



**Convention on the  
Rights of the Child**

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Third periodic report of States parties due in 2003**

**YEMEN\* \*\* \*\*\***

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## **Introduction**

1. Now complete, Yemen's third periodic report reflects the commitment of the Yemeni Government to implementing the provisions of the Convention on the Rights of the Child. To that end, the Government has adopted a series of procedures, measures and general sectoral policies aimed at promoting implementation at every level. Yemen submitted its initial report on the rights of the child in 1994, followed in 1997 by its second periodic report, also containing supplementary information, which was discussed after the establishment of the Supreme National Committee for Human Rights.

2. In response to the concluding observations of the Committee on the Rights of the Child on Yemen's second periodic report, this report points to the past and continuing efforts to build and strengthen institutional structures and the capacities of governmental and non-governmental personnel working in the field of children's rights, as well as the efforts to provide them with the resources available on the basis of both the Constitution, which regards the Islamic Shariah as the main source of law, and the recommendations and conclusions of national, regional and international committees.

3. Political dialogue at all governmental and non-governmental levels brought about the promulgation of the Rights of the Child Act No. 45 of 2002, which covers the substance and provisions of the Convention in all of its articles and includes a number of provisions from Yemeni laws and legislation on the rights of the child. As such, it is regarded as a major legislative success for children and one that coincided with the start of this century.

4. The Government has also advocated and lent support to the formation of alliances and partnerships with civil-society institutions and the private sector with a view to strengthening national capacities at the official and voluntary levels for tackling all child-related matters. Its approach has been to analyse such mechanisms in order to identify their strengths and weaknesses, examine their status quo and harness all resources towards the effective implementation of the Convention and monitoring of the standards of such implementation, inspired by the principles and provisions of the Convention. Those standards are constantly being reviewed in order to confront any difficulties and challenges and develop remedies and solutions.

### **Bodies involved in elaborating the report**

5. This report was elaborated with the involvement of a technical committee of members representing government institutions, including the Ministries of Social Affairs and Labour, Education, Technical Education and Vocational Training, Public Health and Housing, Information, Culture, Justice, the Interior, Foreign Affairs, and Tourism and Environment, as well as the National Population Council, the Centre for Social Studies and Labour Research and the University of San'a. Also involved were the Supreme National Committee for Human Rights and the NGO Coordinating Commission on Child Welfare. Supervision was provided by the Higher Council for Maternal and Child Welfare and support lent by the United Nations Children's Fund (UNICEF). The committee devoted considerable attention to each of the issues and matters requiring further clarification, in particular the difficulties and challenges impeding effective implementation of the Convention. Work was divided into four stages, as follows:

- (a) Follow-up measures to the first two reports and assimilation of the guidelines for drafting the report;
- (b) Submission of the report for review, supervised and coordinated by the Supreme National Committee for Human Rights;
- (c) Discussion and improvement of the report through a working group on the objectives of the Convention;
- (d) The incorporation of amendments and approval of the report in its final form.

The report was written with due regard to the general measures of implementation formulated by the Committee on the Rights of the Child in October 1996.

6. Mechanisms, structures, policies and programmes adopted by the State for implementation of the Convention: The Government took prompt action to outline policies and plans and build structures and mechanisms to promote the rights of the child, as follows:

- The Supreme National Committee for Human Rights was formed by Decree No. 20 of 1998 under the chairmanship of the Deputy Prime Minister, Minister for Foreign Affairs, and with the membership of the Ministers of the Interior, Social Affairs and Labour, and Justice, together with the Department of Public Prosecutions;
- The Higher Council for Maternal and Child Welfare was reconstituted by Republic Decree No. 321 of 1999 under the chairmanship of the chairman of the Council of Ministers and with the membership of the Ministers of Social Affairs and Labour, Finance, Education, Health, Culture, Tourism, Environment, Information, and Planning and Development, together with the secretary-general of the Higher Council for Maternal and Child Welfare, the secretary-general of the National Population Council, four non-governmental organizations and three women involved in maternal and child issues;
- The Social Welfare Fund was established pursuant to Act No. 31 of 1996, as amended by Act No. 17 of 1999;
- New departments for women's and children's affairs have been created in various ministries. The attention of these departments is directed towards implementing the provisions of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women;
- Civil-society organizations of a charitable nature working in the field of children's rights have been established. Continually increasing in number, they help to publicize and disseminate the Convention on the Rights of the Child.

