



Police Training on Children's Rights in the Republic of Yemen



Needs Assessment Report

Implemented by:



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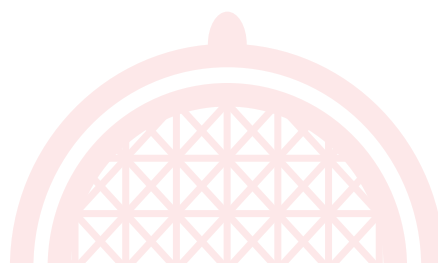
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LIST OF ACRONYMS

AQAP	Al-Qaeda in the Arabian Peninsula
CIA	Central Intelligence Agency
CRC	Convention on the Rights of the Child
CRC OPSC	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children
CPSC	Child Protection Sub-Cluster
GCC	Gulf Cooperation Council
CSOs	Civil Society Organisations
CPWG	Child Protection Working Groups
CSF	Central Security Forces
EU	European Union
FGM	Female genital mutilation
GCC	Gulf Cooperation Council
HCMC	High Council for Motherhood and Childhood
IBCR	International Bureau for Children's Rights
IDP	Internally displaced person
ILO	International Labour Organization
IPEC	International Programme on Elimination of Child Labour
MENA	Middle East and North Africa
MOI	Ministry of Interior
MoSAL	Ministry of Social Affairs and Labour
NDC	National Dialogue Conference
NGO	Non-governmental organization
OIF	International Organization for the Francophonie
OHCHR	Office of the High Commissioner for Human Rights
OPAC	Optional Protocol to the CRC on the Involvement of Children in Armed Conflict
RAND	Research and Development
TOEFL	Test of English as a Foreign Language
TOR	Terms of Reference
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund

A. GENERAL CONTEXT / OVERVIEW ¹

The Middle East is a region that currently experiences significant political and security issues. At the same time, the region is striving to implement a framework for good governance and sustainable development. Countries such as Libya, Syria, Iraq, Sudan and Yemen are making considerable progress despite armed conflicts, widespread violence and national security issues. On the other hand, countries such as Algeria, Tunisia, Lebanon and Jordan still face the consequences of a weak economy and a fragile national security despite not having gone through periods of conflict or post-conflict. Most of these countries are experiencing multiple difficulties including outbreaks of violence or food shortages. In order to better implement and maintain legitimate control over their territories, most of these countries have planned to undergo major reforms of their institutions, their legal system and of their security forces. Those reforms, while similar to others around the world, have targeted specific components of the judicial apparatus (particularly legal texts and the decision-making process) while ignoring other aspects such as the law enforcement authority.

It is a fact that police forces in Yemen are conducting unsuccessful investigations, neither respecting the rights of the accused nor of the victims. Victims of crime and persons accused of having committed a crime often become the target of an almost institutionalised system of corruption. These governance issues considerably discredit the law enforcement institutions and eventually prevent the efficient development of this judicial apparatus. While police forces are responsible for maintaining order, the fundamental principles of human rights and of children's rights still need to be observed. Therefore, if no real progress is made in police practices and behaviours in regards to human and children's rights through the aforementioned reforms, their impact will be limited and temporary, and civilian populations and youth will remain unattended and vulnerable.

Whether they are victims, witnesses of crime or in conflict with the law, children and young adults have a considerable number of interactions with the police. According to UNICEF, around 42% of the Middle East and North African population is under 18 years old.² In several countries, young generations are deeply affected by ongoing conflicts, unemployment and social issues and are consequently exposed to political violence,

ethnic and gender-based discrimination, as well as to growing inequalities among social classes. Issues such as marginalisation migration and urban outbreaks of violence are the main problems facing children living or working on the streets, as they ultimately impact their behaviour and increase the risk of being exposed to violence and exploitation.

Yemen has one of the highest poverty rates in the world. The implications of such a high poverty rate are reflected in health, education, gender and unemployment indicators.³ As a developing country with one of the lowest ranks on the human development index (160 out of 186), the human rights situation in Yemen has deteriorated over the last couple of years. This is mostly due to the dramatic changes and challenges that occurred during the Yemeni revolution of 2011. The Yemeni revolution was generally peaceful, but was also faced with much violence, leading to many human rights violations and problems for the Yemeni society, including an economic collapse, displacement of people, security crises, killing of protesters, and armed conflicts within different areas of the country. Even after the November signing of a power transfer agreement that was negotiated by the GCC, the situation of instability persisted in the country, characterised by development challenges and humanitarian needs. These events have negatively affected the lives of Yemenis, especially vulnerable groups such as children. The recruitment of children in armed conflicts has become prevalent and is a great concern. Children's arbitrary detention rose considerably during this period and is accordingly coupled with the rise of many issues related to children in conflict with the law. As it is the case during civil unrests and social crises, lack of databases within the country renders it very difficult to obtain an accurate picture of children's rights. Nevertheless, it is clear that urgent actions are needed to protect children's rights.

With regard to the issue of children in conflict with the law and the different challenges they face, the Vice President of the Ministry of Justice, who is the General Coordinator of the Juvenile Justice Reform Project, indicated that there are only nine juvenile courts in Yemen. The Vice President of the Ministry of Justice also noted the existence of a shortage of juvenile police stations, as only two of these stations exist. Despite considerable

efforts made by the Ministry of Justice and international donor agencies, more sustainable and tangible action is needed. The Ministry also added that training manuals and course content on juvenile justice and children's rights should be introduced within the different training institutions for future judges and police officers. It also emphasised the need to develop regulations and bylaws for the juvenile police force, as they (regulations) do not exist within the Yemeni law. According to the Vice President, this fundamental change could be achieved by: 1) establishing special police stations for juveniles, 2) introducing the necessary laws and regulations about the role of these stations; and 3) introducing a mandatory course at the Police School and Academy to ensure that new police officers graduate with a strong background and skills to prevent violations of children's rights.⁴

The current situation confirms the importance of an intervention within the police force and structure in order to develop the relevant and the needed expertise on children's rights. The aim is to ensure that police officers play a strong role in the promotion and protection of children's rights, so that they can reach their full potential as defenders. This process will increase the trust held by children in need of protection and will change their perception of police forces as perpetrators of violence and abuses against children. Through adequate training, a police officer can understand the principles applicable within the law enforcement framework and can play a key role in preventing, identifying and correcting violations of children's rights. Properly trained, a police officer will equally be concerned and capable of protecting and supporting these rights. He/she will be capable of dealing with any instance of violation, and could contribute to the re-integration of excluded children within society on a long-term basis.

In parallel to this, reliable police at the community level are also critical for the stabilisation and support of law enforcement at the national level. In general, greater rule of law and effective law enforcement help build the people's confidence in the state with regard to the economic and social environment. It is a fact that demonstrations attract marginalised youth that have lost faith in their state institutions. Security and stability must be evaluated by public perception – as opposed to official statements – as they are based on a close relationship with the police and on preserving public image. Accordingly, the police should be perceived as a respectable and a well-integrated institution.

In the Middle East, the population's confidence in the police is extremely weak. This lack of confidence can be explained by two factors; the police are often responsible for violating human or children's rights and their behaviour often encourages impunity within society. Studies from Transparency International repeatedly show that the police sector emerges as the one with the most instances of corruption, something that highly discourages both witnesses and victims of violations from approaching this institution for help. Nonetheless, the police as a public service should have a supportive and caring role towards the population through respect and esteem, to which citizens seeking justice can turn to with the uttermost confidence. When the police are perceived as a legitimate institution, they help increase state legitimacy by demonstrating that the state authority is used in the best interests of the public.⁵ Police actions are the base of politics; by defining the limits of police actions, the latter can evolve.⁶

To date, planning security measures in Yemen has not resulted into a valid effort toward the protection of the population. There are many challenges and different specialised sectors that should be prioritised in order to have a training that is tailored to the population, particularly adopting core competencies for police practices that adhere to children's rights.⁷ The police staff's role cannot be limited to the legitimate use of force in emergencies, rather to curb abuses⁸ by having competencies with regards to communication and mediation. Knowledge of child development and tools of communication in addition to collaboration with the institutions intervening in the judicial system, and a commitment toward ethical and deontological ways are essential. Training law enforcement agents on children's rights will provide them with the knowledge necessary to tangibly apply national, regional and international tools on human and children's rights in their practices.

"This project is of interest to the Ministry's leadership because it falls in line with the decision that was made to restructure the Ministry of Interior and establish the General Administration Office of Human Rights under the supervision of the Inspector General. We see that it is greatly important to integrate a course on Child Rights into the curriculum of the Human Rights course currently being taught at the Academy and we recommend that it gets integrated within the primary curriculum."

General Omar Bin Hulaïs,
from the Ministry of Interior of Yemen

1. HISTORY OF THE PROJECT ON LAW ENFORCEMENT TRAINING ON CHILDREN'S RIGHTS

To make the Convention on the Rights of the Child a reality, it is important that lasting changes occur among decision-makers within law enforcement. In 2009, as a result of conversations with representatives of law enforcement training institutions in Western and Central Africa, the Middle East and Haiti, the work carried out by the International Bureau for Children's Rights (IBCR) created a consensus among the representatives that a mandatory and permanent initial training course on child-friendly policing needs to be integrated in the training curriculum of these academies. The integration of such a course would allow for a solid and sustained understanding of child protection principles among law enforcement authorities that would be implemented in their daily work.

Ouagadougou, Burkina Faso: October 2009

On the 20th anniversary of the United Nations Convention on the Rights of the Child in 2009, representatives of the International Organisation of the Francophonie (OIF), Francopol, the IBCR and a dozen of police academies (mostly from French-speaking Africa) met in Ouagadougou, Burkina Faso. The objective of this meeting was to raise the participants' awareness on children's rights and the principle of the best interests of the child.

Cotonou, Benin: December 2010

Subsequently, the OIF, Francopol and the IBCR agreed to organise another meeting in West and Central Africa, surrounding the theme of the national application of international juvenile justice standards. The meeting took place in Cotonou, Benin between the 13th and the 15th of December 2010. Twelve countries participated in the development of a regional plan of action for the development of training on child-friendly policing.

Concrete Change in Promoting Children's Rights

Following these two meetings, the IBCR realised that despite the fact that several training institutions offer courses on children's rights, these courses are usually one-time sessions, are not evaluated and are offered by external trainers. Moreover, these sessions do not focus sufficiently on national laws and the expected behaviour of the security forces. It further emphasised the need to mainstream rights enshrined in the Convention on the Rights of the Child into practice.

In light of these observations, the IBCR proposed to offer sustained support, through knowledge transfer and follow-up, to police training schools interested in developing training programmes that are adapted, permanent and practical. The goal was to have these academies provide, on their own, training modules on child rights and child protection. The Cotonou workshop laid out the groundwork for the development of an ambitious training programme on the protection and rights of children in conflict with the law.

International Experts Meeting in Dakar, Senegal: September 2011

Through a partnership with the UNICEF's Regional Offices for West and Central Africa, approximately fifteen UNICEF offices, the NGO Save the Children Sweden and the IBCR gathered 40 experts in Senegal for a five-day meeting to develop and validate a list of core competencies that all police officers working with children must adopt.

Meeting of Training Centres in Niamey, Niger: November 2011

With the support of UNICEF Niger, a third international workshop took place in Niamey from the 31st of October to the 4th of November 2011. This event culminated in the adoption of six core competencies in child rights to be taught to all police officers, by the 15 country delegations present at the workshop. Each country also developed a national action plan, identifying the next steps for integrating a mandatory initial course, at minimum, on children's rights within all security forces.

The Six Core Competencies on Children's Rights for Law Enforcement Agents:

1. Knowledge, endorsement and implementation of children's rights.
2. Knowledge and application of ethical and deontological standards.
3. Knowledge of children.
4. Practical communication skills for interacting with children and relevant family or community members.
5. Collaboration with all formal and informal stakeholders for better coordinated interventions.
6. Efficient use of working tools that are adapted to children.

Fourth International Workshop in Lomé, Togo: November 2012

Between the 5th and the 7th of November 2012, twenty-two country delegations met in Lomé, Togo, for the fourth international workshop on the training of security forces on children's rights. Organised in collaboration with the Togolese Ministry of Security and Civil Protection with the support of UNICEF and the International Organisation of La Francophonie, the International Bureau for Children's Rights led a fourth workshop to take stock of the advances made regarding the integration of key competencies into the training of all security force officers on children's rights.

Gathering not only French-speaking countries, but also Arabic and English-speaking delegations, this international workshop hosted more than 80 representatives of

police training institutions from 23 African states, the Middle East and Haiti. The workshop hosted notably delegations from Iraq, Sierra Leone, Jordan, Kenya, the Central African Republic, Burundi, Ethiopia, Namibia, Mauritania, Swaziland, Tanzania, Chad, the Palestinian Territories and Zimbabwe.

In 2012, six additional countries from West and Central Africa (Togo, Guinea, Niger, Côte d'Ivoire, Senegal and Cameroon) joined the IBCR's initiative to enhance their child protection capacity through specialised training of their security forces. This unique workshop provided an opportunity to the police training schools of the six countries to share their experiences in implementing the training programme, while allowing others to develop national action plans that are adapted to their own environment. Participants assessed their national situations and analysed the strategies already implemented. They compared training modules presented and results achieved to promote good practices and networking, and to make recommendations on subsequent steps.

The IBCR continues to implement the programme and to support training institutions in Cameroun, Côte d'Ivoire, Guinea, Niger, Senegal and Togo. This initiative has also expanded to include Burundi, Chad, Iraq, Nigeria and Yemen.

Project Launch in Yemen, July 2013

The collaboration between IBCR and SOUL for Development started in 2009 for a regional programme aimed to strengthen the capacities of organisations in the MENA region on different areas relevant to the protection and promotion of children's rights, including the monitoring of the implementation of the Convention on the Rights of the Child and its Optional Protocols. The driving force behind this initiative was to motivate and empower civil



Project launching, Sana'a, July 2013.

Photo IBCR and SOUL for Development

society organisations in the region to document the progress and the challenges faced in order to contribute more actively to the international monitoring mechanisms. The participation of children in the region is a key element of this approach, and partner organisations have conducted joint research with children to document the challenges in the protection and respect of children's rights.

A Methodology Based on Collaboration and Partnership

Training toolkits on children's rights, the major deliverable of the project, are to be developed with the meaningful participation of the police and their training institutions. This approach is tailored to specific contexts and takes into account the understanding, the attitudes and practices of the police in relation to children's rights. This unprecedented training initiative uses an interactive and participatory approach to bring security forces from various countries together to identify key competencies, to develop modules and tools, to share their practices and to implement multi-year action plans adapted to each national context. Such training paves the way for a solid stakeholder ownership of the methods, techniques, and standards relevant to the protection of children and their rights.

While respecting current and existing training programmes of each training institution, these institutions worked with SOUL for Development and the IBCR to develop this exhaustive mapping report that integrates the various data collected and methods validated, notably:

A five-week mission in Yemen enabled the IBCR and SOUL for Development to work with the police training centres in order to collect information on the training needs of law enforcement agents, on the structure of the training institutions and their operative system, and on the services currently provided by law enforcement agents and legal workers.

Individual and group interviews with children in Yemen were conducted to collect information related to their experiences with police agents and institutions, and to understand their perception of these stakeholders. Interviews were also conducted with the police staff to assess their needs when interacting with children.

The data collected targeted the following aspects:

- The various functions within the police training institutions;
- The training curricula of those institutions;

- The partnership between police training institutions and those relevant to the child protection context;
- The profile of the students undergoing training and their assignments;
- Teaching methods and evaluation mechanisms;
- The functioning and role of the juvenile justice system;
- The specific role and practices of police who deal with children;
- The roles and training needs of the specialised juvenile police;
- Ongoing and past training on children's rights;
- The typical situations in which children come into contact with the police; and
- The level of awareness about the rights of children and the specific protection required based on their age and vulnerability.

The main objective of the data collection activity was to identify the strengths and weaknesses within the child protection system. It also served to determine the practical needs for improving police intervention in child protection that could be addressed in the projected training modules.

The methodology used for the consolidation of this report was as follows:

1. Desk review

In the early phase of project implementation, the project team (IBCR and SOUL for Development) started a review of all the literature related to the applicable laws in the Republic of Yemen on the intervention practices and the training of police and law enforcement personnel, the publications and studies related to the protection of children in Yemen as well as the reports and comments of the different international bodies monitoring the implementation of the CRC. This information was gathered from printed and digital sources, and its analysis will be used towards designing the training materials. In total, more than 200 documents and webpages have been consulted for the desk review.

2. Launching workshop

In the beginning of the first field mission in Yemen, a two-day workshop was facilitated in Sana'a to launch the project and its first phase: the mapping exercise and the needs assessment. The head of Sana'a Police Academy and personnel representing IBCR, UNICEF and SOUL for Development officially opened the workshop,

which was attended by the majority of the stakeholders in the field of child protection in Yemen. The three objectives of the workshop were:

- To officially introduce the project to the relevant stakeholders;
- To create a working group that will guide the project's implementation, namely the reference group and the steering committee; and
- To reach an agreement on the favorable outcomes and envisaged activities and to start the mapping and data collection exercise.

With regard to the third objective, the workshop helped define the course of action and the stakeholders and institutions to be targeted for research during the mapping exercise and for advocacy during the project's implementation.

3. Bilateral meetings

During the first mission, the project team held numerous meetings and interviews with senior managers and heads of institutions, government offices and national and international NGOs, and other stakeholders within the child protection system. Meetings were also arranged with the Minister and the staff of the Ministry of Human Rights, the Minister of Interior and the heads of the Family and the Human Rights units there, as well as with staff from the Ministries of Justice and Social Affairs and Labor. In the justice sector, the team met officials from the general prosecutor's office, with judges, heads and other representatives of the prison authorities in Sana'a, staff of the juvenile centres in Sana'a and instructors from the police training institutions.

TABLE 1 – Overview of the Bodies Met by the IBCR and SOUL during the Data Collection Phase

Organizations	Number of people met
Police Academy	7
Juvenile Centre for Boys in Sana'a	2
Police School, Sana'a	2
Police School, Dhamar	1
Prison Authorities	2
UNHCR	1
Seyaj Organization for Child Protection	2
Old Sana'a Admin Police station	2
Al Amal Juvenile Centre for Girls, Sana'a	2
Forensic Unit, General Prosecutor's Office	3
Police Stations	9
Family unit, Ministry of Justice	3
Human Rights Unit, Ministry of Interior	2
Ministry of Human Rights	4
Ministry of Labor and Social Affairs	2
Democracy School/Parliament of Children	3
HCMC	2
Shawthab Foundation for Childhood and Development	1
Yemeni NGO Coalition on Child Rights Care	3
Save the Children	1
Ministry of Justice	3



Representatives of the Yemeni Police Academy, UNICEF, SOUL for Development, and IBCR opening the project launching workshop, Sana'a, July 2013.

Photo IBCR and SOUL for Development



IBCR's project manager Inas Hamid meeting her Excellency Houria Mashhour, the Yemeni Minister of Human Rights and the Ministry staff.

Photo Ministry of Human Rights of Yemen

TABLE 2 – Children Interviewed in Sana'a

Place	Number of Children met
Juvenile Centre for Boys	10
Al Amal Juvenile Centre for Girls	10
Parliament of Children (Met at the Democracy School)	17
Street children	8
Children in detention	2

2. THE REPUBLIC OF YEMEN: AN OVERVIEW

1. Geography and Climate⁹

The Republic of Yemen covers an area of nearly 528,000 km² on the Arabian Peninsula near the Horn of Africa, between Oman and Saudi Arabia. The country's topography of rugged mountains, highlands, deserts and coastal plains, coupled with arid weather conditions render it highly susceptible to desertification and floods. Floods are the most recurrent natural disaster in Yemen, followed by landslides and earthquakes. The most recent major floods occurred in 1996, 2000 and 2008. Despite almost yearly floods, water resources remain depleted.

Yemen's principal natural resources are oil and natural gas as well as agriculturally productive land in the west. Other natural resources include fish and seafood, rock salt, marble, and minor deposits of coal, gold, lead, nickel and copper.

Only 2.9% of Yemen is considered arable land, and less than 0.3% of the land is planted with permanent crops. About 5,500 square kilometers of land are irrigated. According to the United Nations, Yemen has 19,550 square kilometers of forest and other wooded land, which constitutes almost 4% of total land area.

Yemen is subject to sandstorms and dust storms, resulting in soil erosion and crop damage. The country has very limited natural freshwater and consequently inadequate supplies of potable water. Desertification (land degradation caused by aridity) and overgrazing are also problems.



2. Socioeconomic Situation

The socioeconomic situation in Yemen is primarily driven by high poverty rates, which in turn affect the indicators for health, education, gender, and unemployment. Yemen easily identifies as a third-world country, part of the global south, and was given a ranking of 160 out of 186 countries on the Human Development Index in 2013.¹¹ According to Foreign Policy and the Fund for Peace's 2012 Failed States Indicator, Yemen has fallen from position 18 to position 8 in the span of 3 years.¹² Prior to the Arab Spring, Yemen's Gross Domestic Product (GDP) grew by 7.7% in 2010. However, in the aftermath of the revolution, its GDP dipped by 10.5% in 2011 and again by 1.5% in 2012.¹³ In 2005, 46.6% of the population was living on less than two USD per day.¹⁴

Oil is one of Yemen's natural resources, and contributes to 40% of the GDP. 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 its contribution ranging from 10% to 15% to the GDP. Aside from the oil industry, Yemen's industry makes up between 10% and 15% of the country's GDP.¹⁵ 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.

Despite the agricultural and oil sectors, unemployment runs rampant in the country, and is only compounded by the high rate of birth in the country. The twin crises of unemployment and population growth threaten to derail hopes that Yemen is headed towards a more peaceful future. Estimates state that youth unemployment among those aged between 18 and 28 is approximately 50%. The prospects for youth employment in Yemen are especially dire as the country suffers from a "youth bulge," a demographic phenomenon found in many developing countries moving from high to low rates of fertility and childhood mortality. Countries with "youth bulges" often end up with rampant unemployment and large pools of disaffected youths who are more susceptible to recruitment into rebel or terrorist groups.¹⁶

TABLE 3 – Statistics of Yemen^{17, 18, 19, 20}

Official Name	Republic of Yemen
Capital	Sana'a
Official and national languages	Arabic
Political regime	Parliamentary/ Presidential republic. President elected by popular vote for a seven-year term.
Independence	22 May 1990
Date of admission into the United Nations	30 September 1947 ²¹
Religion	Islam is the official religion, including Shaf'i (Sunni) and Zaydi (Shia) sects, also small numbers of Jewish, Christian, and Hindu non-Yemenis
Human Development Index (/186), 2013	160
Total population, July 2013 estimates	25,408,288
Under 18, 2010	12,401,000
Under 5, 2010	4,057,000
Adolescents (aged 10-19), 2010	5,974,000
Population density (people per square km), 2011	47
Birth registration (%), 2006 urban	38
Birth registration (%), 2006 rural	16
Birth registration (%), 2006 total	22
Newborn mortality rate (under 1 month) per 1,000 live births, 2012	32
Under-5 mortality rate per 1,000 live births, 2011	76.5
Rank comparison to other countries when it comes to under 5 mortality rate (/196)	40
Neonatal mortality rate, 2011	32
Maternal mortality ratio per 1,000 live births, 2010	2.1
Lifetime risk of maternal death (1 in number stated), 2010	90
Infants with low birth weight (%), 2006	27 ²²
Population urbanized (%), 2010	32
Households consuming iodized salt (%), 2006	30

Life expectancy at birth (in years), 2013	64.47
Orphanhood (%), 2006	5.2
Total fertility rate (number of children per household), 2011	5
Total adult literacy rate (%), 2010	63.9
Population below international poverty line of USD 2 per day (%), 2005	46.6
Population below national poverty line (%), 2005	34.8
GDP per capita growth (annual %), 2011	-13.2
Population using improved drinking water sources (%), 2010	55
Population using improved sanitation facilities (%), 2010	53
Primary school participation, net enrolment ratio (%), 2011	Male: 82 Female: 69
Secondary school participation, net enrolment ratio (%), 2011	Male: 48 Female: 31
Youth (aged 15-24) literacy rate (%), 2010	Male: 96 Female: 74
Child labour (%), 2006	22
Adolescents (aged 15-19) who are currently married/in union (%), 2006	Male: N/A Female: 19.2
Child marriage (%), 2006 female	14.1 (married by 15) 51.6 (married by 18)
Women and girls subjected to genital mutilation (%), 1997	22
Justification of conjugal violence	Male: n/a Female: n/a
Violent discipline, 2005-2010	95

3. Political Situation

According to its constitution, since the unification of the People's Democratic Republic of Yemen and the Yemen Arab Republic in 1990, Yemen has been a Republic with a President and a bicameral legislature composed of an elected 301-seat House of Representatives, called *Majlis Al-Nuwab*, and an appointed 111-member Consultative Council called *Majlis Al-Shura*. Former President Ali Abdullah Saleh had been President since 1978. He was re-elected in September 2006 for another seven-year term in an election contested by five candidates.

The EU monitors described this electoral process as "an open and genuine contest, and a positive development in Yemen's democratisation process."²³ However, as a result of the 2011 Yemeni uprising, Saleh was ousted and Abd Rabbuh Mansur Hadi, Saleh's vice-president, was named acting president. Since his inauguration, reforms have been made and the Yemeni constitution is currently being rewritten, with future elections to be held in 2014.²⁴ The national government administers the capital and largest cities, but some other regions are outside of its grasp and are governed by armed militant groups that expanded their control during the uprising. The two major groups are Ansar al-Sharia'a, a branch of Al-Qaeda in the Arabian Peninsula, which has declared several "Islamic emirates" in the southern provinces of Abyan and Shabwah, and the Houthis, a Shia rebel group centred in Sa'dah province.²⁵

4. Ethnic Groups and Society

Yemen's population is predominantly Arab, but also includes Afro-Arabs, South Asians, and Europeans. Among these minority groups, the *Akhdam* are particularly subjected to descent-based discrimination. The *Akhdam* "servants" are of African descent and have inhabited Yemen for centuries. They have always been at the bottom of Yemeni social order, in a situation reminiscent of the "untouchables" of the Indian caste system.²⁶ The situation of the *Akhdam* has not improved since the Arab Spring uprisings of 2011, as members of the community are still confined to menial jobs, poverty and abuse, lacking any legal protection or social services.²⁷

Yemeni society is dominated by a tribal structure, which supplants or competes with other institutions, including the central government, especially in the northern part of the country. At the end of British colonial rule in 1962, while the south of Yemen morphed into a more secular Marxist republic, the north, including the capital Sana'a, retained a more tribal character.²⁸ These tribes are small sovereign domains, patriarchal in nature and stacked in a hierarchal order. The combination of the often complicated tribal system with a wide proliferation of weapons and a culture of revenge contributes to deadly inter-tribal conflict and an environment that discourages investment, economic growth, and national unity.²⁹ The south of Yemen, being less tribally connected, has had limited influence in Sana'a despite boasting larger resources and better educational attainment, leading to political grievances and talk of separatism. However, the long reign of former President Ali Abdullah

Salah consolidated power around his own tribe and its allies, whose members filled the ranks of senior government and military officials, and disenfranchised other northern tribes, giving rise to the *Houthi* insurgency and creating tensions not only between Sana'a and the south, but also with the north. The fall of President Salah following the Arab Spring uprisings of 2011 morphed into a tribal power struggle between his own tribe and others, including the *Houthi* insurgency, who were quick to align themselves with the protesters calling for political and social reforms.³⁰

5. Religion

Virtually all of Yemen's citizens are Muslims; approximately 30 percent belong to the *Zaydi* sect of *Shia* Islam and about 70 percent follow the *Shafii* school of *Sunni* Islam. A few thousand *Ismaili* Muslims, who adhere to Shia Islam, live in northern Yemen. Fewer than 500 Jews (a fraction of the former population) also live in the northern part of the country.

Yemen's Constitution declares that Islam is the state religion and that the president of the republic must "practise his Islamic duties." The Constitution also provides for freedom of religion, which the government generally respects but with limitations. The government prohibits the conversion and proselytizing of Muslims, requires permission for the construction of new places of worship, and permits non-Muslims to vote but not to hold elected office. Public schools provide instruction in Islam but not in other religions, although Muslim citizens are allowed to attend private schools that do not teach Islam. In an effort to curb ideological and religious extremism in schools, the government does not permit any courses outside of the officially approved curriculum to be taught in private and national schools. Because the government is concerned that unlicensed religious schools may deviate from formal educational requirements and promote militant ideology, the government has closed more than 4,500 of these institutions and deported foreign students studying there.³¹

The ongoing insurgencies in Yemen have religious components intertwined with tribal aspects discussed above. For 1000 years, until 1962, Yemen was a *Zaydi* Imamate. While the north is a *Shia* stronghold, the south of Yemen is majorly *Sunni*. The *Zaydi Houthi* insurgency accused long-time president Salah of betraying his *Shia* faith by favouring *Sunnis* in his government, as well as by currying the favour of *Sunni* stronghold Saudi Arabia.

The *Sunni* faith of the south has equally made it the theatre of a violent insurgency: *Al-Qaida* in the Arabian Peninsula (AQAP) and its brand of radical *Salafi Sunni* Islam has established itself in southern Yemen. AQAP has exploited the tribal nature of Yemen to implant and ingratiate itself, promising help and patronage to the tribes in their struggles against Sana'a. In parallel, AQAP has attempted to create a new "tribal" identity around its conception of Islam, naming the new group *Ansar ash-Shari'a* (the supporters of Shari'a). This practice is also a defensive measure against United States-led efforts to eradicate the group; an assault on AQAP becomes an attack on the tribes as well, increasing the radicalisation of those affected against the U.S. and Sana'a.³²

3. SECURITY CHALLENGES FACING YEMEN

1. Houthi Conflict

The war between the federal government and the *Houthi* clans began in June 2004.³³ The conflict has gone on ever since, but depending on the multiple ceasefires and mediation attempts (officially, there has been six phases of reconciliation and then overturns) between the two sides, the intensity and thus the damage has varied over the years. The conflict has reportedly caused between 20,000 and 30,000 casualties, including combatants and non-combatants.³⁴ Often, it is quite difficult to discern to which side the casualties belong to or if they belonged to any side at all since it is not unusual for both the *Houthis* and the government-backed tribal militias to fight from within the civilian populations. In addition to the casualties, the numbers of internally displaced persons are estimated to be around 150,000, with more than 3,000 people reportedly under government detention in the north. This is further perpetuated by the fact that the Yemeni government has no authority in the mountainous regions that the *Houthis* inhabit. In the wake of the Arab Spring, the *Houthis* have managed to seize control of the majority of *Sa'dah* Province.³⁵

2. Al-Qaeda in the Arab Peninsula

One consequence of the continued high poverty level has been the emergence of an *Al-Qaeda* faction in Yemen. *Al-Qaeda* in the Arabian Peninsula (AQAP) is considered the most active of the various branches of

Al-Qaeda that emerged after the death of Osama bin Laden (whose father was born in Yemen). In 2010, an American press report claimed that the CIA believed AQAB to be a greater threat to the USA than Osama bin Laden's core group in Afghanistan, and with good reason.³⁶ They have been behind the USS Cole bombing, the 2009 Christmas Day bomb plot, the 2010 cargo plane bomb plot, and the 2012 Sana'a bombings. According to The Guardian, "with its conservative Islam, rugged mountains, unruly tribes and problems of illiteracy, unemployment and extreme poverty, Yemen has been dubbed the new Afghanistan by security experts."³⁷ AQAB continues to recruit new members and carry out its terrorist attacks due to high unemployment, persistent high poverty levels, external shocks, and government instability, which catalyze people, especially youth, around an extremist goal. Aside from AQAB, in some governorates in Yemen, the government has struggled severely to control a series of *jihadis* – lawless tribes, secessionists, and plain old-fashioned bandits who are mostly responsible for riots and minor infractions. Although the groups may have little ideology in common, they are the product of, and contribute to, conditions in which extremism can flourish.³⁸

3. Arab Spring Developments

The economic impact of the Arab Spring has been devastating. With already 45% of Yemen's population living below the poverty line in 2010, the deteriorating security situation across a country that was already unstable and insecure crippled the Yemeni economy. Many Yemenis face shortages of fuel, water, electricity and basic foodstuffs as well as access to any real aid. Real GDP contracted by 15% in 2011 and then again by 1.5% in 2012.³⁹ Oil output stagnated at 180,000 barrels/day, compared with 260,000 before the crisis. Conservative inflation estimates for 2011 range from 20 to 30%.⁴⁰ However, there is a silver lining. As part of the political transition brokered in 2011 by the neighbouring Gulf Cooperative Council, a National Dialogue Conference (NDC) that "consists of six months of talks aiming at healing the divided country and ensuring the survival of the republic's institutions"⁴¹ Has been developed. The NDC will bring together 565 politicians and officials who will represent Yemen's ethnicities and minorities in order to mirror the country's political and social make-up. The Conference aims to forge a national alliance that will shape the country and the region as a whole, post-Arab Spring, and allow the nation to build new foundations.

