The project was approved by the Ministers Council in 2007 and then was submitted to the Ministry of Legal Affairs. Because some of the amendments had been previously proposed or contradict other laws, amendments to only four laws (the Rights of the Child Act No. 45, Juvenile Justice, Penal Code and Personal Status Law) were referred to the House of Representatives in 2007.⁷⁶ The project remains under review.⁷⁷ The project faces some opposition to the prospect of specifying the minimum age for marriage and the age of legal responsibility. The HCMC is advocating for and supporting the project through various means,

including arranging meetings and workshops for members of the House of Representatives, publishing journal articles and reports, and preparing television and radio seminars.⁷⁸

The Yemeni Constitution refers to children in Article 30, which provides that “The state shall protect mothers and children, and shall sponsor the young.”⁷⁹

Where contradictions exist between domestic legislation and the CRC, the former takes precedence.

According to Yemeni statutes, when a ‘specific law’ contradicts or is in contradiction with a ‘general law’⁸⁰, the ‘specific law’ should prevail; and because the CRC articles are still ‘general articles’ they come after the existing national ‘specific laws’. This paradox also causes contradictions between different national laws; the Penal Code (a general law) has some articles on juvenile justice. However, when the Penal Code contradicts the Juvenile Act (a specific law), the latter prevails.⁸¹

The Committee observed in its Concluding Observations on Yemen’s third periodic report that, despite the amendments made to Yemeni legislation and its adoption of some laws related to children’s rights, existing Yemeni legislative and other measures do not fully reflect the principles and provisions of the CRC.⁸² More specifically, the Committee referred to lack of clarity over the age of

“The Committee observed in its Concluding Observations on Yemen’s third periodic report that, despite the amendments made to Yemeni legislation and its adoption of some laws related to children’s rights, existing Yemeni legislative and other measures do not fully reflect the principles and provisions of the CRC.”

a 'child'. National laws use the international definition of a child (any individual under the age of 18), however, various acts and laws related to child labour and the death penalty give other ages.⁸³ The Committee also expressed concerns over the legal minimum age for marriage; the Yemeni Parliament is still discussing this issue as of October 2010.⁸⁴

ii. The Main Stakeholders on Children's Rights

In its written replies to the Committee, the Yemeni Government stated that a number of national institutions are mandated to monitor implementation of international human and child rights treaties and instruments and to receive complaints about offences.⁸⁵ These institutions include:

a. *Government Bodies*

The HCMC has the mandate to coordinate all activities related to CRC implementation with all other governmental institutions as well as CSOs. The HCMC's running costs, such as salaries and overhead, are covered by the government; however, nearly all its child rights projects and activities are funded by international organisations such as UNICEF. Nevertheless, the HCMC is limited in authority, human resources and budget. It has an extensive mandate, but is lacking the tools for implementing this mandate.⁸⁶

The HCMC is headed by the Prime Minister. Its members include heads of ministries concerned with child protection and child welfare, a number of select social figures, and representatives of four non-governmental organisations (NGOs): the Assaleh Foundation, the Yemeni Women's Union, the Charitable Society for Social Welfare and the National Union of Associations of Disabilities.

These representatives are chosen by the Council of Ministers because of their roles in children's issues.⁸⁷

The main activities of the HCMC are developing policies, strategies and plans; evaluating and monitoring implementation of these strategies and plans; designing draft laws and following up on their legal adoption; and raising public awareness on children's rights.⁸⁸

The Ministry of Human Rights was established in 2003 and aims at promoting and protecting human rights in coordination with related ministries, authorities and institutions. The Ministry also aims at activating national mechanisms of human rights protection and promotion, in order to assure Yemen's commitment to the international conventions and treaties it has ratified.⁸⁹

In order to achieve its goals, the Ministry is granted the authority to:

- ▶ Propose policies, plans, programmes and measures to promote and protect human rights and their implementation with the related institutions;
- ▶ Study national legislation and laws and their compatibility with the principles and obligations of international treaties and conventions on human rights; and propose amendments to national legislation and in accordance with the Constitution and legislation in force;
- ▶ Receive complaints from citizens, authorities and institutions and studying and addressing the ones which fall within the jurisdiction of the Ministry, in coordination with the related authorities;
- ▶ Raise legal awareness among citizens on their rights and the culture of human rights in the community; and

- ▶ Prepare periodic reports on Yemen's international obligations in coordination with the related authorities.⁹⁰

Due to the lack of financial and human resources, the Ministry largely performs the same activities addressed by CSOs. Its achievements are considered equivalent to those of any local NGO.⁹¹

The Ministry of Education was established in 1962 and aims at providing educational services to children and eradicating illiteracy among those who missed their chance at education. Moreover, the Ministry aims to develop and implement plans and programmes necessary to accomplish its tasks entrusted it by the Constitution, the educational policy of the State, and the economic and social development plan. These include:

- ▶ Drawing up a general policy of education, according to economic and social development plans;
- ▶ Providing teachers with professional, moral and social care as they are the basic foundation for the effectiveness of the educational process; and
- ▶ Providing educational methods and techniques necessary for educational work.⁹²

The Ministry of Justice aims at reflecting the independence of the judiciary, as well as organizing and developing the judiciary system and providing it with the necessary technical, financial and administrative services and equipment. The Ministry of Justice develops its plans and programmes based on the Constitution and the laws in force, as well as economic and social development plans and judicial reform programmes.⁹³

The Ministry of Social Affairs and Labour's (MoSAL) main task is providing social protection to various social

groups, including children in need of special protection, or child victims of violence and abuse.

The objectives of the MoSAL in the field of protection include:

- ▶ Establishing nurseries and education and social care centres for orphans, children living and working in the streets, juveniles and child victims of trafficking;
- ▶ Expanding the umbrella of social assistance and contributing to the relief of victims and those affected by natural disasters;
- ▶ Developing and implementing awareness programmes and guidance in all areas related to the activities of the Ministry including protection of child victims of violence;
- ▶ Developing plans and programmes for the protection and rehabilitation of juveniles, children working and living in the streets, orphans, displaced children and victims of trafficking; and
- ▶ Contributing to programmes that combat begging and reduce child labour.⁹⁴

b. Civil Society Organisations and Networks

In Yemen, there are over 70 CSOs and other social organisations actively involved in the monitoring of children's rights. They provide services such as telephone hotlines that offer psychosocial counselling to children and families. They play a role in identifying and monitoring children subjected to violence and exploitation, raising society's awareness of the consequences of such phenomena, and monitoring children's rights. Some of them offer

or run public residences for children at risk. These NGOs include:

► **The Charitable Society for Social Welfare (CSSW)** was established in March 1990 as a charitable NGO devoted to providing services to the poor and people in need. The CSSW's main objectives include reviving the spirit of solidarity among communities; providing social, educational and healthcare assistance to the poor and those in need; supporting sustainable development projects and programmes that aim at realizing economic returns and self-sufficiency for poor individuals and families; and developing the skills of children and youth.⁹⁵

► **The Yemen National NGO Coalition for Child Rights Care ("the Coalition")** was established in 1995. In 2010, 34 local NGOs, syndicates, unions, and associations working for children rights were members of the Coalition. The Coalition's main activities include raising awareness and promoting the CRC; monitoring the Government's performance in terms of implementing the Convention and its Optional Protocols; promoting child participation; receiving and monitoring children's rights violations with all related parties; and (together with the National Child Protection Network) advocating for legislative reforms that conform with children's rights international conventions and contributing to the preparation of alternative reports submitted to UN committees. The Coalition submitted an alternative report to the Committee on the Rights of the Child during its Session 39 between 16 May and 3 June 2005.⁹⁶

► **The National Organisation for Developing Yemeni Society (NODS)** was established in 1997. It started working as a training centre, but in 2003 expanded to be an NGO. NODS aims at developing

society by promoting rights and liberties and building youth capacities. This NGO is located in Taiz and has a coordination office in Sana'a and volunteers in all Yemeni governorates.⁹⁷

► **The Sisters Arab Forum (SAF)** is a local women's NGO established in 1998. SAF works in the field of human rights in general and women's rights specifically. SAF goals include raising awareness on human rights; contributing to developing fair legislation and an independent, fair, honest and qualified judiciary; advocating for and supporting human rights; resisting and condemning violations and networking and supporting the international and regional and national human rights movement.⁹⁸

► **Shawthab Foundation for Childhood and Development** provides services to children and mothers to protect them from legal, social, health, educational, informational, political, economic and environmental abuse through coordination with government institutions and local and international NGOs.⁹⁹

► **Democracy School** is an NGO and non-profitable organisation established in 2004 with a mandate of raising awareness and educating about human and democratic rights, focusing mainly on the rights of the child.¹⁰⁰ Democracy School founded the Children's Parliament in 2004.

► **Alsaleh Social Foundation for Development** was established in 2004 as a social non-profit development organisation. Alsaleh objectives are reducing poverty; improving the standards of living for individuals and groups in Yemeni society; contributing to building the capacity of local communities; rehabilitating and providing care for people with special needs; raising the social, health and cultural levels of the



Yemeni women and girls participate in a training sponsored by Save the Children Sweden. *Courtesy of Save the Children Sweden*



community; and supporting women and empowering them economically.¹⁰¹

► **Seyaj Organisation for Childhood Protection** is a non-profit NGO established in 2008. Its objectives include participating in achieving a stable and secure childhood; standing against childhood abuses (physical, mental, psychological and behavioural); and promoting governmental, NGO and other authorities' efforts for childhood development.

► **The National Network for Child Protection ("the Network")** involves governmental and non-governmental organisations working in the field of child protection. The Network had around 30 members in 2010. It supports and advocates for the rights of the child, coordinating efforts, activities and projects towards protection of the rights of the child and developing a database for all reports, studies and documents related to child protection.¹⁰²

► The **MENA Child Protection Initiative** is a semi-governmental initiative that aims at coordinating the efforts of the government and CSOs in the field of child protection in Sana'a.¹⁰³ The Initiative was established through an agreement between the Arab Urban Development Institute (AUDI) and the capital Secretariat.¹⁰⁴



4. Identifying Child Rights Commendable Practices in Light of the CRC's Main Principles

i. The Right to Non-Discrimination (Article 2)

The Yemeni Constitution contains specific articles that prohibit discrimination. Article 24 stipulates “The state shall guarantee equal opportunities for all citizens in the fields of political, economic, social and cultural activities and shall enact the necessary laws for the realization thereof.” In addition, Article 25 states that “Yemeni society is based on social solidarity, which is based on justice, freedom and equality according to the law.” Article 41 ensures that “Citizens are all equal in rights and duties” and Article 42 continues “Every citizen has the right to participate in the political, economic, social and cultural life of the country. The state shall guarantee freedom of thought and expression of opinion in speech, writing and photography within the limits of the law.”¹⁰⁵

Article 9 of the Rights of the Child Act No. 45 of 2002 states “The provisions of this Act shall not prejudice the right of the child to enjoy all public rights and freedoms, together with such protection and care as is guaranteed by the laws in force to human beings in general and children in particular, without distinction on the basis of race, colour or belief.”¹⁰⁶

Nevertheless, the Yemen National NGOs Coalition for Child Rights Care alternative report submitted to the Committee on the Rights of the Child in 2004 highlights discrimination against marginalised children, children who are abandoned, children living or working in the streets, and children living with disabilities.¹⁰⁷

a. Gender

In their alternative report, Yemeni NGOs acknowledged that the Yemeni Constitution and other laws guarantee equality of all citizens; at the same time, however, they said that “the attitude of equality as a general principle is not realized in a number of fields.” These include girls’ education, social norms and traditions discriminating against women and girls, female genital mutilation, and gaps in the Personal Status Law.¹⁰⁸ The NGOs indicated, for example, that a lack of girls’ schools (only five percent of schools are girls’ schools, the rest being mixed or male) drives lower enrolment and school attrition for girls.¹⁰⁹

One of the main discriminatory practices against girls in Yemen is female genital cutting. In 1997, Yemen Demographic Mother and Child Health Survey found that 23% of women experienced genital cutting. There is social acceptance of this practice: about 41% of survey respondents were in favour of its continuation. Whereas 48% of respondents opposed the practice, the rest were undecided.¹¹⁰

There is no law prohibiting female genital cutting. However, a 2001 order from the MoPHP banned the practice in both public and private health centres.¹¹¹

In its last Concluding Observations, the Committee expressed concern at the persistence of discriminatory social attitudes against girls and recommended that the State strengthen its efforts ensuring that all children enjoy the rights set forth in the CRC without discrimination, particularly girls, and that school teachers, media and members of the legal profession, particularly the judiciary, are trained to be gender-sensitive.¹¹²

In 2008, the HCMC in partnership with UNICEF developed a national plan to combat the practice of female genital mutilation. Preparation of the plan included

consultations with national and international experts and community groups, such as imams and preachers.¹¹³

UN agencies completed the second United Nations Development Assistance Framework (UNDAF 2007-2011), which specifies three priority crosscutting themes for UN system cooperation, congruent with national priorities and joint programming. These three themes are governance, gender equity and empowerment of women, and enhancing the national capacity for policy analysis, monitoring and evaluation.

b. Birth Out of Wedlock

Yemeni legislation only recognises formal marriage. Any other relationship is considered a crime and is sanctioned in the Penal Code. Children born out of wedlock are considered illegitimate.¹¹⁴

Society refuses to acknowledge children born out of wedlock and most of them are either abandoned or have no birth certificate. Even when they enrol in school, teachers treat them badly simply because they do not know who their parents are.¹¹⁵

In this regard, the Committee was deeply concerned at the persistence of discriminatory social attitudes against children born out of wedlock, and at disparities in their enjoyment of rights. Therefore, the Committee recommended that the State party strengthen its efforts to ensure that all children under its jurisdiction enjoy all their rights; prioritise social services for children belonging to the most vulnerable groups; carry out public education campaigns to prevent negative social attitudes; train professionals dealing with children in this regard; and mobilise religious leaders to support such efforts.¹¹⁶

c. Rural/Urban Areas

The alternative report presented by the Yemen National NGOs Coalition for Child Rights Care refers to regional differences as a form of discrimination in Yemen. In this aspect it reported on a “significant concentration of services in the capital”, while these same services are “scarce in other cities, even more scarce in rural areas and almost nonexistent in remote areas”.¹¹⁷

On this issue, the Committee made similar recommendations to the State as it did concerning children born out of wedlock and gender discrimination.¹¹⁸

d. Refugees, Migrants and Internally Displaced

In 2004, the total number of refugees in Yemen was estimated at 60,000, the majority of whom were displaced persons fleeing wars and conflicts or natural disasters in the Horn of Africa and East Africa, notably Somalia, Ethiopia and Eritrea. In addition, there are refugees from the Palestinian community.¹¹⁹ In 2010, the United Nations High Commissioner for Refugees (UNHCR) estimated the number of refugees in Yemen at 170,000.¹²⁰

The conflict in Sa’ada Governorate resulted in over 130,000 people being displaced throughout the region, mainly in seven camps or with host families within and around Sa’ada. Women and children represent over 70% of these displaced people.¹²¹ The conflict in Sa’ada also destroyed many basic health facilities for health, nutrition and education.¹²² However, replacement services have been provided to address those issues.