7. Legislative policies: The following laws and decrees have been promulgated:

- The Social Welfare Act No. 31 of 1996, as amended by Act No. 17 of 1999;

- The Welfare and Rehabilitation of Disabled Persons Act No. 61 of 1999;
- The Rights of the Child Act No. 45 of 2002, with effective participation from the various ministries and organizations concerned with matters affecting children;
- The Establishment of the Fund for the Welfare and Rehabilitation of Disabled Persons Act No. 2 of 2002;
- Ministerial Decree No. 636 of 1999 declaring the first Monday of October of each year as a national open day for children in all basic education schools, on the basis of a proposal from the League of Arab States;
- Council of Ministers Decree No. 18 of 2002 concerning regulations to promote and protect breastfeeding;
- Republican Decree No. 38 of 2000 concerning the Implementing Regulations of the Juveniles Act;
- The Supreme Council Decree establishing a number of juvenile courts in the governorates.

### **Strategies, programmes and projects**

8. The Government has devoted its attention to the elaboration and adoption of general sectoral strategies and policies relating to issues of children's rights, including:

- The National Population Strategy for the period 2001-2025 and the Population Action Programme for the period 2001-2005;
- The Comprehensive National Strategy for Sustainable Development, which includes issues of children's rights as an area of concern;
- The National Strategy for the Protection of Children in Difficult Circumstances, elaborated with support from UNICEF, the World Bank and the Social Development Fund;
- The National Strategy and Plan of Action for Mothers and Children for the period 1997-2002;
- The National Strategy for Mothers and Children for the period 2003-2013;
- The National Strategy for the Development of Basic Education for the period 2000-2015;
- The National Strategy to Combat Child Labour, which was approved by the Council of Ministers in 2001;
- The National Poverty Alleviation Strategy for the period 2003-2015;

- The National Strategy for Girls' Education;
- The Literacy and Adult Education Strategy;
- The National Reproductive Health Programme for the period 1996-2006;
- The National Programme for Productive Families and Community Development;
- The National Programme for Poverty Alleviation and Access to Job Opportunities;
- The National Programme to Combat Malaria;
- The National Programme to Combat Tuberculosis;
- The National Programme to Combat AIDS;
- The National Expanded Immunization Programme;
- The Nutrition Programme;
- The construction of five homes for the protection and welfare of orphaned children and one girls' welfare home;
- Commencement of preparations for the establishment of the Hope Village for Street Children;
- The Reproductive Health Project.

9. Difficulties and challenges impeding the implementation of certain provisions of the Convention:

- The poor institutional structure of various mechanisms operating in the field of children's rights, exemplified by the lack of financial and technical resources for developing the capacities of personnel working in that field;
- The inadequate assistance granted by national, regional and international organizations for the implementation of programmes and projects designed to protect children's rights, which limits the full implementation of legislative enactments;
- The low level of awareness in the community about the objectives and substance of the Convention;
- The lack of an information system and of statistical indicators for monitoring children's enjoyment of their prescribed rights;
- The failure of media, cultural, social and educational institutions to offer adequate prevention and awareness-raising programmes that would promote children's rights;



- The difficult circumstances currently affecting the national economy, which have caused individual and household incomes in Yemen to fall and poverty to spread, with the result that a high proportion of children are deprived of many of the rights set forth in the Convention;
  - The proportion of children who enter work instead of education.
10. Measures designed to further promote the rights of the child:
- Completion of the institutional structure of institutions and organizations working in the field of children's rights;
  - Capacity-building for male and female personnel in government institutions and non-governmental organizations;
  - The establishment of an integrated national information system for statistical indicators and data on children's rights;
  - The review and updating of national legislation in order to prioritize children's rights;
  - The coordination and unification of national efforts in the field of children's rights;
  - The elaboration of an integrated project to map children's services, identify unmet needs and include them subsequently in future plans and programmes;
  - Efforts to raise the level of community awareness about the objectives and substance of children's rights through all information, educational and communication media;
  - Efforts to reduce child labour by implementing the National Strategy to Combat Child Labour;
  - Efforts to implement the National Poverty Alleviation Strategy in order to bring about improved living standards and access to job opportunities for poverty-stricken families.

## **I. GENERAL MEASURES OF IMPLEMENTATION**

11. The Government adopted the following measures: In connection with article 4 of the Convention, the Government promulgated the Rights of the Child Act No. 45 of 2002, which covers the provisions of the Convention in all of its articles. These articles also include a number of provisions from Yemeni laws and legislative enactments on the rights of the child.

12. In accordance with article 42, the principles and provisions of the Convention have been made widely known, by appropriate and active means, through:

- The promulgation of Ministerial Decree No. 167 establishing specialist teams to produce curricula for pre-school (kindergarten) education that incorporate various principles relating to children's rights;
- Awareness-raising and enlightenment programmes and working groups;
- Training and awareness-raising programmes for persons working with children and dealing with children's issues;
- The production of educational, information and instructive materials.