4. National Dialogue

As a part of the reconciliation efforts made to end the 2011 Arab Spring uprisings in Yemen, a six-month series of National Dialogue Conferences was instituted to pave a new way forward for Yemen that would satisfy all involved parties, including the al-Hirak southern separatist movement, the Houthis of the north, youth and women's groups and civil society organisations. Members of these groups made up the 565 delegates involved in the conferences. Covering issues from economic development and increasing government transparency to state restructuring and the southern issue, the NDC aimed to outline the future Yemeni State, including a new Constitution. Currently proposed and finding favour was a united, federal democratic state, with elections planned in 2014.

The NDC, due to end in mid-September 2013, was extended for at least another two weeks in an effort to prevent the failure of the process. The issue of southern Yemeni separatism was a particular roadblock to continued talks. Attention was also paid to ensuring that the democratic process laid out by the NDC would be sufficiently inclusive of marginal groups, like youth and women's groups, as well as the *al-Houthi* and *al-Hirak* movements, rather than permit the continued dominance of the more established political parties. Whatever the outcome, Yemen's future government was faced with many difficulties, including three ongoing conflicts, 25-40% unemployment rates and widespread hunger.⁴²

Based on the progress made in the NDC, the conference had to be extended to ensure it achieves its outcomes. In its final stages, Council members were to determine the timeline of the transition process based on the several changes agreed upon throughout the conference. In response to the security issue of the southern separatist movement, an agreement on 23 December announced the creation of a federal Yemeni state, and on 27 January, President Abdo Rabbo Mansour Hadi formed a 22-member commission that is to determine the number of regions and their provinces in the near future. In light of the recent assassination of the *Houthi* representative in the NDC, there is uncertainty as to how the *Houthis* will contribute to the political transition, and whether the current security situation in Yemen will worsen.⁴³

4. MAIN ISSUES AFFECTING CHILDREN IN YEMEN

1. Overview of a Child's Circumstances

In traditional patriarchal Yemeni culture, having children, especially males, is a sign and symbol of wealth and prestige. According to UNICEF, it is common to have five or more children per household despite the overwhelming inability of providing for all of them equally.⁴⁴ In Arabic, a child is referred to as *jahel*, which translates to “clueless” or “ignorant,” and perhaps that can be used as an insight as to the place of the child in traditional Yemeni society.⁴⁵ Corporal punishment, inflicting physical pain as retribution, is still widespread in the community and is a prevalent method of discipline, illustrating that children's views and wishes are not respected a clear violation of the CRC.⁴⁶ The lack of a viable platform for children to be heard forces, for example, little girls into child marriages that are arranged by members of the community around them, and forces little boys into the long-standing custom of revenge or honour killings that are common in tribal societies. Furthermore, thanks to sectarian differences, rural and tribal children, especially those who live in the mountainous regions, are a common sight in military conflicts for supremacy. Finally, due to Yemen's economic crisis and rampant poverty, children increasingly abandon school to join the labour market and to support their families.⁴⁷ Yemeni children face various challenges, notwithstanding the fact that they are in contact with the justice system or the police. Therefore, it is important to highlight the main issues affecting children, as listed below.

2. Definition of a Child

To begin adapting laws to meet the needs of a child, a clear and precise definition of child is needed. The local Yemeni law has many definitions and contradictions as to what it means to be a child. Article 2 of the Law on the Rights of the Child defines a child as “every human being below the age of 18 years unless majority is attained earlier.”⁴⁸ The problem with this definition is that the term majority can be interpreted differently according to who is clarifying the law. For example, according to Yemen's Personal Status Law, *sin al-rushud* (the age of maturity) for boys is at 10, or when they attain

puberty, whichever comes sooner. For girls, it is at age nine, or when they attain puberty. Furthermore, in all cases, any person over 15 years old is considered to have reached *sin al-rushud*.⁴⁹ In contrary to that law, the *qanun al-madani* (Yemen's Civil Code) declares the age of majority at 15, with no exceptions.⁵⁰ Thus, it is evident that due to divergent descriptions of what a child is, children are not fully protected under Yemeni law and cannot benefit from their rights under international law.

3. Challenges Faced in the Child/Juvenile Justice System:

a. Unregistered Birth

The Yemeni government took various initiatives to increase low birth registration rates, including amending article 21 of the Civil Status and Civil Registration Act to allow either of the child's parents – as opposed to only the father – to register a child,⁵¹ and issuing Decree No. 120 for the year 2006 to make the issuing of birth certificates a free service, resulting in the issuance of 276,716 birth certificates.⁵² While legislation in the Civil Status and Civil Registration Act instructs that “the child's birth must be registered by notifying the Civil Status Department within 60 days from his or her date of birth”⁵³ and the Rights of the Child Act reaffirms the child's right to a name, nationality and registration,⁵⁴ the percentage of birth registration in Yemen remains low, totalling 22% from 2000 to 2010 and 45% in 2008.⁵⁵ Statistics on birth registration rates also show a discrepancy between urban and rural areas (38%, 16% respectively, from 2000 to 2010). Complicating the registration of newborns is the fact that although 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, almost 75% of births take place at home and many citizens do not apply for a birth certificate.⁵⁶ The Committee on the Rights of the Child expressed that Yemen's low birth registration rates have serious implications on the child's fundamental rights and urged Yemen to take the necessary measures to guarantee birth registration of all children, including organising campaigns to raise awareness on birth registration, “establishing civil registration mechanisms in hospitals” and encouraging the “use of mobile registration units,”⁵⁷ especially in rural and remote areas. Additionally, low birth registration rates in Yemen have important consequences on juve-

nile offenders, many of whom cannot prove their age at the time of the offense and consequently may face harsher penalties including the death penalty.⁵⁸ Low birth registration rates also hinder the ability to address child trafficking and to estimate figures as “[t]he 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”⁵⁹ as well as contributes to the problem of under-age recruitment.

b. Sexual Abuse

Sexual abuse in Yemen is a controversial topic that is usually not discussed out in the open. However, it is just as widespread as it is hidden. Out of the public eye, sexual abuse is quite common. According to an unpublished UNICEF survey of university students in four Yemeni universities, around 37% of sexual abuse incidents occurred at home, while 18% of assaults took place in neighbours’ homes. This was because almost 40% of perpetrators were relatives. An additional 25% of offenders were nuclear family. More than half of incidents of sexual violence (58%) happened to 6 to 12 year-olds, and 15% was directed to children under 6. Of those victims, 43% were assaulted repeatedly.⁶⁰ The sexual abuse phenomenon also occurs in the public sphere, especially to street children. According to Wadah Shugaa, Deputy Manager of the Safe Childhood Centre in Sana’a, “If they have been on the street for a long time, the chances of them being sexually abused is around 90%.”⁶¹ The incidents range from children being lured into strangers’ cars for as little as 1 USD to suffering from abuse at the hands of older street children demonstrating a form of their authority. With the subject of sexual abuse being controversial, children, even after they have been placed in a safe zone like a police station, an outreach programme or care centre, rarely disclose the abuse they have suffered.⁶² Many of the children know what is awaiting them behind a tainted car window or the shady corner of the *souk* (local market), but because of their malnutrition and poverty, they willingly enter into this Faustian bargain in exchange for money or bread. The Committee on the Rights of the Child has commented on the issue of sexual abuse, especially emphasising “the absence of legislation clearly prohibiting child sexual abuse,” the need for a clear definition of sexual consent, the lack of research and statistics coming from the government and local civil society on the topic of sexual abuse and the existence of traditional ideologies like “family honour” that allow many cases to go unreported.⁶³

c. Juvenile Executions

International law prohibits, without exception, the execution of individuals for crimes committed before turning 18. When courts cannot establish conclusively that a defendant was 18 or older at the time of the alleged crime, international law indicates that they cannot impose a death sentence. Yemen has ratified both the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which specifically prohibit capital punishment of persons under 18 at the time of the offense. Since 1994, Yemen’s penal code has also banned the execution of juvenile offenders and stipulates a maximum penalty of 10 years of imprisonment for minors who commit capital offenses.⁶⁴ Yet since 2007, Yemen has executed 15 young men and women who claimed to be under the age of 18 at the time of their offense. What makes it even worse is that article 123 of the constitution states that the “death sentence shall not be executed unless endorsed by the President of the Republic,” indicating that the President is aware of the nature of these executions.

Prosecutors have demanded death sentences for dozens of additional juvenile offenders. In some cases, defendants lack the documentation to prove they were under the age of 18 at the time of their alleged crime. In other cases, public prosecutors and judges simply disregard available evidence.⁶⁵ At present, the Yemeni government does little to counter either problem. As of January 2013, at least 23 young men and women await execution under death sentences in Yemeni prisons despite having produced evidence indicating they were under the age of 18 at the time of the crimes for which they were convicted. In addition to the 23 possible juvenile offenders on death row, Yemen’s public prosecution has called for the death penalty in pending cases of at least 186 other alleged juvenile offenders, according to both UNICEF and the Yemeni NGO Coalition on Child Rights Care, a local civil society group monitoring inhumane juvenile sentencing.⁶⁶

d. Children in Street Situations

An estimated 30,000 children work in the streets of eight governorates of Yemen (Sana’a, Aden, Taiz, Al-Hodeidah, Hadramout, Ibb, Hajah and Dhamar), working as street vendors, car washers, cleaners and beggars, as well as working in markets, restaurants, laundries, among other jobs.⁶⁷ Other estimates by civil society organisations show that 2 million children live and work in streets while the NGO Coalition estimated

in 2011 that 3,000 to 7,000 children worked and lived in the streets of Sana'a.⁶⁸ A study by the Higher Council of Motherhood and Childhood, which had a sample size of 4,760 children between the ages of six and 17, showed that 60% of the children worked and slept in the streets while 40% worked in the streets but slept in a temporary residence.⁶⁹ It identified poverty, unemployment, family disintegration, dispute or divorce, parents' death or absence, domestic violence, parental abuse/neglect of children, internal migration and lack of social services as causes of the prevalence of children living and working in the streets, and showed that most of the children in the study have entirely dropped out of school. To address concerns about the situation of children living and working in the street, the Yemeni government created the Programme for the Protection and Rehabilitation of Street Children and three Safe Childhood Centres in the governorates of Sana'a City, Aden, and Taiz, with the support of UNICEF and civil society organisations and offered services to reintegrate and rehabilitate a total of 1,422 street children from 2002 to 2006.⁷⁰ While welcoming these initiatives, the Committee expressed its concern about the vulnerability of street children to sexual abuse and exploitation and at the lack of a comprehensive strategy to protect these children.

e. Refugees, Migrants and Internally Displaced People

The total number of refugees in Yemen was estimated at 60,000 in 2004. The majority of the refugees were displaced persons fleeing wars, conflicts, or natural disasters in the Horn of Africa and East Africa, mainly from Somalia, Ethiopia and Eritrea, as well as from Palestine.⁷¹ In 2010, UNHCR estimated the number of refugees in Yemen at 170,000 with 250,000 IDPs.⁷² The conflict between the *Houthi* rebels and the government which started in 2004 in the Sa'dah governorate has caused the displacement of over 170,000 people, 70% of whom are women and children, and destroyed many basic health facilities for health, nutrition and education.⁷³ Despite a ceasefire between the government and *Houthi* forces in February 2010, only 14,000 internally displaced people returned home, as the majority of homes were destroyed. By July 2010, more than 324,000 were reported to be internally displaced with women and children representing 80% of them.⁷⁴ More recently, Yemen has witnessed nationwide protests since February 2011 and the *Houthi* rebels have supported the revolution against then-President Saleh and have continued fighting. The fighting left children

in southern Yemen, who make 60% of the 100,000-plus IDPs, distressed and traumatised.⁷⁵ It was not until November 2012 that UNHCR reported seeing a growing number of IDPs return to their homes, and with the support of the Yemeni government, the organisation helped 80,000 IDPs return to their homes.⁷⁶

f. Orphaned, Separated and Unaccompanied Children

The responsibility to develop plans, programmes and centres to rehabilitate orphans and provide them with services including nurseries, education, and social care falls under the mandate of the Ministry of Social Affairs and Labour.⁷⁷ Nevertheless, a shadow report in 2005 stated that family support programmes are "non-existent in Yemen," leaving many children alone to fend for themselves since the number of centres that foster orphans is limited.⁷⁸ The two most prominent orphanages are Rahmah Centre for Orphan Girls and Al-Eslah Association for girls and boys, and even those resources are severely limited.⁷⁹ While there are no reliable statistics on the number of orphans in Yemen, government reports indicate that the number of orphanages increased between 2005 and 2007 at a rate of 200%, increasing from 12 governmental and non-governmental shelters to 10 governmental, three semi-governmental, and 18 non-governmental shelters. These centres provide children with food, clothing, health and education services, some of which provide rehabilitation and permanent accommodation while others provide rehabilitation activities only during the day to children who spend the night with their families. Other modes of alternative care such as the Islamic system of adoption (*kafalah*) exist in Yemen. Recognising this, the Committee nonetheless expressed concern about the quality of alternative care children receive and called for the establishment of "standard procedures" and the review of placements to ensure conformity with principles and provisions of the Convention on the Rights of the Child.⁸⁰

g. Education

Education is obligatory and free for the first nine years as per the Yemeni Constitution, the Rights of the Child Act No. 45 of 2002, and the Yemeni General Education Law No. 45 of 1992. Article 87 of the Rights of the Child makes education obligatory while article 18 of the General Education Act No. 45 of 1992 makes education mandatory for nine years and "secures attendance from age six."⁸¹ Most recently, the government has assigned

monetary penalties to parents who fail to send their children to school, and prohibited corporal punishment in schools. Nevertheless, Yemen ranks the second lowest literacy rate for females (72% between 2005 and 2010 in comparison to 92% for males during the same years) in the Middle East.⁸² Despite abolishing primary school fees, the net enrolment ratio for primary school totalled 80% among males from 2007 to 2010, much higher than females, 66%. Secondary school attendance is also lower than primary school, demonstrating a high drop-out rate as well as the persistence of a gender gap (48% male, 27% female).⁸³ While welcoming efforts to improve the quality of education, the Committee, in its Concluding Observations, expressed concern over high illiteracy rates (especially among women), low school enrolment rates, high dropout rates, educational discrepancies in urban and rural areas, negative stereotyping of girls in school curricula, the lack of vocational training for youth entering the labour market and made recommendations to address these concerns.⁸⁴ In response, the Yemeni government partnered with the private sector and UNICEF and launched a campaign named "Let me Learn" in 2006 to promote girls' education and to reduce the gender gap among community members including parents, teachers, and children. This campaign was implemented in five districts.⁸⁵ Yemen's third periodic report to the Committee mentions other government initiatives such as the National Strategy for Girls' Education and the National Strategy for the Development of Basic Education 2000-2015, through which new classes have been established for girls in existing schools and new primary and secondary schools have been built.⁸⁶

h. Nourishment and Sustenance

Child malnutrition is a concern in Yemen, with great disparities existing between rural and urban areas. Nearly one-third of children between the ages of 2 to 5 are severely stunted.⁸⁷ A study in 2003 found that 53.1% of children under the age of 5 suffered from stunting while 12.4% suffered from wasting. More than half of children under 5 were underweight.⁸⁸ These figures are higher in rural areas. Recent political upheavals and nation-wide protests have increased malnutrition, especially among children from displaced communities, according to the Ministry of Agriculture and Irrigation.⁸⁹ It is estimated that half a million children are likely to die from malnutrition or to suffer long-term physical and cognitive consequences and other medical complications as a result of malnutri-

tion.⁹⁰ While welcoming actions to improve health and welfare, including efforts to control diarrhoea as a way to reduce infant and under-5 mortality rates as well as the adoption of the Integrated Management of Child Illness Strategy, the Committee expressed concern about the still-high infant and under-5 mortality rates as well as maternal mortality rates partly caused by poor ante-natal and post-natal care.⁹¹ At 77 per 1,000 live births, Yemen's under-5 mortality rate is among the highest in the Middle East and North Africa region and ranks 40 out of a list of 196 in comparison to other countries. Infant mortality rate (under 1) is equally high, at 57 per 1,000 live births in 2010.

i. Food Security

According to the International Food Policy Research Institute, Yemen is ranked as 11th most food-insecure country in the world, where a third of Yemen's population suffers from acute hunger. Over 50% of Yemeni children are "chronically malnourished" and 10% do not live past the age of five.⁹² These figures are only second to Afghanistan. Yemen also has the third highest rate of underweight children in the world. Moreover, because of the aftermaths of the Arab Spring, the number of severely food insecure households nearly doubled between 2009 and 2011, rising from 12% to 22% by December 2011, leaving an additional 2.7 million Yemenis severely food insecure.⁹³ It is not just that Yemenis have become more food insecure, but also their diet has changed to match this insecurity. They have reduced their intake of "of micronutrient-rich foods including meat, fruits and vegetables, pulses, and dairy products," and that has the greatest consequences for children and their development. Finally, over a third of households have "food-related debt." Among food insecure households, 45% of those who already have a poor diet have debt related to food. Buying food on credit has become common. In rural areas, 28% of food is bought on credit, a massive increase of 43% since 2009.⁹⁴ Food insecurity is quickly becoming an uncontrolled problem that is only exacerbated by Yemen's harsh climate.

j. Health

Children's immunization rate rose from 66% to 87% between 2005 and 2009, and is estimated to reach 90% by 2010. Despite vaccinating 97% of children aged 9 months to 5 years against malaria and polio, malaria accounts for 17% of children's deaths.⁹⁵ Child health

indicators took a turn for the worse in recent years with routine immunization of children dropping to 40% in some areas, causing outbreaks of polio and measles, as well as shedding light on the “collapse of public services.”⁹⁶ The Concluding Observations of the Committee recommended adequate allocation of financial and human resources to the health sector, development of comprehensive programmes and policies to improve children’s health, with an emphasis on preventative care and to ensure equal access to health care facilities in both rural and urban areas.⁹⁷ Recent political instability, namely due to *Houthi* rebels and Al-Qaida militants, have also negatively affected vaccination programmes, especially in rural areas.⁹⁸ In addition to the aforementioned diseases, 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 diarrhoea and upper respiratory tract disease and other diseases).

HIV/AIDS

Statistics on the spread of HIV/AIDS in Yemen is limited and was a source of concern to the Committee. This is mostly due to HIV/AIDS as a prevalent sexual disease being considered very taboo in the conservative Yemeni society. While welcoming State efforts to improve adolescent health, including the National Programme to Prevent and Combat Aids, the Committee was concerned at “the lack of statistical data and the inadequate access by adolescents to reproductive and mental health care facilities” and urged the Yemeni government to “develop a comprehensive policy to ensure reproductive and mental health counselling and services for all adolescents” and to seek the technical support of organizations including World Health Organization, UNICEF and the United Nations Population Fund.⁹⁹ Reports estimate the incidence of HIV to have more than quintupled from 0.01% in 1999 to 0.2% in 2006. Although transmission of HIV is mainly through heterosexual contact, blood transfusions also account for transmission since only 50% of blood donations are screened for HIV in Yemen.¹⁰⁰ Of the cases of HIV reported in 2009, 4.7% were transmitted from mother to child.¹⁰¹

k. Female Genital Mutilation

Female genital mutilation (FGM) in Yemen is usually practised as a religious and cultural tradition. It is usually performed due to the widespread conviction that it

“serves to temper female sexual desire.”¹⁰² Although all three types of FGM have been practised in Yemen, the most common type that is practised is Type II: excision (the removal of the clitoris and inner labia). The Pacific Institute for Women’s Health conducted a study in 2000 that exposed that more than 97% in Al-Hodeidah, 96% in Al-Mahrah and Hadramout, 82% in Aden and 45.5% in Sana’a had experienced FGM.¹⁰³ There is also a regional practice similar to FGM called *al-takmeed* where a mother prepares a compress to use on the genitalia, and the compress is a soft cotton material inside of which heated salt and/or sand is placed, along with oil and herbs. The mother heats the compress and places it on the infant’s genitalia, pressing repeatedly for about an hour, for a period varying between 40 days and four months. The procedure’s physical effect may affect nerve endings and decrease the sexual excitement of the girl or woman on whom the practice is performed.¹⁰⁴ In 2001, the government addressed FGM as a concrete problem and issued a ministerial decree to prohibit the practice. However, health officials said that the decree was not enforced in all medical facilities and monitoring was difficult, allowing the practice to be present and rampant, especially in Yemeni coastlines.

l. Child Marriage

Child marriage is one of the most prevalent practices in the country; a ten-year-old being married to a thirty-year-old is a common occurrence. According to a 2008 study by the Gender Development Research and Studies Centre in Sana’a, almost 50% of girls are married before they turn 18 – some as young as the age of 8.¹⁰⁵ It is reported that 64% of women aged 25 to 29, in 2001, were married before the age of 18, 11% of whom reported not using contraception.¹⁰⁶ Other reports estimate that 50% of Yemeni women married before the age of 15 while 75% married before reaching 18.¹⁰⁷ In 2005, according to a list of hot spots for child marriage compiled by the International Centre for Research on Women, Yemen ranked 14th.¹⁰⁸ This is primarily due to the fact that the Yemeni government has not set or enforced a clear, unambiguous minimum age for marriage, therefore leaving it open for interpretation among religious and cultural standards. There are also no rules with regards to forced marriages or marital abuse. In fact, the situation continued to deteriorate after the government repealed the law that made 15 the minimum age for marriage in 1999.¹⁰⁹

m. Prostitution

The occurrence of child marriage is further compounded by the trafficking and prostitution of girls. Around 70% of these girls have run away from their own early marriage, abuse from families and husbands, and from poverty. They are exploited in various public arenas such as hotels, bars and casinos, mostly in the governorates of Taiz, Mahweet and Aden.¹¹⁰ Gulf countries, especially Saudi Arabia, provide most of the child sex tourists. The high tourism season means that many of these girls are forced to marry these tourists for one, two or three weeks in order to have legal sexual relations. The tourists, then, divorce these girls once their vacation is over, leaving them to deal with the aftermath, many of whom end up as prostitutes or are forced out onto the streets. In fact, in Aden, 39% of the prostitutes had been divorced.¹¹¹ Commercial sexual exploitation is a common path for poor, illiterate, and uneducated girls.

n. Child Labour

Yemeni law identifies 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 2000, the ILO estimated that 18.7% of children between the ages of 10 to 14 years of age were working in Yemen.¹¹² According to the 1999 Labour Force Survey, child labour among the 6 to 14 age groups increased from 240,000 children in 1994 to 327,000 children in 1999, with a high average growth rate of 6.4%.¹¹³ This, said the survey, reflected the expansion of poverty and the reliance of poor families on child labour. Female child labour in Yemen constituted 51.4% of total child labour. 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. 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. 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 par-

ticularly vulnerable to sexual abuse and exploitation."¹¹⁴ Due to the widespread poverty present in the country, families will pull their children out of school and force them to work, reinforcing a vicious cycle of illiteracy.

o. Child Trafficking

Article 2(a) of the CRC Optional Protocol defines the sale of children as any action or transaction that transfers a child from one person or group of persons to another for remuneration or any other benefit.¹¹⁵ Article 3 subparagraph 1(a) calls on States Parties to make the sale of children a criminal offence.¹¹⁶ It is very difficult to estimate how many children are trafficked from or to Yemen, but numerous sources indicate that each year, more than 10,000 people are trafficked to oil-rich Gulf countries, with around 10% being children. Many of the children who are trafficked end up being exploited in every way possible, as workers, street beggars, and even participate in the sex industry. However, as mentioned previously, the scale of the problem cannot be precisely discerned, but in recent years, the problem has gained national and regional attention following a World Bank assessment on trafficking in children, which has helped ameliorate the situation recently.¹¹⁷ For example, in 2009, trafficking of children went down from 900 children trafficked in 2008 to 602, according to Ministry Social Affairs and Labour.¹¹⁸ This was because between 2006 and 2008, the International Organization for Migration and UNICEF partnered to train and build the capacity of government officials, police officers and social workers on increasing assistance, such as health and medical assistance, to children victims and at risk of trafficking and smuggling.¹¹⁹

However, this has not completely eradicated the problem. Families of Yemeni children victims of trafficking have typically low incomes where parents are predominantly employed in agriculture and unskilled labour. Educational levels of parents as well as that of children are low. Illiteracy and financial difficulties among parents or guardians often lead to children dropping out of schools. This is coupled with poor quality education and lack or remoteness of schools.¹²⁰ This makes the problem of trafficking one that is caused by poverty and a lack of available resources in Yemen. Thus, to completely eradicate the problem, officials have to address the root cause of the problem. Children end up being both smuggled into Saudi Arabia to find work, and themselves also smuggle goods across the border. It is estimated that two thirds of children living in the Harradh, a

governorate that borders Saudi Arabia, were involved in smuggling and that 30% of children living in villages by the border have been smuggled into Saudi Arabia. While adults can face long prison sentences if caught, children do not; they are simply sent back, thereby increasing the chances of reoffending¹²¹.

p. Child Soldiers

The recruitment and use of child soldiers in Yemen is widespread and entrenched. It is rooted in a complex mix of socioeconomic conditions, high levels of armed violence and cultural tradition. The government has tried to control the problem by establishing an age limit of 18 for both the police and the army, stating that “persons under the age of 18 cannot participate in armed conflict or be recruited.” A minimum age of 18 years for recruitment by the police and military reserves is also stipulated in other legislation like the General Reserve Act No. 23 of 1990 and Police Force Act.¹²² However, historically, the government has failed to regularise and establish effective control over recruitment practices of the armed forces or the tribal militias on which it relies for support in armed confrontations against opponents. Furthermore, the legal standards and claims that military recruitment is centrally administered, with the age of recruits requiring confirmation by two witnesses, bear little relation to the practice. In reality, recruitment processes are politicised and personalised and are used to secure the support of tribesmen and to reward personal loyalty among officers. No consistent attempt is made to verify ages of recruits. Officers of the First Armoured Division, for example, have admitted to allowing the recruitment of 15 year-olds and, on occasion, younger children. This is thought to reflect broader government practice and is not limited to this breakaway Division.¹²³ In Sana’a, government and opposition forces continued to deploy children to patrol streets, guard checkpoints and sometimes fight, in violation of international prohibitions against the use of children in armed conflict. State security forces and opposition armed groups deploy in schools around the country and consequently place children at risk and undermine education. Between January and June 2013, more than 170 schools were attacked or subjected to other military use nationwide.¹²⁴

q. Qat Use amongst Children

According to the World Health Organization, around 15-20% of children in Yemen under the age of 12 are consumers of *qat*. *Qat* negatively affects children’s health

in Yemen. Its effects are not confined to the skeleton but to the psyche as well. Fragile bones and pale skin are enough to make anybody acknowledge its grave effects, as is its negative effects on academic performance. According to Mohammed al-Asaadi, a UNICEF communications officer in Yemen, “The income that should go to food, health, education and clothing of the children is spent on *qat*, which affects the family and the wellbeing of children.”¹²⁵ There are many reasons that some families ask their children to join them for *qat*, particularly in the rural areas where children tend to help their families with the work on the farms from an early age. Although many families do not directly encourage chewing *qat* at a young age, children get into the habit by watching their role models, parents, siblings or extended family chew *qat*. However, in areas where politically motivated hostilities are numerous, parents tend to feed it to their children in order to keep them safe indoors because it has a calming effect. Pregnant women have also taken up the habit and this has resulted in lower birth rates and even malnutrition. More specifically, *qat* suppresses hunger and appetite, negatively affecting mothers’ breast milk production as well. Some mothers provide their children with supplements such as artificial milk, which causes common side effects such as diarrhoea or flu. However, poorer mothers find it difficult to provide the care needed for the child. This may result in severe malnutrition or even death. Consuming *qat* paves the way for a multitude of illiterate generations and destroys their health.¹²⁶

5. ACCESS TO JUSTICE AND HANDLING CHILD VICTIMS AND WITNESSES OF CRIMES AND THOSE IN CONFLICT WITH THE LAW

Yemen has four legal references: Juvenile Protection Law, Child Protection Law, Criminal Procedures Law and Penal Law. Among the international laws and agreements there are: the Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict.

The Yemeni law guarantees most of the rights mentioned in the Convention on the Rights of the Child through specific laws on children. The most prominent are Rights of the Child Act No. 45 of 2002, law 24 of 1992 on the protection of juveniles and its later amendments in law 26 of 1997.¹²⁷ These two laws constitute an important reference to dealing with children and juveniles in Yemen. However, they remain short of fully complying with international conventions and are often criticized over contradicting key definitions of terms, including what constitutes a “child” and a “juvenile.” For example, the Juvenile Protection Law defines the term “juvenile” differently from the Child Protection Law on two aspects. First, the Juvenile Protection Law describes a juvenile as someone who has reached 15 years of age, and it does not refer to him/her as a child after this age. On the other hand, the Child Protection Law constitutes that a juvenile remains a child until he/she is 18 years of age. Second, according to the definitions of Juvenile Protection Law, a juvenile is a term that refers to someone who has already committed a crime or an offence, or is at risk of being in circumstances that encourage criminality.¹²⁸

Yemeni legislation offers punitive and procedural protection for juveniles. There are rules that do not hold children under seven years of age responsible for any criminal action. Children between the ages of seven and 15 are not punished for their criminal actions. Instead, they are dealt with in the spirit of procedural practices of the law for the protection of juveniles. Juveniles between the ages of 15 and 18 are punished with no more than half the sentence for their crimes. If the sentence is execution, then the punishment is usually between three to 10 years of imprisonment. Procedural protection applies to juveniles at risk of delinquency (i.e., homeless children, abandoned children, etc.), as well as those who have been in detention or are currently detained, those who are under investigation or in trial and those who are convicted of a crime. It is strongly recommended that the final verdict keeps the offender's future interest in mind at all times.¹²⁹

One mean of legal protection is to deal with cases involving children as soon as possible. Juvenile cases are considered to be urgent in courts, incoming notices on cases involving a child are prioritised and immediate notices about all child cases are given to special parties when it comes to the follow-up procedure. Among the articles in the juvenile protection law are the following:

- Juveniles should never be treated badly or chained in any way (article 14);
- Questioning the juvenile should not occur by means of bringing him away from his parents, questioning should happen in the residence location of the juvenile or by having the guardian accompany him to questioning; and
- Juvenile trials should be processed with confidentiality, and no one should be present except for the relatives of the juvenile, witnesses, lawyers, social workers and those given a special permission to attend by court (article 20).