While no reliable statistics are available on the number of school-age immigrant children, in general one can say that immigrant children are negatively affected by Yemen’s poor services, which result from its lagging economy.¹²³

e. *Ethnicity or Religion*

There are an estimated 200,000 to 500,000 Akhdam (Yemeni citizens of African origin) in Yemen.¹²⁴ The Akhdam are isolated and marginalised in Yemeni society. According to one study, “Researchers on al-Akhdam’s conditions note that Yemeni government and nongovernmental organisations operating in Yemen largely omit them from their service and advocacy programmes. Notably, only three NGOs in the country relate to Akhdam in any programmatic way.”¹²⁵

The Committee recommended that the State include in its next periodic report information about measures and programmes related to the CRC “undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in 2001 and taking account of General Comment No. 1 on article 29 (1) of the Convention (aims of education)”.¹²⁶

Related initiatives include a project on violence, offence, neglect and discrimination carried out from 2008 to 2009 by the Yemen National NGOs Coalition for Child Rights Care and the Democracy School, in partnership with the European Union. The project raised awareness by distributing approximately 3,000 brochures to teachers, students, and administrators in 13 schools in Taiz, Aden and Hadramaut on protection from all types of violence and discrimination, as well as alternatives to humiliating and corporal punishment.¹²⁷

The project included eight open days for school students, a study on gender-based discrimination, two training workshops on the legal and social circumstances of marginalised groups and an awareness campaign for marginalised groups in Taiz on children’s rights, health and

environmental issues. In addition, a discussion session on recommendations for these issues was held with decision-makers and members of the Local Councils in these three different governorates. The Democracy School mirrored this initiative in Sana’a, Hajjah and Al-Hudaydah. The project was evaluated by two experts (local and international) and was shown to have had a very positive impact.¹²⁸

f. *Disabilities*

Yemeni children living with disabilities represent 2.09% of the population.¹²⁹ The results of the family health survey conducted in 2003 found that medical services for disabled children remained deficient in 2002, and only 22% of all disabled persons had access to health care.¹³⁰

Initiatives that have addressed discrimination against children with disabilities include project by local NGO Arab Human Rights Foundation¹³¹, in partnership with UNICEF, who in 2006 to 2008 trained 240 students with disabilities and 120 social workers from 120 schools in the four governorates of Sana’a, Taiz, Al-Hudaydah and Aden on the CRC and the rights of children with disabilities. The same project established “Children with Disabilities Friend Groups” at schools. These groups developed plans to raise the awareness of their peers, as well as society, on the rights of children living with disabilities.¹³²

g. *HIV/AIDS*

The extent of the spread of HIV/AIDS in Yemen remains uncertain in the absence of a sero-prevalence study, a strong monitoring system or any behavioural monitoring surveys. UNAIDS indicated in 2006 that “HIV prevalence has doubled from 0.01% in 1999 to 0.2%”.¹³³ While statistics from the National Programme to Fight AIDS in May 2009 reported 2,651 registered cases in Yemen,

the WHO says that, for every reported case, 20 to 30 go unreported.¹³⁴ Moreover, there is no data concerning the prevalence of HIV and sexually-transmitted infections among children.¹³⁵

In its Concluding Observations of 2005, the Committee asked the State to take all necessary measures to combat negative public attitudes concerning those infected with HIV/AIDS and “to mobilize religious leaders to support such efforts.”¹³⁶

A law to protect the rights of patients with HIV/AIDS and reduce discrimination was drafted in July 2008 and approved in August 2009. It contains 51 articles to reduce the stigma associated with HIV/AIDS. Its articles also guarantee HIV/AIDS victims the right to lead normal lives by prohibiting discrimination against people who are HIV positive seeking accommodation and services.

The law stipulates that the Ministry of Health has the responsibility of informing the public about HIV and how to prevent it, including through the public school curriculum. Also under the law, people living with HIV/AIDS should have access to free health care, public health facilities, financial support and free psychological care. Moreover, victims of discrimination should have access to legal advice and help in pursuing legal action. Medicine and medical equipment used to combat HIV/AIDS should be free of taxes and customs duties.

The law also provides for the establishment of a government fund in cooperation with the private sector to support people living with HIV/AIDS and their families. By law, a child living with the virus has the right to education.

¹³⁷

Voluntary HIV/AIDS counselling and testing centres exist in both Sana’a and Aden. Without providing formal

treatment, some clinics give free medicine and provide pre-test and ongoing post-test counselling. Recently, these same services are now being offered in testing centres in other governorates, and the government has launched large-scale awareness campaigns in schools, universities, prisons, factories, youth sport clubs and refugee camps.¹³⁸

ii. The Best Interest of the Child (Article 3)

Article 6 of the Child Act states that “Protection of the child and his or her interests shall take priority in all decisions and measures involving children, mothers and the family, and the environment that is promulgated or applied by any authority.” The act seeks to ensure “the appropriate involvement of children in all matters of benefit to them and respect for and promotion of their rights, these being in their best interests.” Children are to “have guaranteed access to these rights”. The Child Act lays out numerous regulations, measures, and provisions related to the child’s best interest. These include provisions on child detention, a child’s preference between separated parents, and the responsibilities of ministries and institutions in realising this principle of the CRC.¹³⁹

The third NGO alternative periodic report points out that, even though the Yemeni Constitution and legislation are in line with the principle of the best interest of the child, there is a lack of implementation of these laws due to “insufficient financial and human resources that hinder qualitative development in taking prioritized consideration for the best interest of the child.”¹⁴⁰ The subsequent third NGO shadow report points out that even though “the local culture treats children as minors in knowledge, awareness, and decision-making”, children are usually held fully responsible for any crime they conduct.¹⁴¹

Within the family, conditions don’t seem to be any better. Children are vulnerable to dropping out of school to



work, girls continue to suffer from early and forced marriage, and corporal punishment is commonly practiced.¹⁴²

The Committee on the Rights of the Child noted that the Yemeni Rights of the Child Act adequately embraces the principle of the best interests of the child. It remained concerned, however, by “the persistence of certain local customs and traditions which impede the implementation of this principle”. Therefore, the Committee urged the State party to ensure integration of the principle into all legislation, judicial and administrative decisions, and policies. The Committee also recommended awareness-raising programmes as a tool for changing local customs and traditions that impede implementation of this general principle.¹⁴³

iii. The Right to Life, Survival and Development (Article 6)

a. Health

The public health system in Yemen is lacking in structure and organisation. It suffers from “low staff morale, low quality of health care, shortages of essential medicine, and insufficient government budget. These are compounded by irrational use of health care, lack of equity in facility distribution and human resources, as well as a lack of a formal referral system or of integration of services at the level of delivery of care.”¹⁴⁴ Looking at private health services, “there are more than 9,000 private health facilities in Yemen, of which nearly 1,800 are concentrated in the main cities, including 56 private, general and specialized hospitals, and more than 1,750 pharmacies and clinics. It is estimated that the private sector covers about 70% of all hospital care in the country.”¹⁴⁵ The State’s expenditure on health in the year 2009 was 5.6% of the GDP but accounted for 57% of the country’s total

health expenditures.¹⁴⁶

Half of this is spent on the salaries of health workers and health facilities are not well-equipped due to a lack of resources.¹⁴⁷

The WHO reports that Yemen’s infant mortality rate decreased to 74.8 per 1,000 live births in 2003 and that the under-five mortality rate was 101.9

deaths per 1,000 live births. The infant mortality rate (86.3 per 1,000) and the under-five mortality rate (117.6 per 1,000) was higher in rural areas.¹⁴⁸ According to a Multiple Indicator Cluster Survey, child mortality rates dropped from 102 to 78 per 1,000 cases between 1999 and 2006. Infant mortality rates reportedly decreased during the same period from 76 to 68.5 per 1,000 infants.¹⁴⁹

The main causes for child deaths in Yemen are diarrhoea (which causes 20% to 22% of child deaths), upper respiratory tract disease, and malnutrition (a component of these two and other diseases). “We talk about 25% malnutrition among children; but the real figure ranges between 40% to 50%,” a health official said.¹⁵⁰ Forty-six percent of children in 2005 were moderately and severely underweight, 13% suffered from frailty and 52% experienced moderate and severe height problems.¹⁵¹ The WHO reported that “about 60% of the population is at risk of malaria. The estimated figure for annual malaria cases is three million, with more than 30,000 malaria deaths per year, mostly among children under the age of five years and pregnant women.”¹⁵² Poliomyelitis remains an issue, despite repeated annual national vaccination against polio infections.¹⁵³

“We talk about 25% malnutrition among children; but the real figure ranges between 40% to 50%,” a health official said.”

Though the number of health facilities has increased from 1,210 health units and health centres and 168 hospitals in 1990 to approximately 2,700 health units and 172 hospitals in 2004, health care coverage remained restricted to just over 30% of the rural population and 45% of the total population. Reports connected to the country's five-year plan (2006-2010) state that Yemen has 3,287 health facilities, 66.5% of them health units, 11.6% health centres and 6.4% hospitals. The majority of health workers (80%) are concentrated in urban areas.¹⁵⁴ Seventy-four percent of the population in urban areas and 68% in rural areas have clean drinking water.¹⁵⁵

A study published in 2010, "Baseline Data, Knowledge, Attitudes and Practices: Young People and Their Health—Southern Yemen", found that health facilities are generally far away, with one-way walking distance to the nearest health facility ranging from one minute to two hours. The same study explores the obstacles that prevent people from using health facilities. In rural areas, respondents said the "clinic is too far" and "the road is unsafe"; whereas, in urban areas respondents said "service quality is poor" and "medicines are not free".¹⁵⁶

The Committee on the Rights of the Child noted the State party's efforts in basic health and welfare, particularly in controlling diarrhoea and thus lowering infant and under-five mortality rates. The Committee welcomed Yemen's adoption of the Integrated Management of Child Illness Strategy.¹⁵⁷ The Committee otherwise had serious concerns about a list of other issues: high population growth; unavailability of/inaccessibility to health services, especially in rural/remote areas; low budget allocations for health; an "insufficient" focus on preventive health care; persistent high maternal, infant, and under five mortality rates; high prevalence of malnutrition among children; and the system's deficiency in education, communication, transport and other facilities. The State party was advised

to respond to these shortcomings by considering appropriate measures.¹⁵⁸

Between 2005 and 2009, children's immunization rates rose from 66% to 87%; by 2010, this rate is planned to reach 90%. Further, 97% of children between the ages of nine months to five years had been vaccinated for malaria and polio.¹⁵⁹ According to the Ministry of Health, despite new measures taken under the national programme for combating malaria, the illness continues to cause 17% of children's deaths.¹⁶⁰

b. Nutrition

As touched on previously, child malnutrition remains a concern in Yemen and, according to a 2007 report, nearly one-third of children between two and five years old were severely stunted.¹⁶¹ The available data shows no improvement in the prevalence of malnutrition among Yemeni children and that there are still great disparities between rural and urban areas.¹⁶²

A 2003 Family Health Survey found that 53.1% of children under five years in rural and urban areas suffered from stunting and 12.4% suffered from wasting. Of these, 31% were severely stunted and 3% were severely wasted. Nearly half (45.6%) of children under five were underweight, and 15.2% were severely underweight. These percentages are much higher in rural areas.³⁶¹

According to a 2003 Food Insecurity Vulnerability Information and Mapping Systems study, 43% of households (8.3 million people) are "generally food-insecure" and 22% (4.3 million people) are "definitely food-insecure". The prevalence of food insecurity varied by governorate from 27% to 86%. Approximately 8% of all households (1.5 million people) were found to be "food-insecure with severe hunger".¹⁶⁴

As such, the Committee on the Rights of the Child was particularly concerned with high rates of malnutrition among children¹⁶⁵.

