

*This chapter discusses the most important issues related to the rights of the Yemeni child from a human rights perspective and in the light of Yemen's international commitments emanating from its accession to the International Convention on the Rights of the Child (ICRC) in May 1991, less than one and half years after its adoption by the United Nations in November 1989.*

*Presidential decision nr (321) for the year 1999 on the restructuring of the Higher Council for Motherhood and Childhood played a major role in the process of consolidating the rights of children. It made the Council responsible for monitoring, evaluating and implementing the convention as it is the highest government authority specialized in children's issues and the institutional framework charged with the implementation and reinforcement of the rights of the Yemeni child.*

*The approval of the law on the rights of the child was considered a remarkable step. It manifested Yemen's*

*interest in implementing this agreement. The approval came simultaneously with Yemen's ratification of the facultative protocol on the participation of children in armed conflicts and the facultative protocol on the sale of children and their exploitation in prostitution and pornographic materials, attached to the children's rights agreement.*

*We will review here the most important legislative actions and practical measures that our country has taken in line with its international commitments in respect to children, which have been detailed in Yemen's reports to the Human Rights Committee in Geneva. We shall also talk about the difficulties, obstacles and deficiencies that may hinder the fulfillment of all these commitments in an ideal manner; as we continue to be guided by the components of the Convention of the Rights of the Child.*

## **FIRST: Age of Childhood**

The definition of a child in the law on the rights of the child conforms to the definition contained in the International Convention on the Rights of the Child. A child is defined as "every person who has not completed the age of (18) years, unless he reaches majority before that." But this does not negate the need to achieve a greater harmony between this definition and the content of laws dealing with juveniles' welfare and personal status. The definition of a juvenile in law nr (24) for the year 1992 on the care for juveniles, amended by law nr (240) for the year 1997, is still in force. It says "A juvenile is a person who has not completed the age of (15) years when he committed an act punishable by law or when he is in a situation of exposure to delinquency." The law on personal status did not put a lower limit on the age of marriage similar to the provisions of the law on the rights of the child, which made the age of marriage for a girl conditional on her ability to have sexual relations, even if she has not completed (15) years of age.

The Chamber of Deputies did not approve raising this age limit, which is the same age specified by the law on civil status as the age of majority. This is why the United Nations Committee on the Rights of the Child recommended in its comments on Yemen's second periodic report that Yemen should be requested to introduce sufficient legislative reforms to raise the age of majority; the age of criminal responsibility and the minimum legal age for marriage.

## **SECOND: Rights and Civil Liberties**

This title encompasses a large number of rights, such as the right to life, personal freedom, the right to movement, to join associations and expression of opinion. The most important of these rights will be dealt with along three axes and in a manner befitting the special status of the child.

## A– Right to a Name, Nationality and Identity

The Yemeni legislator has affirmed the right of a child to a name, nationality and registration in the birth records. The law on the rights of the child has consecrated an independent chapter to clarify the various aspects and details that regulate these rights. Article nr (49) of the same law requires the state to guarantee every child the right to retain his identity, including his nationality, name and family relationships in the manner prescribed by this and other laws in force.

### Box nr (1) - Amendment to the nationality law for the year 2003

Law nr (24) for the year 2003 was issued to add article nr (10) –repeated- to the provisions of the previously mentioned law on nationality, which states that if a Yemeni woman married to a foreigner is divorced and he leaves to her the responsibility of his children with her, or if she is charged with this responsibility as a result of this husband's death or insanity or absence or abandonment of residence with them for a period not less than one year, these children are treated like Yemenis in all respects as long as they are under the guardianship of their mother and until they reach majority. A child reaching majority has the right to choose between acquiring the Yemeni nationality or the nationality of his father.

We note that law nr (6) for the year 1990 regulating nationality has given a child born to a Yemeni father or a Yemeni mother the right to acquire Yemeni nationality, except in one case in which a child born to a Yemeni woman married to a foreigner is deprived of this right. At the same time, the law grants this right to the children of a Yemeni man married to a foreign woman. As a result of requests to eliminate this discrimination, law nr (24) for the year 2003 was issued containing an article that gives the children of a Yemeni woman who was married to a foreigner the right to acquire Yemeni nationality (see box nr (1)).

This amendment represents a positive step to grant the children of a Yemeni woman who has married a foreigner this right, but this amendment does not rise to the level of establishing complete equality between men and women in giving Yemeni nationality to the children of a husband or a wife married to a foreigner. It restricted the right of children of a Yemeni woman married to a foreigner and linked it to

several conditions, including that the wife should be divorced from her non-Yemeni husband. The added article contained another condition that is the passage of a certain period of time before the children reach majority. When they reach majority, the legislator stipulated that they should choose between two possibilities; acquiring Yemeni nationality or the nationality of their father. None of these conditions is stipulated for the acquisition of Yemeni nationality by the children of a Yemeni man married to a non-Yemeni woman.