In Yemen, there is the view that laws dealing with juveniles are built on the idea that the juvenile is a criminal and that the only difference between him or her and the adult criminal is how far the sentence goes. Due to this faulty view, juvenile laws do not treat individuals under the age of 18 as they should and in accordance with international treaties on the protection of children, and consequently deny them the full protection they should enjoy. The juvenile is not a criminal and redesigning the tools, whether it is related to laws or to direct operations with the child, is necessary to guarantee an effective intervention and the best performance of all parties involved.¹³⁰

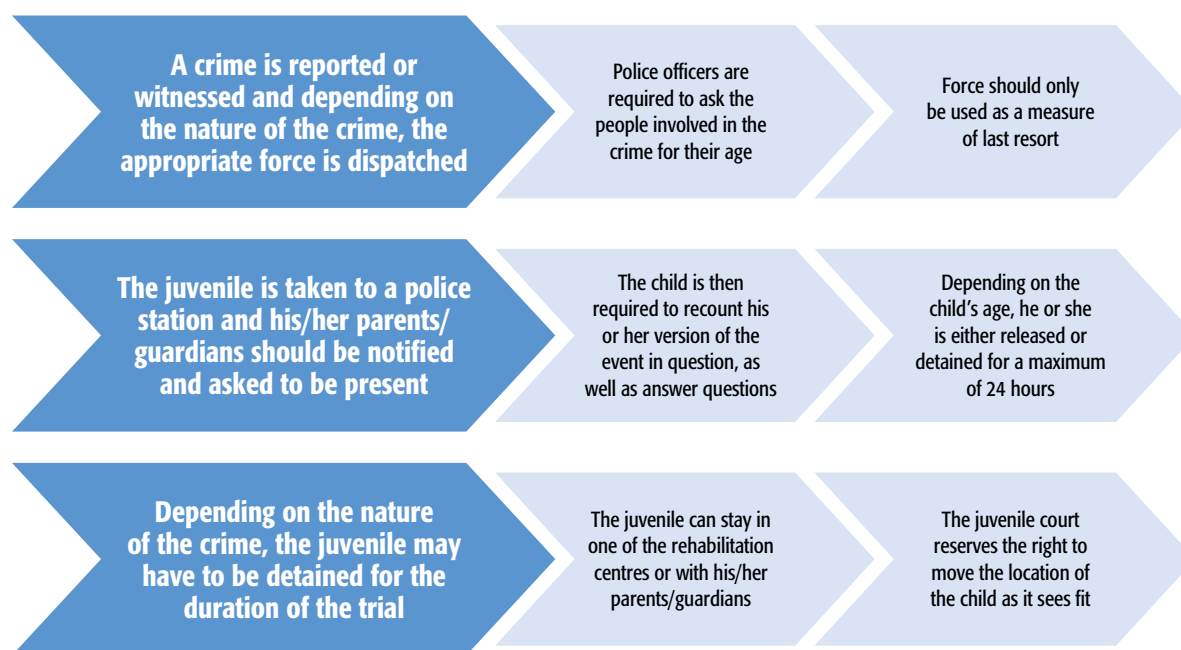
Even though the laws in Yemen put in place a juvenile court, these courts do not name a juvenile prosecution administration to take care of it. The general prosecution administration is responsible for juveniles. In addition, arrests, detentions and investigations all occur via state-operated security personnel and this causes laws to be applied in a problematic way, including violating the rule that juveniles cannot be detained in police prisons for more than 24 hours. This is important as it is reported that 81.1% of Yemeni prisons suffer from procedural problems, and though this is prevalent in all administrative units in Yemen, it is particularly obvious in the case of prisons.¹³¹ Among other concerning problems in Yemeni prisons is the fact that violence is very common against juveniles. In a study by the Democracy School in 2012 with a sample size of 179 juveniles in 11 different prisons, 48.8% of juveniles surveyed reported having been victims of violence. The most common forms of violence were beatings by hand and kicking, or using sticks and/or metal bars. In addition, extreme torture methods were used against juveniles in Yemen, as 1.41% of juveniles surveyed reported being electrocuted or threatened to be electrocuted.¹³²

Prior to the establishment of a juvenile justice system in Yemen, children in conflict with the law were treated as adult criminals in ordinary courts and kept in prisons with adults. Many reports indicated juveniles were neglected, exploited and abused by different actors. Families generally disgraced the detained child and neglected him/her by either avoiding contact with him/her or not requesting his/her release. Some children remained imprisoned for years without any attention being given to their case. Despite the existence of 9 juvenile courts and 10 juvenile care centres, juveniles are still frequently treated as adults, not least due to the absence of a full-fledged civil or birth register.¹³³

However, there has been some recent progress. To provide legal protection to juveniles, the Ministry of Justice under the sponsorship of UNICEF contracted 16 lawyers

to provide free legal aid to children in conflict with the law. To ensure sustainability after the project ended, the Ministry contracted those lawyers under its own budget to continue working with the same mandate. This service benefitted 2,381 juveniles between 2007 and 2010. Moreover, the Ministry also recruited 17 social services experts to work in the juvenile courts and in cooperation and coordination with the Ministry of Social Affairs and Labour 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-Hodeidah, as a pilot project to be evaluated before being replicated throughout the country. The programmes proved to be highly effective, benefitting 79% of juveniles in these governorates.

DIAGRAM 1 – Arrest, Detention, and Trial Process for Juvenile Cases (In Theory)



B. GENERAL FRAMEWORK FOR CHILD PROTECTION IN YEMEN

1. CURRENT INTERACTION BETWEEN CHILDREN AND THE POLICE

As part of their responsibility to maintain public order and to protect civilians, police forces are often the main and/or first respondents to deal and interact with children in Yemen.

Part of the mapping exercise was to examine the nature of the interaction between the police and children. Nine police stations in Sana'a were surveyed about their level of awareness of children's rights and preparedness to deal with juvenile cases in accordance with the international and local laws and regulations. It was found that staff consisted of:

- Police officers (Police Academy graduates): Normally holding managerial posts (including head of units and police stations) and responsible for monitoring overall operations, interrogations and evidence collection, arrests (for juvenile cases) and referrals.
- Police assistants (Police School graduates): Specialised staff assigned to police station units according to their specialties.
- Police soldiers: Old de facto staff with no formal education, and soldiers serving in police stations as part of their military conscription.

The interviews with the heads and officers at the police stations concluded that most of police staff had never been trained on children's rights or on child protection. Only three out of nine underwent basic training sessions on children's rights organised by UNICEF and the Ministry of Interior.

i. Child Victims

Many of the children interviewed by the project team in the juvenile centres were victims of abuse, mostly by their family members, or were sent to centres for their best interest due to committing an offence as a consequence of family pressure. For the former cases,

children approached the police station seeking support and were taken to the centre until a longer-term solution is found. For families to be able to get their child back, they are to be monitored by the chief of the area for compliance afterwards.

ii. Child Witnesses of Crimes

Statements of child witnesses of crimes are collected at the police stations, after a crime has been reported. The child can be called to court hearings as a witness, but is only asked to state facts without being probed into full testimony. There is no system of witness protection in Yemen and child witnesses stay with their families with some monitoring by chiefs of areas or are taken to their relatives for better protection, as needed.

iii. Children in Conflict with the Law

The most frequent scenarios during which the police and children come in contact are cases of theft and robbery.

Problems with the interaction between the police and children included lack of awareness of police officers on children's rights and of the right approach to deal with children.

Process for Investigating Juveniles¹³⁴

1. Time of arrest: Police or parties involved in the case.
2. Investigation: Police unit.
 - A police assistant investigates the case of an offence.
 - A police officer investigates in all other cases.
3. Police report:
 - Summons the legal guardian.
- a. The officer begins mediation efforts to reach a settlement, with the assistance of social interventions.
- b. Investigation and referral of the police report to the juvenile prosecution or the prosecution in charge within twenty-four (24) hours. Any interrogation must be in the presence of an attorney.

4. Referral to the prosecution:
 - a. Immediate placement of a child, pursuant to the prosecution's decision in a juvenile correction facility for a period of one week, pending the outcome of the investigation.
 - b. Release of the child on bail.
5. Referral of the case file to the court where there is evidence of a crime (misdemeanour):
 - a. The child is to remain at the juvenile correction facility for a period of one week in accordance with the law, until the court has reviewed the matter.
 - b. The child is to be judged in accordance with the charges brought against him or her, his or her age, the judge's discretionary authority and the law. The judge must consider the social services experts' report and two social services experts must be present at each court hearing.
6. If the child is under fifteen (15) years of age, then he or she is to be placed in the juvenile correction facility. If the child is above that age, then he or she is to be transferred to the central prison.
7. Where a child commits the same crime again, he or she is to be taken in for custody by the authorities until he or she attains the age of fifteen (15) years. The child would then be released on the assumption that he or she has been sufficiently rehabilitated. As a rule, the judge must not sentence the child based on his or her repetition of the crime but instead must consider the best interests of the child and treat the matter confidentially when making the decision.
8. The Juvenile Law does not impose penalties on children but rather has set in place provisional measures for children over 12 years of age. No measures are taken in relation to children who are below that age.
9. Juvenile correction facilities are to submit reports on the progress of the children to the juvenile judge. A child may be released if a better environment for him or her is identified outside the facility and the judge is authorized to amend the ruling to this effect.

Referral to the Juvenile Centres

There are two juvenile centres in Sana'a, the juvenile center for boys and the Al Amal Juvenile center for girls. Juvenile cases are referred to those centres as early as pre-referral to the prosecutor's office, with the only difference being that boys can be detained in the police stations while girls are immediately referred to their centres after the collection of evidence at the police station. The conditions of both centers depend on the funders, the centre for boys is under-run and does not have enough resources to function as a safe place for rehabilitation, while the centre for girls is more developed, better equipped and provides a variety of services as it is funded by the Al Saleh foundation.

The ages of boys referred to the centre immediately after the collection of evidence range from seven to 12 years old, with older ones (12-15 years old) being referred to the centre after being kept in custody for 24 hours (even longer in many cases).¹³⁵ Cases of children in the juvenile centres include a mix of offenders and victims of violence, including children who have fled their families. Children stay in the centres throughout the legal proceedings until the court decides on their case. Social workers at the centres submit their reports on the children standing before the court in order to contribute to the decision made.



IBCR, SOUL for Development and the head of the Human Rights Unit at the Ministry of Interior, General Omar Bin Hulais.

Photo IBCR

TABLE 4 – Interaction between the Police and other Stakeholders

Stakeholder	Ideal situation	Type of interaction in reality
Medical professionals	Direct and active from the point of arrest	Indirect, inactive (directly and actively involved at the prosecution level)
Social workers	Direct and active from the point of arrest	Indirect and inactive (directly and actively involved at the court level)
Legal professionals/lawyers	Direct and active from the point of arrest	Indirect and inactive (lawyers are called in some cases, but it is not a common practice)
Traditional chiefs (area chiefs)	Direct and active from the point of arrest.	Direct and active

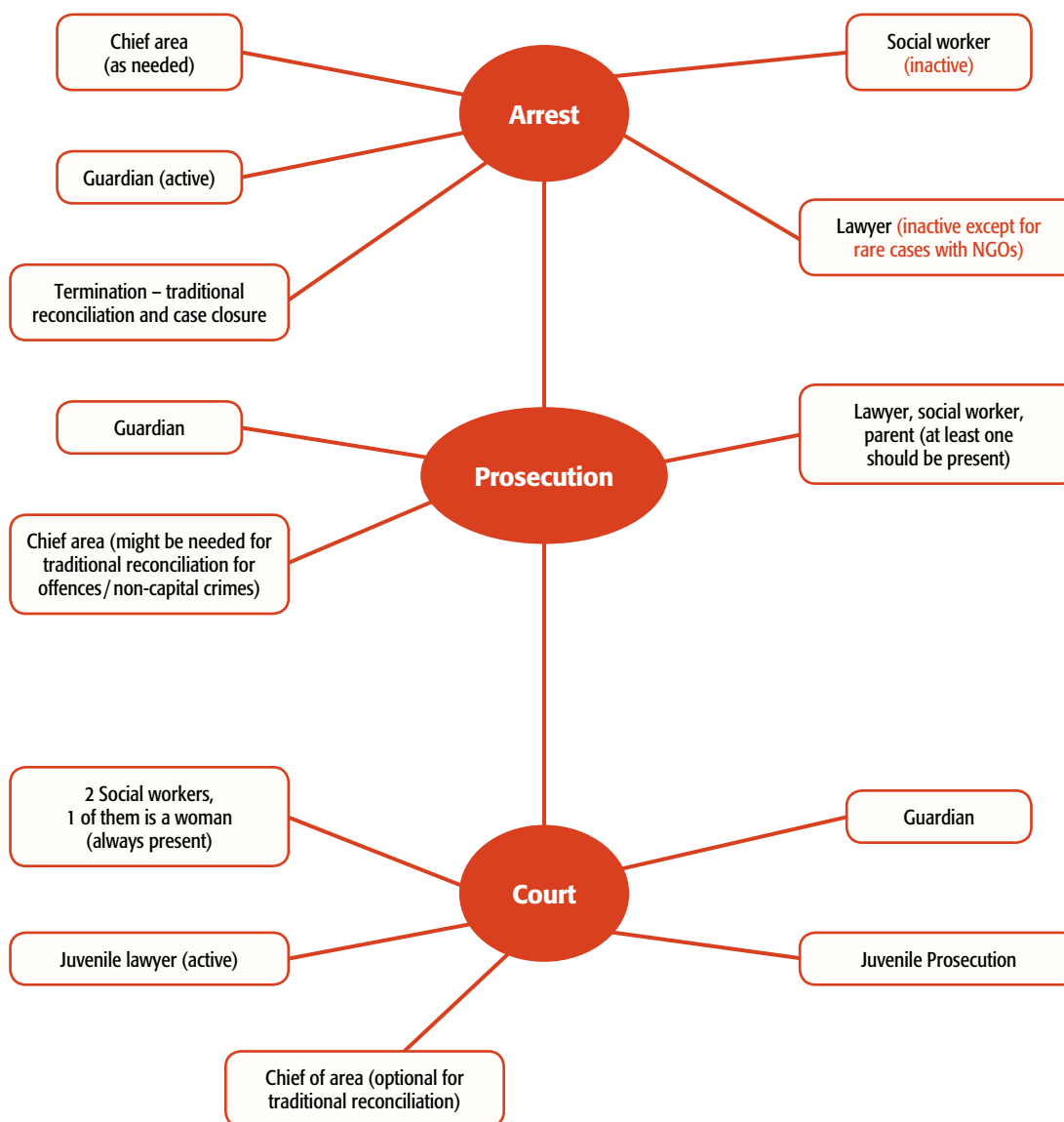
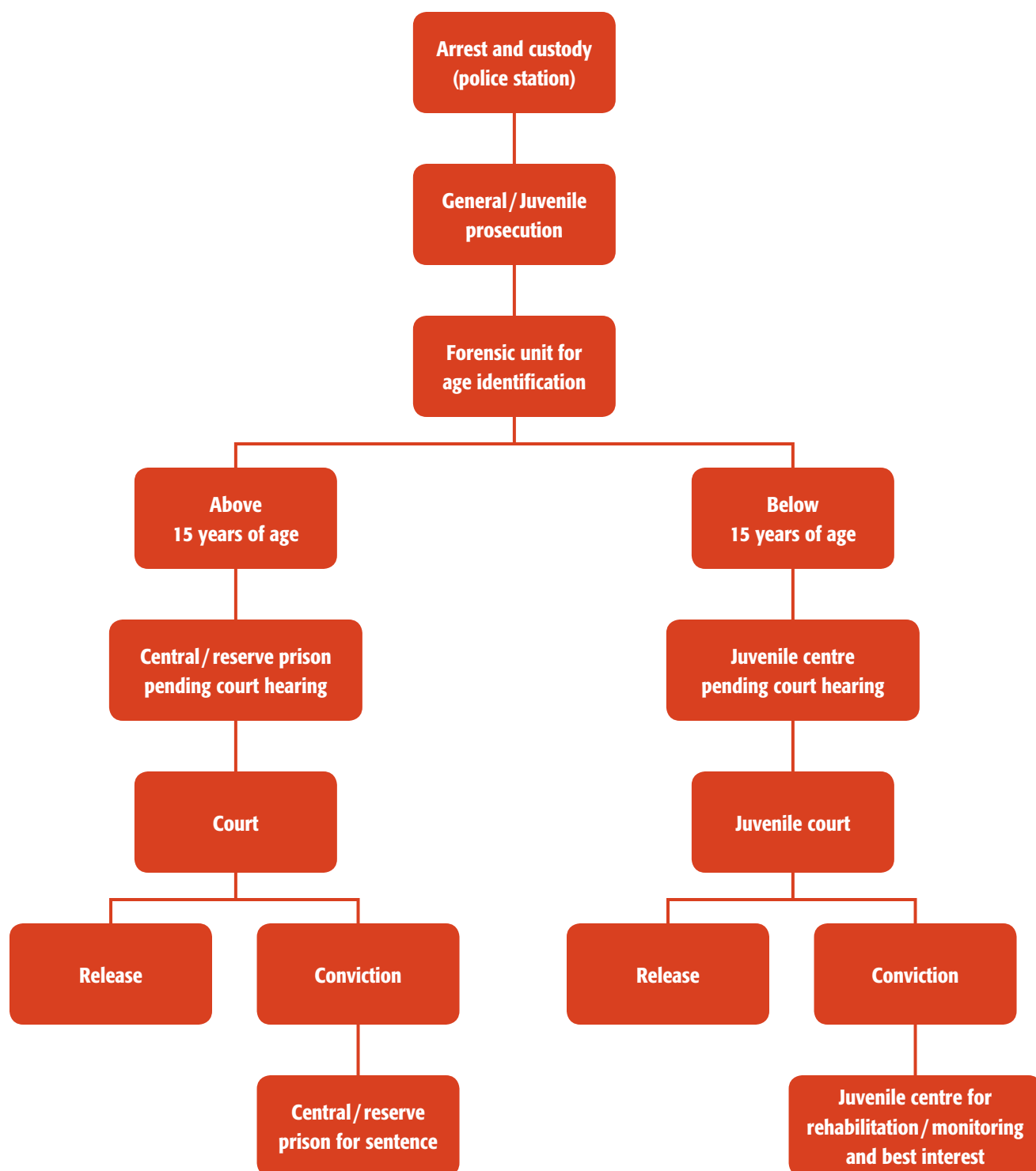
DIAGRAM 2 – Diagramme on the Protection of Children by the Police Forces

DIAGRAM 3 – Protection of Juveniles, by Age

Interaction between Children, the Police and other Stakeholders

Interviews were conducted by the IBCR and SOUL for Development with nine police officers from the Taiz, Hajjah, Rada'a and Mahweet Governorates, as well as with eight chiefs from other areas in Yemen in order to get a better understanding of the interactions that take place between the two parties (the police and area chiefs) and children.

According to the Children Interviewed

Most of the children interviewed highlighted the general attitude of the police, especially those in charge of arrest and detention, as an area that needs the biggest improvement in police performance and behaviour. Most notably:

- Children mostly feared police presence. The police force is perceived as unfair and violent in many cases. The police force was associated to forced entries in houses and arbitrary searches during the revolution in Yemen in 2011.
- Female juveniles indicated several cases of physical or sexual abuses and generally all female juveniles interviewed at the Al Amal Juvenile Centre for Girls agreed that they are subjected to verbal abuse. Stigma around girls in conflict with the law created a perception by police that the girls have transgressed moral and cultural values, leading to further abuses by police at different stages of the legal process.
- Police staff accepts bribes and tends to support whoever pays more money. The police are sometimes involved in robbery, and generally use their position of authority to fulfill their own interests, in conflict with their duty to protect citizens.
- Some children reported cases of forced confessions, of beating while in detention and of being held in custody with adults.
- Street children were reportedly often beaten up in the streets, when caught by the police. Different treatments by the police force were portrayed by interviewed children depending on the child's family social status. The lower the social status, the more the child seemed to have been subjected to abuse by the police force. According to the children, the police never dared to target people involved in crimes or offences who are related to high officials or are from a higher social

status (including high tribal ranking).

- Children are often mistreated, even as witnesses.
- Some children were taken and kept in custody as a way of inciting an older family member to bring himself to justice.
- The police treated juveniles in custody as being guilty until proven innocent.
- Lengthy process and extended detention pre- and post- trials were highlighted during the survey.
- Cases of child interrogations without the presence of a lawyer were reported.
- No significant presence of the police in all geographic areas. Their presence is mostly linked to the importance of the area and the rank or the status of the people living in specific areas.

Children's Notes and Observations

- In most juvenile cases, the judge orders the release, but either the family or the child decides to go to the juvenile centres instead; their cases are decided based on the child's best interest.
- Blood feud was a striking case of a child who accidentally killed another person. In such a case, the child is usually transferred to the juvenile centre in Sana'a to provide him/her with necessary protection and his/her location remains unknown to the family of the murdered victim. After 10-12 days of criminal investigation, mediation reached to 12 rifles – which the child's family could not afford – to be paid to the family of the victim or having the child killed in return.

According to Interviewed Police Officers

As stated earlier, only three out of nine police officers in the police stations visited in Sana'a received basic training on children's rights. Children are dealt with based on individual cultural and religious perceptions, and there is neither a significant monitoring of police conduct nor a complaint mechanism in place to prevent this cultural behaviour.

The interviews conducted with Yemeni police officers by the IBCR and SOUL for Development discussed the level of interaction they have experienced with children and children's rights. The majority of the police officers had received no prior training in the field of children's rights, yet all the surveyed officers had encountered cases invol-

ving children. This has resulted in an inadequate treatment of child-related cases, as the police officers were only able to refer to traditional or religious solutions to the problems. The officers were generally unaware of children's rights and the methods of dealing with children in the situations that they had been encountering. Furthermore, all the surveyed officers noted that the children they had been encountering were fearful of them, indicating a degree of distrust toward the police. Consequently, children do not seem to turn to the police in times of conflict, preferring to turn to the chiefs of areas or their families instead.

According to other Interviewed Stakeholders

Police personnel, especially those in direct contact with children and in charge of arrests and detention, lack the necessary knowledge and experience to work with children. Children are kept in cells together with adult inmates for more than 24 hours and no lawyers are called to attend to the child's affairs after his/her arrest and during the investigation. The conduct of the police when interacting with children is bound by individual perception.¹³⁶

The interaction between the police and children is explained in the diagram below: (See Diagram 3)

The IBCR and SOUL for Development conducted surveys with the chiefs of areas in Yemen to develop a global understanding of the chiefs' interactions with children in cases of crime. Their responses allowed us to better understand the situation on the ground. Most of the chiefs of areas were very much involved in cases involving children in conflict with the law, sometimes even more so than the police. The chiefs of areas served as mediators between the families involved and the police/legal institutions. The most common cases encountered by the chiefs were robberies, sexual abuse and drug use, even though they have encountered many others. Throughout their surveys, all the chiefs clarified that the children in question felt safer to approach them rather than approaching the police, and that the chiefs are much more involved with the social situation of the child and his or her family than the police force.

Although the police have the final say in all matters pertaining to the legal status and result of the crime, the chiefs felt that they are more equipped and qualified to deal with the children due to the strength of traditional and religious aspects in Yemen. Furthermore,

the surveyed chiefs strongly felt that the police need to gain more knowledge on the rights of the child and be trained on how to provide protection to the children involved in these crimes.

Interaction between Children and the Police in Rural and Urban Settings

Given the dominance of tribal influence over law enforcement and the shortage of capacities in the rural areas, it is evident that the rural juvenile justice system differs from the one in place in urban areas:

At the Police Station (Arrest and Custody):

- There is no juvenile police and no specialists from the social, medical, or legal sectors.
- The only interaction between the police, on the one hand, and families and chiefs, on the other, are cases of child victims that are often solved by reconciliation of parties, and in which case, the police document the file closure by stating the conditions of the reconciliation.

Prosecutor's Office

There is no juvenile prosecution and there is still no intervention on behalf of any specialist. There is a great reliance on customary reconciliation.

Court

Juvenile courts do not exist and there are no juvenile judges looking into juvenile cases. Instead, reconciliation is preferred when handling such cases.

"There is no doubt that the project is meaningful and will develop the legal knowledge and know-how of police recruits, especially those whose work focuses on children. The specialized training they will receive at either a graduate level or at the stage of recruitment (freshmen) will impact their day-to-day practices in this area and assist in minimizing difficulties faced by, for example, the staff of the Family Protection Unit due to a lack of knowledge on child rights and all related laws."

General Suad AL-Qatabi,
from the Ministry of Interior of Yemen

TABLE 5 – Interaction between Children and Police Forces in Urban and Rural Settings¹³⁷

Context	Urban setting	Rural setting
General procedures	Direct interaction with the juvenile. Availability of juvenile correction facilities/centres.	Liaising with the legal guardian who is considered directly responsible for the crime. Absence of correction facilities/centres.
Normative system	Traditions and customs usually supersede public rights and laws, both in rural and urban areas. A higher level of awareness of children's issues.	There is a high level of social solidarity in which cases of a sexual nature are a very sensitive issue and are therefore dealt with cautiously. The chief of the tribe, head of the village and head of the district all have a role in the process. Children may on occasion be taken into custody at the premises of the head of the village.
Judicial system	A juvenile judge from the court of first instance is present in each of the governorates. The juvenile judge is more specialised than judges of first instance courts who review juvenile cases.	Public right and blood money do not settle a murder. Public right may be dismissed in cases of theft.
At police stations	Availability of juvenile police, statistics and juvenile courts. In accordance with the law, juvenile cases ought to be subject to summary (urgent) proceedings and therefore resolved swiftly.	Remoteness of police stations from the village and lesser presence of police authorities. The juvenile may be transferred to a nearby city based on the severity of the crime and on the juvenile's gender. For example, female cases are addressed with extreme privacy and confidentiality. Several cases are not reported to the police depending on the severity. Children may on occasion be placed in detention with adults.
Documentation	Juvenile cases are not documented in urban and rural settings alike.	



IBCR, SOUL for Development, UNICEF and the participants from the Police Training Institutions attending the development workshop.

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Inas Hamid, IBCR's project manager, facilitating the strategic workshop.

Photo IBCR

2. RECOMMENDATIONS OF THE IMPLEMENTATION OF INTERNATIONAL TREATIES MONITORING BODIES

The Convention on the Rights of the Child and Optional Protocol

Since 1993, Yemen has submitted several state reports relating to The Convention on the Rights of the Child and its Optional Protocols. The following table summarises these submissions and their respective dates, including pending ones.

TABLE 6 – Ratification and Reporting to the CRC by Yemen and Relevant Alternative Report Submissions

	Report number	Type of report	Due Date	Date of submission or relevant CRC session ¹³⁸	Code or Name of Organisation
Convention on the Rights of the Child Ratified 01.05.1991	1	State report	30 May 1993	14 November 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	3 February 1998	CRC/C/70/Add.1
	2	Concluding Observations		10 May 1999	CRC/C/15/Add.102
	3	State report	30 May 2003	7 May 2003	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
	4	State report	30 May 2008	21 October 2010	CRC/C/YEM/4
	4	Concluding observations		13-31 January 2014	CRC/C/YEM/CO/4
	5	State report	30 May 2013	Not yet submitted	
Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography Accession 15.12.2004	1	State report	15 January 2007	15 February 2008	CRC/C/OPSC/YEM/1
	1	Alternative report		CRC OPSC Session, 1 June 2009	Yemen National NGO Coalition
	1	Concluding observations		13 October 2009	CRC/C/OPSC/YEM/CO/1
Optional Protocol to the CRC on the Involvement of Children in Armed Conflict Accession 02.03.2007	1	State report	02 April 2009	Not yet submitted	CRC/C/OPAC/YEM/1

Committee on the Rights of the Child Recommendations

Although Yemen has ratified the CRC, there are many aspects that require serious efforts on the part of the state to ensure effective implementation of the treaty. The following table outlines the recommendations of the Committee on the CRC on Yemen's law enforcement and judicial system.

TABLE 7 – Recommendations made by the Committee on the Rights of the Child Regarding Yemen's Law Enforcement and Judicial System

Subject	Concerns/challenges/Issues	Recommendations
Training/ dissemination of the Convention*	The Committee takes note of the State party's efforts made to raise awareness of the Convention through seminars and workshops. However, the Committee is concerned at the lack of awareness of the Convention among professionals working with children, as well as in the general public, including children themselves, including in remote and rural areas.	The Committee recommends that the State party strengthen its efforts to provide adequate and systematic training and sensitization on children's rights to professional groups working with and for children, such as parliamentarians, judges, lawyers, law enforcement ... others as required, in particular in remote and rural areas.
Corporal punishment*	The Committee is deeply concerned that corporal punishment is still used as a disciplinary measure in schools despite its official prohibition and is widely practised within the family and in other settings. The Committee is further concerned that corporal punishment, including flogging, is still lawful as a sentence for crime.	The Committee recommends that the State party, as a matter of urgency: (a) Review existing legislation and explicitly prohibit all forms of corporal punishment; (b) Abolish by law the possibility of sentencing a child to any form of physical punishment.
Administration of juvenile justice*	The Committee welcomes the Supreme Council Decree establishing a number of juvenile courts and centres in the State party. However, the Committee is concerned at the very low minimum age of criminal responsibility (7 years) and other shortcomings in the juvenile justice systems.	The Committee recommends that the State party: (a) Raise the minimum age of criminal responsibility to an internationally acceptable level; (b) Develop an effective system of alternative sentencing for persons below 18 who are in conflict with the law, such as community service and restorative justice, with the view inter alia, to ensuring that deprivation of liberty is a measure of last resort; (c) Guarantee that all children have right to appropriate legal assistance and defence; (d) Take necessary measures to make the deprivation of liberty as short as appropriate, inter alia by using suspended sentencing and conditional release; (e) Ensure that persons below 18 in detention are separated from adults; (f) Ensure that persons below 18 remain in regular contact with their families while in the juvenile justice system; (g) Provide ongoing training for judges and law-enforcement officials; and (h) Seek assistance from, inter alia, OHCHR, the Centre for International Crime Prevention, and UNICEF.
Existing criminal and penal laws**	The Committee, while noting that numerous legislative amendments are pending adoption, expresses concern at the lack of precise definitions reflecting crimes prohibited under the Optional Protocol. The Committee is furthermore concerned that offences under the Optional Protocol are not entirely or explicitly criminalized in national legislation.	The Committee recommends that the State party ensure that sale of children, child prostitution and child pornography are prohibited in all cases listed under article 3, paragraph 1, of the Optional Protocol and that the definitions of offences are consistent with those contained in the Optional Protocol and that the State party ensure that all children up to the age of 18 years are protected in all governorates and for all offences under the Optional Protocol.