The Ministry of Health is monitoring this issue through both its Nutrition and the Child Health Departments. Exclusive breast feeding is very low among mothers, with only 12% practicing it; even medical staff lacks understanding of breastfeeding's significance. The new Infant and Young Children Feeding Programme aims at creating and spreading exclusive breastfeeding with support from the WHO and UNICEF.¹⁶⁶

The Country Programme of the World Food Programme for 2002–2007 targets girls, women and children. It focuses on the strategic priorities of improved nutrition and health among targeted mothers and children through increased food consumption and better nutrition and health practices. It has two core components: nutrition support and nutrition education targeting mothers, children and other vulnerable groups; and promotion of school enrolment and attendance for girls at all grade levels.¹⁶⁷ Some of the programme's activities were not implemented, however, for lack of an implementing partner or resources.¹⁶⁸

The Government's Nutrition Programme also focuses on maternal and child nutrition. It combats a series of nutrient and vitamin deficiencies and the diseases caused by them. Other components of this programme are the distribution and provision of food and nourishment (especially for pregnant and breastfeeding mothers) and raising public awareness on nutrition-related issues. In addition, the Nutrition Programme works to add nutrients and vitamins to basic foods like flour, oil and salt.

Since 2005, 80% of white flour in Yemen is supplemented with iron and 82% of oil with vitamins A and D. All domestic salt factories add iodine to the salt they produce.

In 2007, the MoPHP trained 89 health workers on coping with moderate and severe malnutrition of children under five years old. Major hospitals have the facilities to cure severe malnutrition.¹⁶⁹

c. Reproductive Health

Very little is known about the spread of HIV/AIDS in Yemen. UNAIDS reports that HIV prevalence has doubled from 0.01% in 1999 to 0.2% in 2006, with the main means of transmission being heterosexual contact. Blood transfusions remain a means of transmission, as only 50% of blood donations are screened for HIV.¹⁷⁰ UNAIDS also reports that 1.3% of reported cases of HIV since 1987 were caused by mother-to-child transmission, with 4.7% of these cases reported in 2009.¹⁷¹

Studies show that in 2001, 64% of women aged 25 to 29 were married before age 18.¹⁷² Other reports state that half of Yemeni women married before turning 15 and three-quarters married before they were 18 years old.¹⁷³ Early marriage is a main cause of high maternal and infant mortality.¹⁷⁴

Eleven percent of wives aged 15 to 29 were not using contraception.¹⁷⁵

In its Concluding Observations of 2005, the Committee on the Rights of the Child took notice of the State's efforts to improve adolescent health, particularly the National Programme to Prevent and Combat AIDS. However, it remained concerned at "the lack of statistical data and the inadequate access by adolescents to reproductive and mental healthcare facilities." Therefore, the Committee urged the State to continue its efforts in this field and "develop a comprehensive policy to ensure reproductive and mental health counselling and services for all adolescents." Furthermore, the Committee recom-

mended seeking technical support from others such as the WHO, UNICEF and the United Nations Population Fund (UNFPA).⁶⁷¹

The government's response included updating the National Programme to Prevent and Combat AIDS in 2006. However, this strategy seems to be implemented mainly by the MoPHP and the National Population Council. Most of the strategy's interventions are governmental; the involvement of NGOs remains modest.¹⁷⁷

Government activities in this field included training workshops for health workers on the issues of gender and reproductive health in 2006 in Amran, Mahweet and Lahj. The government opened two sites in Sana'a and Aden providing first aid, diagnosis and treatment for HIV. An infection control unit with a policy on safety precautions for health workers was established by the MoPHP. All health facilities (public and private) now use disposable syringes to administer injections, including vaccines to children. Guidelines on safe disposal of medical waste and use of incinerators have been implemented in selected hospitals.¹⁷⁸

As a prevention step, the government identified six sites in Sana'a, Aden and Lahj. In these health facilities, counselling was provided to pregnant women, advising them to be tested for HIV/AIDS and providing counselling after examination. Pregnant women infected with HIV were given free preventive treatment during pregnancy and their children provided preventive treatment after birth. A national prevention of mother-to-child transmission programme was launched in early 2009, resulting in the establishment of four testing sites and the testing of 4,211 pregnant women by the end of December 2009 (about 0.5 % of estimated pregnant women per year).¹⁷⁹

In 2006, the MoPHP held 14 awareness-raising sessions for 2,555 students in Sana'a. Students were provided with 37,105 booklets and brochures about HIV/AIDS during field visits. A number of awareness programmes about AIDS were implemented for 900 children in institutional care (children living or working in the streets, orphans and juveniles in prisons); here, 2,000 brochures were also distributed.¹⁸⁰

In 2009, the United Nations Development Programme HIV/AIDS Regional Programme in the Arab States (UNDP/HARPAS), in collaboration with the Yemeni Ministry of Religious Affairs (*Awqaf*) conducted a training workshop for sixty preachers and imams in Sana'a. The objective of the workshop was to acquaint these religious leaders with "the different aspects of HIV/AIDS in a way that would abolish stigma and discrimination that [people living with HIV/AIDS] PLWH suffer".¹⁸¹

The HCMC also established the National Safe Motherhood Alliance (NSMA), which seeks to reduce mortality of mothers and newborns according to national strategies for achieving the UN Millennium Development Goals (MDGs).¹⁸²

The World Bank, in partnership with SOUL for Development, the University of Science and Technology Hospital, and the German Saudi Hospital is implementing a four-year programme called "Safe Motherhood". The project started in 2009 and has the objectives of providing quality maternal care to about 40,000 eligible women in targeted districts in Sana'a, and designing and implementing a model of maternal care that demonstrates how Yemeni public policy on maternal and child care could be effectively integrated with private health provision.¹⁸³ The programme includes conducting awareness-raising and educational sessions on four areas: the practices of maternal health care, including pregnant women's health

care; nutrition of mothers and newborns; family planning; and newborn care. Up to the end of 2010, 4,172 women had participated and 6,111 women were given access to services during pregnancy.¹⁸⁴

Under the project “Basic Health Services” that began in 2006, the United States Agency for International Development (USAID), with religious leaders and women-led NGOs, conducted awareness-raising sessions with 664,669 people in reducing cultural sensitivities and increasing the acceptability of reproductive health messages.¹⁸⁵

d. Education

A unified education system was introduced in the Republic of Yemen in 1994. This system consists of nine years of obligatory basic education and three years of secondary education with two separate tracks of science and literature in the last two grades.¹⁸⁶

Education in Yemen is obligatory and free for the first nine years, as mentioned in the Yemeni Constitution, the Rights of the Child Act No. 45 of 2002 and the Yemeni General Education Law No. 45 for the year 1992. Article 87 of the Rights of the Child Act provides that basic education is obligatory.¹⁸⁷ Furthermore, General Article 18 of the Education Act No. 45 of 1992 makes nine years of education compulsory and secures attendance from age six.¹⁸⁸

Still, only two-thirds of girls are enrolled in primary education. At the secondary level, almost half of boys go to school and slightly more than one-fourth of girls are enrolled in school, demonstrating the high dropout rate in Yemen.

The following table represents the school enrolment ratio in both primary and secondary education:

RATES	MALE	FE-MALE
Primary school enrolment ratio 2003-2008, net	85%	65%
Primary school attendance ratio 2003-2008, net	75%	64%
Secondary school enrolment ratio 2003-2008, net	49%	26%
Secondary school attendance ratio 2003-2008, net	48%	27%

Source: http://www.unicef.org/infobycountry/yemen_statistics.html#67

Education indicators show clear failings. A full 38% of children are outside the educational system (22.8% of them male and 56.1% females). Enrolment in schools in rural areas amounts to about 38% (even lower for girls), compared to 80% in urban areas, which reflects a sharp inequality in access.

The gender gap between female and male enrolment has various causes. Among them are the relatively lower number of schools for girls, the distance of schools from their communities, and lack of awareness of the importance of girls’ education.

Moreover, the quality of education is still very poor. This is reflected clearly in various studies that show that on average 8% of children drop out of school every year and 11% of students fail or repeat a grade annually.¹⁸⁹ Outdated and poor curricula, insufficient school buildings and equipment, the low number of female teachers, and

the poor qualifications of teachers are all obstacles in the Yemeni education system.¹⁹⁰

In its Concluding Observations, the Committee on the Rights of the Child welcomed the efforts made by Yemen to improve the quality of education by improving teaching quality and working conditions. Still, the Committee expressed concern over the high levels of illiteracy (especially among women); low school enrolment rates and high dropout rates; urban/rural educational disparities and negative stereotypes of girls in school curricula; and the absence of vocational training for youth entering the labour market.

The Committee made the following recommendations:

- ▶ Assure free and compulsory primary education for all children as provided for in the Constitution and in the Rights of the Child Act and take measures to decrease dropout rates;
- ▶ Provide adequate allocations for primary, secondary and vocational education;
- ▶ Ensure that all children have equal access to educational opportunities, and eliminate gender and rural/urban disparities;
- ▶ Include human rights education, and
- ▶ Provide better quality training for teachers.¹⁹¹

In relation to these recommendations, the Government, in partnership with the private sector and UNICEF, initiated a campaign in 2006 to promote girls' education.¹⁹² The Business Partnership for Girls' Education is first major private sector initiative of its kind in the country and is spearheaded by Arwa Group (Shamlan Water), Spacel and Universal Group. The project was

implemented among parents, teachers and children in five districts: Lawder (Abyan Governorate), Toor Al-Baha (Lahij Governorate), Al-Azareq (Dhale Governorate), Al-Munera (Al-Hudaydah Governorate) and Sanhan (Sana'a Governorate). The campaign, called "Let Me Learn" seeks to motivate all members of the community to reduce the gender gap and send girls to school to realise one of their basic rights.¹⁹³

In 2007, the Social Fund for Development¹⁹⁴ supported CSOs working with children with special needs in Sana'a, Marib, Abyan and Lahj. The project aimed at integrating 202 boys and 156 girls with special needs in eight schools, training 160 teachers in assisting them, and conducting awareness-raising for 64 local community groups. That same year, the Social Fund for Development developed seven projects to support five associations in Sana'a, Al-Hudaydah and Taiz in creating 15 classrooms and providing them with the necessary educational equipment.¹⁹⁵

USAID and AED launched the four-year (2007-2012) Basic Education Support and Training (BEST) Project, which seeks to support the Ministry of Education in educational improvement; expand education management and information systems, learning environments, teacher training, mothers' and fathers' councils, learning materials and adult literacy in schools and communities; address with the ministry the issue of parity between boys' and girls' enrolment and retention in schools; and support policies and actions that result in recruitment and retention of female teachers.¹⁹⁶

e. Violence against Children

Children in Yemen are subject to various types of physical and psychological punishment, mainly from parents and teachers trying to discipline them. Not only is this type of discipline commonly accepted in Yemeni society, custom

says that children are the property of their parents and may even be killed by them without being punished.¹⁹⁷

In a 2005 study of 586 children, physical punishment was most common, followed by psychological punishment. Most children (53.1%) said that they had been subjected to physical abuse: hitting (38.6%), hitting with a stick (12.5%) or face-slapping (2%). Fewer (27.5%) of the children surveyed said they had been subjected to scolding or been deprived of meals. Only 8% of the children surveyed reported being ridiculed as a means of punishment. An additional 3.4% of children were punished by having their pocket money withheld.¹⁹⁸

Another study on corporal punishment sampled 1,325 urban schoolchildren and 274 rural schoolchildren in Yemen, finding that 80% of mothers in rural areas and 59% of mothers in urban areas used corporal punishment to discipline their children. A majority (67.8%) of boys were subjected to physical punishment, while 57.6% of girls also were subjected to physical punishment, showing that boys may be significantly more exposed to this type of violence.¹⁹⁹ The lower a mother's educational attainment, the more likely she was to use corporal punishment. In addition, children who experienced severe corporal punishment were more likely to have lower educational achievements and mental health difficulties. The most common forms of punishment were hitting with the hand, a belt, stick or other implement. Other measures included locking up, tying up, biting and pinching.²⁰⁰

Despite the fact that physical punishment has been banned in schools by ministerial decree, it is still commonly practiced against school children, as reported by over 81.7% of 586 children surveyed in a study conducted by the HCMC.²⁰¹ Only 4.4% of students who participated in the study reported that explaining mistakes and repeated

warnings were the most common form of discipline in their schools.²⁰²

Violence against children also includes psychological violence, which takes the form of ridicule and verbal abuse. In Yemen, legislation addressing violence against children concentrates on physical and sexual violence and disregards its psychological manifestations.²⁰³ At home, parents may call their children 'naughty', 'disobedient', 'stubborn', or 'rebellious' as well as some animal names. Verbal abuse in response to irritating behaviour from a child can be a lead-up to physical violence.²⁰⁴

In school, psychological violence can mean verbal abuse, ridicule, isolation or ignoring a child. Students are insulted verbally when they come to class late, do not do their homework, misbehave, etc. Words such as 'stupid', 'donkey', and 'troublemaker' are used by teachers and administrative staff to punish school students.²⁰⁵

In Yemen, due to cultural sensitivities, many sexual abuse cases are not reported. Children, especially girls, express fear and embarrassment about reporting sexual abuse cases, even to their parents. Even if parents are aware of sexual abuse of their children, they often do not report it, fearing social shame or a resultant bad reputation.²⁰⁶

In its Concluding Observations of 2005, the Committee on the Rights of the Child expressed its deep concern "that corporal punishment is still used as a disciplinary measure in schools despite its official prohibition". The Committee urged the Yemeni government to "undertake well-targeted public-awareness campaigns on the negative impact of corporal punishment on children, and provide teachers and parents with training on non-violent forms of discipline as an alternative to corporal punishment".²⁰⁷

“Despite that physical punishment has been banned in schools by ministerial decree, it is still commonly practiced against school children, as reported by over 81.7% of 586 children surveyed in a study.”



neglect, despite their prevalence. The State should assess the scope and causes of child abuse so that it can adopt a strategy for addressing and monitoring child abuse and neglect.²⁰⁸

Finally, the Committee recommended that the State party provide systematic training on children's rights to all those who work with children, among them teachers and schools administrators in both urban and rural areas, as well as the general public.²⁰⁹

One of the main initiatives of the HCMC, in partnership with other governmental and non-governmental organisations, is a project to amend four national laws, including the Penal Code. One of the proposed additions to the Penal Code would prohibit and punish corporal punishment of children. Additionally, the HCMC, in partnership with Save the Children Sweden, UNICEF and the WHO, carried out “Violence against Children: A Sociological Study in Selected Areas in Yemen”.²¹⁰ Based on the study's findings, the HCMC developed a draft national plan to

Furthermore, the Committee recommended that the State reinforce measures to raise awareness about the negative effects of corporal punishment and ensure that discipline in schools, families and all institutions is administered in a manner consistent with the child's dignity in light of articles 3, 12, 19 and 28 of the CRC.