## B– Respecting a Child's Freedom of Expression, His Opinions and His Right to Obtain Information

In cooperation with the Yemeni Institute for the Development of Democracy, the ministry of education inaugurated on 19 September 2004 the election of school class representatives in all schools of the Republic's governorates through direct, secret balloting. This operation provided the students with an extensive space of freedom to express their opinions and aspirations. At 7:30 on the morning of the election the President of the republic delivered a speech that was broadcast in all schools of the Republic. He stressed the importance of this experiment that represents the new start that civic society, the state with all its components, social institutions and the educational establishment in particular will go through to create in society fundamental awareness in democratic concepts and values.

The law on the rights of the child obligates the state to make available information suitable for children to meet their cultural needs in all fields and satisfy their readiness to absorb knowledge so they may stay abreast of contemporary culture that encourages children to think in a scholarly manner. Article nr (7) of the law on the rights of the child says that every child has the right to express his opinions freely, and that these opinions should be taken in due consideration in accordance with the child's age and degree of maturity.

In the framework of school work, children unfold their artistic, literary and intellectual talents and take part in acting, singing and drawing activities. In the period between 1998 and 2002, around (335) exhibitions were held for children's drawings. A national programme with the title "Children Draw their Rights" targeted school children in (15) governorates to acquaint them with their rights and how to express them.

## Box nr (2) - Election of class representatives in the schools of the Republic

In cooperation with the Yemeni Institute for the Development of Democracy, the Ministry of Education inaugurated on 19 September 2004 the election of class representatives in all schools of the Republic's governorates through direct, secret balloting. This operation provided the students with extensive freedom to express their opinions and aspirations. At 7:30 on the morning of the election the President of the Republic delivered a speech that was broadcast in all schools of the Republic. He stressed the importance of this experiment that represents the new start that civic society, the state with all its components, social institutions and the educational establishment in particular will go through to create in society fundamental awareness in democratic concepts and values.

Cultural contests are held yearly in more than one half of the Republic's governorates for performances in music, singing and folkloric dances. They are organized in coordination between the Ministries of Culture, Information and Education. Radio and television present special programmes and children participate in presenting them, like the TV programme "Club of Friends" and the radio feature "Rak'n Al Toufoula" (for children) and "Asafeer" (sparrows).

## C- Freedom to Form Associations and Liberty of Peaceful Congregation

The law on the rights of the child has pointed out that every child has the right to form associations and clubs and practice through them his social and cultural activities. In April 2004 thirty thousand children participated in the second elections of the children's parliament to choose (31) deputies to represent them, and four more deputies to represent the deaf-mute, disabled children, orphans and marginalized children.

Boy scouts and girl scouts associations perform their role in rearing children in the spirit of cooperation and extending help to others by involving them in certain occasions such as the day of the tree, traffic week and others. Scouts associations have also organized artistic and cultural activities for children in poetry, story and novel, drawing, musical performances and others. Although laws emphasize the right of children to form their own associations, this experiment remains limited and there are no systems or rules to regulate the realization of this right by children.

## Box nr (3) – Establishment of the children's parliament

The idea to establish a children's parliament is a creative initiative to train and rear children in the spirit of the basic concepts and principles of the democratic process. We hope to have in the future an operational mechanism for expanding the participation to include all Yemeni children in the exercise of this right. The purpose is to implant in children this spirit which represents a foundation for the political and social development of society.

## THIRD: Family Environment and Social Welfare

The Convention on the Rights of the Child affirms that a child must grow up in a family environment of happiness, love and understanding; and that the parents have the joint responsibility of raising and rearing him. It says also that the state owes the child the right to substitute care if deprived of his family environment, through social programmes and associations for foster care. We shall deal in this section of the report with these rights of the child that come under the above mentioned heading.

### A- Family Environment

Constitutional and legal texts, including the law on the rights of the child, emphasize the obligations of parents to provide the needs of the child and his upbringing. They stress the importance of spreading awareness in children's rights and that a child must enjoy the rights guaranteed by Islamic Shari'a, especially the right to a verified lineage, breastfeeding, sustenance, company of his parents, and particularly the entitlement of mothers to the custody of their children.

Population policies emphasize the importance of proper care for children and national associations and organizations of civic society support these policies actively.

These efforts include contributions by the government and its various services, of the Higher Council for Motherhood and Childhood and the Association for the Welfare of the Yemeni Family, in providing services to mothers and children and helping parents perform their duties toward their education. A programme sponsored by the ministry of Information called "Line of hope" conducts advocacy and awareness raising activities to inform society about the populations' problems and the social gender issues.