Subject	Concerns/challenges/Issues	Recommendations
Measures adopted to protect the rights and interests of child victims of offences prohibited under the Optional Protocol**	The Committee while noting information that, keeping with international commitments, law enforcement authorities are required to adopt measures to protect witnesses, the State party has not yet applied in law the principle of witness protection. Given that the State party has provided information on measures adopted to protect children in conflict with the law, the Committee is deeply concerned that no measures have been adopted to protect the rights and interests of child victims and witnesses at the different stages of criminal investigations and proceedings which concern them.	The Committee recommends that the State party in particular: (a) Develop comprehensive procedures for the early identification of child victims of offences under the Optional Protocol; (b) Ensure, including through the adoption of relevant legislative measures, that child victims of any of the crimes under the Optional Protocol are not criminalized. The child victim of sale, prostitution and pornography should be clearly defined in relevant legislation and child victims should be protected at all stages of the criminal justice process in accordance with article 8 of the Optional Protocol; (c) Set an age limit of 18 years for defining a child for all the offences covered by the Optional Protocol. If in doubt, presume that young victims are children, and not adults; (d) Provide appropriate support services to child victims throughout the legal process, including adequate witness support, legal representation, information and access to compensation for damages; (e) Ensure that judges, prosecutors, and law enforcement officers are adequately trained on the provisions of the Optional Protocol and to respect the rights, needs and best interests of child victims.
Recovery and reintegration of victims**	The Committee is concerned about the scarce availability of social reintegration and physical and psychosocial recovery measures for child victims, whereas the State party acknowledges the shortage of local expertise, the absence of residential centres, the shortage of centres offering rehabilitation and assistance for social reintegration to child victims.	The Committee recommends that the State party: (a) Design an action plan to protect children from offences under the Optional Protocol; (b) Increase, as a matter of priority, the number and availability of centres offering protection, rehabilitation and reintegration services to child victims and ensure that such centres are provided with adequate human, technical and financial resources; (c) Take measures to ensure appropriate training, in particular legal and psychological training, for the persons who work with child victims, in accordance with article 8, paragraph 4, of the Optional Protocol.

* Taken from the 2005 Concluding Observations on the Convention on the Rights of the Child

** Taken from the 2009 Concluding Observations on the Optional Protocol to the CRC on the sale of children, child prostitution and child pornography

Applicable Regional and International Human Rights Instruments

Yemen has ratified some of the most important international treaties pertaining to human rights. The table below lists ratification dates for these treaties and the actions that the country has taken in relation to each one of these treaties.

TABLE 8 – 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	
Optional Protocol to the CRC on the sale of children, child prostitution and child pornography	Accession 15 December 2004	Submitted 15 February 2008
Optional Protocol to the CRC on a communications procedure	No action	
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 30 May 1984	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, aiming at abolition of the death penalty	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 on the Reduction of Statelessness	No action	
Convention for the Protection of All Persons from Enforced Disappearance	No action	
Convention relating 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	
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime	No action	

International and Regional Human Rights Conventions/Treaties	Status	Last Report submitted by State
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, supplementing the United Nations Convention against Transnational Organized Crime	No action	
Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption	No action	
Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages	Accession 9 February 1987	
Convention concerning Minimum Age for Admission to Employment (C-138)	Ratification 15 June 2000	
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (C-182)	Ratification 15 June 2000	
Convention against Discrimination in Education	No action	
Rome Statute of the International Criminal Court	Signature 28 December 2000	
Protocol additional (I) to the Geneva Conventions, and Relating to the Protection of Victims of International Armed Conflict	Ratification 17 April 1990	
Protocol additional (II) to the Geneva Conventions, and Relating to the Protection of Victims of International Armed Conflict	Ratification 17 April 1990	
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	Ratification 1 September 1998	
Convention on Cluster Munitions	No action	
Convention on the Safety of United Nations and Associated Personnel	No action	
International Convention for the Suppression of the Financing of Terrorism	No action	
International Convention for the Suppression of Terrorist Bombing	Accession 23 April 2001	
Convention concerning Forced or Compulsory Labour	Ratification 14 April 1969	
Arab Charter on Human Rights	Ratification 15 March 2008	
Rabat Declaration on Child's Issues in the Member States of the Organization of the Islamic Conference	Signature 9 November 2005	
Khartoum Declaration Towards a Brighter Future for Our Children	Signature 4 February 2009	
Tripoli Declaration on Accelerating Early Childhood Development in the Islamic World	Signature 11 February 2011	
Arab Convention on the Employment of Juveniles	No action	
The Paris Commitments to protect children from unlawful recruitment or use by armed forces or armed groups	Endorsement 3 December 2012	
Arab Charter on the Rights of the Child	Ratification 19 February 1985	
World Declaration on the Survival, Protection and Development of Children	Signature 30 April 1992	

C. POLICE TRAINING ON CHILDREN'S RIGHTS

1. POLICE FORCE

General Information

In theory, the domestic police force consists of the regular police, traffic police, firefighters, passport authority, criminal investigation, the Najdah Police (a special force employed for the protection of government buildings and foreign embassies) and the Central Security Forces (CSF). The latter is a large paramilitary unit employed as an anti-riot police, an anti-terrorist force and for the recruitment of security checks, performing similar roles as that of the francophone gendarmerie. With the exception of the CSF, these police units are either ineffective—wherever they exist—or entirely absent, particularly in the rural areas of the country. Even prior to the Yemeni uprising of January 15, 2011, state capacity has been extremely limited in the periphery of the country, but also in parts of the central highlands and bigger cities.

A survey developed by the Yemen Polling Center in 2013 revealed that 14.6% of all respondents perceived the police forces' engagement in their region as positive, 13.9% as negative, while 49.5% maintained that the police are not active at all.¹³⁹ This is especially dangerous in a country with the second-highest density of small arms worldwide. The survey also revealed the importance of culture and tradition in Yemen. People throughout the

country's many governorates perceived tribal social structures as a largely efficient provider of personal security. The unwritten rules of tribal society (*qabila*) envelope mechanisms of informal litigation and strengthen the role of tribal elders (*sheikhs*) and local committees for conflict resolution and prevention. People feel safe whenever the traditional social fabrics of Yemeni society remain intact, despite serious conflicts that may arise between their community and the central government.

The Ministry of Interior manages the police forces and commissions them to the police stations and prison authorities, depending on the level of education of the personnel and the specific needs of the structure.

Organisational Structure

The new structure of the governmental bodies (including police) under the Ministry of Interior, are as shown in diagram (4) below.

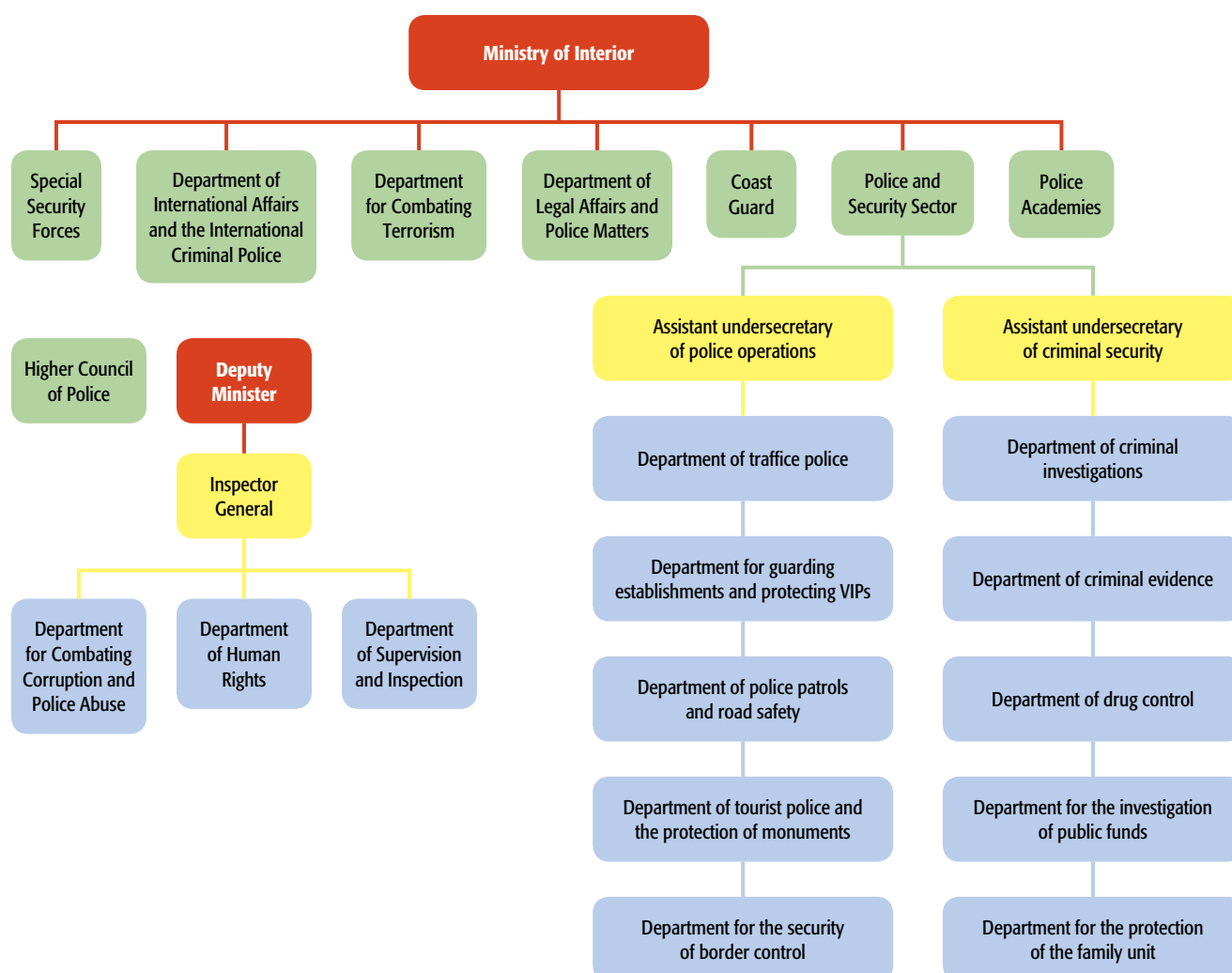
i. Ministry of Interior

The Ministry of Interior is responsible for monitoring and managing the police forces' personnel and structure. The police force, under the Ministry of Interior, is mandated to keep public order, prevent crimes and enforce laws in the country.



Participants from the Police Academy at the strategic workshop.

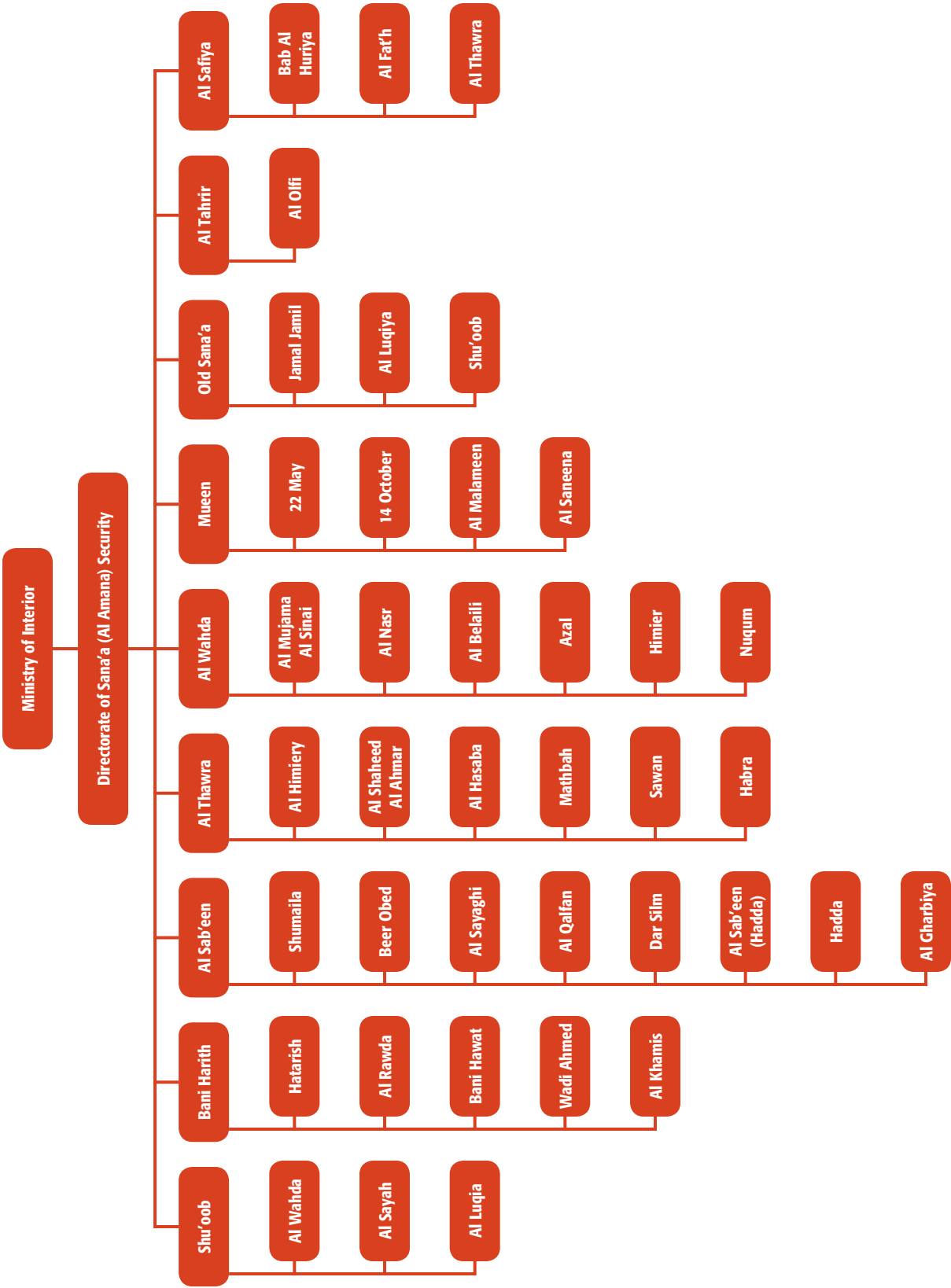
Photo IBCR

DIAGRAM 4 – New Structural Framework of the Ministry of Interior (Security Sector Only)Source: AlMasdar Online¹⁴⁰

ii. Supervisory/District Police Stations

The Municipality of Sana'a is divided into nine administrative areas and are accordingly monitored by nine administrative police units: Shu'oob, Bani Al-Hareth, Al Sab'een, Al Thawra, Al Wahda, Maen, Old Sana'a, Al Tahreer and Al Safiya.¹⁴¹ The administrative unit visited runs three police stations in that specific administrative area, namely Jamal police station (8 officers and 58 police soldiers), Shu'oob (6 officers and 46 police soldiers) and Al Luqiya (5 officers and 55 police soldiers). The administrative police units are not involved in direct law enforcement procedures; rather, they monitor the police stations under their supervision. Juvenile cases are reported to that unit within the first hour after arrest, and a staff member from the unit visits to ensure that the arrest, detention and interrogation procedures are compliant with the law and standard procedures.

DIAGRAM 5 – Administrative Police Units in Sana’a¹⁴²



iii. Police Stations

As illustrated in the above diagram, Sana'a is divided into 9 administrative security areas within which 39 police stations are operational. According to the participants of the strategic workshop (Sana'a, 11-12 November 2013), 24 of the total number of police stations in Sana'a are "model" stations. These "model" stations maintain operational all police services (registration, immigration, criminal investigation, etc.) while the rest of the stations only operate for criminal investigation procedures.

Juvenile Police Station in Sana'a

Establishing juvenile police has been part of the juvenile justice system in process. Ideally, a juvenile police station should be created that will function as a hub for all juvenile cases referred from other police stations, following the example of Taiz and Hodeidah. The establish-

ment of such a station has been pending the provision of logistical support from the government. The Family Unit at the Ministry of Interior should be the administrative unit responsible for the station.

Police Staff

Members of the police staff are assigned to duties based on their education level in the police training structures, as is the case with police officers, assistants and soldiers. Police officers are graduates of the police faculty (Police Academy) and are in charge of investigations at police stations and at the prosecution's offices, as needed. Police assistants are graduates of Police School and are assigned to duties according to their field of study/speciality, as trained at the Police Academy. Police soldiers are those who solely undergo physical training sessions and are later assigned duties related to arrest and detention.

TABLE 9 – Responsibilities of National Police Personnel

Police Officers (Police Academy Graduates)	Police Assistants Police School Graduates	Police Soldiers (Non-Commissioned) Underwent only physical training
Graduates of the Academy are assigned as police officers in charge of investigations and other tasks with more judicial responsibilities. They are normally present within the office working hours.	Graduates of the Police Schools are assigned as police assistants with specific tasks (according to their speciality) and normally work in open shifts throughout the day.	In charge of arrest and detention.

TABLE 10 – Number of Institutions Related to Child Protection

Institution	Number Established	Location
Police academies	1	Sana'a
Police schools	2 (one for men and one for women)	Sana'a
Juvenile courts	8 ¹⁴³	Ibb, Taiz, Hadramout, Al-Hodeidah, Dhamar, Abyan, Sana'a, Aden
Prisons	21	One in each governorate
Schools (elementary to secondary)	15,661	—
Military police schools	1	Sana'a
Safe childhood centres (for street children)	3	Aden, Taiz, Sana'a
Social guidance homes	10 ¹⁴⁴	Sana'a, Taiz, Aden, Al-Hodeidah, Ibb, Hajjah, Hadramout,

2. CURRENT POLICING INSTITUTIONS

As shown in the table below, there are three police training institutions in Yemen, namely the Police Academy, the Police School in Sana'a and the Police School in Dhamar.

2.1 Police School in Sana'a¹⁴⁵

The Police School in Sana'a has a "boarding" system. Students lodge and study on the same premises and are paid a stipend of 31,000 YR (around 144 USD) per month. There are five classrooms, including a big hall on the top of the building where lectures take place. The capacity of these classrooms (as used and not as it is supposed to be used) ranges from 100-470 students. The Police School in Sana'a, as well as that in Dhamar, is in charge of preparing assistant police officers on traffic, patrol, port security, shore patrols, criminal investigation, judicial police, operations and communications, security institutions, civil status, passports, women's police, rehabilitation and reform (prison authorities), civil defence, tourism police and criminal evidence. Not all specialties are taught every year; only needed specialties are taught every year, as per the recommendations of the Minister of Interior. Some specialties are created based on needs that are decided by the minister of Interior (e.g. bomb effect diffusion or preserving the crime scene). For such specialty courses, instructors from the Police Academy are seconded in their teaching tasks by the personal of

the Ministry of Interior. General courses consist of police committee law, public relations and human rights, criminal procedure law, first aid, and report writing. Each programme/academic year consists of general courses (taught in all specialties) and specialty courses (determined by the specialty in question). The average number of graduates per academic year is around 500-700 students.

a. Capacities, infrastructure and material resources:

The school has five big classrooms (capacity ranging from 30-500 students) that currently host the students of the Police Academy. For classroom instruction, there is only one overhead projector for slideshows but that is currently dysfunctional.

b. Training cycle of police: Depending on the need for specialised police and the ministerial order, programmes may last 3 months to a full year.

c. Trainers' profile: According to the chief trainer in the school, the same teaching staff of the Police Academy is seconded to teach in the Police Schools.

d. Children's rights training: There is no training on children's rights, but there is a course on human rights that is mandatory for all specialty trainings.

e. In-service training: There is no systematic periodical training for staff in service; rather training is instructed by the heads of police units and demanded by the Ministry of Interior.



Participants at the strategic workshop.

Photo IBCR



Participants from the Ministries of Interior, Justice and Social Affairs and Labour, and Juvenile Centres in Sana'a.

Photo IBCR

2.2 Police School in Dhamar

a. **Capacities, infrastructure and material resources:**

The Dhamar School has six classrooms (capacity ranging from 120 to 130 students). For classroom instruction, there are in the whole school two screens for slideshows.

b. **Training cycle of police:** Depending on the need for specialised police to be disseminated in different police areas and based on the order of the Ministry of Interior, police students are admitted and the programmes may last 3 months to a full year.

c. **Trainers' profile:** According to the Deputy Head of the Dhamar School, the same staff of the Police Academy can lecture at Dhamar depending on the content. But the last cohort of students was taught by a number of qualified soldiers who were capable of delivering general lectures due to the current situation of the country.

d. **Trainees' profile:** In the past period, students had to be High School graduates with a 70% average, but after the events of 2011, the police school accepted admissions from individuals who were still students and some were not even educated.

e. **Evaluation methods:** For programmes that are 3 months or less, students took small quizzes and then the total was calculated. As for trainings that are longer than 3 months up to a year, students underwent midterm and final exams and received a certificate based on the results. As for physical training, the trainer tested the students based on the physical training that they had undertaken, such as fitness, shooting or endurance, and graded them based on their performance, although each trainer has his own method of evaluation.

f. **Children's rights training:** There are no courses on child rights; but a course on human rights is offered.

g. **In service training:** There is no systematic periodical training for staff in service; rather training is instructed by the heads of police units and demanded by the Ministry of Interior.

TABLE 11 – Dhamar Training School

Information type	Information
Full name	Dhamar Police Training Center
Location	Dhamar Governorate
Establishment date	2009
Mission	To train lower level police who are later disseminated to security facilities such as customs, soldiers (Najdah), immigration, etc., in order to perform their assigned duties.
Related training on child protection	Only a human rights course
<ul style="list-style-type: none"> Actual number of students Maximal capacity of the classrooms 	<ul style="list-style-type: none"> The training centre used to host up to a total of 1000 students, but after the events of 2011, the centre was closed. When it reopened this past month, it accepted approximately 500 students. Maximum classroom capacity is 120 to 130 students.
Number of classrooms	Six classrooms
Equipment description, tools, ICT, etc.	Two screens
Teaching language	Arabic
Training Duration	It depends on the Ministry of Interior's delegation and the action plan for each cohort.
Lecturers	Lecturers before the events of 2011 included Professors from the Police Academy, such as Dr. Ali Al-Olaqi, Dr. Ali Al-qaisi and Dr. Al-Huathifi The recent cohort was trained for 45 days, with only two weeks of theoretical training and on general topics such as human rights, behavioral skills etc.. This cohort was trained by qualified officers from the training centre, as lecturers could not attend due to security reasons and the short period of training. The location of where these officers will serve is to be decided by the Ministry of Interior.
Studies final process and graduation	Participants constantly undergo exams that qualify them to graduate, and once results are received, they become eligible to graduate.

2.3 Police Academy in Sana'a¹⁴⁶

Police Academy

a) **Capacities, infrastructure and material resources:**

the Academy has big classrooms for the undergraduate programme and medium sized classrooms for the graduate programme, with white board and microphones available for the undergraduate programme and a projector and white board for the postgraduate programme.

- Undergraduate Programme: class capacity of up to 230 students.
- Graduate Programme: class capacity of up to 70 students.

b) **Training Cycle:**

1. Undergraduate programme: Four years.
2. Graduate programme (Master Degree Programme): One year.
3. Police Academy Training College: Every month, a different group of police undergo training.

c) **Trainers:** the Academy has 55 highly qualified professors who have PhD's in different majors. These professors also teach in Sana'a University and some teach in the Police Schools.

d) **Trainees:** Students are carefully selected to be admitted into the Academy. They must be High School graduates with a score not less than 75%, they should be medically and physically fit and must pass the acceptance exam with high scores.

e) **Evaluation methods:** Midterm and final exams are used to evaluate students but some lecturers evaluate students based on the total of quizzes.

f) **Children's rights training:** Only a human rights course.

g) **In-service training:** N/A.

The Academy grants students with undergraduate and graduate degrees, even though the school is dedicated to those graduates from secondary education. Every year, the Academy accepts around 1000 secondary school graduates. The Bachelor degree in the Academy lasts four years. In addition, students pursuing a Bachelor's degree at this Academy can also pursue higher-level studies (Master's degrees, for instance). The third entity in this Academy is the Specialised Training College/Institute, which provides practical training for the police staff on different topics and skills related to their work. It is worth mentioning that there are two subjects in the Police Academy that directly address human rights and

international conventions, which are the international law and public freedoms and human rights.

The Police Academy consists of four components: A graduate school, a police faculty, a research centre and a training department.

Graduate School

The Graduate School leads Ph.D. and MA students with an annual capacity of 46 students. Classes are equipped with overhead projectors, a stage for the instructor and desk chairs. The Graduate School encompasses the following departments:

- Criminal Science Unit
- Security Science Unit
- Police Management and Organization Unit
- Social Sciences Unit.

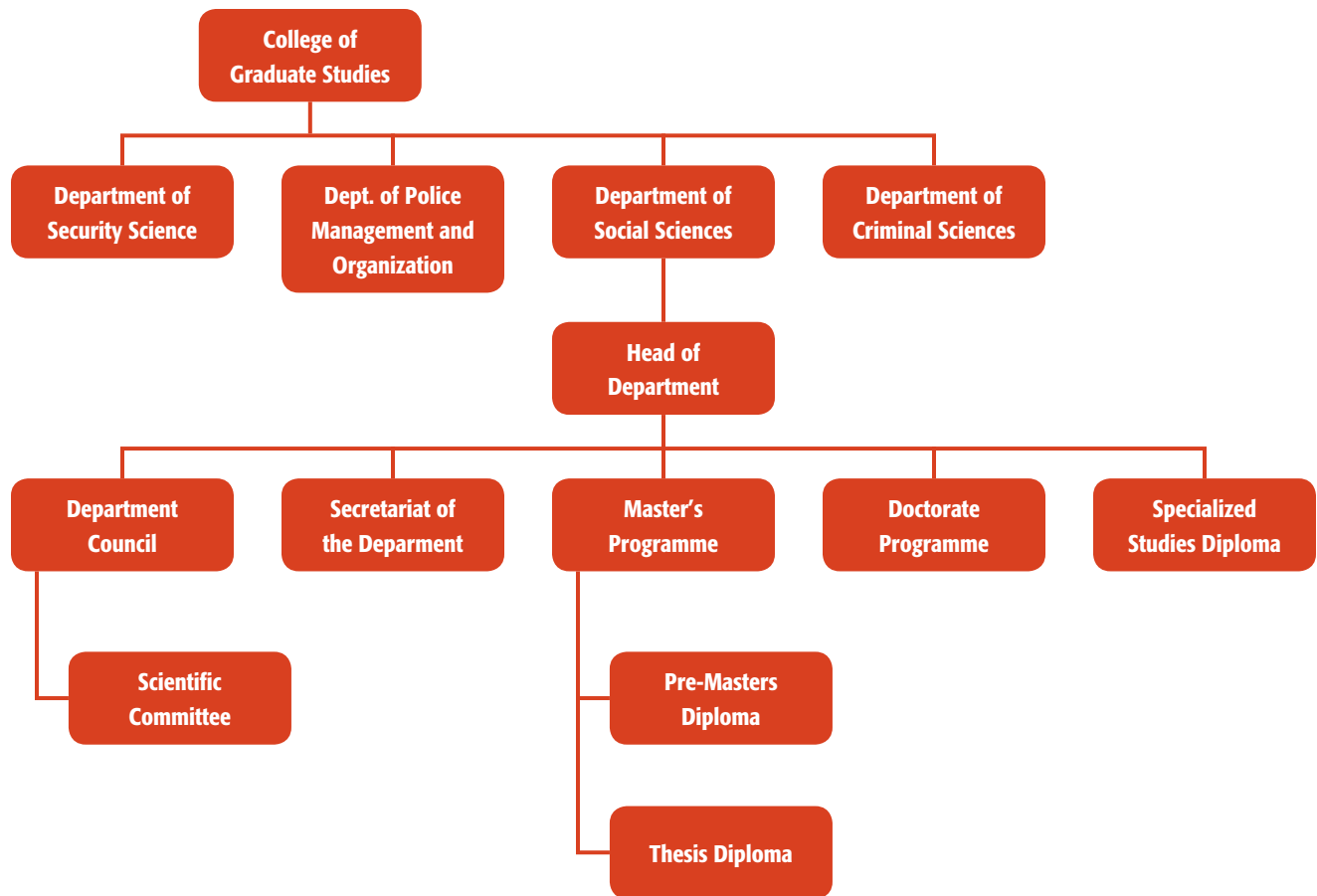
Students at the graduate level study for two years and are entitled to one Diploma (7 courses) in any of the following fields: Criminal Sciences, Police Administration and Organization, Security Sciences and Social Sciences, and can choose to proceed to a second year to prepare a thesis or to gain another diploma in Criminal Sciences.¹⁴⁷

Students in the Social Sciences department have 14 weeks of field practicum under the Academy staff's supervision, during which they will be mentored in the social field. Juvenile delinquency is taught in this department.

Admission criteria: In addition to having completed an undergraduate degree in a relevant field, graduate MA students are required to demonstrate English Language proficiency through successful TOEFL results.

Courses on Children's Rights Taught at the Academy

There are no children's rights courses taught at the Academy. There are only mandatory human rights courses that include a small section on women and children's rights and these are taught at the undergraduate level and span over one complete year (15 hours in 14 weeks). At the graduate level, these courses are taught for 28 hours (2 hours per week) in addition to another one on juvenile delinquency (10 hours), provided by the Social Science department by Dr. Al-Olaqi and Al-Mekhlafi. These courses start during the second semester of the academic year in preparation for the MA programme.

DIAGRAM 6 – Organisational Structure of the Social Sciences Department

Suggestions for Improvement of Police Training

To improve police training at the Academy, it was advised that it adopts methods of instruction that link theory to practice and to provide the financial means for students' practicum and field visits.

Note: The graduate school is developing a course on children's rights for the graduate level, to be launched in October 2013.

Police Training Institutions and Police Students' Interaction and Views on Juvenile Cases

The police Academy in Yemen hire officers with PhD degrees or contracts professors from a university for specific courses. Two professors in particular are responsible

for delivering child- and juvenile-centered courses: Professor Ali Al Olaqi and Professor Ahmad Al Mekhlafi. Al Olaqi teaches a course on human rights and law application, and Al Mekhlafi teaches a course on juvenile delinquency, both at the Master's level. Both courses are compulsory and have high success rates of 80% and 92%, respectively. The courses aim to introduce students to legal basics and the expertise on dealing with children in light of children and human rights national legislation, all based on the experience of police officers. While both courses aim to teach students skills to deal with juveniles, the courses still lack scientific means to relate between theory and practice and needs more financial support for its field research and learning.¹⁴⁸

Currently, not all police forces have training on child or juvenile cases. Only the students at the Police Academy have been trained via some courses. Some students

received workshops from groups such as UNICEF on topics including how to reach out to a juvenile, the importance of respecting children's rights and not treating children as criminals, and finding other ways for correctional behaviour. However, in the sample group of ten police officers who are students of the Police Academy, only two have participated in these workshops. Students who have been in contact with juvenile cases list that they had to deal with offenders, victims, abandoned and unknown identity children, and many children who have been physically and sexually abused. Many of the students interviewed admitted that children do not trust police members, and if they do, it is easier to trust female police members or refer to family members to solve their problems. Many have cited that there are structural problems and a lack of monitoring when it comes to juveniles and their specific centres, and that they would like to participate in workshops if they were offered. There is room for improvement and students are aware of the need for a specialised training on children.