The Committee went on to indicate its concern over the lack of measures addressing child abuse and

combat violence against children. The final draft of this plan was to have been approved at the annual meeting of the HCMC in December 2010 and its implementation begun in 2011.²¹¹

Some training exercises have been carried out. Twenty-three national trainers from the Ministry of Education were trained in peace-building and preventing corporal punishment in schools, and then developed a training manual on alternatives to corporal punishment. These trainers then went on to brief 300 to 340 teachers on the manual in the four governorates of Aden, Lahaj, Taiz and Sana'a. The tested manual was then included in the Ministry of Education annual action plan²¹² and UNICEF and Save the Children printed 5,000 copies, disseminating them to elementary schools in the targeted governorates.²¹³

The Social Fund for Development also implemented a number of activities addressing violence and abuse. Examples of those activities include a training workshop on diagnosing behavioural problems and constructing guidance programmes provided to 213 social workers and supervisors at 117 schools in Taiz 2008; a training workshop on applying psychological guidance principles and behavioural problems management for teenage students to 20 social workers in private and public schools in Sana'a in 2009; three training workshops on alternatives to corporal punishment provided to around 80 teachers from 80 schools in Taiz in 2010; a training workshop on how to deal with students' behavioural problems provided to 20 social workers from 16 schools in 'Amran in 2010; and training on alternatives to corporal punishment provided to 436 teachers and parents from the councils of fathers and mothers in 38 schools in Aden, Al-Hudaydah and Sana'a.²¹⁴



In 2010, UNICEF is funding the Ministry of Justice to contract 20 lawyers to provide free legal support for children victims of crime. This is a pilot project; the ministry plans to hire the lawyers under its own budget once UNICEF funding ends.²¹⁵

The Arab Human Rights Foundation (AHRF) in partnership with UNICEF has been working since 2006 to combat violence against children. In 2008, they established a psychological clinic in Sana'a that provides violated children and families with psychological and legal aid.²¹⁶ In 2006, they conducted an awareness campaign on the rights of the child and violence against children targeting five students from each school in 10 schools in Sana'a, Aden, Taiz, Ibb, Abyan and Hadramaut. Promotional hats and pins were distributed. Moreover, campaign promoted a helpline that receives complaints from violated children. The helpline is operated by a group of AHRF social workers and psychological and legal specialists, who provide counselling and referrals to approximately 1,000 cases per year. In 2009, UNICEF and AHRF trained 35 participants from the government and local NGOs on ways of supporting children looking for assistance through helplines and what is needed to create an effective helpline for children.²¹⁷

The Yemen National NGO Coalition for Child Rights Care established a monitoring unit that receives complaints about violence against children which are put in a database, analysed and then referred to the relevant authorities and used to promulgate projects and activities. Another initiative by the Coalition sought to raise the awareness of teachers, students and administrators in 13 schools in Taiz, Aden and Hadramaut by distributing approximately 3,000 brochures on alternatives to physical and humiliating punishment and protective measures from all types of violence and discrimination.²¹⁸

In 15 December 2008, a hotline was established by Seyaj to report cases of violence against children. The NGO's reporting unit has documented more than 1,000 cases of various forms of violence in numerous locations in Yemen since its establishment. The unit analysed 257 cases and issued its first annual report about trends of violence against children in Yemen in 2009.²¹⁹ In 2010, Seyaj trained 62 volunteers from different governorates on reporting and documenting violence against children.²²⁰

SOUL for Development is implementing a two-year project from 2011 to 2013 about child protection policy. In partnership with five local NGOs, child protection policies with codes of conduct will be applied in 25 schools in five targeted governorates. SOUL plans to evaluate this experience in order to gather evidence for an advocacy campaign to nationalise and systemise this experience in Yemen through the Ministry of Education.²²¹

f. Sexual Exploitation and Abuse

The Government reports that sexual assault against children is rare and occurs only in isolated cases.²²² Yemeni legislation criminalizes such acts. The Rights of the Child Act No. 45 indicates that it is the State's responsibility to "protect the child from all forms of sexual and economic exploitation", and to "adopt stringent procedures and measures to protect the child from engaging in any immoral activity and from being used and exploited in acts of debauchery or other illicit practices". Article 163 of the Act provides that "any person who incites a male or female child to practice prostitution and acts of debauchery shall be punished with imprisonment for a period of up to 10 years".²²³

The third alternative report submitted to the Committee noted that "many children" are victims of sexual abuse within families, in the streets and in detention centres.

Working children and children smuggled in through the Yemeni/Saudi border are also exposed to sexual exploitation.²²⁴ Accurate statistics are not available, however.²²⁵ Sex is a taboo subject in Yemen, hindering the reporting of sexual abuse or rape. Rape victims are often accused of guilt in the crime and are “subject to social harassment and rejection”.²²⁶ According to the third shadow report, “the government has done nothing” to prevent sexual abuse, tackle its causes or create safe treatment centres and child victims are left without support.

A study conducted by the HCMC confirms that the social sensitivity of sexual abuse leads to shortfalls in reporting. The study, with a sample of 267 children, found that 30.5% of urban and 32.3% of rural children had been exposed to sexual harassment and abuse.²²⁷ Children surveyed reported that sexual harassment most commonly happens in the street (52.8%), followed by at school (31.4%). Perpetrators are siblings and neighbours (56.2%), followed by teachers (13.7%) in rural areas, and pedestrians (11.8%) in urban areas.²²⁸

Included in child sexual exploitation is the issue of “marriage tourism”. Tens of Yemeni girls, as young as 15 years old, have been victims of this type of “temporary marriage”, where tourists from the Gulf countries (especially from Saudi Arabia) marry those girls for a short period and then abandon them. They might be left behind at a hotel pregnant, turn to prostitution, or are abandoned in the streets after reaching Saudi Arabia.²²⁹

In addition, many women and children head towards Yemen from the Horn of Africa in order to find improved work and living conditions in Yemen or the Gulf countries. However, once they reach Yemen they are forced into prostitution or domestic servitude. “Others migrate willingly with false promises of comfortable employment as domestic servants in Yemen, but upon ar-

rival are forced into prostitution or domestic servitude... Somali pirates capitalize on the instability in the Horn of Africa to subject Africans to forced labour and prostitution in Yemen, in addition to their piracy and human smuggling crimes.”²³⁰

The Committee expressed serious concern that the issues of child sexual abuse and sexual exploitation of children were not being sufficiently addressed by the State party. The Committee raised specifically the issue of the need for a clear legal definition of sexual assault or legislation defining sexual consent and prohibiting child sexual abuse. Other issues of concern were the absence of statistics and data related to child sexual abuse and the attitudes that cause the majority of abuse cases to remain unreported. The State was advised to ensure victims attain adequate medical and social support.²³¹

According to the head of the Child Department in the Ministry of Human Rights, the Ministry “is open” to any type of complaint on human and child rights violations, including direct reporting by individuals. The ministry has a hotline for this purpose, although it is currently not functioning due to financial and staffing shortages.²³²

Over the last five years, the MoSAL trained 250 workers in social welfare centres for juveniles, orphans and children living and working in the streets, in order to develop their skills and help them provide psycho-social support for children, including victims of sexual exploitation.²³³

In 2006, local NGO the Democracy School, in cooperation with Save the Children Sweden, implemented a project seeking to develop the protection mechanisms of institutions that work with children. The project held a panel discussion to identify the psychological, physical, social and economic violations that children in institu-

tions may be exposed to and develop a protection mechanism for them. Two workshops were subsequently held on these protection mechanisms in child institutions in Sana'a and Aden.²³⁴

In 2007, the MoSAL trained children living and working in the streets to be peer educators about HIV infection and how to protect themselves from harassment and sexual abuse they may face in the street. Eight hundred and forty children living and working in the streets in Sana'a, Aden, Al-Hudaydah and Taiz benefitted from this project. In 2008, a similar training programme with a component on protection mechanisms from sexual harassment and abuse took place in the same governorates and targeted more than 5,000 children living and working in the streets.²³⁵

The Democracy School also produced an animated film with the participation of children entitled, "A Story of a Child". This film addresses the issue of violence and sexual abuse. The group also produced a CD that focused on raising the awareness of children about violence, and posters on child protection topics.

In order to raise awareness on the issue of sexual harassment, Shawthab has produced three sung animation sketches about avoiding situations where sexual violence could occur—at home, in school and in the streets. The sketch was showed at nearly 300 schools and approximately 10,000 CDs of the video were distributed in different governorates.²³⁶

Furthermore, the AHRE, in partnership with UNICEF, established a psychological clinic in Sana'a in January 2008. The mandate of the clinic is to provide child victims of abuse and their families with psychological and legal support. It also records the processed cases in a database.

²³⁷

Funded by the Dutch Government, SAF is implementing a four-year project entitled, "Legal Protection for Victims of Violence and Sexual Harassment". The project, which began in March 2009, aims at providing protection and legal and psychological support for victims of violence and sexual abuse (children and women); filing charges in court and following up on court rulings; working towards amending related legislation; minimising the effects of violence through psychological and family support for victims; improving the skills of those who deal directly with victims, such as police officers and judges; and establishing a temporary shelter for victims of violence. A study of the causes of violence against women and children will be carried out in the scope of the project.²³⁸

g. Child Trafficking

Yemen is a country of origin, for transit and a destination for child trafficking. The geographical location of Yemen and "its generous immigration policy" make Yemen an appropriate transit point for migrants from the Horn of Africa to the Gulf countries.²³⁹

Yemeni law has strict penalties against child trafficking. Article 155, Paragraph 3, of the Rights of the Child Act No. 45 states that, "Any person who deliberately sets about to conceal a child or substitute one child for another or hand over a child to anyone other than the child's parents shall be punished with a term of imprisonment of up to two years." Article 164 provides that, "Without prejudice to any harsher penalty prescribed under any other law, any person who sells, buys or in any way disposes of a male or female child shall be punished with imprisonment for a period of not less than 10 years and not more than 15 years." In the Penal Code, Article 148 states that any person who buys, sells, gives away or in any way disposes of a human being shall be punished with imprisonment for a period of up to 10 years and that anyone who causes

a person to enter or leave the country with the intention of harming him or her should be punished with the same penalty.