The law on the rights of the child was careful to specify the rules for child support and how it should be obtained. Article nr (155), paragraph (7) of the law states that any person sentenced to pay child support and refuses despite his ability to do so is sentenced to prison for a period not less than one month and not exceeding six months. But there are many difficulties that hinder the obtainment of child support, such as widespread unemployment, and the inability of the breadwinner to find work to meet his obligations to his child.

## B- Social Welfare

The government has adopted many measures to look after juvenile delinquents and children living in difficult circumstances and provide them with social, educational and psychological services within institutions and homes of social guidance. A juvenile in one of these institutions has to carry out numerous activities to reform his conduct and rectify his attitudes. The law on the rights of the child requires the Ministry of Social Affairs and Labor to ensure substitute care for children whose family circumstances prevent their growing up in the fold of their natural families, by entrusting them to foster families and making available institutions of child care and social security.

In this framework (8) juvenile centers were established, (7) for boys and one for girls, in Al Amanah (Sana'a City), Ta'az, Aden, Al Houdaidah and Hadramaut to provide educational, correctional, vocational, social and health services to juvenile delinquents or adolescents in risk of becoming delinquents. Care services for orphaned children aim at preparing them to become useful members of society. Six orphanages were established in Sana'a, Aden, Umran and Al Mahouit; in addition to the existing centers for orphans, five governmental and two non-governmental. (Please refer to the corrections to the names of governorates made in other chapters)

Two comprehensive care centers were established to look after (500) families in Sana'a and (500) families in Aden. The centers provide health, educational and social services to the families and children in need of comprehensive services.

Two centers for safe childhood (for children without family protection and street children) were established to provide them with substitute family protection, rehabilitate them and reintegrate them in society.

The following table shows the numbers of governmental and non-governmental homes and centers working in the field of social welfare:

### Governmental and Non-Governmental Homes/Centers Working in Social Welfare

Nature of homes and centers	Kind and number of home centers			Total
	Governmental	Governmental/ Non-Governmental	Non-Governmental	
Homes for social guidance for juveniles, (7) for males and (1) for females	6	2	-	8
Homes for the care of male and female orphans	6	2	10	15
Special care centers for the protection & rehabilitation of street children (homeless +working)+ center for combat of mendicancy	3	1	-	4
Centers for comprehensive social services	2	-	-	2
Total	14	5	10	29

The measures taken in the area of social care reflect the improvement of delivering these services in Yemen, though numerous obstacles continue to impede work in this field. These homes, for example, do not cover all geographic areas of Yemen as they are concentrated in some major cities. They receive

juveniles coming from remote places and encounter great difficulties in identifying their families. They are, furthermore, unable to meet the needs because their institutional structure has not been completed, they lack the qualified staff and the budget allocated for current and operational expenses is insufficient.

## Box nr (4) - Field visits to social care homes

The report of the team charged by the Ministry of Human Rights to pay field visit to homes of social care in the district of Sana'a, Ta'az, Al Hudaidah and Ibb in March 2004 has pointed out many difficulties encountered by these centers. Some of these are the lack of comprehensive rehabilitation and training programmes for improving the capacities of supervisors and social and psychological experts to enable them to perform their functions and responsibilities in an effective manner. The report indicated the lack of basic materials needed to operate the vocational sections of the care homes, whose proper utilization would contribute considerably to rehabilitating and training the juveniles so they would be able to work and earn a living in the future stages of their life. Another difficulty is the lack of established posts for the majority of staff working in these homes.

The Committee on Public Freedoms and Human Rights of the Chamber of Deputies recommended in its report of March 2004 on the results of its field visit to a number of social care homes for juveniles that the government should take the appropriate measures for the protection of children from all forms of exploitation. It requested further the strengthening of advocacy programmes through all media outlets to raise the awareness of families and society in the methods and means of proper child rearing and upbringing. This is intended to ensure all necessary conditions for appropriate care and upbringing of children in order to put an end to the mounting figures of children's crimes. The committee urged the government to expedite the presentation of the proposal to amend the law on care for juveniles to the Chamber of Deputies to finalize the constitutional requirements and put an end to the contradiction between this law and the law on the rights of the child.

A study on Yemeni children conducted by the Social Development Fund in 2003 based on data from the 1999 survey on the problem of poverty pointed out that the rise in the numbers of street children is one of the negative social phenomena that are spreading noticeably. One study said that the number of street children in the age group (8-15) years is estimated at (35,108), mostly in Al Hudaidah (29%), the city of Sana'a and its administrative district (15.2%), Hadramaut (10.5%) and Ta'az (8%). The study confirmed that the reasons behind the increase of street children are the bad socio-economic conditions Yemen went through as a result of the Gulf war and the programmes of economic and monetary restructuring<sup>1</sup>. This drove many children to the streets in search of temporary sources of income to ease their own and their families' poverty.