Table 12 – Overview of the Police Training Institution Courses

Divisions	Sana'a Police School	Dhamar Police School	Graduate School (Police Academy)	Police Undergraduate School (Police Academy)	Training Programme (Police Academy)
Length of training	Up to one year, depending on the speciality required by the MOI.	Up to one year, depending on the speciality required by the MOI.	1 year, if the student opts to graduate with diploma on Criminal Sciences (7 courses) or prepare an MA thesis during a second year to graduate with an MA in law and Police Science.	4 years	Every month, a different group of police undergo training.
Training in the workplace	N/A		17 weeks of practicum (for the Social Science graduate unit).		N/A
Approximate number of trainers	35				
Profile/career path of the trainer	Doctoral staff (deployed from the Police Academy on a part-time basis).	Doctoral staff (deployed from the Police Academy on a part-time basis).	Doctoral staff		
Number of trainees and maximum capacity	The capacity of classes is 100-470 per classroom (large classes).				
Approximate number of people trained per year	500-700 graduates per academic year		70 students	1000 students	
Toolkits and evaluation methods	Exams	Exams	Exams and thesis	Exams	
Use of information technology during training (computers, projectors, etc.)			Computer lab, Projector, white board, statistical analysis using SPSS, and video recording.	Whiteboard and microphones.	N/A
Training on human rights and children's rights	Human rights, as a mandatory course	Human rights, as a mandatory course	Juvenile delinquency at the Social Sciences Dept.	Human rights during the fourth year	N/A

Police Academy Professors

Dr. Al Mekhlafi

Dr. Ahmed Hamood Al Mekhlafi is an Assistant Professor at the Graduate School of the Academy and teaches a Social Research Methods course, consisting of two two-hour lectures per week. The course's duration is 15 weeks long. Dr. Ahmed has a Ph.D. in Monographic History (2009) from Ibn-Tufail University in Morocco, a Master's Degree in Social Sciences from Sana'a University (1996) and a Bachelor's Degree in Literature from Sana'a University (1982-1986).

Dr. Ali Al Olaqi

Dr. Al-Olaqi is the Human Rights Professor at the Undergraduate and Graduate School of the Police Academy in Sana'a. He has also been recently selected as the Councillor for the Committee on the Rights of the Child's periodical report reviewing committee and represented the Republic of Yemen in projects and conferences in different Arab countries as well as in Ukraine, Georgia, Abkhazia and Turkey. Dr. Al Olaqi has a Ph.D. degree in International Law from Moscow State University. He taught Human Rights at the University of UAE for ten years (1997-2007), then taught Human Rights Law in Sana'a University. He currently teaches Human Rights at the Graduate School of Police Academy in Sana'a. He also teaches at the Yemeni Institute of Diplomacy.

He has also:

- Conducted several training sessions on Juvenile Justice.
- Participated in virtual court hearings in promotion of anti-torture campaign.
- Participated in activities against armed conflict in collaboration with the Democracy School in Yemen.

He has acted as a Counsellor for the Yemeni Ministry of Human Rights and served as a professor and an expert at the High Judiciary Institute, where he taught International Humanitarian and Human Rights Laws.

Dr. Al Olaqi is currently preparing to launch the Diploma programme on Children's Rights, which will focus on training police personnel on dealing with children/ juveniles from legal, security, social and psychological aspects.

The programme's duration is 480 hours (including 100 hours of practicum). It is fully funded by the E.U. and 500 course books are planned to be printed and published.

Dr. Abdul Latif Al Osali

Dr. Abdul-Latif Al Osali is a Full-Time Professor at the Academy. He teaches Criminal Sociology and Criminal psychology courses at the Undergraduate, Graduate and Training Schools of the Academy. He teaches a total of 15 classes. He received his Ph.D. in Human Sciences from Mohammed Al Khames University in Morocco in 2008, and his Master's Degree (2003) and Bachelor's Degree (1993) in Literature from Sana'a University.

Recruitment Process for Academy Staff

Recruitment at the Police Academy is a simple process that involves advertising vacancies at the Academy and allowing applicants to submit their application. Short-listed candidates are then called for selection interviews.

"The integration of a training project on child-friendly policing is going to reinforce children's protection and will support a higher commitment from the police forces. However, after this integration, cases of violence against children must be solved and the perpetrators of violence must be held accountable, especially since the impact of the violations committed has a negative effect on the child, his/her family and society in general. The suffering caused by such violations must serve as an incentive to create a framework for children's protection from violence."

**Mr. Fouad Al-Ghaffari, director
of the Ministry of Human Rights' office**

TABLE 13 – Selection Criteria for Admission to Training Institutions and Continued Professional Training Programmes

INITIAL SELECTION

Rank	Basic Requirements	Contributing Factors to the Selection Test	Selection Test's Characteristics
Police Commissioners Police schools Graduates	<p>Secondary school graduates.</p> <p>Must not be older than 25 years.</p> <p>Must be medically-fit (medical testing is required).</p> <p>Must pass the knowledge test, including science and other topics.</p>	<p>Interview</p> <p>Geographical distribution is taken into consideration.</p>	<p>Applications are reviewed and applicants are interviewed by the selection committee, which consists of:</p> <ul style="list-style-type: none"> ▪ General Director of Human Resources. ▪ Undersecretary of the Ministry of Interior in the field of human and financial resources. ▪ Chief of Staff of the Central Security (Special Security). ▪ General Manager of Rehabilitation and Reform. ▪ General Manager of the school. ▪ Chief Instructor of the school.
Officers, Academy Graduates, Master's Programme	<p>Applicants should have a diploma from the police college or equivalent, which qualifies their appointment to the rank of officer.</p> <p>Applicants should have a university degree (B.A. or B.S.) from the Academy or from a recognised university, and the degree must be relevant to police sciences (e.g., social sciences) or relevant to the objectives of the Department.</p> <p>Applicants should be a university graduate with academic grade (good)</p> <p>Applicants must successfully pass the tests required by the Department.</p> <p>Applicants must be enrolled full-time.</p> <p>Applicants must have good conduct and be physically-fit.</p> <p>Applicants must obtain a nomination from their point of work, as per a statement by the President of the Academy.</p>		

PROFESSIONAL SELECTION

Rank	Basic Requirements	Selection Test	Selection Test's Characteristics
Officers, Academy Graduates, Specialized Professional Diploma	<p>Applicants should have a police college diploma or equivalent, which qualifies them for appointment to the rank of an officer, and a university degree from the Academy or a recognised university in an area relevant to police sciences or social sciences.</p> <p>Applicants must be enrolled full-time.</p> <p>Applicants must have good conduct and be physically-fit.</p> <p>Applicants must obtain a nomination from their point of work, as per a statement by the President of the Academy</p> <p>If the Academy concludes academic partnerships for qualification with any party other than the police, applicants will be subject to the same prior conditions, with the exception of those holding a police college diploma.</p> <p>When concluding academic partnerships with third-parties for qualification of specialised professional diplomas, the compensation will consist of paying the determined tuition fees, in accordance with an internal regulation issued by the President of the Academy.</p>	N/A	N/A
Non-Commissioned police	Must be centrally appointed (MOI decree) and should have undergone physical and military training.	N/A	N/A
Policemen and Policewomen (graduates of police school)	Must be centrally appointed (MOI decree) and should be certified on speciality by the police.	N/A	N/A



Representatives of the Ministries of Justice, Interior, Social Affairs and Labour and the Juvenile Centres in Sana'a, SOUL and Inas Hamid of the IBCR.

Photo IBCR

Training Curriculum

TABLE 14 – Content of the Training Curriculum of the Police Academy, Police Schools and Non-Commissioned Police

POLICE ACADEMY		
Graduate School	Police Faculty	Training Centre
<p>The Master’s Programme</p> <p>During the first year, students will study preliminary diploma courses, called “Preliminary Diploma for a Masters.” Students will complete 15 courses, divided over two semesters. The duration of each semester is fourteen weeks, excluding registration days, final tests and recall period.</p> <ul style="list-style-type: none">▪ Dept. of Social Sciences: Juvenile Delinquency, Human Rights▪ Social Police▪ Behavioural Science	<p>Human Rights</p> <p>This is a four-year programme that offers policing, laws and science courses. The content of these courses becomes more in depth in each year.</p>	<p>Courses on Human Rights, Code of Criminal Procedure, Penalties, the Police Commission, Immigration and Passports.</p>
POLICE SCHOOL		
Sana’a Police School	Dhamar Police School	
<p>Each programme’s academic year consists of general courses taught to all specialties and specialty courses offered to the specific programmes. The programmes also offer secondary mandatory courses for the specialties. Students may or may not be tested on the secondary courses, depending on their capabilities.</p> <p>Programmes for Judicial Police and Operational Police.</p> <p>This programme offers 8-12 subjects every year, for each speciality.</p> <p>Please refer to Annex (5) for additional information</p>	<p>Dhamar School follows the same training system as Sana’a School.</p> <p>Please refer to Annex (5) for additional information.</p>	
NON-COMMISSIONED POLICE		
<p>There is no official training programme for non-commissioned police, as they only receive physical training.</p>		

TABLE 15 – Time Devoted to Each Aspect of Training for National Police and Non-Commissioned Police

Military	20 hours
Physical training	1 month, full-time
Professional	140-220 hours
General education	120-160 hours

TABLE 16 – Overview of Training Institutions for Police Forces

	National School of Police and Continued Training Police Schools	National Police Officer Training School Police Academy	National Non-Commissioned Police Training School
Location, date of establishment and mission	<p>Sana'a and Dhamar 1998 and 2009, respectively.</p> <p>The Police School is in charge of preparing assistant police officers in the following areas:</p> <p>traffic, patrol, port security, shore patrols, criminal investigation, judicial police, operations and communications, security institutions, civil status, passports, women's police, rehabilitation and reform (prison authorities), civil defence, tourism police and criminal evidence.</p>	<p>Sana'a</p> <p>The Academy's vision and mission is to build a distinct academic base that keeps up with recent developments in order to produce competencies that go hand-in-hand with education standards. Academic excellence signifies improving the methods of modern education to produce graduates that are qualified personnel and researchers from the officers of the Ministry of the Interior, by encouraging scientific research in security, criminal and social journals, contributing to solving existing practical and academic problems that hinder the path of the police from achieving its objectives and by holding local and international conferences and seminars in the field of policing to enhance the academic standing, both locally and internationally and to strengthen partnerships with the local community.</p>	<p>The National Non-Commissioned police do not have a separate training programme.</p> <p>Due to the events of 2011, admission to the police schools is for a short period and includes physical training and general lectures. Once students finish the school, the Ministry of Interior distributes them to various locations, as needed. The 45-day physical training that all police officers undergo is mandatory, including for the short programmes that have been offered since 2011.</p> <p>The training takes place in the premises of the Police School and Police Academy.</p>



Representatives of the Police Academy and the concerned Ministries at the strategic workshop.

Photo IBCR

D. ANALYSIS OF RESULTS

1. ANALYSIS OF THE EFFECTIVENESS OF EXISTING TRAINING ON CHILDREN'S RIGHTS

As stated earlier, there is no specific training on Children's Rights in any of the police training institutions. The lack of training on children's rights negatively affects the juvenile justice system in Yemen, as graduates of those institutions lack the knowledge and skills needed to effectively deal with juveniles.

2. TRAINING NEEDS ON CHILDREN'S RIGHTS

The training needs for police dealing with children that were raised during meetings with children and stakeholders are as follows:

Suggested Competencies to Improve Police Performance¹⁴⁹

- Police officers must have knowledge of all relevant international instruments (laws, tools, materials, etc.);
- Compliance with all fundamental principles and norms in support of respecting the rights of the child and his or her proper treatment;
- Police officers must have full knowledge and understanding of juvenile law;
- Police officers must have full knowledge and understanding of children's rights and applicable international laws and instruments; and
- Police officers must follow professional ethics at work.

Required Practices¹⁵⁰

- The police officer must consider the child's level of education in each case;
- Children must be directly given a notice of receipt;
- Juveniles must be separated from adults; and
- A child should be transferred to a childcare centre.

Standards to be followed¹⁵¹

- If a child does not have any relatives or a next of kin, then he or she should be transferred to an orphanage or to one of the competent authorities;
- The collection of evidence and the investigation must be conducted with respect to each individual child;
- The child's father must be remanded in custody or placed in a remand prison, until the outcome of his child's trial is clear;
- It is important to note that child protection systems in rural and urban areas are different, namely in the level of awareness of the national and international laws on children's rights, lack of infrastructure and resources and shortage of personnel dealing with juvenile cases.

"The project is of great importance and will prove useful in the development of local practices in accordance with International Human Rights Law. We are proud of this partnership because of its value to children's rights; especially for juvenile delinquents and victims of crime. This project will contribute to the development and enhancement of the capacities of law enforcement officials in favour of promoting and protecting children's rights."

Dr. Ali AL-Olaqi, from the Police Academy

ANNEX 1 – Child Protection Cases Frequently Encountered by the Police Forces

A Closer Look at Security Practices with Juveniles

Among various duties, the juvenile police in Yemen are responsible for preparing and implementing policies for the protection of juveniles, monitoring the phenomenon of domestic violence of women and children, training and rehabilitating members of the female police, performing studies and research on family affairs and organising awareness and counselling programmes on domestic violence and juvenile delinquency. There are various specialisations within the juvenile police team. The juvenile police forces consist of criminal investigation officers, planning and statistics officers, psychological officers, social sciences officers, financial and equipment officers and telecommunication and communication officers. The general family protection department has branches distributed in seven provinces, as per ministerial decisions. In the five other provinces, four officers and two members of the female police are assigned the work of a branch, and there are current efforts to establish two other branches. The physical distribution of the branches depends on four factors, namely the number of cases, the presence of a judicial organisation for juveniles, the population density and the number of workers in the branches.

There have been some important accomplishments in the juvenile police sector, in cooperation with different parties. Among these accomplishments is the establishment of six rooms in six police centres to receive delinquent juveniles, and over 100 officers participating in workshops administered by different local and international organisations, including an increased participation from women police. With the support of UNICEF and E.U., a database for juveniles is also being prepared. Other accomplishments include visiting countries that have set positive examples in dealing with juvenile cases and coordinating with Saudi Arabia on the issue of child trafficking. Various actors are involved in the process of improving protection for juveniles, including the following public bodies: The Ministry of Justice, the Ministry of Social Affairs and Labor, the Ministry of Education, the Higher Council for Motherhood and Children, the Natio-

nal Committee for Women's Affairs, and the Ministry of Youth and Sports. In addition to public bodies, civil society organisations have also taken part in pushing for a better protection system, including the Democracy School, SHAWTHAB Institution, the Arab Institution for Human Rights, the Coordination Committee for Yemeni NGOs and the Family Protection Organization.

Notwithstanding these efforts, major challenges to real reform include the lack of a protective legislation and of previous expertise in the field. Legal challenges include determining the age of juveniles and the lack of a domestic violence law, while organisational challenges include an overlap of specialisations, lack of coordination with NGOs in terms of notices and complaints, lack of housing centres for victims, absence of a monitoring committee over housing centres and the activation of the juvenile database. Aside from organisational and legal challenges, material and resource challenges also hinder reform, including the location of the general department inside the Ministry of Interior building, and the fact that not all branches have complete infrastructure and that there are little funds for operational costs and commuting methods. Lack of resources is especially important since, for example, the general administration for family protection rarely receives funding from the government and is consequently more dependent on international funding. Finally, there are other societal challenges, such as social norms and traditions, the general rationalization of domestic violence, as well as the stigmatization of sexual abuse victims (women and children) in society.

Propositions and recommendations from representatives of juvenile police present at the Regional Conference for Juvenile Police included:

- The need for a quick resolution for proposed legal amendments in Parliament.
- The need to have a domestic violence law.
- The need for a building for the general department for family protection, that is separate from the Ministry of Interior.
- The need to complete the infrastructure for the branches in the rest of the provinces.

- The presence of a committee that is concerned with the administration and monitoring of housing centres.
- Being informed about the experience of other countries in the region, concerning child victims and witnesses.
- Planning specific programmes that deal with cases of domestic violence.¹⁵²

Throughout the mapping stage and during field visits, the project team found that:

- Street children are most targeted with frequent arrests and accusations of theft.
- Children arrested for robbery is the second group to be often subjected to unfair legal proceedings, including forced confessions, prolonged detention periods before and after court hearings and being held in custody in mixed cells with adult inmates.
- The few cases of arbitrary killings and blood feud were subjected to prolonged detention and investigations, and are eventually sentenced to maximum penalties including execution, despite the perpetrators' young age.

Child Protection Environment

The study conducted by the Yemen National Coalition for Child Rights Care in 2012 found the following:

- Juveniles were sentenced to maximum penalties that were approved with presidential decrees.
- Juvenile cases were not seen by any of the specialised courts.
- Executions were ordered at the first instance, appeal and supreme courts for juvenile cases.
- Juveniles were kept with adults for prolonged periods while their cases were pending court hearings.

Constitutional Reform after the Arab Spring

Based on the desired protection environment enlisted above, the following reforms came into place:

In February 2013, a presidential decree from the newly-elected President Hadi was enacted regarding the components of the organisational structure of the Ministry of Interior. According to the President, in order to restructure and reorganise the Ministry of Interior, the first order of

business is to establish a national professional police force that strictly and rigorously enforces the law while respecting freedom and preserving the rights of its citizen. This includes respect for overall human rights and public and private freedoms. The police force should provide the best services to citizens in order to gain their trust and cooperation to control crime, in order to make up for losing the people's trust and jeopardizing the relationship between the police and citizens in past years. Based on this, it is important to understand that professional police work needs to be completely neutral, that it should incorporate specialisation in the practice of security and that it should avoid narrow loyalties, such as tribal and clan, sectarian and racial, partisan or personal loyalties. The police force's final responsibility is its loyalty to God and the homeland, for that is the engine that the police force runs on and is the basis for their work under the rule of law. The new structure of the Ministry of Interior meets these goals through the following foundations and principles:

1. Clarity of tasks and functions to avoid unnecessary interference in jobs.
2. The need for a delegation of power and a commitment to stay away from centralisation.
3. Integration of all police work, taking into account specialisation and specific responsibility.
4. The need for oversight and accountability in order to combat abuses in police circles, especially when dealing with citizens and their rights and freedoms vis-à-vis fighting corruption in all practices and procedures.
5. Develop the principle of transparency to provide an opportunity to all civil society organizations to become regulatory bodies that assess police performance and behaviour.
6. Focus on the task of achieving security and stability in the lives of citizens and in the country as the basis for the efforts of the police and security apparatus.
7. Having unity of command and control, supervision and guidance and the delegation of powers in every province to the first in command.
8. Introduction of new departments and units compatible with the objectives of the new structure.
9. Achieve national unity to build a strong and just police force through reforming processes from admissions to colleges or institutes to recruitment in camps, avoiding centralization.
10. Realizing the effectiveness of evaluation to overcome mistakes and obstacles, and continuing to develop police performance and potential, both intellectually and physically."¹⁵³

ANNEX 2 – Children's Access to Justice

Prosecution's Office

Cases of juveniles are transferred to the general or juvenile prosecution's office depending on age or the region of the country where the juvenile is arrested. It is at this office that the child/juvenile is fully investigated for case preparation for the courts.

Lack of documents and difficulties in age identification are obstacles to smooth and fair legal proceedings. Children are often referred to the forensic unit for age-related testing and are forwarded to the place of custody and court accordingly.

The Yemeni Juvenile Judicial Sector

The information below is based on the responses of two judges that were interviewed:

- The majority of the cases they handle involve robbery.
- The majority of child offenders are children from rural areas and neighbourhoods in the urban areas. These children are usually poor, coming from disadvantaged families or are street children. Though they seem to fear and not trust the judge, they are often reassured and later cooperate with the judge.
- The police unit that the judges deal with is the criminal investigation unit. Their interaction is as follows: A case file is transmitted to the court and the involved police officers' statements are taken. One judge said that there are often problems with the police officers involved in the case and that the officers need to consider it more thoroughly and be more informed of the techniques of investigation and of the importance of interrogating the child with the presence of a lawyer and one of the parents.
- Judges interact with the police during all cases related to children.
- Example of an extreme case: A 12 year-old was kept at the police station for six months for robbery and his case was only recently transferred to the judge. This, according to the law, is illegal.
- Overall, judges found that the police forces and other stakeholders do not treat children well.
- It is important that the police follow lawful procedures with regards to interrogation as well as improve techniques and skills related to children rights.
- Both judges have received training on children rights from international organisations in Sana'a, during which they learned about international laws on children's rights and the techniques for dealing with children.
- More resources can help improve the ability to track cases easily through databases and to provide relevant parties with means to communicate and coordinate work. More resources should also be allocated to equip juvenile police officers with a fully equipped facility.
- The judges believe that the child must know his/her rights and the organisation to contact, and that the police officers must have the permission to deal with small offences and know how to deal with an offence peacefully.

Obstacles Identified for the Forensic Unit

- There are only few forensic personnel in the whole country: One doctor and two assistant doctors in Sana'a, one doctor in Taiz and another in Aden. Staff travel to other cities as needed.
- Some devices are not available or are not regularly maintained, which impedes proper age identification.

Note: Sometimes age is disputed during or after the trial, so a committee of three doctors is called to decide the right age.

Contribution of other Bodies to the Juvenile Justice System

Ministry of Labour and Social Affairs and the Ministry of Interior

The main training bodies for the police are the general directorate for training at the Ministry of Interior and the General Directorate for Family Protection at the Ministry of Interior

These bodies are in charge, in coordination with the management of the training institutions, of:

- Preparing courses for police staff in the field.
- Training new police soldiers.

The Deputy Minister of Labour and Social Affairs is the Deputy Head of the HCMC.

The Ministry of Labour and Social Affairs contributed to the issuance of the procedural guide for dealing with children that was developed (and is still in the process of being published) by the International Organization of Criminal Justice and the International Organization of Criminal (Penal) Reform.

Pending publications: Prison Guide, procedural guide to dealing with children.

Training Centre at the Prison Authorities

Founded in cooperation with the International Organization for Penal Reform in January 2013 and managed by Mr. Mohammed Al Aqil, the centre serves to train the prison personnel and to capacitate them to deal with different social groups. Four training sessions were provided to the centre staff, focusing on the skills needed while dealing and negotiating with different social groups, raising awareness of individual rights and teaching recreational skills.

Publications

- Training guide of the centre staff.
- Introductory guide on prison inmates' rights and obligations.
- Introductory guide for prison workers' rights.

The Higher Council for Motherhood and Childhood (HCMC)

The HCMC collects information from all of the parties involved in child protection system in Yemen, prepares the periodical CRC report and submits it to the Ministry of Human Rights for submission to the Committee on the Rights of the Child in Geneva. HCMC used to be involved in training on children's rights up until four years ago.

Democracy School

- In collaboration with the E.U., the School trained 900 individuals, including police staff, judges, and lawyers on how to investigate juvenile cases.
- Printed and distributed 2000 copies of the police behaviour guide to the Police Academy staff of the Ministry of Interior.
- Trained 50 judges and 400 administrators in the judicial system in collaboration with Sharia'a Faculty and the High Institute of Judicature.
- Held model trials and convicted officers for child abuse, in collaboration with the Parliament of Children. They meet every three months, and they are often sent to Geneva to represent the child system in Yemen.

Expected Reform in the Judicial System

Primary Report Submitted to the Conduct Council¹⁵⁴

As part of the Juvenile Justice System Promotion Programme, the technical unit of the HCMC and the Ministry of Justice initiated the project of reviewing all Yemeni national legislations related to children to assess its conformity with the CRC and international norms. This review was conducted to fill gaps and follow up on the comments made by the Committee on the Rights of the Child that urged the Yemeni authorities to make efforts to ensure that local legislations are in full compliance with the CRC and to implement current legislations that protect children.

To this end, a national team for legislative reform was established, consisting of 14 members including two national experts with the support of the UNICEF and funds from the European Union. Many gaps were identi-

fied in the juvenile justice system and factors impeding judicial reform were highlighted as follows:

1. Lack of enforcing power of most of the laws related to children and juveniles, especially those related to juvenile arbitrary arrest and execution.
2. The need to promote collaboration and coordination among NGOs and governmental institutions to guarantee effective implementation and sustainability of the project.
3. The need to build the institutional capacities of the partners, especially capacities related to planning, monitoring and assessment of results.
4. The need to explore new areas and target children who are most exposed to danger, including those in war zones.
5. The need to better focus on building the operational, technical and administrative capacities of the partners to increase their ability to provide the best results for children in the worst scenarios, at a time when international agencies are decreasing their presence in the country as result of a volatile security situation.
6. Support decentralized structures and mechanisms to reduce reliance on the central national structure that might collapse in times of emergencies.
7. The weak capacities of judges and prosecution of staff in the field of children's rights.
8. The weakness of institutional structures and capacities of the relevant parties and lack of a specialised staff in juvenile justice, or high turnover of such staff.
9. Shortage of financial resources for the juvenile justice sector.
10. Armed conflicts in many parts of the country emphasises the need for reforms in the juvenile justice system, particularly the mechanism of monitoring, reporting and providing legal aid to the children who are victims of rights violations.

The juvenile police was officially established through a Republican decree (288) in 2005, which founded the General Directorate for Women and Juveniles' Affairs at the Ministry of Interior and its undertaking of the special tasks related to the family and juveniles' protection. But the new organisational structure of the Ministry of Interior did not include that Directorate and the General Directorate for Family Protection was established instead.¹⁵⁵

The Issue of Age of Majority, Marriage and Legal Responsibility¹⁵⁶

- The age of legal responsibility of the child is a source of contest in Yemeni laws. The juvenile law sets the age at 15 years old whereas the civil law sets it at 18 years old. The election law, on the other hand, sets it at 18 years old. The Social Status Law goes even further by granting the guardian the permission to allow his daughter, cousin, or sister to be married at a very early. This is because marriage is often considered as a way to reduce the financial responsibility and to avoid possible dishonouring of the family, in case she is left unmarried.
- Criminal law states that children are legally responsible for offences or crimes as early as 7 years of age, but that the penalty will be reduced.

General Procedures

A challenge to the implementation of the CRC is due to its conflict with essential principles in current Yemeni laws. Despite the fact that Yemen's signature of the CRC and its relevant protocols prevent the recruitment of children in armed conflicts, their trafficking and use for sexual benefits, Yemen has not taken serious steps toward preventing these violations. Some of the legal contradictions and challenges are listed below:¹⁵⁷

1. Article (6) of the Yemeni Constitution states that Yemen is committed to implementing any convention that it signed, but that it does not implement or enforce those conventions.
2. Article (30) of the Yemeni Constitution indicates it is the duty of the state to protect mothers, children and youth.
3. Article (45) of the Children's Rights law does not include many elements of the convention, but it defines the age of juveniles as those aged 7-15, something that is not reflected in the civil law.
4. The Penal Criminal law (13) for the year 1994 treats children aged 7 to 15 as juveniles and prosecutes them accordingly. Their penalties should not exceed 1/3 of what is regulated in Criminal Law. Children aged 15 to 18, on the other hand, are penalized with half of the penalty indicated. For example, a sentence for a child within the aforementioned age range is reduced to 3-10 years of imprisonment

compared to execution for older convicts, contradicting item (19) of the CRC which clearly states that a child is anyone below the age of 18 as well as contradicts item (50) of the Civil law which considers the age of 15 as the marking of adulthood.

5. It is necessary to amend the Social Status Law (24) article (1) for the year 1999, which grants guardians the right to force girls as young as the age of 10 into marriage in the villages, thereby causing a multitude of psychological and health problems and breaching the CRC.
6. Juvenile Law (24) article (11 B) for the year 1992 allows the arrests of 12 year old juveniles and admitting them to juvenile centres, contradicting article (2:37) of the CRC.
7. The Personal Status law (6) year 1990 prevents granting citizenship to a foreign spouse or child, if the father is not a Yemeni national. This leads to a situation where the child does not have the right to Yemeni citizenship unless his/her parents are divorced or if his/her father disappears, is diseased, is unknown or is mentally disabled. Consequently, the child will have no right to apply for the Yemeni citizenship before the age of 18 and must not have a criminal record in order to be eligible for citizenship. This article goes against items 11 and 12 of the Human Rights Law, which state that all children have the right to nationality/citizenship, as well as goes against articles 7, 8, 9, and 18) of the CRC.

Additional Aspects to Improve Access to Justice for Children in Yemen

Participants made the following suggestions to improve the child protection system in Yemen:

1. Infrastructure

- Activate juvenile police stations all over Yemen and support them through resources;
- Develop compounds for juveniles to follow the Taiz model (i.e., juvenile police station, juvenile prosecutor's office, and juvenile court);
- Establish juvenile police or at least police stations with all relevant units (not just criminal) in all governorates; and
- Establish centres for juvenile victims so they are separated from juvenile offenders, or at minimum establish a unit for juvenile victims within the Al Wiam centre for victim women.

2. Logistical Support

- Support the database to link all the relevant parties;
- Provide tools for all juvenile centres, police stations, the prosecutor's office and courts;
- Build a centre for the medical examiner and provide all of its equipment;
- Support the juvenile centre with a psychological unit;
- Provide transportation for specialists to study the juvenile environment;
- Activate the media's role to support juvenile cases;
- Reactivate the anti-mendacity centre;
- Expand the social surveillance network; and
- Activate the social worker and women police officers' presence in police stations.

3. Personnel Capacity-Building

- Appoint qualified specialists in the field of child protection;
- Train all personnel working in the field of children's rights;
- Promote coordination and cooperation among relevant parties;
- Grant the durability and continuity of posts for trained and qualified personnel;
- Raise awareness among people working in the field of children's rights;
- Train specialised staff on rehabilitating juveniles;
- Foster and monitor the code of conduct; and,
- Assign qualified specialists in the field of child protection to all relevant institutions of the juvenile system in all cities and governorates of Yemen.

ANNEX 3 – Surveys

1. SURVEYS WITH POLICE OFFICERS

Taiz Governorate (Survey of Officer)

Identification

Professional Information of Interviewee:

- Full name: Abdulrahman Al Dukhain
- Rank and position: Head of Internal Affairs
- Service and current unit/department/section: First Lieutenant
- Police station: Correctional Central Facility
- A brief description of duties and everyday responsibilities:
 - a) Receiving cases and solving them.
- Years of service: 24 Years

Experience with Children

Have you ever had to deal with cases involving children?

Yes

- Children in conflict with the law? – Yes
- Victims and witnesses? – Yes
- Street children? – Yes

What are the most current situations involving children that you encounter (what are the most frequent cases?)

1. Robbery
2. Homicide
3. Sexual Abuse
4. Alcohol Abuse

Do the cases you typically work on have the following characteristics?

- A type of offense (e.g., robbery, physical violence, sexual violence, illegal substances/drugs, alcohol etc.)? Robbery, Homicide, sexual and alcohol abuse
- A specific geographical zone? (rural, urban, certain urban neighbourhoods): All cities
- Social class of the child? N/A
- Specific age range? 16-20
- Outside influences/exogenous factors: N/A

When you have a case involving children who are victims, witnesses or offenders, do you feel well-equipped to handle it? If no, what improvement is required?

Yes, to some extent.

What do children think about your profession? Do children trust you? Do children come and see you easily and/or spontaneously? If not, to whom do they prefer to turn?

Children fear us; their families are the ones usually approaching us.

Which unit of the Police Force is in charge of arrest, detention, interrogation and referral?

- **Arrest:** Juvenile police
- **Detention:** Juvenile Police
- **Interrogation:** Juvenile police
- **Referral:** Specialised units

Can you describe the interaction (procedures, filing, etc.)?

N/A

What is the role of police in the legal proceedings when dealing with child victims, witnesses, or those in conflict with the law?

The police take in the child in conflict with the law, and in child victims' cases they just investigate and capture the criminal.

What are the aspects that should be improved within the Police Force?

- **In general:** N/A
- **In regards to children's rights:** All police officers must undergo specialised trainings on child rights.