The problem of child trafficking is not new, but only recently begun to raise domestic concern. Children trafficked from Yemen to Saudi Arabia increased after the Gulf Crisis in 1990-1991 when Saudi Arabia sent home migrant Yemeni workers. Figures on this issue vary from one source to another and are sometimes contradictory: “The lack of reliable data is compounded by the fact that Yemen does not have reliable systems for birth registration and the issuance of identity cards for children.”²⁴⁰

The 2008 report by the Children’s Parliament on conditions for children in Yemen indicated that 9,765 children returned to Yemen from Saudi Arabia in 2006. Ninety-six percent of them were boys and 4% girls. A representative of the Ministry of Interior reported at a session of the Children’s Parliament on 28 November 2007 that 74 cases of trafficked children had been thwarted during the first half of that year.²⁴¹

Governmental reports from Reception Centres in Haradh and Sana’a state that 3,164 children (10% to 15% of these the same children who live in border areas and work in smuggling goods) had been processed at the centres between May 2005 and December 2009. According to the same source, 90% of child trafficking is carried out to use children in smuggling goods, while 10% of trafficked children are forced to beg in Saudi Arabia.²⁴²

According to a UNICEF report, child traffickers are attracted to Yemen by the fact that three of the poorest Yemeni governorates in the west of Yemen—Hajja, Al-Hudaydah and Mahweet—lie close to the Saudi border.²⁴³ Eighty-two percent of child trafficking occurs with the consent of the child’s parents.²⁴⁴ Some Yemeni parents

even pay traffickers to smuggle their children to Saudi Arabia.²⁴⁵

The Committee on the Rights of the Child expressed its deep concern at this information, and the fact that children who are sent back home mostly likely end up living in the streets. The Committee advised the Government to address this phenomenon and suggested that the public be educated in the risks that trafficked children face in foreign countries.²⁴⁶

The amendment project submitted by the HCMC includes an effort to criminalise child trafficking and the sexual or other exploitation of children.²⁴⁷

In 2007, the Government formed the Technical Committee to Combat Child Trafficking. The Technical Committee consists of the HCMC, a number of government bodies, and the NGO, the Al-Saleh Foundation. This Technical Committee is responsible for developing strategies and a three-year action plan (2008 to 2011) to address the issue of child trafficking.²⁴⁸ The Children’s Parliament report indicates, however, that the Technical Committee’s activities have been limited to training border workers at the Yemeni-Saudi border.²⁴⁹

The Yemeni government has increased monitoring along its borders with Saudi Arabia. Between 2004 and March 2009, the Ministry of Interior was able to prevent 1,684 children from being trafficked. Supported by UNICEF and the International Organisation for Migration, the Government trained 40 police officers in 2007 and 120 workers in the reception centres on techniques to recognise and properly handle trafficking cases. Al-Saleh Social Foundation for Development held three other training sessions for 90 police officers and workers in Haradh Reception Centre on improving coordination and monitoring skills.²⁵⁰ The Government also trained officials in shel-

ter management and assistance to victims of trafficking. With UNICEF support, the Government has established a database for collecting information on child trafficking at border crossings.²⁵¹

Some inter-state coordination has taken place between Yemen and Saudi Arabia on this issue. Three consultative meetings were held in June 2006, July 2006 and October 2007, with the third meeting resulting in a number of recommendations. These recommendations included: equally-ranked representation from both countries for a bilateral technical committee formed by the Yemeni-Saudi Coordination Council; periodic reports to the Yemeni-Saudi Coordination Council on the issue of child trafficking; and approval and implementation of a mechanism for receiving trafficked children returned by Saudi authorities.

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The MoSAL carried out awareness campaigns about child trafficking targeting 3,200 people (religious leaders, local officials and principals) in Sana'a, Hajah, Al-Hudayda, Mahweet, Sa'ada and Taiz. Awareness weeks were also held for 5,400 policemen from nearly all governorates. A press briefing was held including 30 representatives of authorities dealing with the issue of child trafficking. Finally, the Children's Parliament carried out awareness-raising activities for 10,000 children.²⁵³

In 2009, the MoSAL in cooperation with the General Union for Worker's Syndicates and the General Syndicate conducted awareness campaigns for 1,160 public transportation drivers in Al-Hudayda, Sana'a, Sa'ada, Hajah, Taiz, Tamar and Ibb on the dangers of and legal penalties for child trafficking. The Ministry has also distributed 30,000 educational brochures and stickers in governorates where child trafficking is more prevalent. Similar awareness campaigns were carried out by Shawtheb Foundation. A campaign to educate 3,000 internally-displace families





Trainers work with children at the Amran camp for internally-displaced persons. *Courtesy of Save the Children Sweden*

on the dangers of child trafficking, violence against children and early marriage was carried out in the camps of Sa'ada, Amran and Hajjah.²⁵⁴

The MoSAL also produced two films on child trafficking, one in 2007 and the other in 2009, and Shawthab Foundation produced an animated film about the dangers of child trafficking in February 2007.²⁵⁵ In addition, the periodical annex of *Al-Harass* newspaper, television programme "Hraass", and radio programme "Police and the Society" are used by the Ministry of Interior to educate the public on child protection issues, including child trafficking.²⁵⁶

The HCMC, in cooperation with the Ministry of Information, also contributed to training 100 journalists in combating child trafficking in Sana'a, Hajjah, Al-Hudaydah and Mahweet.²⁵⁷

The Children's Parliament held its sixth session from 24 to 28 November 2007 entitled "Child Smuggling is a Crime Punishable by Law". Numerous organisations and official bodies reported at the session, including the MoSAL, the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Interior, the HCMC, UNICEF, and members of the House of Representatives.

The Children's Parliament then drafted recommendations to: make child trafficking a felony with harsh penalties; increase awareness-raising campaigns and funding for programmes that include children; strengthen security coordination at the border and ensure children are treated humanely; implement a comprehensive strategy for poverty reduction; select border control staff qualified for dealing with children; form school committees and hotlines to combat violence against children; place social workers and psychologists at centres working with trafficked children;

and activate the Technical Committee to Combat Child Trafficking and a related database.²⁵⁸

b. Children Associated with Armed Groups and Forces

Yemeni law prohibits the exploitation of children in armed conflict. In 2001, Yemen's National Defence Council abolished compulsory military service, relying instead on volunteers to fill posts in the military and security forces. Article 149 of the Rights of the Child Act No. 45 states that "persons under the age of 18 cannot participate in armed conflicts or be recruited".

Nevertheless, although Yemen's laws specify age 18 as the minimum recruitment age, under-age recruitment to the armed forces was common in 2008.²⁵⁹ A disorganized recruitment system and irregular birth registration compounds the problem. Due to limited employment opportunities, military conscription is seen as highly attractive.²⁶⁰ During the January to March 2007 clashes between the Yemeni armed forces and the Faithful Youth, Yemen's military reportedly used children as young as 15 with no training as soldiers.²⁶¹

According to 2004 reports, children have also been forced to wage tribal and family conflicts, risking being killed; no further information was available, however.²⁶²

Various sources report that Houthis have also used children as 'runners' between groups of fighters,

“Although Yemen's laws specify age 18 as the minimum recruitment age, under-age recruitment to the armed forces was common in 2008. Due to limited employment opportunities, military conscription is seen as highly attractive.”

possibly employing them to carry supplies and explosives.²⁶³

The NGO third alternative report argued that, although the Government banned children from carrying weapons in 2007, the issue is deeply rooted in Yemeni tradition and custom and needs more attention from the Government.²⁶⁴ Changes to the Military Crimes and Punishment Law are being endorsed that would forbid children under age 18 from involvement in armed conflict.²⁶⁵

The Committee noted in its Concluding Observations that Yemen had internally ratified the Optional Protocol to the Convention on the involvement of children in armed conflict in August 2004, but urged it to transmit without delay the instrument of ratification to the UN Secretary General, including the necessary binding declaration and description of safeguards required under Article 3, Paragraph 2 of the Protocol.²⁶⁶

i. Landmines and Small Arms

The Republic of Yemen signed the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Mine Ban Treaty) on 4 December 1997, ratified it on 1 September 1998, and became a State party on 1 March 1999. On 16 December 2004, the Yemeni Parliament passed national implementation legislation for the treaty, and on 20 April 2005, Presidential Law No. 25 was issued to bring the legislation into force. Yemen submitted its seventh Article 7 transparency measures report on 7 April 2005, covering the period from 30 March 2004 to 30 March 2005.²⁶⁷

The National Mine Action Committee (NMAC), established in 1998, is chaired by the Minister of State and includes the deputies of nine ministries. NMAC established

the Mine Awareness Advisory Committee, the Victim Assistance Advisory Committee and working groups that assist with planning and evaluation of mine awareness and victim assistance activities. The Yemeni Executive Mine Action Centre (YEMAC) was set up in January 1999 to implement the plans and policies approved by NMAC. YEMAC headquarters are in Sana'a with regional branches in Aden and Mukalla (Hadramaut).²⁶⁸

At the First Review Conference of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on Their Destruction in 2004, Yemen was identified as one of 24 States parties with significant numbers of mine survivors and “the greatest responsibility to act, but also the greatest needs and expectations for assistance” in providing adequate services for the care, rehabilitation and reintegration of survivors.²⁶⁹

Yemen is contaminated with mines and unexploded ordnance (UXO) as a result of several conflicts. A total of 592 villages in 19 of the country's 20 governorates are mine/UXO-affected, according to the Landmine Impact Survey (LIS) conducted in 2000.²⁷⁰

The final report of the Geneva International Centre for Humanitarian Demining evaluation mission to Yemen in April 2005 concluded that, “The Yemeni Landmine/UXO Victim Assistance Programme... is probably one of the most advanced in the world. Success can be attributed to a combination of high-level Government support, qualified and dedicated staff, a well-defined strategic approach, and strong support by the Yemen Executive Mine Action Center (YEMAC) Programme Manager.”²⁷¹ The revised and extended Mine Action Strategic Plan for 2004-2009 defines survivor assistance as one of its priorities.²⁷²

In June 2004, a revised National Mine Action Strategic Plan was released, covering 2004 to 2009. An independent evaluation concluded that the Yemen mine action programme shows “a depth of maturity comparable to the best mine action programmes in the world.”²⁷³

In this regard, the Yemeni Association for Landmine and UXO Survivors established in 2004 “has played an active role in raising awareness of mine-affected areas and in promoting socioeconomic reintegration of mine/unexploded ordnance survivors through educational programmes. YALS and YEMAC are working together with the goal of reintegrating 500 survivors by 2009.”²⁷⁴

In 2010, the Yemeni Association for Landmine and UXO Survivors stated in its annual report that 19 people (six dead and 13 injured) fell victim to landmines in that year. The group’s executive director indicated that it maintained 3,760 mines for the purpose of training and destroyed 30,000 mines discovered in 2006. In March 2010, the association carried out an awareness campaign about landmines in Sa’ada.²⁷⁵

Save the Children conducted Mine Risk Education training targeting 23 local trainers, 2,328 children (797 girls and 1,531 boys) and 603 youths (204 girls and 399 boys) in schools, internally-displaced person camps and host communities in three governorates. The objective of the training sessions is to reduce mine risk to a level where people can live safely and to recreate an environment free from the constraints imposed by UXOs.

j. Internally Displaced Children and Refugees

In early 2010, the UNHCR estimated the number of refugees in Yemen at 170,000, with 250,000 IDPs.²⁷⁶

After the ceasefire between government and Houthi forces, it was reported that only 14,000 internally displaced people returned home; by July 2010, displaced people numbered more than 324,000, 80% of them women and children. “Many have no place to return to due to the destruction of houses and infrastructure,” reported Save the Children. Gaps in basic services, such as health care, education, water supply and security in many parts of the Sa’ada governorate also discourages many IDPs from returning, said the group.²⁷⁷

Since 2009, Save the Children has implemented a number of projects in the region affected by the war. Examples of such projects include distributing educational play kits in schools, clothes to 7,400 children in the camps, school bags for more than 8,000 children, 50 water thermoses, 451 food/water containers and wheel chairs to 19 children with disabilities. Nearly 2,000 displaced children from Al-Mazraq Camp were registered and re-enrolled in Al-Yarommok School in Haradh.

In addition, Save the Children established 24 Child Friendly Spaces in Haradh, Sa’ada and Amran, benefitting 3,700 war-affected children. At the centres, children come to play with other children, learn skills to negotiate everyday challenges, make new friends and practice reading, writing and math skills. An additional three Child Friendly Spaces are planned.

In the field of health, Save the Children is using a community-based therapeutic care approach to treat severe and moderate malnutrition among children under five years of age and pregnant and breast-feeding mothers. To date, Save the Children operates in 10 clinics in Amran and three in Sa’ada; during the reporting period, 61 children under age five were admitted on a Supplementary Feeding Programme, while 32 children under age five were admitted through the Outpatient Therapeutic Programme.²⁷⁸

UNICEF, in collaboration with the Yemeni Red Crescent Society, supported the construction of 32 latrines and five laundry basins in two camps for the use of women and children. The new facilities were built near the tents to ensure privacy and safety of both women and children. The existing latrines were reserved for men and sufficed to meet the needs of the male population. UNICEF also provided clothing and blankets for children.²⁷⁹

UNICEF set up schools for 2,000 internally displaced children in Al-Mazraq Camp. In 2009, early childhood development kits to stimulate learning and brain development for children under six were distributed. Each kit accommodates 50 children.²⁸⁰

In 2009, UNHCR implemented a project entitled “Legal Protection and Safe Shelter for Refugee Children”, seeking to improve protection and legal support for refugee minors, boys and girls living in urban settings in Sana’a, victims or those at risk of violence, abuse, neglect and exploitation; increase protection for these children through safe houses for children; and increase protection of unaccompanied and separated refugee minors through temporary and durable foster care.²⁸¹

k. Orphaned, Separated and Unaccompanied Children

In Article 26, the Yemeni Constitution defines “the family” as “the cornerstone of society and the law shall protect its structure and strengthen its ties”. Article 12 of the Rights of the Child Act No. 45 of 2002 emphasises that the child is entitled to enjoy his/her “legitimate rights, in particular the right to establish his or her parentage, to be breastfed, nurtured and maintained, and to see his or her parents”. Furthermore, “family relationships are regulated by the provisions of the Personal Status Act No. 20 of 1992”.²⁸²

Many other articles of the Personal Status Law tackle aspects of family life, particularly the complex issue of custody, family reunification, and illicit child transfer and child abduction (“non-return”).²⁸³

Regardless, the shadow report of 2005 stated that family support programmes are “non-existent in Yemen”. Many children are left to fend for themselves, save a few orphanages. Rahmah Centre for Orphan Girls and Al-Eslah Association for girls and boys are the two most prominent orphanages.²⁸⁴

The Committee recognised and welcomed modes of alternative care (e.g. the Islamic system of adoption, *kafalah*), but expressed concern regarding the quality of the care children receive in orphanages which usually “lack proper regulations as well as mechanisms for the monitoring and control of child placement within these institutions”. The Committee went on to call for institutionalising these orphanages by establishing “standard procedures” for the quality of care provided and by ensuring that placements are regularly reviewed in conformity with the principles and provisions of the CRC. The Committee also recommended the State provide support for families to help parents raise their children.²⁸⁵

The HCMC, in partnership with the MoSAL, the Social Fund for Development, UNICEF, and Save the Children Sweden, is working to establish a foster family system.