## FOURTH: The Right to Enjoy Health

The state owes the child the right to health care, during pregnancy, delivery and after birth through:

- Providing basic health services, qualifying trained health staff to manage and deliver primary health care services and improving the infrastructure of these services.

- Making the treatment of poor children free of charge and obliging all health institutions, primary health care units and child rehabilitation centers to provide health care to children, each in its specialty; and ensuring follow up on the treatment of chronic diseases.

- Publicizing specialized health education relevant to the health of mother and child (article nr (68) of the law on child protection).

To fulfill this duty, the Ministry of Health and Population applies many strategies aiming at raising the standard of children's health, such as the integrated strategy for the sick child (IMCI) whose first objective is to raise the capacities of the health staff in diagnosing and treating childhood diseases.

To complement the efforts that have been undertaken in the framework of the programme to encourage and protect breastfeeding, the Council of Ministers issued decision nr (8) for the year 2002 with the charter of the programme to encourage and protect breastfeeding and prohibit publicity for artificial milk in clinics and hospitals.

The expanded national programme of immunization aims at raising the rate of children immunized against childhood diseases. These efforts succeeded in raising the immunization coverage and eliminate polio. The hepatitis B vaccine was introduced in 1999 for children younger than one year as a part of the regular immunization doses. The programme for child growth is being implemented in (9) governorates and (30) districts with varying degrees of advancement, in the framework of cooperation between Yemen and the United Nations Children's Fund (UNICEF) and the World Bank. This programme is regarded as a useful tool to deliver various services designed to raise health standards, improve poor children's nutrition and increase girls' enrolment in schools in remote and inaccessible areas.

<sup>1</sup> Higher Council for Motherhood and Childhood, Social Development Fund, and the World Bank. Yemen Disadvantaged Children (draft) February 2003.

## Box nr (5) – Child health indicators

Based on the results of the demographic survey in 2003, the report on the Millennium

Development Goals for Yemen 2003 indicated that the mortality rate for children under (5) years of age has declined to (105) deaths per (1000) live births (in rural areas 112, deaths, in urban areas 98 ), from (122) deaths per (1000) live births in 1990. In the light of this progress Yemen will be able to lower this figure to (40.6) deaths per (1000) live births by the year 2015. The report says that the main causes of death at this age are fever, diarrhea, respiratory ailments and acute hepatitis. It states further that data on the health situation in Yemen show that the rate of complete immunization coverage for children against childhood diseases has reached (70%), whereas Yemen's international commitment to reach the millennium goals 1990-2015 is achieving a coverage of (80%) of the target group in 2000.

Some government efforts focus on integrating the issues of children's health into the curricula of education and technical and vocational training, as well as higher education. But there is still a great need to spread awareness in these issues extensively and to invigorate the role of school health.

The scattering of Yemen's population, the high demographic growth rate and the dearth of government spending on health are the main difficulties blocking the arrival of primary health care and other health services to this large segment of the country's people. The decline of the economic conditions of most population groups, especially in rural areas and the non-adherence to the principle of free treatment for children of families who cannot afford the cost make the visit to the nearest health facility to obtain health care and medical treatment for mothers and children a difficult undertaking because of the implied financial burden.

## FIFTH: Education, Leisure and Cultural Activities

To ensure the full application of a child's right to education, the law on the rights of the child says that the state should make elementary education compulsory and accessible to all free of charge. The state has the obligation to encourage all forms of secondary education, general or vocational; and to take the necessary measures to strengthen regular attendance in schools and reduce the rate of drop outs. It has the duty to make information, guidance and educational materials

accessible to all children and to help them develop their personalities, talents, capacities and cultural identity.

## A– Education and Vocational Training

The state guarantees free education in accordance with the constitution and laws in force and strives to accomplish equality of opportunities in education. Furthermore, it helps families whose socio-economic conditions do not allow them to enroll their children in basic education (articles 81, 91 of the law on the rights of the child). One of the measures taken by the government to help provide education opportunities for children was establishing a national strategy for the development of basic education in Yemen. And since there is an educational gap between male and female children at this age, the Ministry of Education developed a strategy for the eradication of illiteracy and girls' education. The components of this strategy have become major elements of basic education policies.

At the beginning of the nineties the curricula for basic education from the first to the ninth grade were developed. Work began also on updating the books of the secondary cycle. There was an expansion in the construction of kindergartens and basic and secondary schools. The expansion in the establishment of kindergartens was at a smaller scale in view of what had been accomplished in the other educational cycles. The number of governmental kindergartens rose to (49) in the school year 2002-2003, an increase of three over the year before. The number of children enrolled in these kindergartens reached (7,014) boys and girls. During the same period, the number of basic schools climbed to (10,199), an increase of (363) schools over the year before. The number of male and female students enrolled in these schools was (3,702,571), an increase of (184,453) over the previous year. The number of secondary schools in the same period was (280), an increase of (29) schools over the year before. The number of male and female students in secondary schools was (545,125), an increase of (32,060) students over the previous year.