Training

Have you received training on children's rights? If yes, could you give me any details on these trainings? Yes

- Where did it take place? Sana'a
- When? Cannot recall
- Duration of training: One week
- Who offered it? N/A
- Who facilitated it? N/A
- How was this training selected? N/A

During your training, what was the most significant thing that you learned about children's rights?

Methods of dealing with juveniles and rehabilitating them

Did these trainings have a positive impact on your career (promotion, secondment/deployment to another section or to another geographic zone?)

No.

Do you have any comments or suggestions? Do you have any questions?

1. Train specialised juvenile police.
2. Activate social workers' role and include them in solving child-related problems.

Hajah Governorate (Survey of Officer)

Identification

Could you please provide me with some professional information?

- Full name: Yahya Ali Al Shawmi
- Rank and position: Colonel
- Service and current unit/department/section: Head of Hajah's correctional facility
- Police station: Hajah Correctional Facility
- A brief description of duties and everyday responsibilities:
 - a) Visits to court and to the prosecutor's office.
 - b) Moving sick prisoners to the hospital.
 - c) Following up on sentences from courts.
 - d) Following up on civil establishments and availability of resources such as water, food and health of prisoners etc.
- Years of service: 23 Years

Experience with Children

Have you ever had to deal with cases involving children? Juveniles have a separate prosecutor's office and court with specific procedures to deal with juveniles in regards to their age and emotional state. The only children I deal with are those present in the correctional facility between the ages of 14 and 18. Most have committed murder and one case was sodomy.

- Children in conflict with the law? Yes
- Victims and witnesses? No
- Street children? No

What are the most current situations involving children that you encounter (what are the most frequent cases?)

We have not encountered cases of this instance, we only hear of them in border ports.

Do the cases you typically work on have the following characteristics?

- A type of offense (e.g., robbery, physical violence, sexual violence, illegal substances/drugs, alcohol etc.)? N/A
- A certain geographical zone? (rural, urban, certain urban neighbourhoods): Coastal areas and ports
- Social class of the child: Mostly poor
- Specific age range? Between 10-18
- Outside influences/exogenous factors: Poverty, family status

When you have a case involving children who are victims, witnesses or offenders, do you feel well-equipped to deal with it? If no, what improvement is required?

Yes

What do children think about your profession? Do children trust you? Do children come and see you easily and/or spontaneously? If not, to whom do children prefer to turn?

They lack trust in some of us.

Which unit of the Police force is in charge of arrest, detention, interrogation and referral?

There is a unit in charge, called the investigation unit; they are responsible of collecting evidence and for investigating all the different categories of children.

Can you describe the interactions (procedures, filing, etc.)?

The investigation unit collects the evidence and builds the case then refers it to the prosecutor's office.

What is the role of the police in the legal proceedings when dealing with child victims, witnesses or those in conflict with the law?

N/A

What aspects should be improved within the police force?

- **In general:** The police should apply the laws in their practice.
- **In regards to children's rights:** The juvenile police should be trained to deal specifically with children of all categories and special facilities must be set up for them.

Training

Have you received training on children's rights? If yes, could you give me any details on these trainings? No

- Where did it take place? N/A
- When? N/A
- How long was the training? N/A
- Who offered it? N/A
- Who facilitated it? N/A
- How was this training selected? N/A

During your training, what was the most significant thing that you learned about children's rights?

N/A

Did those trainings have a positive impact on your career (promotion, secondment/deployment to another section or to another geographic zone?)

N/A

Do you any comments or suggestions? Do you have any questions?

N/A

RADA'A GOVERNORATE (Survey of Four Officers)

	Officer 1	Officer 2	Officer 3	Officer 4
Full Name	Saleh Alezi Salem Al Koly	Ghazi Ahmed Ali Hassan Al Amdi	Ali Ahmed Ali Abdullah Al Daghbasi	Hamood Mohammed Al Amari
Rank/Position	Colonel	Assistant Police Officer	Colonel	Director
Service/Current unit	Assistant Director	Criminal Investigation Unit	Assistant to Head of Investigation	Director
Police Station	Rada'a Security District	N/A	Rada'a Security District	Rada'a Security District
Duties & Responsibilities	N/A	N/A	Follow up and investigate criminal cases.	Follow up on criminal and civil cases and refer them to specialised units. Supervise line of work in district.
Years of Service	N/A	Six years.	19 years, plus four years in the Police Academy.	N/A
Experience with Children	N/A	Yes – child victims and witnesses.	Yes	N/A
Most frequent cases faced encountered or dealt with	Parental divorce and children with weapons.	Robbery	Begging, Robbery and Physical Abuse	Robbery
Type of offenses encountered	N/A	Robbery	Robbery, physical violence, sexual violence, illegal substances and alcohol.	Robbery
Geographical zone of offenses	N/A	N/A	N/A	Urban cities
Social class of offenders	N/A	Poor	Poor	N/A
Age range of offenders	N/A	N/A	N/A	N/A
Do you feel equipped to handle children's cases?	There are challenges in children's cases	Face some challenges	Yes	N/A
How children feel about the police?	Fearful	Possibly fearful, children do not approach the police on their own.	Children turn to family members.	N/A

	Officer 1	Officer 2	Officer 3	Officer 4
Which police unit is in charge of arrest, detention, interrogation and referral?	The Criminal Investigation Unit is in charge of arrest.	Arrest: The Criminal Investigation Unit Referral: The Prosecutor's Office.	Whoever has the authority to do the arrest (i.e., judicial members, head of security district, and head of investigation unit).	N/A
Description of interactions	The Unit sends case files to the Prosecutor's Office.	Increase parents' awareness by chiefs of areas.	Case files are referred to Prosecutor's Office.	The police receive the case, capture involved parties after collecting the evidence then transfer the case to the Prosecutor's Office.
Procedure when dealing with chief of areas	N/A	Refer the responsible parties after collecting evidence.	We just call them and ensure their presence in child cases.	Continuous communication with chiefs of areas and their interference in some cases, such as fights involving children.
Aspects to be improved	Must receive training on how to deal with children.	The police must be fully informed on children's rights.	Police officers should be up-to-date on new procedures and techniques. Child rights are missing in Yemen and officers must be trained on them.	Continuous training, especially on international laws on children's rights.
Have you received training on children's rights? If so, where, when, for how long and who facilitated it?	No	No	No	No
What was most significant about the training?	N/A	N/A	N/A	N/A
Did training have a positive impact on your career?	N/A	N/A	N/A	N/S
Comments and Suggestions	A specific prison for juveniles should be established.	There must be separate juvenile rooms in each police station.	<ul style="list-style-type: none"> Training should be provided for all the police. It is important to use international research on how to deal with children Provide resources to the police to assist them and motivate them to participate in trainings. 	<ul style="list-style-type: none"> Have workshops in schools to raise awareness on child rights to school children Constantly conduct field visits.

MAHWEET GOVERNORATE

	Officer 1	Officer 2	Officer 3
Full Name	Anwar Abdo Qaid Aglan	Yunis Ahmed Al-Taj	Abdulrabo Mohsen Ali Al-Ajhar
Rank/Position	Corporal	Soldier	Captain
Service/Current unit	Mahweet Central Prison – Lower Division	Mahweet Central Prison – Middle Division	Head of Mahweet's Correctional Facility
Police Station	Mahweet Central Prison	Mahweet Central Prison	Mahweet Correctional Facility
Duties & Responsibilities	Organising access and exit from prison, and distributing food within the division.	Responsible for Middle Division in the Facility.	1-Managing the facility. 2-Supervising the different sections of the facility.
Years of Service	Seven years	Three years	Three years
Experience with Children	Yes	Yes, direct experience.	Yes
Most frequently faced cases	Juveniles and adults in conflict with the law.	Robbery and physical violence.	Murder and attempted murder.
Type of offenses encountered	Homicide.	Robbery and physical violence.	Murder and attempted murder.
Geographical zone of offenses	N/A	Urban areas	Varies
Social class of offenders	N/A	N/A	Varies
Age range of offenders	N/A	N/A	12-18 (Society knows juveniles do not get executed for crimes, so they use them accordingly).
Do you feel equipped to handle children's cases?	N/A	Yes, due to personal, social and religious preparation.	Yes
How children feel about the police	N/A	They respect and feel safe around the police.	N/A
Which police unit is in charge of arrest, detention, interrogation and referral?	N/A	Arrest: officers assigned by the judicial section of code of criminal procedure. Interrogation: the Criminal Investigation Unit is authorized.	There are specific authorities for each step of the arresting process.
Description of interactions	N/A	After collecting the evidence, the Investigation Unit sends cases to prosecutor's Office	N/A
Procedure when dealing with chief of areas	No interaction or coordination in such cases.	Do not deal with them.	N/A
Aspects to be improved	Prisons must be separated to avoid mixing juvenile and adult prisoners, and the police should gain more knowledge on children's rights.	N/A	N/A
Have you received training on children's rights? If so, where, when, for how long, and who facilitated it?	No	No	Yes, at Governorates Center at the beginning of 2012 and the end of 2012, for three days each. The trainings were offered by the Democracy School along with its partners.

	Officer 1	Officer 2	Officer 3
What was most significant about the training?	N/A	N/A	More knowledge on laws and regulations and ways to deal with juveniles
Did training have a positive impact on your career?	N/A	N/A	Promoted from Deputy to Head of Correctional Facility after first training.
Comments and Suggestions	<ol style="list-style-type: none"> 1. Building a classroom for juveniles to continue their primary and secondary education. 2. Separate juveniles from adults by building a division inside the building that is especially for them. 3. Provide required tools to start the mechanical training workshop and handicrafts. 4. Improve the health and nutrition services provided to prisoners. 	N/A	<ol style="list-style-type: none"> 1. Open a separate section for juveniles in the correctional facilities. 2. Provide the facility with classes to teach the prisoners. 3. Provide the facility with carpenter tools for the shop. 4. Provide the health centre in the facility with a fully-equipped laboratory, since the facility is far from the governorate's centre. 5. Provide the facility with a computer so that juveniles and other prisoners can benefit from it.

2. SURVEYS WITH CHIEFS OF AREAS

Identification

1. Could you please provide me with the following information:
 - Name and surname: Mohammed Mohammed Ali Mutair
 - Area of residence: Wadi Fatma- Bair Al-Shayf
 - Current community tasks: Chief of stated area
 - A brief description of your daily duties:
 - a) Supervise weddings.
 - b) Follow up on cases occurring in the area.
 - c) Supervise night guards.
 - The number of years that you have been serving the community: 7 Years
 - How were you selected to become a chief of area?
 - I was recommended by my father after he moved to a different governorate, and I was approved by the capital's office.

Experience with Youth

2. Have you ever had to deal with cases involving children? Yes

If yes, do you work directly or indirectly (i.e., with their parents/guardians, etc.) with children? Yes

 - Children in conflict with the law? Yes
 - Victims and witnesses? No
 - Other categories of children
3. What are the most current situations involving children that you encounter (what are the most frequent cases?)
 - Most frequent cases occur in Ramadan and Eid and the cases are:
 - 1) Fights: the case reaches the police station but police officers try to solve it internally.
 - 2) Reconciliation, if possible. In some cases I get called in after an offence is reported and I try to solve the problem between related parties.
 - 3) Sexual abuse/Adultery/Sodomy: I get called into the station with the family.



- In cases where girls are involved, I do my best to reason with the family and try to talk sense into them and ask the police station to take the girl to the juvenile centre. This gives me time to deal with parents, especially in cases where the family is very strict.
4. Are most offenders female or male? How do you deal with each? How is the treatment different between the two? And how do you think it should be?
 - Most offenders are males and the treatment differs; in cases involving females, I reserve the case for the family's reputation and because of the sensitivity of the situation.
 - As for males especially in cases such as fighting, I talk to the child and his family and solve the problem without going to the police. With more sensitive cases that are reported to the police, I try to solve them with minimum effect and based on consensus from both sides.
 5. Do the cases you work on have the following characteristics?
 - A type of offense (e.g., robbery, physical violence, sexual violence, illegal substances/drugs, alcohol etc.)? Robbery, physical and sexual violence.
 - Social class of the child? Lower social class
 - Specific age range? 10 to 18
 - A trend among children? Fights
 - Outside influences/exogenous factors: people, material goods, means of entertainment, etc.?
 - Being around older children who teach them how to steal.
 6. How proactive are you with respect to juvenile cases?
 - 100% proactive.
 7. At what level/stage do you intervene? (Prevention, deciding on a punishment, mediation, reconciliation, rehabilitation, etc.)
 - 1) Prevention.
 - 2) Reconciliation.
 - 3) Witnessing.
 8. How are you involved in the cases in which taking the child away from their family is in his or her best interest? How do you monitor the families after the court orders to bring the child back?
 - In cases of sodomy involving boys and cases of rape/adultery cases with girls, I deal with parents by calming them down and reasoning with them.
 - Weekly follow-ups and individual meetings with the child.
 9. Are there any efforts to cover up a committed crime? Do you think covering up cases is the most efficient way to benefit the juvenile?
 - It is not covering up, rather finding a way to solve the committed offence internally without enlarging it and taking it to the police.
- ## Interaction with Police and NGOs
10. Does it occur that you have to interact with the police regarding a case involving children? Yes
 - With which unit of the police force? The investigation Unit.
 - Can you describe the interaction? Who contacts whom? Who has the final say in how juvenile cases are solved? Who decides on disciplinary actions? And how are the cases later monitored?

The police call me. The final say is up to the Prosecutor's Office. Disciplinary actions are decided by the juvenile court. I send weekly reports, based on monitoring.
 11. Can you describe this interaction? Do you encounter any problems/issues? Yes
 - Where do you have the difficulty? Bribery, lack of understanding and lack of knowledge on cases.
 - What do you suggest to improve the interaction with the police? The police should understand their roles and responsibilities and turn what they know into action.
 12. At which stage of juvenile case legal proceedings do you get involved (i.e., arrest, investigation, monitoring, etc.)? What is your role in each stage? What is your involvement?
 - Arrest: Following up on cases and taking the child who committed the crime to the police station.
 - Investigation: Collecting evidence.
 - Monitoring: Monitoring neighbourhood activity and the child's behaviour after release.



13. Which particular cases involving children bring you to deal with the police?

- Crimes within the neighbourhood.

14. Are there particular cases that pose more difficulties? If yes, what are those difficulties?

- No

15. Do you think that the police are appropriately informed of your role and responsibilities in regards to children's rights?

If not, on which aspects should the police be more informed?

- Yes

16. Do you feel sufficiently informed of their roles and responsibilities in regards to children's rights?

- Yes

17. Have you received any training on child protection or children's rights? Please provide details

- No

18. Are you usually in contact with any NGOs? In which cases do you contact NGOs? Do you think that NGOs are appropriately informed of your role in the community and your ability to mediate cases?

- No

19. Do you think that the police are appropriately informed of your role in the community and your ability to mediate cases?

- Yes

20. What are the aspects that should be improved within the police force?

- In general, the police force should understand their roles and responsibilities and turn them into action.
- In regards to children's rights, they should have more knowledge on how to deal with children.

Identification

1. Could you please provide me with the following information:

- Name and surname: Mohammed Mohammed Al-Zargah

- Area of residence: Ali bin Abi Taleb Neighbourhood- Al-Ghadeer
- Current community tasks: Chief of stated area
- A brief description of your daily duties:
 - a) Supervising neighbourhood security.
 - b) Checking up on poor families' situation.
- The number of years you have been serving the community: 4 Years
- How were you selected to become a chief of area?
 - Recommended by neighbourhood residents.

Experience with Youth

2. Have you ever had to deal with cases involving children? Yes

If yes, do you work directly or indirectly (i.e., with their parents/guardians, etc.) with children? Yes

- Children in conflict with the law? Yes
- Victims and witnesses? No
- Other categories of children

3. What are the most current situations involving children that you encounter (what are the most frequent cases?)

- 1) Robbery
- 2) Drugs

4. Are most offenders female or male? How do you deal with each? How is the treatment different between the two? And how do you think it should be?

5. All the cases involved males and no females. I try to deal with the child and influence his or her behaviour and avoid public humiliation and police interference.

- Do the cases you regularly work on have the following circumstances?
- A type of offense (e.g., robbery, physical violence, sexual violence, illegal substances/ drugs, alcohol etc.)? Robbery, drug use
- Social class of the child? Lower social class
- Specific age range? 10 to 18
- A trend among children?
- Outside influences/exogenous factors: people, material goods, means of entertainment, etc.?
- Poverty

6. How proactive are you with respect to juvenile cases?

I get involved whenever needed.

7. At what level/stage do you intervene?
(i.e., prevention, deciding on a punishment, mediation, reconciliation, rehabilitation, etc.)

- 1) Prevention
- 2) Reconciliation
- 3) Witnessing

Police Station	Prosecutor's Office	Court
When taking the child to the station	Give a witness statement	Give a witness statement

8. How are you involved in the cases in which taking the child away from their family is in his or her best interest? How do you monitor the families after the court orders to bring the child back?

- Children should stay with their families in all situations. I have not encountered such a situation.

9. Are there any efforts to cover up a committed crime? Do you think covering up the cases is the most efficient way to benefit the juvenile?

No.

In some situations, yes. But when the cases are really crucial cases, then no.

Interaction with the police and NGOs

10. Does it occur that you have to interact with the police regarding cases involving children? Yes

- With which unit of the police force? All levels of the police.
- Can you describe the interaction? Who contacts whom? Who has the final say in how juvenile cases are solved? Who decides on disciplinary actions? And how are the cases later monitored?

The interaction starts when taking the children to the police station.

11. Can you describe this interaction? Do you encounter any problems/issues? Yes

- Where do you have the difficulty? When our roles and importance are not acknowledged.
- What do you suggest to improve the interaction with the police? The police should understand the importance of the chief of areas' roles.

12. At which stage of juvenile case legal proceedings do you get involved (i.e., arrest, investigation, monitoring, etc.)? What is your role in each stage? What is your involvement?

- Arrest: When taking the child to the station and when getting called in with the parent/guardian
- Investigation: Giving a witness statement.
- Monitoring: When delegated.

13. Which particular cases involving children bring you to deal with the police?

- Robbery and drug use.

14. Are there particular cases that pose more difficulties? If yes, what are those difficulties?

- No

15. Do you think that the police are appropriately informed of your roles and responsibilities in regards to children's rights?

If not, on which aspects should the police be more informed?

No, they have to acknowledge our efforts.

16. Do you feel sufficiently informed of their roles and responsibilities in regards to children's rights?

- Yes

17. Have you received any training on child protection or children's rights? Please provide details

- No

18. Are usually in contact with any NGOs? In which cases do you contact NGOs? Do you think that NGOs are appropriately informed of your role in the community and your ability to mediate cases?

- No

19. Do you think that the police are appropriately informed of your role in the community and your ability to mediate cases?

- No

20. What are the aspects that should be improved within the police force?

- In general: Police officers should improve their treatment and behaviour with people.
- In regards to children's rights: Treat children well and learn how to interrogate them.

ANNEX 4 – Statistics on Juveniles in Detention

The table below indicates the number of juveniles in detention and the number of cases subjected to abuse by police staff¹⁵⁸

Number of cases	Subjected to abuse by prosecution	Subjected to abuse by the police	Never subjected to abuse
Juvenile Centre for boys in Sana'a			
34	None	18	16
Central prison (Juvenile unit)			
40	None	23	17
Juvenile Centre for boys in Taiz			
16	None	7	4 (5 cases excluded from survey)
Juvenile Centre for girls in Taiz			
2	None	None	2
Central Prison in Taiz-Juvenile Unit			
27	None	8	18 (1 case excluded from survey)
Central Prison-Women Unit			
2	None	None	2
Hadramout-Mukalla			
8	None	4	4
Central Prison in Hodeidah			
24	None	24	None
Juvenile Centre for boys in Hajja			
5	None	2	3
Central Prison in Hajja-Juvenile Unit			
13	None		Excluded from survey
Ibb Governorate			
8	None	1	7

Number of Beneficiaries of Legal Aid in Yemen¹⁵⁹

Governorate	2010	2011	2012
Sana'a	253	136	145
Aden	110	61	35
Hadramout	49	30	23
Taiz	141	107	92
Hodeidah	187	129	180
Ib	90	55	38
Dhamar	21	27	16
Abyan	4	3	0
Hajja	108	76	45

Abuse included:

- Cigarette burns;
- Beating;
- Slapping;
- Beating with sticks, cables, or metallic objects;
- Verbal abuse'
- Threats;
- Electrical shocks or threats to administer them;
- Dragging of clothes; and
- Assigning humiliating tasks, e.g. cleaning toilettes.

ANNEX 5 – General Framework for Child Protection

1. LEGAL FRAMEWORK

i. Grave Reality

Yemen has a complex legal and judicial history. Although derived from pluralistic sources, the formal legal system in Yemen has developed into a single unified body of law (*qanun*). As a result of the codification process from the 1970s and onwards, Yemeni *qanun* incorporates elements from *sharia'a*, customary/tribal laws, excerpts from Egyptian and other Arab laws and international principles.¹⁶⁰ These various elements can be seen in Yemen's fundamental codes. Even though one could speak of a unified legal corpus, Yemeni law still contains numerous textual ambiguities and omissions, leaving room for judges to resort to non-codified legal sources to support their decisions.

Meanwhile, the pre-Islamic tribal customary norms, through informal mediation and arbitration procedures, continue to solve the majority of conflicts and other legal matters throughout the country, including cases of homicide, family matters and traffic accidents, among others, despite state-issued laws limiting and regulating the use of tribal customary norms.¹⁶¹ All of these formal, informal, modern and traditional norms and actors come together and make up a complex and dynamic interaction. That almost 80% of Yemenis are not within reach of the official courts¹⁶² and adhere to tribal customary rules or informally administered Islamic norms demonstrates the extent to which state law is not considered to be the supreme law in Yemen.

ii. Overview

The Republic of Yemen has ratified and signed many treaties and international legislations related to the protection and security of the child. Above all, it ratified the Convention on the Rights of the Child on May 5th, 1991. It has additionally ratified, without any reservations, the first and second of the Convention's Optional Protocols in 2004 and 2007, respectively. However, Yemen has been very unsystematic in its reports, either submitting

them late or not at all, making it difficult for the Committee to assess the situation of children's rights in Yemen. Yet Yemen remains committed to the cause of children's rights and has signed the ILO's Convention 182 on the elimination of the worst forms of child labour as well as the Convention 138 concerning the minimum age for employment. To get a better picture of the various treaties concerning the treaties and charters that the Republic of Yemen has signed, please refer to tables 5, 6 and 7 located on pages 41-45 of this report.

Yemen's legal system is based on a combination of *sharia'a* (Islamic law), Turkish law, English common law and local customary law. Islamic legal principles are applied in all courts as opposed to only in separate *sharia'a* courts. The Yemeni Constitution was written in 1991, amended in 1994 and amended again in 2001. However, because of the events of the Arab Spring and the consequent Yemeni revolution, a new constitution is expected to be drafted to come into effect by 2014.¹⁶³ The most recent constitution stresses the Arab and Muslim background as the foundation of the nation as well as guarantees equal opportunities to all citizens in the areas of political, economic, social and cultural activities. With regards to children's rights, the Law on the Rights of the Child was signed in 2002 and incorporates the various stages of a child's life, from breastfeeding to education to appropriate methods of punishment. It should be noted that national law, more specifically *sharia'a*, takes precedence over international conventions signed by Yemen,¹⁶⁴ despite the fact that *sharia'a* law requires any person or entity that follows it to honour all articles included in any convention or agreement signed and to enforce all articles as if they were part of the *sharia'a* itself.

iii. The Constitution¹⁶⁵

The 2001 Constitution declares Yemeni society to be based on social solidarity, promising freedom and equality for all. There is no discussion of inalienable human rights. However, in Chapter I, the Constitution "confirms [Yemen's] adherence to the UN Charter, the International Declaration of Human Rights, the Charter of the Arab

League, and Principles of international Law which are generally recognized." Article 48 also asserts that the state shall "guarantee to its citizens their personal freedom, preserve their dignity and their security."

As for articles that specifically refer to children and their environment, article 26 Chapter III on Yemen's social and cultural foundations states that "the family is the basis of society" and that the law is responsible for "maintain[ing] the integrity of the family and strengthen[ing] its ties." Article 30 refers to the state's commitment to protecting mothers and children and "sponsoring" the youth and the young, although the meaning behind sponsoring is quite unclear. This goes hand in hand with article 56 that guarantees "social security for all citizens in cases of illness, disability, unemployment, old age or the loss of support," giving special focus to those whose families had died in wars. Article 54 affirms that "education is a right for all citizens" and that basic education is obligatory, also leaving the definition of basic vague and unclear. The article continues to assert that the state shall pay special attention to young people and "protect them against perversions, provide them with religious, mental and physical education, and the appropriate environment to develop their aptitude in all fields."

iv. Civil Code¹⁶⁶

Yemen's Civil Code was adopted in 2002 and contains only few provisions on youth and children's rights. Primarily, it asserts that rights are vested material and moral interests to the individual and society, approved by the state. Second, Article 50 decrees the age of majority at 15 years, but only if the person is mentally rational in his or her actions and is fully competent to acknowledge his or her civil rights and use them in the appropriate manner. In addition, the Yemeni Civil Code confirms the age of discernment, the age at which a child is able to care for him or herself and to no longer require adult assistance to eat, dress, or clean, at 10 years old.¹⁶⁷ The only other provision that directly addresses youth in the Civil Code is in articles 811 to 814. These articles address the procedure undergone when hiring a woman, other than the child's biological mother, to breastfeed him or her. Article 812, specifically, stipulates that if a woman is hired for such reasons, she is also responsible for taking care of the child, washing his or clothes and preparing his or her food. She is not allowed to breastfeed another child unless it is her own and she is forbidden from leaving the child, unless otherwise stated by the guardians of the child.

v. Civil Procedure Code¹⁶⁸

Yemen's Civil Procedure Code contains procedural provisions ranging from family matters to enforcement of local and foreign judgements in Yemen. Regarding children, article 364(1) prohibits the imprisonment of any person who is under the age of 15 years, with the exception of when a child is handed over to another legal or familial entity. Article 375 also stipulates that if there is an order for child visitation to take place, the judge must decide on a time and a place that is not psychologically harmful to the child.

vi. Criminal Code¹⁶⁹

Law No. 12 concerning Crimes and Punishment was established on 12 October 1994. Article 2 in the current Criminal Code states that "criminal liability is personal, and any crime and punishment must be defined by law as such." This establishes that common liability, as known in tribal law, is not legitimated by statutory law and that crimes and punishments can only be defined by state law, and not by *sharia'a* or other normative systems. The Criminal Code specifically addresses juveniles and their place in the criminal system in one of its sections.¹⁷⁰ Article 31 of that section declares that any person who has not reached the age of seven is not accountable at the time of the act that constituted the crime. However, if the event was perpetrated by a minor who has reached the age of seven years old, but has not reached the age of 15 years old, the judge may order any of the arrangements stipulated in the Juvenile Welfare Act in lieu of the normal punishment for the crime. Furthermore, if the perpetrator has reached the age of 15 years but is not yet 18 years old, the latter shall be sentenced to a maximum of half the punishment set forth legally. If the latter sentence was the death penalty, the minor shall be punished by imprisonment for a minimum of three years up to a maximum of ten years. In all cases, imprisonment shall be carried out in special facilities, subject to appropriate treatment of the indicted juveniles. No minor shall bear full criminal responsibility, unless the latter has reached the age of 18 at the time of committing the crime. If the age of the defendant is not easily determined, the judge may estimate it with the assistance of an expert's council.

In regards to the protection of children, the Criminal Code offers harsher punishments for crimes inflicted on minors as well as contains certain clauses that deal solely with acts whose targets and victims are children.

For example, article 246 states that the punishment for detaining or depriving a minor of his freedom without legal cause shall be imprisonment for a period not exceeding five years compared to the three-year punishment of detaining or depriving an adult. Article 279 declares that if immorality or prostitution is committed on a minor not reaching 15 years of age, then it is lawful that the punishment of the perpetrator be imprisonment not exceeding ten years, as opposed to the normal period not exceeding seven years. Article 243 dictates that kidnapping a juvenile is punishable by seven years of imprisonment, and two additional years if the kidnapped person is an adult. Furthermore, article 252 declares that anyone who kidnaps, harbours, or replaces a new-born baby with another is punished with imprisonment for a period not exceeding five years. A similar punishment applies if the person traces him or her falsely to someone other than his or her legal guardians. Article 303 also discusses the influence that adults can have on juveniles. It asserts that anyone who pressures or provokes juveniles to steal shall be punished by imprisonment for up to a maximum of one year and a fine of 2,000 Yemeni riyals, provided that the theft did not take place. Another great aspect is that punishments for juveniles are generally less harsh than those carried out on adults, and punishments for juveniles are carried out in institutions provided for by the law that “will insure their reforms, education and protection” (article 104).

However, the Criminal Code contains some troubling clauses that go contradict the Convention on the Rights of the Child as well as other ratified international agreements by Yemen. For example, article 233 states that if an “ancestor” assaults his or her children either to injure or murder them, then no punishment is applicable. This is due to the perception that children are fundamentally the property of the “ancestor.” However, if such an assault causes a permanent or partial disability, the “ancestor” can be punished with blood money or indemnity. Chapter 7 addresses the issue of begging, a prevalent phenomenon in the impoverished republic. Article 203 asserts that anyone who habitually engages in begging in any place shall be punished by imprisonment for up to a maximum of six months, if he or she has or has access to legitimate means of livelihood. The punishment will increase to imprisonment for up to a maximum of one year, if the act was accompanied by threats, claims of disease or accompanying children without direct relatives. This is of great concern because most of the beggars in Yemen are children, who either beg by choice and based on needs or are forced into

begging by their parents.¹⁷¹ Article 251 states that if a person deliberately refrains from turning over a minor to the legal guardian, then he or she will be fined or imprisoned for a period not exceeding three months. However, the article further states that no punishment may be inflicted on the father, mother or the legal guardian of the minor if he or she kidnaps the minor, believing in good faith that he or she is the person concerned in the guardianship, legally.

vii. Criminal Procedure Code¹⁷²

The Criminal Procedure Code established by Law No. 13 in 1994 does not address crimes committed by juveniles. Article 284 states that “[t]he Juvenile Welfare Act shall cover the formation of the Minor Courts and the procedures to be followed in the investigation, trials, punishments, arrangements, therapeutic methods that are allowed to be carried out on [minors].” The most important articles that refer to children are as follows: Articles 7 and 13, which maintain that unlawful arrests are forbidden, and that any accused has the right of defence. Article 9 further declares that the state shall provide poor people with legal aid by authorised lawyer. Article 47 adds that if the person receiving the damages from the crime is a minor and if he or she has no one to stand for him or her in court, then the court may assign a representative on the minor’s behalf to litigate issues concerning civil rights. Furthermore, article 48 states that the civil lawsuit is filed on the legal representative of the minor and not the minor. Finally, article 484 talks about the procedure of carrying out death sentences, and although there is no mention of juveniles, there is a leniency to pregnant or nursing mothers. The sentences meted out to a pregnant woman or a nursing mother shall be suspended until the woman has given birth or has stopped breastfeeding the child, the greatest time allocated to the latter being two years. Up to that point, someone else has to be found to take care of the child, and the woman shall be imprisoned until such time that the sentence can be carried out accordingly.

viii. Personal Status Law¹⁷³

In most, if not all, Muslim countries in the world, the Personal Status Law represents both the Islamic legacy of society and the Islamic legitimacy of the state.¹⁷⁴ Because these laws cover matters that affect all Yemenis in their daily lives – such as birth, parenthood, marriage, divorce, custody and inheritance – it is the

principal domain where the social and legal relationship between men and women is consolidated and continually contested. Article 127 states that boys hit the age of puberty and are considered mature if they are over 10 years of age and have had a nocturnal emission. Girls hit the age of puberty and are considered mature if they are over 9 years of age and have begun menstruating. However, everyone over 15 years of age is considered mature. If a conflict exists concerning the age of puberty, then a doctor must be referred to.