The Government reports that the number of orphanages increased between 2005 and 2007 at a rate of 200%, increasing from 12 governmental and non-governmental shelters to 31 (10 governmental, three semi-governmental and 18 non-governmental). These centres provide children with food, clothing, health services, and education. Some of these centres offer complete education, rehabilitation and permanent accommodation while others

are day-care centres where orphans receive rehabilitation activities during the day but spend the night with their families.²⁸⁶

If a child is living with a single father, single mother or in poverty, social security assistance (the Social Welfare Fund) or food assistance is provided. Five thousand orphans benefit annually from the school feeding programme of the Ministry of Education. Some local NGOs provide monthly payments covering the expenses of the orphan living with a family.

UNICEF has advocated for the rights of separated minors (young African migrants) since 2009. As a result, almost 160 have been provided with interim care and repatriated to their home countries, where they were reunited with their families. Some 75 of these children had been kept in the prisons of Taiz and Al-Hudaydah, their release granted only after UNICEF's strong advocacy efforts.²⁸⁷

L. Birth Registration

The Yemeni legislation that ensures birth registration include articles 20, 21, 23, 25, 26, 27, 29 and 30 of the Civil Status and Civil Registration Act instructing that “the child’s birth must be registered by notifying the Civil Status Department within 60 days from his or her date of birth”.

Moreover, the third periodic report submitted by the Republic of Yemen to the Committee on the Rights of the Child mentions the following articles that further enhance the child’s rights to identity: “Article 12 of the Rights of the Child Act guarantees to every child the enjoyment of his or her legitimate rights, in particular the right to establish his or her parentage, to be breastfed, nurtured and maintained, and to see his or her parents. Article 10 of the Rights of the Child Act affirms that every child has

the right to a name which distinguishes him or her from others and which is entered at birth in the birth registers. The Yemeni legislator also accorded the child the right to preserve his or her identity in the context of legal provisions which strengthened such rights in accordance with articles 14, 17 and 19 of the Rights of the Child Act.”²⁸⁸

The third periodic report indicated that, while every child born in a health care establishment or under health supervision is registered with the Civil Registration Department, which has branches in every governorate, birth registration remains a problem because almost 75% of births take place in the home and many citizens do not apply for a birth certificate.²⁸⁹

The NGOs third shadow report argued that the responsibility for this failing lies at the feet of the legislature and the executive, which have not defended children’s right to register and have an identity. Further, the report criticized the fact that only fathers are able to automatically transfer citizenship to their children, even if they have been out of the country for decades. This right is not given to mothers, who can only transfer citizenship to their children with great difficulty.²⁹⁰

The Committee was concerned “at the lack of birth registration of a significant number of children, which has negative consequences for the full enjoyment of their fundamental rights and freedoms”. The Committee urged Yemen to implement adequate measures to ensure birth registration for all children in accordance with Article 7 of the CRC, including establishing registration mechanisms in hospitals and encouraging the use of “mobile registration units”, especially in rural and remote areas.²⁹¹

In response to these recommendations, the Government has implemented the following interventions. First, Article 21 of the Civil Status and Civil Registration Act was

amended so that either of the child's parents—not solely the father—is able to register the child.²⁹²

In 2006, the HCMC and the Civil Status Department, in cooperation with Save the Children, organised a consultative workshop for 120 people from related government and non-governmental bodies as well as UNICEF and UNFPA on the issue of birth registration.²⁹³

In 2007, the Prime Minister issued Decree No. 120 for the year 2006, making the issuing of birth certificates a free service. Subsequently, 276,716 birth certificates were issued.²⁹⁴

The Government also developed a national strategy for 2008 to 2015 to develop Civil Status and Civil Registration.

In order to raise public awareness, in 2007 the MoSAL carried out a 15-day campaign on the importance of issuing birth certificates, acquainting the public with two new Civil Registration Departments in Al-Sheik Othman district in Aden. Moreover, supported by UNICEF and Save the Children Sweden, the MoSAL held eight training courses on the importance of birth registration in Aden for 234 imams, health workers, social workers, school principals, local officials, Civil Registration Department workers and other community figures.

In 2005 and 2007, UNICEF and Save the Children Sweden supported the Government in carrying out a birth registration campaign for newborns and children under 13 years of age in poor districts in Aden. The number of beneficiaries was 5,980 in 2005 and 720 in 2007. In 2006, UNICEF in cooperation with the French organisation Triangle, conducted another registration campaign in Aden and 2,330 birth certificates were issued.

In 2007, UNICEF in cooperation with the Civil Status and Civil Registration departments, conducted a situation analysis in all Yemeni governorates to investigate the situation of birth registration and the civil registry (marriages, births, deaths, etc.).²⁹⁵

Save the Children, in partnership with UNHCR, launched a campaign to raise the awareness of Yemenis and refugees in two districts in Sana'a on the importance of obtaining birth certificates.

CSOs also play a role in addressing this issue. Shawthab printed awareness messages about birth registration on 100,000 notebooks, which were distributed in school bags in all Yemeni governorates. In 2009, in collaboration with UNICEF, the organisation also sent cell phone short messages (SMS) on the issue. Shawthab visited a number of schools and families in Ibb, Al-Hudaydah and Taiz in order to raise public awareness on children's rights to register and have identity. The Democracy School conducted a similar awareness campaign with the Children's Parliament in a number of schools in Yemen by distributing brochures on the right to register and have a birth certificate.

As part of the preparation of the first report of the Children's Parliament on the conditions of children in Yemen, parliament members made field visits to 18 governorates in order to investigate implementation of the decree that makes obtaining a birth certificate a free service, determine parental turnout, and establish the level of knowledge about the decree among the public. Under the supervision of Save the Children Sweden, the youth members developed a questionnaire, distributing 1,000 of them in the targeted governorates. Among the findings were that 60% of respondents did not know birth certificates could be obtained for free and nearly 27% had not

obtained birth certificates for their children because they did not believe it was necessary.²⁹⁶

Based on these visits, the Children's Parliament held a session in 25 February 2008. The members presented the findings of their visits to relevant parties at the Ministry of Interior. The session resulted in the following recommendations: to raise awareness in the media on the importance of obtaining a birth certificate and that it is free; to monitor implementation of the decision to issue birth certificates for free in all governorates, penalise violations, and set appropriate punishments; to distribute birth certificate forms to all districts; to provide up-to-date equipment for determining a child's age and train legal doctors in their use; and to unify procedures for obtaining a birth certificate at hospitals or police stations.²⁹⁷

m. Children Living and/or Working in the Streets

A study conducted by the HCMC shows that there are 30,000 children working in the streets of eight governorates of Yemen (Sana'a, Aden, Taiz, Al-Hudaydah, Hadramaut, Ibb, Hajjah and Dhamar).²⁹⁸ A study of 4,760 children living and working in the streets aged between six and 17 years (718 females and 4,042 males) showed that 60% work and sleep in the streets, while 40% work in the streets but sleep in a temporary residence. These children have dropped out of education entirely.²⁹⁹

The study attributed the causes for children living and working in the streets to poverty; unemployment; family disintegration, divorce or parents' death or absence; family disputes; violence against women; parental abuse of children; internal migration and lack of social services.³⁰⁰ Interviews with children in centres in Sana'a indicated that 64% had left their homes as a result of domestic violence and dysfunctional families. Twenty-one percent of the children enrolled in the centres due to the loss of their

father and 85% belonged to households with five to 10 or more members. The survey, undertaken by the Safe Childhood Association, indicated that 95% of these children's parents were illiterate, with only 5% of them having received primary or very preliminary education.³⁰¹

The third Yemeni NGO shadow report concluded that poverty was responsible for an increase in beggar children, with the number of beggars or street children reaching 30,000 in Sana'a alone. Unofficial estimates were that two million children were living and working in the streets in Yemen.³⁰² In 2011, the NGO Coalition estimated that 3,000 to 7,000 children were living and working in the streets in Sana'a.³⁰³

The HCMC study says that children working in the streets find employment as street vendors, cars washers, cleaners and beggars, in addition to working in markets, restaurants, laundries and furnaces.³⁰⁴

Children living and working in the streets are vulnerable to sexual harassment and abuse. Reports point out that "boys as young as eight have been lured into the cars of strangers for as little as USD 1, while others are sexually abused by older boys living rough on the street—a dire reminder of the vicious circle of abuse found throughout the world involving street children."³⁰⁵

The Yemeni Government publicised national legislation under the framework of the Social Welfare Act No. 31 of 1996 "to protect those children who are impoverished, destitute, orphaned, disabled or in other special categories".³⁰⁶

In its Concluding Observations of 2005, the Committee voiced appreciation of the Yemeni programme for rehabilitation of children working and living in the streets, while expressing deep concern at their increas-

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.....

with their basic needs of shelter, food and health care. More important was the promotion and facilitation of the “reunification of street children with their parents and other relatives”.³⁰⁷

The Government of Yemen has signed a memorandum of understanding with the Arab Gulf Programme for Development to set up a bank for the poor and reduce the phenomenon of street children.³⁰⁸

Furthermore, the HCMC and the MoSAL in cooperation with the Arab Council for Childhood and Development supported the project “Street Children 2006-2008” which conducted a field survey on children living and working in the streets in eight governorates; held a national workshop to discuss the findings of the study and make recommendations; conducted a training course for 30 of those working with children living and working in the street; conducted four training workshops for 100 journalists and media workers on child protection and the rights of children living and working in the streets; and produced

ing numbers and their vulnerability to sexual abuse and exploitation. Another concern raised by the Committee was “the lack of a systematic and comprehensive” Yemeni strategy for addressing the situation of these children and protecting them. The State was urged to develop “a comprehensive strategy” for dealing with this phenomenon, supporting these children’s “full development”, and providing them

awareness-raising materials such as brochures, stickers, television and radio programmes on these children.

There are two social service centres in Sana’a and Aden. These centres provide various services for children (children living and working in the street, child labourers, orphans, marginalised children known as *al-Akhdam*, and children living with disabilities) and their families. There are also three centres for combating begging in Sana’a, Aden and Taiz. These centres refer beggar children to child care centres and take pledges from the children’s families not to use their children in begging.³⁰⁹

The Ministry of Education and United Nations Educational, Social and Cultural Organisation are considering a project to create child-friendly, single classroom schools for children living and working in the street, child labourers, and children who dropped out of schools. The project would construct 20 single classroom schools in various parts of Yemen and train 70 to 100 teachers and administrators to work in these schools, in order to “provide children from marginalized groups with proper educational opportunities and to get more boys and girls in the 10 to 15 age group who are at risk of delinquency or who have dropped out of school into education.”³¹⁰

To prepare the first report of the Children’s Parliament on conditions of children in Yemen, parliament members made field visits to streets where large numbers of children work and to public markets in almost all governorates except Sa’adah and Hadramaut. The objective of these visits, supported by the Democracy School and UNICEF, was to learn of the conditions of children living and working in the street.

Based on these visits, the Children’s Parliament held its fifth session entitled “Child Labour—A Phenomenon That Needs a Solution” from 6-8 August 2007. The



MoSAL, the Ministry of Interior, the Capital Secretariat, the International Programme for the Elimination of Child Labour under the ILO, and the rehabilitation centre for child labourers discussed the issue of child labour and the conditions of children living and working in the street. The session resulted in the following recommendations for: implementation of the comprehensive strategy for poverty reduction, focusing on children; awareness-raising campaigns in audio, visual, and written media, as well as schools, to inform the public of the dangers street children and working children face and inform children of a hotline; and assistance for street children in locating appropriate shelters, accessing alternative services and continuing schooling or vocational education.³¹¹

n. Child Labour

Yemeni law identifies age 15 as the minimum age for employment. Article 133 of the Rights of the Child Act No. 45 of 2002 states: “A child of working age means any person over 14 years of age. The employment of any person below that age shall be prohibited, as shall the employment of children in industrial jobs before they reach the age of 15.” In addition, Labour Act No. 5 of 1995 specifies the legal age of employment for a juvenile as 15 years. However, the Civil Service Act No. 19 of 1991 stipulates that candidates for permanent appointment to public office must be over 18 years of age. A person 16 years of age may work in posts and occupations that require special institutional training. In all cases, age must be proven by a birth certificate or a certificate from the competent medical committee.

Ministerial Decree No. 40 of 1996 identifies the jobs, occupations and industries in which young people may not be employed because they are dangerous and may affect a child’s health and development.

Yemen has ratified ILO Convention No. 138 concerning the Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

Up-to-date statistics on the numbers of child labourers in Yemen are unavailable.