The number of young people (10-15) years attending courses at centers for the eradication of illiteracy was (15,351) out of a total amounting to (108,792) students of both sexes and all ages.

In school year 2002-2003 the number of students in vocational education was (3,004) in the two years course after basic education, and (7,619) male and female students in the three years course<sup>2</sup>.

<sup>2</sup> Statistical year book 2003 issued by the Central Office of Statistics, p.242.

## Increase in numbers of schools, kindergartens and students enrolled in the past 3 school years

Level	Kindergartens			N° of Schools	Basic		N° of schools	Secondary	
	N° of KGs	N° of children			Students			Students	
		Males	Females		Males	Females		Males	Females
2000-2001	42	3,541	3,434	9,930	2,185,278	1,216,230	249	354,743	126,830
2001-2002	46	3,535	3,310	9,836	2,223,298	1,294,820	251	369,643	143,422
2002-2003	49	3,577	3,437	10,199	2,297,691	1,404,880	288	381,680	158,248

Source: Statistical year book 2003

In an effort to implant the culture of human rights among students, this year witnessed the implementation of the first programme to inform students of some schools in Sana'a of the contents of the Universal Declaration of Human Rights, international agreements and national laws related to the rights of children. The programme which was organized by the Ministry of Education in cooperation with Reda (Rada) Barnen provided the students with information on measures to protect children and the authorities and institutions concerned with children's rights at the national level. It is necessary to repeat this pioneering experiment with similar programmes in all parts of the country to introduce these principles to the young who constitute half the present and all the future. There is an inclination in the state to integrate the principles of human rights, especially the rights of the child, into the educational curricula in order to rear the new generations in the spirit of the noble ideals of these rights. However, this inclination has not been transformed into a reality until now.

Despite all that has been achieved in the area of basic education and vocational training, there are many obstacles, the most important of which are the low enrollment rates in the basic and secondary educational cycles and the large educational gap between males and females. Statistics reveal that (42%) of girls in the age group (6-15) years have not been enrolled in schools despite the efforts of the Ministry of Education to expand school construction. But the problem of overcrowding in classrooms continues to impede the educational process in Yemen because schools cannot meet the growing social demand for their services.

Additionally, there are great discrepancies in the distribution of schools between rural areas and cities. The general secretariat for educational planning pointed out in its report diagnosing the current situ-

ation of education in Yemen the low standard of professional qualification among many teachers and of internal capacities in basic education. The results of the two education surveys (1999-2000, 2000-2001) showed that many students repeated their classes or left school. The rate of repeaters in basic education was (7.2%)<sup>3</sup>.

The inadequate capacity of technical and vocational schools, the limited opportunities for training and habilitation after basic education and the concentration of training on nursing in the field of health and secretarial skills in the business field, have all created a wide gap between available training opportunities and the requirements of the labor market. These schools have focused their attention on expansion and not on the quality they send to the labor market.

### B- Leisure, Recreation and Cultural Activities

Article nr (93) of the law on the rights of the child emphasized that a child has the right to rest, play and spend free time in social activities and to participate in sports, culture and arts in a manner that suits his age. The state, society and family have the obligation to ensure this right and to encourage its exercise. Article nr (94) of the same law calls for the establishment of public libraries and clubs to serve children's cultural development. The law on the rights of the child requires the Higher Council of Motherhood and Childhood to prepare an information strategy on programmes directed at the child.

<sup>3</sup> Report of the general secretariat for educational planning, diagnosing the current situation of education in Yemen. Published in the Al Thawabet magazine – issue nr 31 for the period of January-March 2003.

## Box nr (6) – The official press and issues of motherhood and childhood

The three official newspapers (Al Thawra, Al Jumhuriya and 14 October) consecrate (288) pages every year to the issues of motherhood and childhood. Al Thawra publishes a supplement on the family with plenty of coverage on childhood. One whole page is dedicated to legal awareness raising on the rights of children and women. Al Jumhuriya publishes a semimonthly magazine for children which is distributed with the newspaper under the title "The Young Intellectual". There is also "Usama" magazine for children and two special supplements for children published by the periodicals Al Mara'a and Al Yamaniyah.

The period 1998-2002 witnessed the appearance of a number of magazines specialized in children and childhood, like Waddah which is published by the Ministry of Culture and Al Jawhara, published by Al Mara'a magazine. Usama is a publication of the Islah association. Al Hudhud and Al Toufoulah are financed privately. More than (16) specialized publications on childhood are printed and distributed.