The 1992 Personal Status Law set the minimum age of marriage at 15 years for both boys and girls, but at the same time revoked the right of a minor to dissolve the marriage upon reaching puberty. The 1999 amendment, proposed by the Parliamentary Sharia'a Codification Committee no longer sets a minimum age for marriage of girls or boys, but instead prohibits consummation until the child-wife is capable of intercourse, "even if she exceeds 15 years." Article 15 of the current Personal Status Law provides two pre-conditions before early marriage is permitted. First, that there is "an interest" in such a union. The law does not clarify what it means by this, nor does it specify whose interest should be taken into account. The second condition prohibits sexual intercourse until the female child reaches puberty, without giving a definition of puberty.

Article 136 states that it is the duty of a mother first to breastfeed her child. If she is unable, then she will find a suitable replacement, and that women will be able to have some semblance of custody of the child for a period of two years after childbirth. After divorce, the mother has temporarily a greater right to custody of her children than the man, namely in the first 9 years for boys, and 12 years for girls. The conjugal house and older children are mostly allotted to the husband. Furthermore, a child who is adopted is not allowed to carry the last name of his or her adoptive family, even if the child's biological parents are unknown.

The Law specifically addresses matters of custody as well. Article 138 states that custody is defined as caring for a child who is incapable of taking care of him or herself and raising him or her and protecting him or her from anything harmful. Custody is a child's right and custodians are unable to abandon the responsibility. The age in which custody is applicable is 9 for males and 12 for females. Custodians have to be mentally-capable, mature individuals who genuinely care about the child and are qualified to raise the child, both in a material and moral manner. The mother is rightfully the first in line to be her

child's custodian. If the mother passes away, then the father or other legal guardians are allowed to give the custody of the child to another custodian, only if her level of care is as high as or higher than the primary one.

Finally, Yemeni Personal Status Law dictates that an expense should be made available to the child. If the child is under the age of 15, the age where he is no longer considered a minor, then the father has to provide for the child if he has the means. If he does not have the means, then the mother is responsible for providing for the child. If the child is over the age of 15 but is under 20 and is unable to work or to seek an education, then, parents are also responsible for providing for the child.

ix. Labour Code¹⁷⁵

Yemen's Labour Code, Act No. 5 of 1995 includes a chapter on regulating the employment of young persons, defining young persons as "any male or female person under 15 years of age." Article 17 addresses the issue of youth employment by stating that the minister shall make an order specifying the regulations governing the employment of young persons, the circumstances, conditions and situations in which they may be employed and the jobs, occupations and industries in which they are to be employed. The Code's chapter on employment of young persons sets out limitations to child labour. Article 48 stipulates that it is forbidden to employ a young person for more than seven hours per day or 42 hours per week. Weekly work hours shall be distributed over six working days followed by one day of rest with full pay. Further, daily work hours shall be broken by a period of rest of not less than one hour. A young person shall not work continuously for more than four hours. Overtime and work at night are forbidden, as is making a young person work during his weekly periods of rest, official holidays or other leaves. Furthermore, if a job requires training, then whatever time is spent in training during the working day is considered official working time and should be remunerated as such. Article 50 also affirms that young persons are entitled to 30 days of annual leave and that employers have to grant the full annual leave in a timely manner. Furthermore, it is illegal for a young person or his or her guardian to waive the annual leave entitlement or any part thereof, even in consideration of compensation.

Article 49 regulates the working environment of the young person. First, it is forbidden to employ a young person both without his guardian's approval and without notifying the competent office of the Ministry.

Second, it is forbidden to employ a young person in a remote place isolated from inhabited areas. Third, it is required by employers to provide young persons with a healthy and safe working environment in accordance with the conditions and circumstances specified by the minister. Finally, young persons are prohibited from working or being employed in areas that are considered arduous work, harmful industries or jobs that are socially damaging. These jobs and industries will be red-flagged by order of the minister.

Article 51 addresses monitoring and documenting a young person's employment. Employers have to keep a record of young persons and their social and occupational status indicating their names, age, name of guardian, date of entry into service, place of residence and any other information prescribed by the Ministry. Also, before employing the young person, the employer has to have him or her undergo a preliminary medical examination and regular examinations whenever necessary to ensure his or her medical fitness as well as keep a medical record for each young person, containing all the information related to their medical history. Employers even have to post regulations governing the employment of young persons in a visible place for all to see. Article 52 concentrates on wage and compensation. It maintains that employers "shall pay young persons fair wages" equivalent to the wages of adults for that occupation, provided that the wages are not less than two-thirds of the minimum wage for the occupation. Most importantly, the wage should directly be paid to young persons themselves. The Council of Ministers may, acting on a submission by the minister and a recommendation from the Labour Council, make an order specifying minimum wages for certain occupations and jobs in which young persons are employed.

The Code also adds clauses to accommodate for women who are pregnant or breastfeeding. Article 43 declares that women's working time shall be limited to five hours a day from their sixth month of pregnancy onwards. This continues until the end of the sixth month till after childbirth if the mother is breastfeeding. This working time can be further reduced for health reasons, on the basis of a certified medical report.

The only exception to this Code is that its provisions do not apply to young persons working with their families under the supervision of the head of the family, provided that their work is performed in suitable health and social conditions. This is a major setback because 87% of children are employed by their families.¹⁷⁶

x. Laws and Decrees Dealing Specifically with the Situation of Children

1. Juvenile Welfare Act¹⁷⁷

The Juvenile Welfare Act addresses youth who are not older than 15 years at the time the crime was committed. Article 8 dictates that if a juvenile needs to be investigated, it is the direct prosecutors who take up the task and that they have to take into consideration the age of the juvenile as well as "the seriousness of the crime committed, the juvenile's mental and physical state, the circumstances he grew up in and other related points." Article 9 says that age can only be determined by an official document, or by consulting a physician if a document is not available. Given Yemen's low birth registration rate, the Juvenile Code prescribes age determinations to be conducted by an expert. This is important because identifying a youth's age can determine which laws apply to him or her, and that could be the difference between a death sentence and imprisonment. Article 11 addresses the issue of detention, specifically mentioning that if the child is under the age of 12 then it is forbidden to detain him or her in a holding facility, and if he or she is over 12 years of age, then the law is only allowed to detain him or her for a maximum of 24 hours and in a separate holding facility than other adult detainees. The same privilege is not given to females. There are no jails for girls except in the capital, and young girls are placed in jails with women from different ages who have been convicted of a crime.¹⁷⁸ Article 14 nevertheless prohibits the mistreatment of juveniles and the use of physical coercion when enforcing court rulings, though does not explicitly prohibit corporal punishment.

Article 16 establishes juvenile courts that will only accept defendants not older than 15. Article 21 states that the court has to listen to a social report conducted by a "social observer" regarding the reasons why a child would commit the crime in question and what kind of solutions and rehabilitation he or she would recommend prior to starting the proceedings of the court. Article 34 states that juveniles shall not be fined any administrative fees regarding juvenile courts. Article 42 protects the privacy of the child stating that it is forbidden for the name, picture and details of the youth's court proceedings to be published in any medium.

As for punishments, the Juvenile Welfare Act categorises possible punishments by the child's age. For example,

if the child is under the age of 10, article 36 specifies seven applicable punishments: 1) rebuking or reprimanding the child, 2) handing the child over to the parents or legal guardians who, in turn, will determine the punishment, 3) committing the child to an apprenticeship, 4) some form of community service, 5) placing the child on probation, 6) placing the child in a rehabilitation centre, and 7) placing the child in a mental facility if his or her case specifically requires that sort of attention. Article 37 claims that for juveniles who commit capital offences, the death penalty is converted into imprisonment between three and ten years. For all other offences, the penalty should only be a third of its adult counterpart.

2. Presidential Decree on Juvenile Courts¹⁷⁹

The Presidential Decree on Juvenile Courts is a short document, containing only 6 articles, issued to explain the logistics of the juvenile courts. The decree states that juvenile courts will be set up in four provinces around the Republic. It also stresses the importance of considering the age of the child at the time of the crime in order to determine eligibility to be heard in a juvenile court. Finally, an appeal process can be granted to a juvenile; however, all final decisions will be made by the Minister of Justice.

3. Law on the Rights of the Child¹⁸⁰

Article 2 of the Law defines the age of a child as someone who has not passed the age of 18 if he or she has not reached the "age of maturity." However, the Law defines juvenile as any young person who is over seven years of age, but has not yet reached the "age of maturity." This is contradicted, however, by article 59 which declares the "age of maturity" as having reached 15 years of age only if the person has reached that age with his full mental capacity and is now liable for his decisions and actions.

The objectives of the Law on the Rights of the Child are explained in Article 3, notably:

1. "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.
2. 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.

3. 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 sharia'a and the laws in force.
4. Protecting the child from all kinds of exploitation, which are considered crimes in the eyes of the law. There should also be an account of the special sanctions reserved for perpetrators of these crimes.
5. Defining the authorities entrusted with observing protecting the rights of the child mentioned in this law and the laws in force.
6. Defining the services that the State must provide for the child and the special arrangements provided for the protection of childhood and its development.
7. 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.
8. Working for the dissemination and spreading of awareness on the rights of the child, to show their characteristics and their importance of building the child's personality and its equilibrium, and to deepen awareness about responsibility towards the child by his parents and family, as well as society as a whole.
9. Allowing the child to participate in all that is useful for him, and to respect his rights and support them, taking into consideration that they are for his own benefit.
10. Raising the child to have good manners and fruitful work and develop his awareness of the need to respect his parents and family surroundings, honourable methods for earning money, and self-reliance."¹⁸¹

Article 6 of the Law on the Rights of the Child provides that "any authority" making decisions on family law must make the protection of children his first priority. Article 7 of the Law speaks directly to article 12 of the CRC, stating that: "Every child shall have the right to express his or her views freely and such views shall be given due weight in accordance with the age and maturity of the child." The Law on the Rights of the Child also criminalises child abuse and neglect, punishing violators with imprisonment of not less than one month and up to two years. It further stresses, in article 13, that the state should encourage associations and non-governmental organisations to develop the operation and management of social welfare institutions, nurseries, childcare centres and all activities

related to the issues and needs of the child in accordance with the laws and regulations governing it.

In terms of providing protection for the child, article 110 requires the state to provide alternative care for children who live in a deteriorating family environment by placing them in foster families, social welfare institutions or social security institutions. Furthermore, article 113 declares that orphaned children who have no caretaker or source of income, children of unknown parents and children whose parents are imprisoned and have no caretaker until those parents are released are entitled to a monthly allowance from the state until they “are able to lead a normal life.” In addition, article 114 states that children have a right to a share of their deceased father’s pension or other insurance benefits within the provisions of applicable laws. The Law also contains a chapter on the protection of children living in difficult circumstance. Article 144 states that it is the responsibility of the state to take the necessary practical measures to investigate the circumstances of displaced children, children living on the streets, victims of natural and man-made disasters and children exposed to abuse who are socially disadvantaged and exploited. Furthermore, it tries “to ensure the children are not lured into being in close proximity with illegal activities or directly involved with them.” Article 146 promotes tangible methods for doing so, calling for the establishment of offices to protect children from vagrancy and begging and requiring a budget within the annual budget for the establishment and maintenance of these offices, in addition to calling for the establishment of social welfare homes and institutions.

There is nothing that speaks to Yemen’s implementation of article 12 of the CRC with regards to the rights of children to be heard in protective proceedings. Though the Law on the Rights of the Child (2002) ostensibly puts Yemen in full compliance with Article 12, there is nothing in the Yemeni legal system that resembles a child protective proceeding.¹⁸² A child protective system would have to be mentioned in the Yemeni Civil Code; however, no mention of such a system exists in the legislation.

Notwithstanding the Law on the Rights of the Child, Yemen does not seem to have created a system that facilitates government intervention in cases where children are abused or neglected. Despite recently criminalising child abuse, no system exists in Yemen for reporting cases of abuse and neglect. Furthermore, Yemen has made no mention of child protective proceedings in any of its State Party Reports to the Committee on the Rights of the Child. Though the Committee on the Rights of the

Child approved the passage of the Law on the Rights of the Child, it noted that Yemeni children still suffered from a “high prevalence of abuse, including sexual abuse, and neglect... and at the lack of effective measures taken to combat this problem.”¹⁸³

Part of the reason for the failure of the Yemeni government to create child protective proceedings may be that, as an Arabic, Islamic nation, Yemen is inclined to avoid interfering with the family structure. Moreover, Yemen remains one of the poorest countries in the Arab world. Much of the government’s resources and much of the resources of aid organisations are devoted to meeting citizens’ basic needs for food, water, and health care, leaving little for civil right needs.

4. Miscellaneous

There are numerous articles within Yemen’s laws, codes and presidential decrees that are targeted towards children. For example, the Law on Carrying Firearms states that any person under the age of 18 is not allowed to carry a firearm or to have a permit allowing him or her to do so.¹⁸⁴ The Presidential Decree on the Regulation of Prisons declares that the status of prisoners will be determined according to classifications based on age, gender and seriousness of crime.¹⁸⁵ The Law on the Regulation of Yemeni Nationality gives children the right to claim their rightful Yemeni nationality if they are nationals of another country, as soon as they are no longer considered minors. However, the Law also claims that citizenship may not be transferred from mother to child.¹⁸⁶ More generally the Presidential Decree on the Regulation of the Ministry of Human Rights claims that the Ministry aims to promote and protect human rights in coordination with the ministries, agencies and competent bodies as well as through activating the mechanisms for national protection and promotion of human rights, underscoring Yemen’s commitment to the regional and international conventions, charters and treaties it has ratified.¹⁸⁷

2. NORMATIVE FRAMEWORK

Yemen’s child protection system is comprised of various actors and institutions, at both the state level and non-state level, such as civil society organisations and networks. The section below identifies and describes the main actors and institutions that play an important role in promoting and protecting children’s rights and highlights their interaction with the justice system.

i. Government Institutions

1. The Higher Council for Motherhood and Childhood

The Higher Council for Motherhood and Childhood (HCMC) is a governmental institution established under decree No. 321-1999. The HCMC is located in Sana'a and is the main body responsible for coordinating activities related to children, motherhood and the CRC with other governmental institutions as well as non-governmental and civil society organisations.¹⁸⁸ Activities and projects carried out by the HCMC are mainly funded by UNICEF. The HCMC's mandate includes drafting and developing policies, laws, strategies and plans on children and youth, promoting the CRC and its implementation, monitoring and coordinating children programmes and raising public awareness of children's rights and issues affecting children in Yemen.¹⁸⁹ The HCMC is headed by the Prime Minister and its members include ministers with programmes related to child protection and child welfare, as well as representatives from non-governmental and civil society organisations that are chosen by the Council of Ministers.^{190, 191}

The HCMC launched a National Children and Youth Strategy for 2006-2015 to fulfil its international obligations, such as the Convention on the Rights of the Child and the Millennium Development Goals. The Strategy, which is the result of collaboration and consultation between government institutions, UNICEF and the World Bank, aims to provide a multi-sectorial protection framework for children and young people. It is the first Strategy in Yemen and in MENA to adopt a Life-Cycle Framework, dividing its strategic focuses and targets to three life-cycles: children aged 0-5 years, 6-14 years and 16-24 years, focusing on health (immunization, nutrition, reproductive health, and reducing infant mortality), education and protection of disadvantaged children (child labour, children in street situations and children with disabilities). It emphasises the need for better coordination and cooperation among child stakeholders from relevant ministries, civil society organisations, non-governmental organisations and the private sector to ensure an effective implementation of the Strategy.¹⁹² While welcoming the National Strategy for Children and Youth, the Committee on the Rights of the Child expressed concern that a plan to address the sale of children, child prostitution and child pornography is still lacking. The Strategy does not address children in conflict with the law and the type of protection that is to be made available to them.¹⁹³

Nevertheless, Yemen's state report on OPSC highlights the creation of numerous national networks by the HCMC to protect children, including the national network for the welfare of children in conflict with the law and the national network on violence against children (paragraph 134). These networks were later merged into a "Child Protection Network." As described in Yemen's state report, the national network on violence against children is comprised of members from government institutions, civil society organisations and international organisations as well as prominent members of society and jurists who work on children's issues and representatives of the Children's Parliament.¹⁹⁴ The network's mandate includes ensuring coordinated action between governmental, non-governmental, and international organisations in combating violence against children, sharing of information on child-related activities, gathering qualitative and quantitative data on violence against children in Yemen and monitoring cases of violence.¹⁹⁵ On the other hand, the national network for the welfare of the child in conflict with the law was established by the HCMC to:

- a) "Improve the situation of children who are in conflict with the law;
- b) Reduce the number of children in situations that prepare them for delinquency;
- c) Raise awareness of the factors that contribute to, and the dangers involved in, juvenile delinquency;
- d) Coordinate efforts by the competent authorities to provide care and protection for children in conflict with the law in the framework of a joint action plan;
- e) Support, assist, follow up on and evaluate relevant activities and projects;
- f) Raise public awareness of the rights of children in conflict with the law;
- g) Review proposed draft laws, strategies and project proposals."¹⁹⁶

The network, along with the HCMC, visited juvenile justice institutions such as courts, prosecutor's offices, police stations, central prisons and remand prisons in every Yemeni governorate in order to obtain information and assess the needs and treatment of children and adolescents in juvenile justice institutions.¹⁹⁷ In January of 2012, representatives from the HCMC visited central prisons in six governorates in order to ensure a healthy development among children of prisoners, providing them with essential needs such as food, medicine, clo-

thes, toys, etc. The HCMC also visited the Central Prison in Sana'a, where numerous children in conflict with the law are detained, and provided them with clothes and sports equipment.¹⁹⁸

The HCMC also plays a role in awareness-raising and training. The HCMC, in collaboration with Ministry of the Interior and UNICEF and Save the Children Sweden, organised four training courses and workshops to train police officials from different governorates, juvenile court judges, social workers, deputy public prosecutors and public prosecutors working in juvenile courts on the two Optional Protocols of the CRC.¹⁹⁹ In 2008, the HCMC also supervised a study on child abuse, conducted by the Yemeni Centre for Social Studies and Work Research, the Centre for Counselling and Psychological Research and the Human Development Foundation and funded by UNICEF. The study's objective was to identify the extent to which abuse, especially sexual abuse of children, is prevalent in Yemeni society, in order to contribute to better cooperation and coordination among governmental authorities and non-governmental organisations. This study was first of a kind in that it documented and discussed sexual and physical abuse and neglect of children, issues considered taboo in Yemeni society. Despite their efforts, it has been stated that the HCMC is limited in authority, human resources and budget and that it lacks the tools to implement its mandate.²⁰⁰

2. The Ministry of Human Rights

The Ministry of Human Rights was established in 2003, based in Sana'a, to promote and protect human rights. To achieve its goal, the Ministry is mandated to:

- Propose policies, plans, programmes and strategies to promote human rights and their implementation in coordination with relevant government bodies and institutions;
- Assess and ensure compliance and compatibility between Yemeni laws and legislation with international treaties and conventions signed by Yemen;
- Prepare, in coordination with relevant authorities, Yemen's periodic reports on Yemen's compliance with international obligations;
- Raise awareness on human rights; and to
- Act as a complaint mechanism, receiving human rights complaints from individuals, authorities and institutions, and addressing the ones falling within its jurisdiction.²⁰¹

Within the Ministry of Human Rights, the Child Department is tasked with collecting statistics and conducting child-related research and studies, coordinating child-related activities with relevant departments, agencies and civil society organisations, preparing Yemen's reports to international bodies and participating in seminars and conferences on child rights. The Department also acts as a complaint mechanism, receiving, registering and following up on complaints of child rights violations from individuals and organisations, providing legal advice to complainants and conducting field visits to investigate the situation of prisoners and children in juvenile institutions and orphanages.²⁰² Though a hotline was created to receive complaints, it has been stated that the hotline is not functioning due to limited financial and human resources.²⁰³ The Ministry's mandate is further limited by the fact that it has no power to initiate proceedings upon receiving complaints nor has the authority to persecute.²⁰⁴

The Ministry of Human Rights also follows up on the situation of children in conflict in the law by visiting central prisons and social welfare homes. Between April and June of 2007, the Ministry of Human Rights made field visits to the House of Social Guidance for Boys, to the House of Hope for Juvenile Girls Care and the Centre to Combat Begging in Sana'a to investigate and report the conditions of children. The visits led to a memoranda to the Ministry of Interior and Ministry of Justice which included reminding them not to lose sight of the provisions brought against children, asking them to transfer cases involving children aged 16-18 to juvenile prosecution, requesting the arrest of perpetrators of crime against children at the aforementioned centres and ensuring that children's age are medically proven before they are placed in these centres. In 2007, the Child Department studied Yemeni laws related to children to examine their compatibility with international norms and standards on children's rights and recommended the Juvenile Welfare Act (1992) be amended to define juveniles as persons aged 18 as opposed to 15.²⁰⁵

In March of 2012, the Ministry of Human Rights and the Ministry of Legal and Parliamentary Affairs submitted a Draft Transitional Justice Law to establish a Justice and National Reconciliation Commission and an independent national human rights commission to investigate complaints, provide a venue for listening to human rights violations and raise public awareness of human rights.^{206,207,208} In October of 2012, a workshop (out of planned ten workshops) was held by the Ministry of Human Rights to discuss the legislation with civil society

organisations, academics and justice officials.²⁰⁹ The Ministry also held its first national human rights workshop in December of 2012 with the objective of drawing up a national strategy for human rights in partnership with relevant local, regional and international actors, to analyse the situation of human rights in Yemen and identify shortcomings and solutions, and strengthen national human rights protection mechanisms. In May of 2013, the Ministry of Human Rights and Save the Children held a training workshop for their partners on child rights programming, particularly with regards to the Convention and its Optional Protocols. The workshop focused on themes such as child recruitment as well as the Yemen's inadequate birth registration system.

The Ministry opened a local branch in the governorate of Al Jawf in April of 2013.²¹⁰ Because local branches have not been instituted in other governorates, a circular was issued in 2004 to appoint the chair of the Social Affairs Committee of each governorate's local council to act as the human rights coordinator for each governorate until more local branches are created.²¹¹ Despite these efforts, it has been argued that the Ministry is struggling to achieve its mandate due to lack of financial and human resources, institutional independence and donor coordination in addition to performing activities that are perceived equivalent to those of any local NGO.²¹²

3. The Ministry of Interior

Ministry of Interior controls and manages Yemen's police agencies including the Police Academy and the national prison system, determines prison budgets, and centralises prison policy and planning. In practice, it has been stated that it is the chief wardens of local prisons who exercise discretion in determining how ministerial policies are implemented. The Ministry also houses the Department of Tribal Affairs, created to formally incorporate elected tribal leaders (*sheikhs*), who traditionally regulated their affairs and disputed settlements autonomously, into the state's domain and to further the legitimacy of the *sheikhs*. While the Department does not have an official mandate, it is widely used by people to solve personal and minor disputes.²¹³

Yemeni children may be held in four different forms of detention facilities, including police station custody, central prisons with facilities for children accompanying their mothers, pre- and post-trial detention for children below the age of 15 at social guidance homes, and centres attached to adult prisons for children aged 15 to 18. Between 2005 and 2010, 5,000 children were held in detention

centres or facilities for theft, assault and murder while another 1,100 were held in detention centres for non-criminal activities.²¹⁴ With Yemen's low birth registration rate (an estimate 22% of children under five are registered according to UNICEF), it is difficult for children in conflict with the law to prove their age. In 2007, the Ministry of Interior received directives from the Council of Ministers to take steps to register children without birth certificates for free, leading to Decree No. 120 which made birth registration a free service.

The Ministry has taken part in and collaborated in organising training workshops on juvenile justice. In August of 2010, a four-day workshop was held by Penal Reform International's MENA office with the collaboration of the Ministry of Social Affairs and Labour (MoSAL) and the Ministry of Interior and with participation from governorates and the juvenile justice sector to discuss the importance of diversion programmes and non-custodial measures.²¹⁵ In February of 2013 and as part of a project on juvenile justice by UNICEF, the European Union and the Dutch government, a workshop organised by Penal Reform International and attended by 45 police officers within the General Administration of Women and Juvenile Affairs within the Ministry of Interior sought to build the capacity of police officers and increase their skills and knowledge on the importance of protecting human rights at police stations and detention facilities.²¹⁶ In May of 2013, the Ministry of Interior, in collaboration with the Ministry of Human Rights and the Transparency Centre for Studies and Research, held a two-day workshop to educate and raise awareness against the torture, inhumane and cruel treatment of prisoners in favour of better rehabilitation and reintegration programmes and a greater protection of human rights. Another workshop to build the capacities, knowledge and training of police officers was organised by the Research and Studies Centre at the Police Academy within the Ministry of Interior in May of 2013.

4. The Ministry of Justice

The Ministry of Justice is the main institution concerned with juvenile justice. The Ministry's overall mandate is to organise, supervise and develop judicial bodies and members, and the judicial support agencies and to provide technical, financial and administrative to the judiciary.²¹⁷ To improve the juvenile justice system, a new Department for Children's and Women's Rights Affairs has been set up to run various police training courses on issues related to child rights, and a special unit to protect children's rights has been established.²¹⁸

In recent years, various activities were carried out in partnership between the Ministry, UNICEF, the European Union and NGOs to improve the juvenile justice system, such as the structure of juvenile courts and prosecutions and detention conditions.²¹⁹ This partnership also led to running and designing training courses to build the capacities of persons working in child protection and juvenile justice, including appeal court presidents, juvenile court presidents, court judges, chief and deputy prosecutors, members of the prosecution service, lawyers, and members of local councils.²²⁰ In 2010, the Ministry signed a three year project with UNICEF and the European Union to strengthen juvenile justice system with the objective of offering alternatives to detention, increase access to services as pre-trial, trial and post-trial stages and to promote the social reintegration of children in conflict with the law through establishing child protection police units, providing free legal assistance and developing vocational training programmes. The Ministry is responsible for coordinating and implementing the project by cooperating with actors working with children in conflict with the law, ranging from state authorities including central and local government authorities, prosecutors, judges, police officers and correctional officers, experts and specialists such as lawyers, social workers, teachers and mental health professionals to families and community members.²²¹ In June of 2012, an independent medical examination committee was established by the Ministry of Justice to determine the ages of juvenile offenders, especially those with no birth certificates. Despite financial support from UNICEF and the European Commission, the committee did not have enough legal power and ceased to exist within six months of its creation.²²²

5. The Ministry of Social Affairs and Labour

Ministry of Social Affairs and Labour (MoSAL) is responsible for providing protection to children in need of special protection and children victims of violence and abuse through the following objectives:

- Developing plans and programmes and creating nurseries and education and social care centres to help orphans, children in street situations and children victims of trafficking and to rehabilitate and protect children in conflict with the law;
- Providing relief for victims and those affected by natural disasters;
- Developing and implementing awareness programmes and guidance in areas within the Ministry's activities; and
- Contributing to programmes that combat begging and reduce child labour.²²³

Efforts to combat child labour include the establishment of a Child Labour Unit which informs the Ministries of Interior and Justice of violations. The Ministry also developed a National Plan to combat the worst forms of child labour (2008-2012) and has implemented various programmes to combat child labour, with the support of donor agencies such as the ILO International Programme on Elimination of Child Labour (IPEC) and the U.S. Department of Labour, including creating rehabilitation centres for children in Sana'a, Aden and Seiyun to help 2000 working children and provide them with educational opportunities.²²⁴

The Ministry is also responsible for juvenile detention facilities.²²⁵ More specifically, the General Directorate of Social Defence within the Ministry is mandated to "visit, on a regular basis and whenever necessary, institutions for rehabilitation and care of juveniles to get update on the situation, assess activities, and report back including recommendations on dealing with obstacles that might hinder the progress of work within these institutions."²²⁶

6. The Ministry of Education

The Ministry of Education is mandated with the provision of educational services to children and eradicating illiteracy by drawing up programmes, training teachers and providing them with educational methods and techniques.²²⁷ Most notably, The Ministry has developed and implemented a training package on alternatives to corporal punishment in schools and trained teachers in Aden, Lahaj, Taiz and Sana'a.²²⁸ To improve educational standards, the Ministry collaborates with UN agencies, such as UNESCO and UNICEF, as well as international and local NGOs.²²⁹ Significant efforts have been made by the Ministry and Save the Children to help increase access to education to children deprived from education, such as children with disabilities, children from *akhadam* communities and children in street situations through training teachers and social workers.²³⁰

7. Local Councils

Local councils play an important role in protecting children's rights, especially children victims of abuse. To play an effective role, it was announced that a child protection unit was going to be established in each local council to allow it to better supervise and follow up on the situation of children and issues such as early marriage, child labour, refugee children and corporal punishment in schools and in juvenile detention centres. The creation of the child protection units is hoped to improve cooperation between civil society organisations and local councils.²³¹

ii. Civil Society Organisations

While the Yemeni government is the primary duty bearer with regards to the protection of children, civil society organisations (CSOs) also play an important role in child protection. The role of CSOs and networks in monitoring child rights has been increasing, with over 70 CSOs actively involved in children's rights, and is largely driven by the Yemen National NGO Coalition and the Democracy School, which supports the Children's Parliament.²³² Services provided by these organisations include telephone hotlines offering psychological counselling to children, raising awareness of violence and exploitation of children and monitoring children's rights and violation, while some run public residences for children at risk. Far from being an exhaustive list, these are some of the NGOs working in child protection:

1. The Yemen National NGO Coalition for Child Rights Care

The Yemen National NGO Coalition for Child Rights Care was established in 1995. Its main activities include raising awareness and promoting the CRC, monitoring government's performance and compliance with the CRC and its Optional Protocols and collaborating with networks such as the National Child Protection Network in advocating for legislative reforms to conform Yemeni legislation and laws on children rights to international norms and standards. 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 2005.²³³ The Coalition also takes part in studies on the situation of children. In 2010, it collaborated with MoSAL and UNICEF to examine the situation of children in juvenile institutions and found that children are often sent to adult prisons despite

the existence of Social Guidance Homes, that many of the children were tortured during their arrest and investigation, that they were detained with adults and that many children in detention facilities are held at institutions that lack psychologist, social workers and staff who are trained on children's rights and provide minimum access to food and water.²³⁴

2. The Democracy School

The Democracy School is an NGO and non-profitable organisation that was established in 2004 to raise awareness of human rights and the CRC as well as to educate children on the importance of democracy. To achieve its mandate the School takes part in conferences and workshops, publishes pamphlets and educational material for children and has helped give a voice to Yemeni children by founding the Children's Parliament in 2000.²³⁵

3. Children's Parliament

Children's Parliament was established in 2000 and is supported by the Democracy School, Save the Children and the HCMC. The Parliament holds an election every two years, during which 50 children are elected as Members of Parliament to represent children from vulnerable or marginalised children. The Parliament's power includes investigating and making recommendations to ministers on issues affecting children. The Ministry of Interior has also permitted the Parliament to enter custody centres, such as police stations, remand prisons and central prisons and juvenile reform homes at any time to investigate the situation of children in detention.²³⁶ The Parliament presented its first shadow report in 2008 which was the result of various field inspections and interviews with relevant authorities on birth registration and situation of children in detention, hospitals and care houses and refugee children.²³⁷ Each year, the Parliament focuses on a specific theme, and this year's advocacy theme is the protection and prevention of children from early marriages, recruitment and crime.²³⁸ The Parliament has also held its first workshop to build the capacities of its members in Hadramout governorate on the aforementioned themes.²³⁹

4. Seyaj Organization for Child Protection

Seyaj Organisation for Childhood Protection is a non-profit NGO established in 2008. The organisation's mandate includes working to provide a stable and safe childhood for Yemeni children, to monitor and protect children against abuse and to promote cooperative efforts among government and non-government authorities. More specifically, the organisation's tasks include monitoring and documenting child violations, providing free legal assistance to children victims of crime or children in conflict with the law and supporting the rights of children victims of crime and their families by coordinating with government authorities and publishing reports on violence against children, children victims of exploitation (sexual and economic) and children in armed conflict.²⁴⁰ In December of 2008, a hotline was established for children to report violence, documenting over 1,000 cases of violence, and in 2012, 62 volunteers were trained from different governorates on how to report and document violence against children.²⁴¹ As part of their 2011 and 2012 campaign against child recruitment, the organisation held discussion series with lawyers, activists and legal experts and made recommendations to relevant ministries to harmonise Yemeni law with international laws and conventions by criminalising the recruitment of children below 18.²⁴² The organisation's efforts led to a series of accomplishments, including the release of 100 recruited children in November of 2011 by the Military Prosecution Office and a commitment to conduct medical tests to establish the age of recruits, issuing of directives by the Minister of Defence to annul the recruitment of persons below the legal age and bringing those responsible to the justice.²⁴³

5. Shawthab Foundation for Childhood and Development

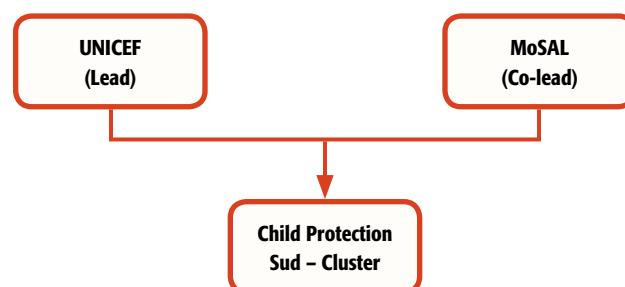
Shawthab Foundation for Childhood and Development was created in 2004. The foundation provides services to children and mothers to protect them from abuse and to help with child development in various aspects of life including social, health, educational and human and legal rights.²⁴⁴ It has been protecting children from labour by providing them with food, clothes and school bags on the condition that they stay at school.²⁴⁵ The foundation also coordinates with government institutions and local and international NGOs and promotes a culture of education on the rights of the child and protection of the child's environment from all risks.²⁴⁶ The foundation has cooperated with Save the Children

on numerous activities to protect children from all forms of violence, especially in cases of emergency in Sana'a, Taiz and Sa'dah governorates and launched a project to protect students and allocating funds to address complaints of violence against children in schools.²⁴⁷

iii. Child Protection in Emergency Situations

To respond to the humanitarian crisis and conflict in Sa'dah governorate during what is known as the sixth cycle of armed conflict, a child protection cluster was created by the Humanitarian Country Team to support displaced persons in 2009. To address the impact of armed conflict on children, a Child Protection Sub-Cluster (CPSC) was also established in Sana'a (see diagram 1). The CPSC is comprised of the following members: UNICEF (lead), MoSAL (Co-lead), Ministry of Education, Ministry of Health, Higher Council for Childhood and Motherhood, UNHCR, as well as other UN agencies and national and international NGOs Save the Children, Siyaj, the Islamic Relief and the International Organisation for Migration.