However, a national labour force survey was conducted in May 2010. It is the first of its type, covering working children aged five to 18, types of professions, and reasons for the phenomenon. The findings of this survey were not published at the time of this writing.³¹²

In 2000, the ILO estimated that 18.7% of children between the ages of 10 to 14 years of age were working in Yemen.³¹³ According to the 1999 Labour Force Survey, child labour among the age group six to 14 years old increased from 240,000 children in 1994 to 327,000 children in 1999, with a high average growth rate of 6.4%. This, said the survey, reflected the expansion of poverty and the reliance of poor families on child labour. Female child labour constituted 51.4% of total child labour.³¹⁴

The 2000 ILO estimation indicated that the majority of children worked in agriculture without wages. Other children worked as street vendors, beggars, and domestics and in the fishing, leather, and automobile repair sectors.³¹⁵ Ninety-five percent of child labour was concentrated in rural areas, with 92% of activities related to agriculture. General services and sales in permanent and mobile trading outlets comprised 5% of child labour. About 91% of

“In 2000, the International Labour Organisation estimated that 18.7% of children between the ages of 10 to 14 years of age were working in Yemen.”

these children worked with the family without pay, and for hours ranging from 15 to 34 hours per week. Eight per cent of these children were self-employed or worked for a cash or material wages. “The causes and reasons for child labour vary from helping the family (71%), poverty of the family, unemployed parents, or a deceased family provider (15.3%), to other reasons led by the lack of enrolment in education and the lack of desire and failure to proceed with education (10.4%) and ending with the desire for self attainment (3.3%)”, stated the ILO.³¹⁶

In its third periodic report, the Government of Yemen recognised that, as a result of high population growth and the deteriorating economy, more and more children were forced to drop out of school and join the labour market to support their families.³¹⁷ The State reported that 49.5% of the child labour force had never enrolled in education, 39.5% were enrolled while still being employed, and 11% were enrolled at one time.³¹⁸

The ILO indicated that the majority of Yemeni children working in agriculture face risky conditions, “including the use of pesticides and heavy equipment, prolonged exposure to extreme temperatures, and carrying heavy loads.” In addition, “children employed in domestic service and restaurants are particularly vulnerable to sexual abuse and exploitation.”³¹⁹

The Committee on the Rights of the Child noted the range of measures the Yemeni Government had adopted to address the issue of child labour, especially the establishment of a ‘child labour unit’ in the MoSAL, as well as the appointment of a national coordinator for the International Labour Organisation/ International Programme on the Elimination of Child Labour (ILO/IPEC).³²⁰

At the same time, the Committee was highly concerned by the persistence and growth of child labour, societal

acceptance of it, and the prospect that many of these children, especially those working as domestic servants, are targets for abuse including sexual abuse. Thus, the Committee called for Yemen to resume and intensify its efforts to eliminate child labour, with particular attention to “poverty eradication and access to education”.³²¹

The Committee also urged effective implementation of the ILO conventions ratified by Yemen; that a study be undertaken on problems faced by children working in the informal sector to ensure they have access to their rights to education, health and family; and the design of a “comprehensive child labour monitoring system” together with the ILO/IPEC, local NGOs, and community-based organisations.³²²

In order to bridge the gap between Yemeni legislation and the international conventions and treaties on child labour, the MoSAL conducted an analytical study of proposed amendments. These amendments are included in those proposed by the HCMC amendment project.³²³

Under the ILO/IPEC, the Government of Yemen established three rehabilitation centres for working children in Sayyun (2002), Sana’a (2004), and Aden (2008), reaching close to 2,000 working children. These centres provide working children with basic needs like food and educational and awareness-raising activities. However, today the centres in Sana’a and Sayyun are barely functioning due to funding constraints. In Aden, the centre is still running and the MoSAL plans to replicate it in other governorates. One reason the centre has succeeded is that it is a mobile centre; it stays for a week at a time in various districts, providing working children with the support and education they need before moving on to another place.³²⁴

The MoSAL has developed a national plan (2008-2012) to combat the worst forms of child labour. The plan was de-

veloped through field visits to different governorates and discussion sessions with various stakeholders, including local authorities and working children. These visits sought to provide a full picture of child labour in Yemen and to take into consideration the needs of each governorate. Only minor activities of this plan are being implemented, however, due to the lack of financial resources.³²⁵

In 2009, the MoSAL in collaboration with Cooperative Housing Foundation International (CHF) conducted four training workshops for 140 child labour inspectors from different governorates on child labour, work safety and inspection. The trainees designed a survey for work inspection and tested it in different governorates, modifying it and then implementing it.³²⁶

Supported by CHF, the MoSAL is now in the process of establishing a system that monitors steps for removing children from some of the worst types of child labour until they are enrolled again in school. This project is a pilot and is in the early stages.³²⁷

In order to address the specific needs of girls involved in labour activities, ILO/IPEC coordinated a rapid assessment through the project “Promoting Decent Work and Gender Equality in Yemen”. The study examined girl child labour in agriculture, entertainment and street work in three governorates. Following the rapid assessment, three policy briefs were developed. A round table to discuss the study’s findings and recommendations brought together key national stakeholders, including representatives from the governorates, international organisations and the donor community in Yemen, and developed an action plan to address the worst forms of girl child labour.³²⁸

A separate initiative, “Alternatives to Combat Child Labour through Education and Sustainable Service

Programme” (Access Plus) for the years 2008 to 2011, is being implemented by the CSSW and CHF. Access Plus is funded by the United States Department of Labour. Access Plus’ activities are implemented in coordination with the Ministry of Planning, MoSAL, Ministry of Education, Ministry of Vocational and Technical Training and local councils in the targeted governorates.

The programme is being implemented in Taiz, Aden, Al-Hudaydah, and Hajja in 24 schools and 15 vocational training centres and 63 centres for literacy and life skills training. Its main components are protecting 3,000 children from involvement in work by enrolling them in school system or literacy classes; removing 4,100 child workers from job sites and enrolling them in formal education programmes, vocational training or literacy classes; preparing and furnishing 24 classes (one classroom in each targeted school) as a resource room for students who face difficulties in learning; and training some of the targeted schools’ teachers in remedial education, life skills, student-centred teaching methodology, alternatives to physical violence, and methods of dealing with children.³²⁹

a. Juvenile Justice

Article 8 of the Juvenile Act provides that: “The Department of Public Prosecutions shall be directly responsible for the examination and handling of juvenile cases. During questioning and investigation, the examiner shall show due regard for the age of the juvenile, the gravity of the act of which he is accused, his physical and mental condition, the circumstances of his upbringing, his living conditions and other elements which are a test of character.”³³⁰

Article 14 of the same act stipulates that: “A juvenile may not be ill-treated or handcuffed. The physical coercion of convicted persons subject to the provisions of this Act

shall be prohibited as a means of enforcement.” Article 16 of the Juvenile Act provides that: “The juvenile court shall have the exclusive competence to examine the case of a juvenile who is charged with an offence”. Article 25 of the same act provides that: “Any procedure required by law must be made known to the juvenile and any judgment delivered in his regard must be transmitted to a parent, a person exercising right of legal guardianship or a person who is responsible for the juvenile, any of whom may, in the interest of the juvenile, pursue the methods of appeal prescribed by law.”³³¹

Article 36 of the Juvenile Act also provides that: “Juv- eniles under 16 years of age who commit an offence may not be sentenced to any of the penalties or measures prescribed under the Penal Code, with the exception of seizure and closure of premises.”³³²

Article 130 of the Juvenile Act provides for the appoint- ment of a lawyer to juveniles accused of an offence. Arti- cle 131 stipulates that juvenile trials should be conducted in camera and attended only by relatives, witnesses and social supervisors, and that it is illegal to publish the name or photo of an accused minor, as well as the facts or sum- mary of the trial. Article 132 exempts juveniles from legal fees and expenses.³³³

The State elaborated national legislation that addresses the problem of juvenile delinquency through prevention or treatment. Article 3, Paragraph 3, of the Rights of the Child Act provides legal protection ensuring that the rights of the child are not undermined, in accordance with the terms of the Islamic Shariah and the laws in force.

In 1994, Yemen amended its Penal Code to require re- duced sentences for crimes committed by persons under 18.³³⁴ However, implementation of this provision and a similar provision in the Juvenile Act has been hampered

by Yemen’s very low birth registration rate (45% in 2008)³³⁵, which makes it difficult for many juvenile offenders to prove their age at the time of the offense.³³⁶

According to the Ministry of Interior, 1,057 juvenile cases were recorded be- tween 2003 and 2007.³³⁷

While welcoming these legislative measures, nota- bly the promulgation of the Rights of the Child Act No. 45 of 2002, the Committee remained concerned that the existing legislation does not fully reflect the principles and provisions of the CRC on the administration of juvenile justice.³³⁸

The Committee welcomed the Supreme Council Decree establishing a number of juvenile courts and centres. However, the Committee was concerned at the very low minimum age of criminal responsibility (seven years old) and other shortcomings in the juvenile justice system. Moreover, the Committee recommended that the State ensure the full implementation of juvenile justice stand- ards, in particular articles 37, 40 and 39 of the CRC and other UN standards³³⁹ in the field of juvenile justice.³⁴⁰

The Committee recommended Yemen raise the minimum age of criminal responsibility to an internationally accept- able level; develop an effective system of alternative sen- tencing for persons below 18 in conflict with the law, such as community service restorative justice, inter alia, with the view to ensure that deprivation of liberty is a measure of last resort; guarantee that all children have the right to

“The Committee was concerned at the very low minimum age of criminal responsibility (seven years old) and other shortcomings in the juvenile justice system.

appropriate legal assistance and defence; take necessary measures to make the deprivation of liberty as short as appropriate, inter alia by using suspended sentencing and conditional release; ensure that persons below 18 in detention are separated from adults; ensure that persons below 18 remain in regular contact with their families while in the juvenile justice system; provide on-going trainings for judges and law enforcement officials; and seek assistance from the HCRC, the Centre for International Crime Prevention, and UNICEF.³⁴¹

For the period of 2006 to 2010, the Ministry of Justice with partnership with the UNICEF and the EU worked to improve juvenile justice in Yemen by enhancing the institutional structure of juvenile courts and prosecutions, improving juvenile law, and building the capacity of those who work with/for children. The Ministry of Justice also established a special unit for the legal protection of children's rights comprised of seven members in the department of Women, Children and Human Rights.³⁴²

The Ministry of Justice participated in an analytical study of the existing national legislation on the protection of children's rights and their compatibility and harmony with international conventions and treaties ratified by Yemen. The outcome of this process was a project to amend the Juvenile Justice and the Child Protection acts. The Ministry of Justice printed and distributed to professionals working with children (lawyers, judges, police, journalists, etc.) 2,000 copies of a brochure on juvenile execution, 150 copies of a booklet of the simplified UN guidelines on child victims and witnesses, 3,000 copies of the Juvenile Justice Act, and 3,000 copies of the Rights of the Child Act No. 45 of 2002. Training workshops and conferences were also held.³⁴³

Within the same period, the Ministry of Justice developed a reference manual based on a multi-disciplinary method-

ology in order to develop the skills and knowledge of staff working with juveniles. The "*Amal*" manual has been used in more than 14 training workshops targeting 91 judges, 80 male and female prosecutors, 94 lawyers, 60 social experts and psychologists, 15 members of local councils, 41 representatives of CSOs, 58 police officers and six judicial inspectors. The workshops were held in nine governorates (Sana'a, Aden, Taiz, Al-Hudaydah, Hadramaut, Abyan, Ibb, Hajjah, Dhamar).³⁴⁴

To provide legal protection to juveniles, the Ministry of Justice under the sponsorship of UNICEF contracted 16 lawyers to provide free legal support to children in conflict with the law. For sustainability, after the project had ended, the Ministry contracted those lawyers under its own budget to continue working on the same mandate.³⁴⁵ This service benefitted 2,381 juveniles between 2007 and 2010. Moreover, the Ministry also recruited 17 social experts to work in the juvenile courts and in cooperation and coordination with the MoSAL to ensure that juveniles receive social and psychological support as well as rehabilitation services. The Ministry of Justice is also working to support and develop community-based programmes and alternatives to custodial and non-transfer programmes in the governorates of Taiz and Al-Hudaydah as a pilot to be evaluated before replication throughout the country. Seventy-nine percent of juveniles in these governorates benefitted from this programme.³⁴⁶

The HCMC developed, with the support of UNICEF, a database on juvenile justice for comprehensive data on every single juvenile case in the country. This database should have been completed with input from the MoSAL, the Ministry of Interior and the Ministry of Justice, as well as the juvenile prosecutor's offices and courts. Sources stated that this database was not yet functional at the time of writing of this report.³⁴⁷

The Ministry of Human Rights made field visits to the House of Social Guidance for Boys in Sana'a in April 2007 and another visit to the House of Hope for Juvenile Girls Care and the Centre to Combat Begging in Sana'a in June 2007. The visits investigated conditions for children and sought to help them report violations by writing memoranda to the authorities which included the following: asking them not to lose sight of the provisions brought against the children; requesting the transfer of all cases concerning those aged 16 to 18 to the juvenile prosecution; demanding the arrest of perpetrators of crimes against children at these shelters; and appealing that children not be placed in these centres without medical certification of their age.³⁴⁸

iv. The Right to Express Views/To Be Heard/ Child Participation (Article 12)

Yemeni law guarantees children the right to express their views. Article 7 of the Rights of the Child Act No. 45 of 2002 provides that every child “shall have the right to express his or her views freely” and that these views “shall be given due weight in accordance with the age and maturity of the child.” Article 8 of the Rights of the Child Act refers to the right to form associations and clubs through social and cultural activities, in accordance with age and maturity and the laws in force.

In contrast, the third shadow report of 2005 states that Yemeni Personal Status Law deals with children as “third class citizens”, classifying them as blind dependents, particularly to older males.³⁴⁹

In addition, the third NGOs report of 2004 referred to attitudes that “do not perceive that children have a right of exercising influence over their situation the family, school or society”.³⁵⁰ Children are perceived to be “mi-

“Children are being encouraged to express their views through a wide range of public and civil society initiatives.”