Some associations interested in children's culture were founded during the past few years, such as the "Association for the Protection of Children and Youth", which is interested in opening libraries for people to read and obtain useful information, the "Ibhar" association whose interest is to organize exhibitions and cultural workshops for children. The Yemeni Association for the Spread of Culture and Knowledge, which is supported by the Social development Fund, has been active in establishing six libraries dedicated to children's culture in the Sana'a district, Aden and Hadramaut. It set up the first center specialized in printing publications and magazines issued by children to encourage and develop their talents.

In the field of performing arts, the School Theater presents (30) performances yearly in all governorates of the Republic. It has been decided to establish a children's theater as a nucleus of the center for children's culture, which is currently under discussion with the Arab Council for Childhood and Development.

## SIXTH: Special Measures for Protection

A child needs special care because of his physical and mental immaturity. This is why the Convention on the Rights of the child requires countries to take various measures to protect children from all forms of exploitation that harm to any aspect of their well being. Article nr (40) requires that every child deprived of

freedom should be treated in a manner that respects his inborn human dignity and that he must be separated from adults. It underlines the child's right to stay in touch with his family by correspondence or through visits. It calls on countries to respect their commitment of not sending children into armed conflicts and to specify minimum age limits for employment and establish suitable rules on working hours and conditions of employment.

## A- The Working Child

Articles (133,135,137) of the law on the rights of the child prohibit the work of children under the age of fourteen years and the employment of children under the age of fifteen years in industrial jobs. The law requires employers to send children for medical examinations before employing them to ascertain their physical and health fitness for the work they will perform. Working time may not exceed six hours, interrupted by one or more breaks of at least one hour each.

The labor force survey for 1999 revealed a large discrepancy between the minimum working age prescribed by law and the actual age at which children begin to work. The survey specified this age as falling between six and fourteen years, which is the age span in which a child is supposed to be in basic school. The statistical year book issued by the Central Office of Statistics for 2003 pointed out that the number of working children in Yemen is around (396,608) male and female children. A study on children's work in Yemen issued by the Ministry of Social Affairs and Labor in October 2002 says that children join the job market in all kinds of work, from easy to hard and dangerous. Working children represent (9.1%) of the total number of the work force. The rate of males among working children is (48%), compared to (51.4%) for females. A study conducted by the Swedish Organization for Child Labor in cooperation with UNICEF on the work of children in Yemen showed that (52%) of these children are subjected to unethical harassment, (32%) to common place harassment and (1.2%) to sexual harassment. It should be noted that the current size of the phenomenon of child labor in Yemen is much larger than the estimates given by surveys and censuses. These figures would rise noticeably if we account for the work of children until (18) years of age. The accelerating growth rates of this phenomenon in the nineties of the twentieth century indicate that the rate of working children is in the range of (11%-15%) of the total labor force. Several factors and motives combine and interact to consolidate and reinforce this phenomenon which is mainly the result of family poverty,

unemployment of the father, death of the provider, and the desire to help the family through work. Other causes are the low rate of school enrollment, high rates of drop outs and social and family reasons such as the growing problem of family breakups<sup>4</sup>.

To overcome this problem, the Council of Ministers approved the National Strategy to Combat Child Labor in 2001. Yemen ratified international agreement nr (138) on the minimum age of employment and agreement nr (182) on ending the worst forms of child labor. This notwithstanding, a joint study<sup>5</sup> of the International Labor Organization (ILO), the World bank and UNICEF on child labor in Yemen conducted in 2003, revealed the absence of overall strategies to deal with this phenomenon and a dearth of preventive measures to confront the problem, for example in the field of education and strengthening the social security network. The programme contented itself to what had been achieved in cooperation with ILO. The Yemeni government and ILO signed in July 2000 the project document for combating child labor and two child labor units were established, one in the Ministry of social Affairs and Labor, and the other in the General Union of Chambers of Commerce. The purpose was to create a data base on child labor and to launch advocacy work on the contents of relevant international agreements in cooperation with the Ministry of Information.

## B– Kidnapping, Selling and Exploiting Children in Prostitution and Pornography

The state strives to protect children from all forms of sexual and economic exploitation, whether in the form of legal protection or by taking stringent measures and actions to protect children from involvement in any unethical activity or from being abused and exploited in prostitution and other illegal acts. Yemen has ratified the facultative protocol attached to the Convention on the Rights of the Child on the prohibition of kidnapping, selling and exploiting children in prostitution and pornography.

Article nr (155) of the law on the rights of the child mandates a prison sentence not exceeding two years for whoever acts intentionally to hide a child, exchange one child for another or deliver a child to persons other than his parents. Article nr (148) of the law on crimes and penalties says in its first paragraph that whoever buys, sells, gives away or disposes of a human being in any way is punishable by a prison term not exceeding ten years. The second paragraph of the article states that the same punishment is applied to whoever brings into the country or takes out of the country a human being for the purpose of abuse.