Child Protection Sub-Cluster²⁴⁸



Coordination and Reporting:

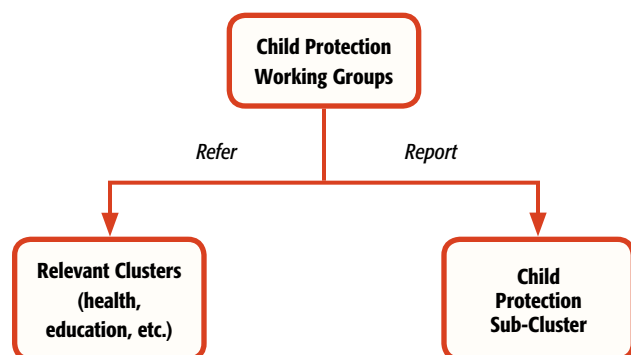
The CPSC meets on a monthly-basis and has developed a TOR and monitoring, reporting and referral forms for field and humanitarian workers. It reports directly to the protection cluster, which meets on a fortnightly basis (see diagram 2).²⁴⁹

Reporting process of Child Protection Sub-Cluster²⁵⁰



To improve monitoring and coordination, Child Protection Working Groups (CPWG) were created at the local level within governorates. The CPWG are mandated to monitor trends in child protection, identify gaps, report and refer issues of gaps in service provision to the CPSC and other relevant clusters (e.g., health, education, etc.) and liaise with Child Protection Networks, where available (see diagram 3).^{251, 252}

Reporting and referral process of Child Protection Working Groups



Service providers (legal, medical, psychological) in each governorate also meet on a regular basis (a case coordination conference), during which MoSAL staff is present to discuss cases to better coordinate activities and identify responsible authorities to address gaps in service provision and child protection. The Ministry is responsible for transmitting case summaries to the CPWG in that governorate (see diagram 4).²⁵³

Case Coordination Conference



Accomplishments

Thus far, over 3,000 protection cases have been documented and referred through the CPSC's referral system. In October of 2009, UNICEF and MoSAL trained 105 social workers and school counsellors on child protection and psychological support, and field manuals were developed and distributed for social workers in January of 2010. The CPSC has also trained 500 stakeholders on child protection issues, including social welfare, security officers and religious and community leaders. In terms of services, MoSAL and UNICEF established child protection and psychological centres and child-friendly spaces with recreational kits and games in IDP camps in Sa'dah, Amran and Hajjah governorates in November of 2009 in addition to 12 child-friendly spaces that were created by Save the Children, both inside and outside camps in Harradh, Amran and Sa'dah.²⁵⁴ The Protection Cluster established 66 community-based protection networks in 2011, facilitating the identification and monitoring of 13,545 cases of violations against children and provision of assistance to 80% of these cases through help from the sub-cluster. Overall, 110,000 children are reported to have been provided with psychological services, 103,505 children were provided with awareness on abuse, violence and exploitation while 40,000 children were provided with awareness on mine risks.²⁵⁵

ANNEX 6 – Police Curriculum

1. SANA'A POLICE SCHOOL CURRICULUM

Public Security Cycle

No.	Course Name	Hours per Week	Hours per Month	Hours throughout Cycle
1	Public Relations	1.5	6	30
2	Communications	1.5	6	30
3	Rules of Inspection	1.5	6	30
4	Surveillance	1.5	6	30
5	Investigations	1.5	6	30
6	Writing of Reports	1.5	6	30
7	First Aid	1.5	6	30
8	Police Authority Law	1.5	6	30
9	Police Procedures	1.5	6	30
10	Security of Facilities	1.5	6	30
11	Crime Scene	1.5	6	30
12	Drugs	1.5	6	30
13	Social Psychology	1.5	6	30
14	Crime Investigation	1.5	6	30
15	National Security	1.5	6	30
16	Disciplinary Punishments	1.5	6	30

General number of academic courses and hours per cycle

Number of Academic Courses	General Number of Hours per Week	General Number of Hours per Month	General Number of Hours per Cycle
16 Courses	24 Hours	96 Hours	480 Hours

Cycle of Periodicals

No.	Course Name	Hours per Week	Hours per Month	Hours per Cycle
1	Public Relations	1.5	6	30
2	Communications	1.5	6	30
3	Rules of Inspection	1.5	6	30
4	Surveillance	1.5	6	30
5	Writing of Reports	1.5	6	30
6	First Aid	1.5	6	30
7	Police Authority Law	1.5	6	30
8	Security of Facilities	1.5	6	30
9	Social Psychology	1.5	6	30
10	Police Procedures	1.5	6	30
11	Periodicals	1.5	6	30
12	Criminal Investigation	1.5	6	30
13	National Security	1.5	6	30
14	Disciplinary Punishments	1.5	6	30

General number of academic courses and hours per cycle

Number of Academic Courses	General Number of Hours per Week	General Number of Hours per Month	General Number of Hours per Cycle
14 Courses	21 Hours	84 Hours	420 Hours

Judicial Police Cycle

No.	Course Name	Hours per Week	Hours per Month	Hours per Cycle
1	Explanation of Prison Law and To-do List	1.5	6	30
2	Judicial Psychology	1.5	6	30
3	Penal Institutions System	1.5	6	30
4	Penal Measures	1.5	6	30
5	Public Relations	1.5	6	30
6	Officer Guide	1.5	6	30
7	Rules of Inspection	1.5	6	30
8	Security of Facilities	1.5	6	30
9	Police Authority Law	1.5	6	30
10	First Aid	1.5	6	30
11	Writing of Reports	1.5	6	30
12	Human Rights	1.5	6	30

General number of academic courses and hours per cycle

Number of Academic Courses	General Number of Hours per Week	General Number of Hours per Month	General Number of Hours per Cycle
12 Courses	18 Hours	72 Hours	360 Hours

Communications and Procedural Police Cycle

No.	Course Name	Hours per Week	Hours per Month	Hours per Cycle
1	English Language	1.5	6	30
2	Public Relations	1.5	6	30
3	Encryption and Symbols	1.5	6	30
4	Communications	1.5	6	30
5	Alternatives	1.5	6	30
6	Maps	1.5	6	30
7	Planning	1.5	6	30
8	National Security	1.5	6	30
9	Police Authority Law	1.5	6	30
10	Disciplinary Punishments	1.5	6	30
11	Statistics	1.5	6	30

General number of academic courses and hours per cycle

Number of Academic Courses	General Number of Hours per Week	General Number of Hours per Month	General Number of Hours per Cycle
11 Courses	16.5 Hours	66 Hours	330 Hours

Seventh: Prisons Cycle

No.	Course	Hours per Week	Hours per Month	Hours per Cycle
1	Penal Procedures	2	8	40
2	Prison Law and To-Do List	2	8	40
3	Juvenile Protection Law	2	8	40
4	Penal Institutions System	2	8	40
5	Special Detainment Measures for Juvenile Protection	1	4	20
6	Crime Scene	1	4	20
7	Writing of Reports	1	4	20
8	Social Psychology	1	4	20
9	Police Authority Law	1	4	20
10	First Aid	1	4	20
11	Human Rights	1	4	20
12	Duties and Prohibitions	1	4	20
13	Criminal Investigation	1	4	20
14	Security and its Performers	1	4	20
15	Public and Humanitarian Relations	1	4	20
16	Management of Individuals	1	4	20
17	Security of Facilities	1	4	20
18	Computer	2	8	40

General number of academic courses and hours per cycle

General Number of Courses	General Number of Hours per Week	General Number of Hours per Month	General Number of Hours per Cycle
18 Courses	23 Hours	92 Hours	460 Hours

Investigation Police Cycle

No.	Course	Hours per Week	Hours per Month	Hours per Cycle
1	Surveillance	1.5	6	30
2	Principles of Communications	1.5	6	30
3	Crime Scene	1.5	6	30
4	Police Authority Law	1.5	6	30
5	First Aid	1.5	6	30
6	Public and Humanitarian Relations	1.5	6	30
7	Penal Procedures	1.5	6	30
8	Writing of Reports	1.5	6	30
9	Security of Facilities	1.5	6	30
10	Criminal Investigation	1.5	6	30
11	Social Psychology	1.5	6	30
12	Investigations	1.5	6	30
13	Drugs	1.5	6	30
14	Supplementary Punishment Law	1.5	6	30
15	Disciplinary Duties, Missions and Punishments	1.5	6	30
16	National Security	1.5	6	30
17	Police Procedures	1.5	6	30

General number of academic courses and hours per cycle

General Number of Courses	General Number of Hours per Week	General Number of Hours per Month	General Number of Hours per Cycle
17 Courses	23 Hours	92 Hours	460 Hours

Police against Terrorism Cycle

No.	Course	Hours per Week	Hours per Month	Hours per Cycle
1	Penal Procedures	2	8	40
2	Anti-Terrorism	2	8	40
3	Crisis and Disaster Management	2	8	40
4	The Gathering of Evidence of Terrorist Crime	2	8	40
5	National Security	1	4	20
6	Police Procedures	1	4	20
7	Police Authority Law	1	4	20
8	Human Rights	1	4	20
9	Writing of Reports	1	4	20
10	Management of Individuals	1	4	20
11	Crime Scene	1	4	20
12	Communications	1	4	20
13	Rules of Practical Inspection	1	4	20
14	Computer	2	8	40
15	Self Defense	1	4	20
16	First Aid	1	4	20
17	Leading Encounters	2	8	40

General number of academic courses and hours per cycle

General Number of Courses	General Number of Hours per Week	General Number of Hours per Month	General Number of Hours per Cycle
17 Courses	23 Hours	92 Hours	460 Hours

General Number of Academic Courses and Hours for all Cycles

No.	Cycle Name	Number of Academic Courses	General Number of Hours per Week	General Number of Hours per Month	General Number of Hours per Cycle
1	Judicial Officers	12	18	72	360
2	Public Security Officers	16	24	96	480
3	Civil Defense Officers	12	18	72	360
4	Periodical Officers	14	21	84	420
5	Communications and Procedural Officers	11	16.5	66	330
6	Traffic Officers	14	21	84	420
7	Prison Officers	18	23	92	460
8	Investigation Police	17	23	92	460
9	Police Against Terrorism	17	23	92	460
General Total		131	187.5	750	3750

Handwritten section: Required Courses for all Cycles

Mandatory Training Materials for all Courses:

- Police Authority Law.
- Human Rights.
- Disciplinary Duties, Missions and Punishments.
- First Aid.
- Public and Humanitarian Relations.
- Social Psychology.
- Penal Procedures.
- Writing of Reports.
- Police Procedures.

ANNEX 7 – Inventory of Legislation Related to Practices of Law Enforcement With Regards to Children

1. INTERNATIONAL TREATIES

i. Promotion and Protection of the Rights of Children – UN General Assembly, 2006²⁵⁶

This UN treaty describes the forms of violence that children face from officials in the justice system and provides recommendations as to how to protect children from such violence, as well as specific security practices that security forces must adopt.²⁵⁷ The treaty acts as a direct reminder to all states that it is the state's responsibility to ensure that children enjoy their deserved rights against violence, inequalities and mistreatment. The recommendations include methods to prevent all types of violence against children, to create accessible services for children that ensure their safety and to be accountable for the rights of the child.²⁵⁸ Furthermore, it provides more specific recommendations that deal with particular situations or circumstances that children have experienced.

ii. Rabat Declaration on Child's Issues in the Member States – Organization of the Islamic Conference, 2005²⁵⁹

This treaty reaffirms the responsibilities of the state and its security forces towards the protection of children, to take necessary measures to ensure that children possess and enjoy the rights that are consistent with international standards.²⁶⁰ The treaty includes all aspects of children's rights, ranging from rights in education to rights in health. It reaffirms the commitment to comply with the provision of these rights in Yemen, as stated in the 32nd Islamic Conference of Foreign Ministers in Sana'a in 2005.²⁶¹

2. NON-BINDING INTERNATIONAL STANDARDS

i. Declaration of the Rights of the Child – UN General Assembly, (1959)²⁶²

This non-binding resolution sets the international standards of children's rights. It affirms that every child is entitled to a happy childhood and to rights and freedoms. These standards include protection from all types of harm, opportunities for the child to develop in his/her society and the freedoms entitled to any member of society without facing discrimination. It also enforces the child's right to free and compulsory education for elementary schooling.²⁶³

3. LEGISLATION RELATED TO CHILD PROTECTION

i. Criminal Procedure Code – Yemeni Government, 1994²⁶⁴

This piece of legislation states the certain procedures that security forces and judicial officers must take when an individual commits an offense.²⁶⁵ The legislation guides the procedural process from the time of arrest until after the trial process. It therefore provides insight on how security forces ought to act on juvenile cases of offense.

ii. Law on the Rights of the Child – Yemeni Government, 2002²⁶⁶

This law is enforced by the Yemeni Government, and states all the rights that apply to the children of Yemen. It speaks to the political and social rights of the child, which include his/her rights to protection against violence, discrimination and exploitation, as well as the freedoms entitled to every child. Furthermore, it highlights the role of the state and security forces in the provision of legal protection against all violations against the rights of the child.²⁶⁷

iii. Juvenile Welfare Act – Yemeni Government, 1992²⁶⁸

This law was enacted in 1992 for the sole purpose of stating the rights of juveniles in Yemen. The legislation entails how all government officials are required to act upon juvenile cases of offense. Moreover, juvenile cases must be treated as highly urgent cases, which require special measures of investigation, detention and trial.²⁶⁹

4. LEGISLATION RELATED TO CHILDREN WITHIN THE SCOPE OF THE JUDICIAL PROCESS

i. Criminal Procedure Code – Yemeni Government, 1994²⁷⁰

As mentioned above, this law states the requirements for judicial officers regarding the trial process of individuals, which include children. This speaks to the level of importance given to juvenile cases.

ii. Juvenile Welfare Act – Yemeni Government, 1992²⁷¹

This law declares the responsibilities of the judiciary actors in Yemen on juvenile cases and the procedural requirements for processing of juvenile offenses.

ANNEX 8 – Social Structure of the Child Protective System

Yemen Child Protection Sub-Cluster²⁷²

Terms of Reference and Preliminary Strategy

The Child Protection Sub-Cluster (CPSC) was established in Sana'a, Yemen in 2009 to address the child protection impacts of armed conflict and displacement in the north of Yemen and natural disasters. **The Sub-Cluster is led by UNICEF and the Ministry of Social Affairs and Labour (MoSAL).**

Objectives of the Child Protection Sub-Cluster

The Sub-Cluster aims to coordinate activities to strengthen the protection of children, both in areas directly affected by conflict and those affected by displacement or other secondary effects. This Sub-Cluster will focus on child protection issues resulting from conflict and displacement, key priority child protection concerns exacerbated by the conflict and displacement and will include efforts to strengthen systems for children protection.

For the purposes of its work, the Sub-Cluster defines Child Protection as "preventing and responding to violence, abandonment, exploitation and abuse against children", including (but not limited to): child recruitment, abductions, child labor and trafficking, commercial sexual exploitation, exposure to landmines and UXOs, violence in the family and in schools and harmful traditional practices, such as: female genital mutilation/cutting and child marriage.

Roles and Responsibilities

The Sub-Cluster brings together in one forum all relevant child protection actors and partners (including National and International) to provide humanitarian and other child protection assistance to those affected by the conflict. The Sub-Cluster aims to do this in a way that reinforces local institutional and community mechanisms and facilitates the development and coordination of local strategies and responses.

Within this framework, inter-agency tasks will include:

- **Child protection assessments.** Undertake inter-agency child protection assessments in affected areas with a view to identify priority issues and gaps to develop strategies in line with the common inter-sectoral humanitarian response. The assessments will be undertaken as appropriate, including during rapid onset of an emergency, during the 6-8 week phase, periodically during an emergency (if it is ongoing) and as the emergency lifts and communities appear to be recovering.
- **Child protection programming:**
 - a) Analyse trends and the principal risks faced by children in the context of the emergency;
 - b) Map child protection actors and their programmatic and geographic reach;
 - c) Assess the adequacy of ongoing programmes, identify any redundant use of resources and identify and develop strategies to meet gaps;
 - d) Develop appropriate programme strategies to address protection needs, ensuring that affected children have access to psychosocial, medical and legal remedies where appropriate; and
 - e) Coordinate child protection strategies and resources within the framework of strategies to meet overall humanitarian needs of affected populations.

- **Advocacy and communications.** Where appropriate, develop advocacy and awareness raising strategies to address issues related to child protection to inform and influence communities, local and international authorities, humanitarian actors and donors.
- **Coordination of humanitarian funding mechanisms.** Coordinate relevant inputs to the Humanitarian Response Plan and the mobilization of resources through humanitarian funding mechanisms, such as: Flash Appeals, CAPs, CERF, etc.

Specific tasks undertaken by the CPSC will include:

- i. Undertake and update as necessary a comprehensive **Who, What, Where (3W)** mapping of Child Protection Actors and Programmes with a view to identifying gaps in programmatic and geographic reach and facilitating appropriate referrals;
- ii. Follow up the **Inter-Agency Child Protection Assessment 2010** with regular reporting on the incidence of child rights violations, implemented local strategies and service capacities;
- iii. Develop a Sub-Cluster **Strategic Action Plan** to address prioritised child protection issues and fill gaps in programmatic and geographic coverage where possible;
- iv. **Monitor** the implementation of the Strategic Action Plan, **evaluate** the impact on the intended beneficiaries, and **review** inter-agency and agency strategies in light of the impact and the environment;
- v. Develop, adapt and disseminate relevant locally appropriate **guidelines, policies and messaging** for protection actions; and
- vi. To provide technical support, as necessary, to other Clusters and Working Groups where necessary.

Membership of the Sub-Cluster

The Child Protection Sub-Cluster includes UNICEF (Lead), Ministry of Social Affairs and Labor (Co-lead), Ministry of Education, Ministry of Health, Higher Council for Childhood and Motherhood, other relevant Government bodies, UNHCR and other interested UN Agencies, and International and National NGOs.

An agency may join the Sub-Cluster by applying for membership. The interested party should submit a written application to the Chair, who will then raise the application with the Sub-Cluster. The applicant must demonstrate commitment to the Sub-Cluster's role, responsibilities and tasks and with evidence of an ability to strengthen the Sub-Cluster's work to prevent or reduce the impact of the abuse of children.

Relationship between the Sub-Cluster and Working Groups

The Child Protection Sub-Cluster meets to consider issues and strategies on a national basis. Child Protection Working Groups meet at a local level, usually covering issues within a governorate. The Working Groups are established to monitor trends in child protection; identify gaps; develop and implement appropriate strategies (including services and advocacy); and inform the Sub-Cluster regarding trends in child protection, service provision and coordination (see attached proforma). The Sub-Cluster will assist the Working Groups with strategic analysis, quality assurance and locating options for resources. This will reinforce local institutional and community mechanisms and facilitate the development and coordination of local strategies and responses. Where there are Child Protection Networks, the Working Groups will also relate to the networks according to the agreed processes.

Relationship between the Working Group and the Case Coordination Committee

Agencies with the mandate for the protection of children (legal, medical and psychosocial) will meet on a regular basis as a Case Coordination Committee (CCC) to discuss the child protection needs, issues and required actions in order to coordinate and allocate responsibility for providing meaningful services for children who experience abuse, violence and exploitation.

Non-identifying information such as survivor/victim gender and age groups, types and rates of violence, characteristics of the perpetrators and types of support services provided will be summarised by the Ministry of Social Affairs and Labor and provided to the Child Protection Working Group in the relevant governorate. If the leads of either the CPWG or CPSC require further information that will serve the best interests of the child, the CCC will assist. Any disputes about the nature of the request can be resolved through the Sub-Cluster Coordinator.

Sessions and Reporting

1. The Sub-Cluster will meet on a monthly basis on Saturdays at 11am in UNICEF.
2. The Sub-Cluster will submit reports to the Protection Cluster (which meets on a fortnightly basis).
3. The Working Groups will submit reports to the Sub-Cluster at least once per month.
4. The Case Coordination Conference will submit reports to the Working Group at least once per month.

5. UNICEF and MoSAL will be responsible for convening the meetings, the preparation of the minutes and reporting to the Protection Cluster. Minutes will be shared with members by email. Efforts will be made to ensure that the meetings are conveyed in both English and Arabic.
6. Detailed documentation related to individual protection cases will not be shared during the sub-cluster meetings.

The Child Protection Sub-Cluster Coordinator will report to the national Protection Cluster and the Inter-Cluster Coordination Meetings by providing briefings on issues discussed (including analyses of trends and development of strategies and response actions).

Confidentiality and Documentation

Neither the Sub-Cluster nor Working Group are meant to serve as forums for discussion on individual cases. In the event that individual cases of abuse, exploitation or violence against children are discussed within the Sub-Cluster or Working Group, the cases must be treated in a confidential manner and with the respective agency. No detailed documentation related to such cases shall be shared within these forums or with others. Cases shall be discussed for the purpose of coordination in the Case Coordination Committee.

ANNEX 9 – About the International Bureau for Children's Rights²⁷³

The IBCR is an international non-governmental organisation (INGO) based in Montreal, Canada created in 1994 by Judge Andrée Ruffo (Canada) and Doctor Bernard Kouchner (France). The IBCR has a special consultative status with the Economic and Social Council of the United Nations since 2005.



Mission

The IBCR's mission is to contribute to the promotion and respect of the Convention on the Rights of the Child, an international legal instrument adopted by the UN in 1989 and now ratified by 192 countries.

Vision

It was the Convention on the Rights of the Child (CRC) that led to the creation of the IBCR. The principles enshrined in the CRC and its optional protocols continue to guide the IBCR in its rights-based approach.

The IBCR's work is also guided by the targets set by the international community, including the Millennium Development Goals (MDGs) adopted by the United Nations Millennium Summit (2000) and the 21 specific objectives for the next decade contained in the document, A World Fit for Children, and adopted by more than 180 countries as a result of the United Nations General Assembly Special Session on Children (2002).

The IBCR is convinced that the implementation of the rights of children can be facilitated through the sharing of knowledge and good practices, as well as developing strategic partnerships, which will have a real impact on the implementation of the rights of the child. The IBCR seeks to establish partnerships with those committed to assuring the implementation of the CRC, including intergovernmental bodies, international, regional and local NGOs and others that are also concerned with the rights and the dignity of all the children in the world.

Our Expertise

- Developing tools and models to monitor and to inspire the implementation of the CRC;
- Advocacy for the rights of the child;
- Building coalitions on strategic issues;
- Sharing of good practices;
- Legal and analytical expertise;
- Methodological precision in the field of human rights research;
- Professional approach and confidentiality in the follow-up of the international protocols; and
- Committed and multi-disciplinary team and interns.

Our Activities

Promotion of the CRC

- Country profiles on the status of implementation of the Convention on the Rights of the Child
- Training of law enforcement on the Rights of the Child

Commercial Sexual Exploitation of Children

- Child trafficking
- Sexual exploitation of children by travel and tourism

Children and Justice

- United Nations Guidelines for Children Victims and Witnesses of Crime
- Children and armed conflict
- War affected children

ANNEX 10 – About SOUL for Development

SOUL is a Yemeni non-governmental organisation (NGO) that was founded in February 1997, by a group of Yemeni professionals desiring to achieve a higher quality of life for Yemeni women and children. The group was inspired to take tangible action after a series of discussions which sought to address developmental problems in Yemeni society. They also realised the impact that civil society could have on the development process of the nation. The organisation launched its activities with a mandate to enhance social services.

SOUL for Development is a “learning organization,” one that has the capacity to transform and improve itself and maintain a co-operative working environment, where employees feel committed to self-learning and institutional growth. SOUL’s team members work collectively to achieve institutional goals, to solve obstacles, to learn from past experiences and to work together to build a better future for the organisation and the communities they serve.

SOUL develops strategic plans to determine its focus areas, which are based on social needs and have a potential for a positive impact, in addition to its institutional goals. For this reason, SOUL recognises the immense importance of providing services that focus on individual and institutional empowerment and capacity-building. SOUL focuses on equipping people with the tools to become capable and active participants in society and encourages civic engagement. All team members participate in a collective effort to create the strategic plans with a clear sense of mission and vision. The organisation is governed by standardized systems and bylaws for each area of work: administrative, financial, project management, as well as monitoring & evaluation. With this in mind, the current five year Strategic Plan (2014-2018) provides the organisation with a road map that ensures a disciplined approach toward achieving pre-set institutional goals.

SOUL was motivated by the youth uprising, which marked a historical turning point for the country in many ways. Central to this is the role civil society can have toward national progress and development and the pursuit of a better future for Yemen. Presently, SOUL plays a more significant role as a civil society organisation



(CSO) in contributing to the development of the nation. Members of SOUL were nominated to participate in the National Dialogue Conference, representing both independent women and CSOs. Furthermore, SOUL was selected as one of five NGOs to represent civil society in order to work with the government to formulate the “Yemeni Government & Civil-Society Partnership Agreement.”

SOUL strives to align its projects and programmes with the UN-MDG’s and with the national development strategies developed by the relevant governmental ministries. To date, the organisation has gained extensive experience in implementing over 100 development projects and programmes and 27 research and studies, by working for and in partnership with numerous national and international organisations. In recognition of SOUL’s social work and commitment, SOUL was awarded the following awards: Best Program that Contributes to Women’s Economic Empowerment through IT Award (2007/Islamic Bank for Development - IDB); Best Practice Certificate Award (2008/Dubai Municipality, UAE and the United Nations Human Settlements Programme - UN-HABITAT); and Sharjah Award for Voluntary Work (2010/Sharjah, UAE). Additionally, in 2007, SOUL was recognised and given NGO Consultative Status by the United Nations Economic and Social Council - ECOSOC.

SOUL, over the next five years, will mainly focus on maternal and child health and nutrition, child rights and youth empowerment, due to its belief that women are a pillar in society, and that children and youth are the foundation for a brighter future for Yemen.

Mission

SOUL is committed to realising youth empowerment and child rights and to enhancing mothers' and children's health through sustainable and effective development projects.

Vision

Empower women, children and youth for a better future.

Values

Our institutional values ultimately lead to the success of all interventions pursued by the organisation.

Quality

Committed to excellence, professionalism and innovation...

Trust

Built upon transparency, honesty and integrity...

Respect

Devoted to trusting and valuing people...

Openness

Dedicated to learning, growth and knowledge-sharing...

Principles

Community First Approach

Sustainable development through local commitment, knowledge and participation...

Building Partnerships

Successful development through building relations based on shared values and mutual respect...

Good Governance

Effective development starts with fairness, transparency and teamwork...

Promoting a Productive Learning Environment

Organisational growth and prosperity through a proactive staff and learning environment...

Knowledge Sharing and Dissemination

Development through establishing

Strategic Work Areas

I. HEALTH

II. CHILD RIGHTS

- a) Child Protection and Participation
- b) Early Childhood Development – ECD

III. YOUTH EMPOWERMENT AND CIVIC ENGAGEMENT

ANNEX 11 – Endnotes

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Initial and specialised law enforcement training on children's rights in the Republic of Yemen

In order to make the Convention on the Rights of the Child a reality and participate in the process of enhancing the juvenile justice system in Yemen, UNICEF took the initiative to develop a law enforcement training project in Yemen with the guidance of the IBCR and the support of the Yemeni non-governmental organisation SOUL for Development.

The primary objective of the training project is to improve children's access to justice through improved and effective law enforcement practices, by integrating permanent mandatory training manuals/tools on children's rights into the law enforcement training institutions

The methodology of this training programme is a participatory one that respects the specificities of the Yemeni context and institutions. At each step of the project, a Steering Committee will help with the project implementation activities. The Steering Committee will be supported by a Reference Group composed of members that represent key stakeholders in the Yemeni child protection system. This Group will intervene on a regular basis to share its expertise and technical skills throughout the project implementation steps.