.....

infrastructure for promoting the child's right to participation and free expression of views.³⁵²

The Committee noted that the Rights of the Child Act No. 45 has fully integrated Article 12 of the CRC and welcomed the establishment of the Children's Parliament by the State party “as a new mechanism to guarantee children their right to express their views on issues concerning them”. However, the Committee was still uncomfortable with traditional attitudes towards children because this might “limit respect for their views, especially within the family and schools”. Hence, the State was recommended to promote “respect for the views of children and their participation in all matters affecting them” at all levels, but particularly “at the local levels and in traditional communities”. The Committee also recommended awareness-raising.³⁵³

Children are being encouraged to express their views through a wide range of public and civil society initiatives. These include:

- Development of the National Children and Youths Strategy, which involves young people through the National Youth Advisory Committee, as well as

the National Conference for Children and Youth (held February 2006);

- ▶ Youth Consultative Council;
- ▶ Proposed activation by the Ministry of Education of Student Councils in its secondary schools;³⁵⁴ and
- ▶ Engagement of international agencies through, for example, UNICEF recruitment of young people as peer educators conveying key messages in health, education, etc.; the WHO's engagement of children in School Health Committees; and CARE and the World Bank's involvement of children and young people in their planning for children's projects.³⁵⁵

In spite of this, a 2006 report found that “all participants and particularly young people themselves said that participation at all levels in the Government, UN agencies, NGOs or INGOs was still far too limited and largely symbolic and that few organisations, including the UN, provided funds for true participation”.³⁵⁶

A major initiative in the field of child participation is the Children's Parliament, which was initiated by the SAF in 2001 but officially established by the Democracy School in 2004. The Children's Parliament is supported by the HCMC and Save the Children Sweden. Children's Parliament members are elected every two years by their peers. As of 2010, the Parliament had elected three generations of members who attended three days of meetings every three months. Each meeting explores a specific issue concerning Yemeni children in the presence of specialists from the Government. The President of Yemen gave the Children's Parliament the authority to investigate and make recommendations to ministers and decision-makers on issues affecting children's rights.³⁵⁷

Under the supervision of the Democracy School and Save the Children Sweden, the Children's Parliament conducted a shadow report on the situation of children in Yemen in 2008. The report “detailed their observations and testimonies concerning measures taken to implement portions of the CRC and the Optional Protocol on the sale of children, child prostitution, and child pornography and activating the CRC's principles, particularly: non-discrimination (Article 2), best interests of the child (Article 3), child's right to survival and growth (Article 6), and child's right to participation (Article 12).”³⁵⁸ It is worth mentioning that their shadow report was used in this country profile.

In March 2008, the MENA Child Protection Initiative launched a local council for children in Sana'a. The Council consisted of 27 children aged between 12 and 18 years old representing 22 public and private schools and five societies. The mandate of the local council is to validate the principle of child participation within local authority decision-making.³⁵⁹

Since 2008, students councils consisting of seven students aged six to 17 were established by Save the Children Sweden in 35 schools in four governorates: Sana'a, Aden, Lahj and Abyan. These students received training by Save the Children Sweden on the CRC and the “Safe You Safe Me” manual, which aims at empowering children to protect themselves from violence, abuse, neglect and exploitation. The mandate of these student councils is to work with their peers and school staff to enhance children's participation in school administration.³⁶⁰

In 2010, the Ministry issued two annexes in *Althawra* newspaper containing, among other articles on child rights, contributions by children.³⁶¹ The Ministry will issue those annexes every two months starting in 2011.³⁶²

Concluding Remarks and Way Forward

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Despite the fact that Yemen raised no reservations against any of the articles in the CRC, some of its legislation and regulations do not entirely reflect the convention. The most apparent example is the differing definition of the age of a “child” in Yemeni law and the CRC, and within Yemeni legal statutes themselves.³⁶³ Other examples are the article on child’s labour and the provision on preventing children’s engagement in military conflicts.

Additionally, the Yemeni parliament bound implementation of the CRC to its conformity with Islamic *Shari’a* law, which takes precedence over the CRC in case of incongruities. As such, domestic laws prevail over the CRC.

In this regard, it is important to refer to the HCMC amendment project to bring Yemeni national laws into compliance with the CRC. The project proposes amendment of four laws (the Rights of the Child Act No. 45 of 2002, Juvenile Justice act, the Penal Code and the Personal Status Law), which were referred to the House of Representatives in 2007 and remains under review at the time of this writing.³⁶⁴

The children of Yemen bear the weight of deteriorating socio-economic conditions in the country. They also endure—on a smaller scale—the consequences of the country’s political conflicts and military confrontations. This is visible directly (through the injury, death, and displacement of children) or indirect social and economic distress.

According to the Concluding Observations of the Committee on the Rights of the Child on Yemen’s third State periodic report, local as well as foreign child rights organisations value the State’s efforts to integrate child rights issues into the country’s legislation, regulations and programming in accordance with the CRC. Yemen speaks openly about the constraints and challenges hampering its full realisation of the CRC and argues that this deficit is due to financial and human shortfalls. This deficit is said to be further aggravated by the country’s political conflicts.

However, the Yemeni opposition, civil society, and some officials and internationals argue that Yemen’s real challenge is political will and credibility; i.e. the State’s constant discrepancy between its statements on one hand and its real intentions and deeds on the other. The State acknowledges, for example, that the non-existence of databases and the lack of statistical indicators is a real challenge for monitoring and evaluating its efforts in implementing the CRC.

Yemen seems to have made more progress in reforming and developing its education and health systems to fulfil its national plans and meet the MDGs. But public spending is also not keeping up with the country’s population growth. While the budget for children-related ministries has risen, these budgets still do not identify resources allocated specifically for children’s issues and are largely dedicated to covering employees’ salaries. Overall, there are no accurate figures on international aid because there is no mechanism to track all received grants. Many say that financial aid could be better used if donors were more careful in financial monitoring.

Children’s enrolment—especially among girls—in basic education is on the rise. However, the degenerating economy is driving more children out of the school system;

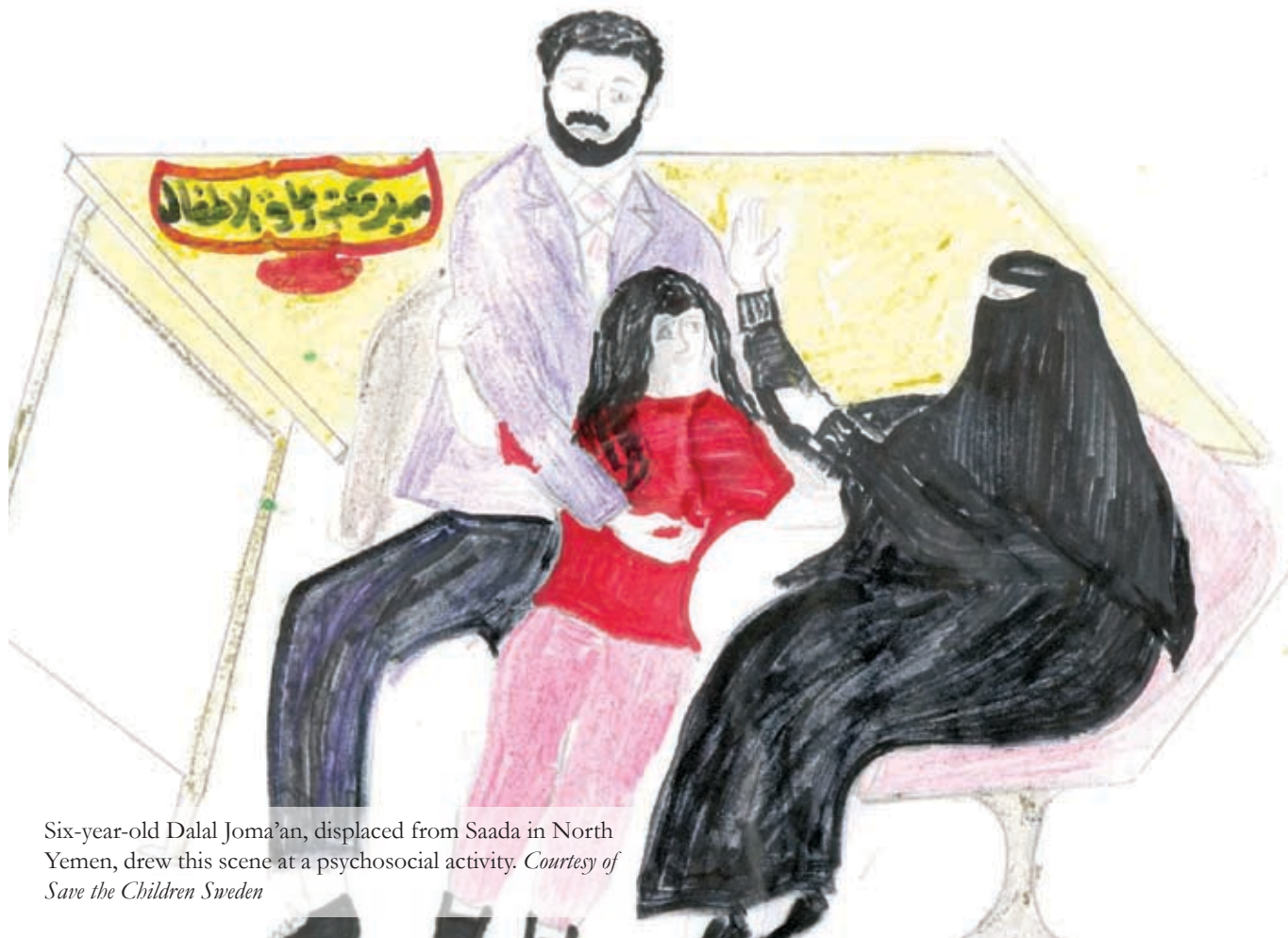


both females and males out of school are at greater risk of various types of violence, as well as begging and living on the streets, engaging in dangerous jobs, trafficking, early marriage, etc. The Poverty Reduction Strategy Paper aimed to deal with this dilemma.³⁶⁵

In terms of health, Yemen focused on running national immunisation programmes to reduce and ultimately abolish six childhood diseases. Reproductive health and early

mother and child care have always been priorities on the country's agenda. However, malnutrition, diarrhoea, and upper respiratory tract infections remain the triad threatening Yemeni children's lives.

Yemen's Children's Parliament is a new mechanism for accomplishing child participation. In addition, the local council for children in Sana'a aims to validate the principle of child participation with municipal authorities.



Six-year-old Dalal Joma'an, displaced from Saada in North Yemen, drew this scene at a psychosocial activity. *Courtesy of Save the Children Sweden*

Endnotes

¹ ‘*Manara*’ means ‘lighthouse’ in Arabic.

² Yemen was admitted to membership in the United Nations on 30 September 1947, and Democratic Yemen on 14 December 1967. On 22 May 1990, the two countries merged and have since been represented as one member with the name “Republic of Yemen”.

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⁵⁰ Committee on the Rights of the Child, Concluding Observations: Yemen, 21/09/2005, CRC/C/15/Add.267, pg. 3, §14

⁵¹ Focus Group Discussion with Yemeni Child Rights NGOs, Sana’a, Yemen, 17 April 2010

⁵² Yemen submitted its four state reports in Arabic on 14 November 1994, 3 February 1998, 7 July 2003 and 21 May 2005 respectively. Dates in the table refer to the dates the Committee received the report in English.

⁵³ The State Report was submitted in Arabic only and is awaiting translation.

⁵⁴ Meeting between SOUL for Development and the General Secretary of the Higher Council for Motherhood and Childhood, Sana’a, Yemen, 12 January 2010

⁵⁵ Meeting between SOUL for Development and the General Secretary of the Higher Council for Motherhood and Childhood, Sana’a, Yemen, 12 January 2010, and with representatives of the UNICEF and Save the Children Sweden, Sana’a, Yemen, 13 January 2010, and the Head of the Juvenile Sector in the Ministry of Interior, Sana’a, Yemen, 17 January 2010

⁵⁶ The fourth State Report has been available in Arabic online on the website of the Office of the High Commissioner for Human Rights since beginning of 2011.

⁵⁷ Meeting between SOUL for Development and the Higher Council for Motherhood and Childhood General Secretary, Sana’a, Yemen, 12 Jan. 2010

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⁵⁹ Committee on the Rights of the Child, Concluding Observations: Yemen, 21/09/2005, CRC/C/15/Add.267, pg. 2, §10

⁶⁰ Committee on the Rights of the Child, Concluding Observations: Yemen, 21/09/2005, CRC/C/15/Add.267, pg. 1 & 2, §4,5,8,9

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³⁵⁸ The Children's Parliament and the Democracy School, "First Report By the Children's Parliament on the Conditions of Children in Yemen", pg. 1, 2008

³⁵⁹ Meeting with SOUL for Development and the coordinator of MENA Initiative for Child Protection, Sana'a, 26 October 2010

³⁶⁰ Meeting with SOUL for Development and the Child protection Specialist of Save the Children Sweden, Sana'a, 20 October 2010

³⁶¹ Althawra Newspaper is the Official and the most widespread Newspaper in Yemen

³⁶² Meeting with SOUL for Development and the Minister Deputy of the Ministry of Justice, Sana'a, 16 December 2010

³⁶³ Convention on the Rights of the Child, Article 1. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989

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