### Box nr (7) - Indicators on the phenomenon of child trafficking in Yemen

A field study conducted by the Ministry of Social Affairs and Labor in 2004 registered a rise in the rate of child trafficking and said that the smuggled children are in the age group (6-12) years, of whom (85%) are boys and (15%) girls. The study concluded that the phenomenon of child trafficking is widespread among poor families suffering from unemployment of their members. This conclusion leads us to recognize the necessity of government action to double efforts for strengthening social welfare, social protection and social security programmes to satisfy the requirements of poor families. This will help prevent these families from sending their children abroad and to pay more attention to the children who are most vulnerable to delinquency, such as homeless, beggar, vagrant and street children. These represent the groups that contribute to the breeding of child trafficking, abuse and exploitation.

*Source: Study on the problem of child trafficking in Yemen (factors, effects and methods of treatment), Yemeni Center for Social Studies and Labor Research.*

Article (163) of the same law states: "Without jeopardizing any other, more severe punishment prescribed in any other law, whoever incites a child, male or female, to commit debauchery and prostitution is punished with a prison term not exceeding (10) years". To stem the problem of smuggling children outside the country, Yemen imposed numerous restrictions on issuing passports to children. Any person submitting such a demand is required to present proof of his identity, personal status and his family relationship to the child. Special control units were installed at all land, sea and air exit and entry points to confront the problem.

The government arrested a number of smugglers who were referred to appropriate authorities and some of them have been sentenced. The Ministry of Interior issued instructions to all governorates bordering some neighboring countries to take the necessary measures to put an end to child trafficking and arrest the smugglers. The Ministry of Justice advised all courts of the need to take strict measures to deter those who commit such crimes. A number of smuggled children have been returned to their legal guardians.

<sup>4</sup> Dr. Khaleed Rabah (Rajeh) Al Sheikh, Child Labor in Yemen, published by the General Union of Labor Syndicates, p.34.

<sup>5</sup> Higher Council for Motherhood and Childhood, Social Development Fund and the World bank: Yemen Disadvantaged Children (draft) February 2003.

## C– Legal and Judiciary Protection for Juveniles

The law on juveniles specified that juvenile courts alone are qualified to handle the cases of adolescents when charged with crimes or at risk of delinquency. They are also the appropriate courts to deal with other crimes mentioned in this law. If an adult participates in committing the crime, the adolescent alone is tried before the juvenile court.

### Box nr (8) – Cooperation with UNICEF in the area of juvenile justice

The Ministries of Social Affairs and Labor, Justice and the Interior have coordinated efforts with UNICEF to launch a number of new actions in 2002 for the care and protection of juveniles. These include setting up a data base on juvenile issues and establish a number of courts and prosecution services in addition to the existing courts in the capital's district and Aden. Five new courts and prosecution services were established in the governorates of Al Hudaidah, Ta'az, Ibb, Hadramaut and Dhumar. Six new juvenile police stations were opened in six security zones of Sana'a as a first stage. A training guide was prepared on care for juveniles and staff dealing with juveniles received special training. They included judges, members of the prosecution, social workers and officers of the police force for juveniles.

The second chapter of the law on care for juveniles contains a number of measures especially formulated for juveniles. Article nr (36) points out that a juvenile less than ten years of age who has committed a crime may not be sentenced to any punishment or measure prescribed by the law of penalties, but should be reprimanded by the court, handed over to one of his parents or the legal guardian, ordered to perform certain duties or to be put under judiciary probation. These special measures include procedures for prevention, rehabilitation and treatment to pull the juvenile delinquent out of trouble and integrate him in society. Such procedures are enrollment in vocational training, sending him to a juvenile rehabilitation and care home or to a specialized hospital. The Higher Council for Motherhood and Childhood coordinated efforts with other concerned parties to set up a national network responsible for monitoring juveniles' cases and prepare a single national plan for the care and rehabilitation of juvenile delinquents, in participation with the concerned institutions.

Nevertheless, these measures remain incomplete and not applied in reality. They require considerable financial, technical and human resources,

especially for follow up care that includes providing released juveniles with assistance for their new life and support for adaptation and integration into society.

A report issued by the Ministry of Human Rights in 2004 indicated that its field visits to some social care homes in a number of governorates showed that many juvenile delinquents who were interviewed complained of delays in pronouncing sentences in the cases they are being tried for. They suffer from the slowness of investigations by the prosecution authorities and contradictions in warrants between the different prosecution authorities and the juvenile prosecution office. The Ministry, in its report on the field visit to inspect the conditions of inmates in auxiliary prisons in the capital's district (Al Thawra, Al Muallimi, Allaya, Habra) issued in June 2004, indicated that some juveniles were detained there, contrary to the provisions of the law on care for juveniles nr (26) for the year 1997.

Official statistical data on crime in Yemen in 2003 revealed that (991) juveniles were involved in crimes in all governorates of the Republic and that (582) juveniles committed grave crimes. Forty five juveniles between (14) and (18) years of age were implicated in homicides, while more than (190) were involved in crimes of intentional, aggravated assaults. Then came the crimes of home and car thefts, in which (89) juveniles were charged. The data showed that the number of juvenile victims of crimes were (688) for grave crimes and (522) for common crimes. The number of juveniles implicated in common crimes was (272). The number of juvenile victims of collisions, abuse of weapons, suicide, explosions and fires caused by negligence or electricity was (1,527) and the number of juveniles implicated in such incidents was (134)<sup>6</sup>.

The causes that lead to the delinquency of children are treated in the study conducted by the Social Development Fund in 2003 on the children of Yemen. It says that the majority of juvenile crimes are committed in extremely poor and marginalized population groups, confirming the close relationship between delinquency and poverty. It pointed out that the great majority of fathers of these delinquents are illiterate and perform low paid, irregular jobs and some of them suffer from corporal or mental disabilities. The study said that (36%) of juvenile delinquents lived in broken families and were treated harshly by their guardians.

As the study recommends, treating the causes of children's delinquency requires the development of programmes to identify children at risk of becoming delinquent and to educate children on the dangers

<sup>6</sup> Statistical year book 2003 issued by the Central Office of Statistics, p. 331..

and results of committing acts contrary to the law. The state has also the duty to classify the kinds of crimes committed among juveniles, to define the appropriate treatment methods and to devise substitutes for the punishments imposed on juveniles. It is necessary to develop advocacy programmes on the rights of the child for all persons dealing with juveniles and to separate adolescents from adult criminals while serving their sentences. Other requirements are the implementation of health and training programmes in juvenile homes, maintaining contact with their families, providing them with psychological support and rehabilitation. The study encouraged organizations of civic society to implement programmes related to this same subject.

## D- Children in Armed Conflicts

The state has established the necessary legal safeguards against the exploitation of children and forcing them into compulsory recruitment. The law on the police force specifies that a person applying to join the police force must not be younger than (18) or older than (25) years of age.

The law on the rights of the child requires the state to honor the tenets of international law in respect to armed conflicts and their relationship to the child who must be protected by banning the carrying of arms by children, sheltering children from the effects of armed conflicts and of blood feuds, excluding children from participation in wars and not recruiting anybody younger than (18) years.

Yemen ratified this year the facultative protocol banning the participation of children in armed conflicts, attached to the Convention on the Rights of the Child.

## General Steps to Strengthen the Rights of the Child

In the context of this review, in consideration of the comments and recommendations of the United Nations Committee on the Rights of the Child and in line with many international reports and studies conducted by Yemeni non-governmental organizations, the consolidation of the rights of the child in Yemen requires working along ambitious lines and combining the efforts of government, Chamber of Deputies, concerned services and institutions and organizations of civic society, to act together on more than one path, especially on the following:

1- Introducing the necessary legislative amendments to increase the minimum legal age of marriage,

the age of majority and the age of criminal responsibility.

- 2- Redoubling efforts to strengthen respect of the principles of equality, particularly as concerns the amendment of the law on nationality in a manner that guarantees the right of the children of a Yemeni woman married to a foreigner to obtain Yemeni nationality without restrictions, in accordance with the same rules that allow the children of a Yemeni man married to a non-Yemeni woman to obtain this nationality.
- 3- Paying greater attention to drafting and implementing special advocacy and training programmes for professional groups who deal with children, especially delinquent children, such as judges, lawyers, social workers and officials charged with law enforcement and working in children's detention centers.
- 4- Organizing and accelerating advocacy campaigns to expose the harmful effects or early marriage and confront conservative traditional attitudes opposed to females' education.
- 5- Taking all appropriate measures for improving the basic structure of the school system, modernizing supplies and equipment, applying strictly the system of compulsory education and improving the opportunities of boys and girls to enroll in schools, especially the children of the poorest and most marginalized groups in society.
- 6- Upgrading the training programmes for employees of the education sector, strengthening awareness in the negative effects of corporal punishment and ensuring that punishment should conform to the principle of respect for the child's dignity as a priority, both in school and at home.
- 7- Strengthening and developing the mechanisms of legal protection for children, particularly their protection from economic and sexual exploitation.
- 8- Invigorating the opportunities of international cooperation in areas related to combating malnutrition and childhood diseases, seeking the adoption of joint programmes in this field with the World Health Organization and UNICEF and working to obtain the necessary technical assistance for the rehabilitation of juvenile delinquents through the office of the High Commission for Human Rights, the Center for the Prevention of International Crimes, the International Network of Juvenile Justice and UNICEF.