13. Contributions to the implementation of these programmes have been made by the Higher Council for Maternal and Child Welfare, the Ministry of Education, the Supreme National Committee for Human Rights, civil-society institutions (the NGO Coordinating Commission on Child Welfare), the Activists' Organization, the Children's Parliament, the Human Rights Information and Training Centre, UNICEF and the Swedish child welfare organization Rädde Barnen.

14. In conformity with the aim of article 44, paragraph 6, of the Convention on the Rights of the Child, the Government printed copies of the previous national report on the implementation of the Convention. These were disseminated and made widely available for use as a working guide to all those all those concerned with and interested in children's rights, including persons working with mothers and children, judges, lawyers, solicitors, teachers, experts and academics, who disseminate further copies and carry out studies to assess the situation of children's rights in Yemen.

15. The National Strategy for Mothers and Children for the period 1997-2002 was approved pursuant to Council of Ministers Decree No. 22 of 1998. This Strategy included a number of guidelines designed to mobilize the Higher Council for Maternal and Child Welfare, which is now coordinating with the competent authorities to elaborate a strategy for mothers and children for the period 2003-2013.

16. The Higher Council for Maternal and Child Welfare is the body responsible for monitoring and evaluating implementation of the Convention insofar as it is the highest government institution concerned with children and is also the institutional framework tasked with giving effect to children's rights, promoting those rights and following up the procedures for implementation of the Convention at the governmental and non-governmental levels, bearing in mind its extensive links with non-governmental organizations.

17. In order to activate and develop its own institutional mechanisms and in view of its pressing need to collect information and data on children and their fundamental rights, the Council included the implementation of a project for a database on maternity and childhood issues as part of its next action plan. It proceeded to gather appropriate and relevant data, statistics and studies with a view to elaborating policies on children's rights. These efforts are still in their infancy.

18. The necessary steps were also taken to carry out a periodic assessment identifying the extent to which the legislative and legal aspects of the Convention are being implemented, an essential prerequisite if the Council is to meet the challenge of elaborating general policies aimed at achieving its core objectives. The Council will therefore carefully study this matter and seek implementation on the basis of a considered plan of action, in conjunction with partners and in the context of building a database that will offer plenty of scope for the achievement of those objectives in this field, which in turn will assist the preparation of periodic reports in a scientific manner. Undoubtedly, this will be done with the help of children's non-governmental and international organizations, which are effective partners of the Higher Council for Maternal and Child Welfare and the government bodies concerned with children's rights. The initial periodic report of 1994 and the supplementary report of 1997 are considered to be significant steps in the stages of assessing the levels of progress in activating the Convention.

19. As for cooperation with civil-society institutions, the State is making great efforts to ensure that these institutions play a part in committees, higher councils and various activities. Moreover, it has tasked them with supervising a number of social centres as a key development partner of the State.

20. Budget expenditure allocated to children: The Government is aiming to increase its budgets for child welfare and the delivery of children's social, health, educational and cultural services in order to create an environment conducive to child development. These budgets are usually allocated within its various sectoral budgets. The Government also subsidizes non-governmental associations and organizations working with children, added to which is the assistance received from international bodies and organizations. It is difficult to estimate the size of the allocations earmarked for children by the Government, which are divided among several government institutions.

21. A strategy for the protection of deprived children has been developed in order to identify, through study and analysis, the circumstances of children who are in need of protection so that implementing programmes and plans for their protection and welfare can be elaborated.

22. Keen to disseminate the Convention, the Government has made a number of efforts to ensure that it is publicized, circulated and made available to all international and national institutions and organizations in Yemen, as well as through cultural and intellectual activities and gatherings, the media, workshops, seminars, lectures, days in celebration of children and the family, television and radio interviews and bulletins, etc. These mechanisms and channels have promoted the wide-scale dissemination of the Convention to the public.

23. Children's non-governmental organizations took part in the following:

- The first consultative meeting with children, which was attended by member associations of the NGO Coordinating Commission from the Capital Municipality, various governorates and rural areas, and which brought together all groups of children, including marginalized and disabled children, street children and working children, in order to inform them of their rights through the Convention on the Rights of the Child;

- The NGO Coordinating Commission and children from government and non-government schools participated in the elections for the first Children's Parliament, in which 31 children of both sexes won seats. The aim of the Children's Parliament is to instil the meaning of democracy in children's minds and teach them how to make decisions, express their views and voice their needs. The Children's Parliament of Yemen is currently being re-elected and exemplifies a civilized approach to dealing with children's issues;
- The second consultative meeting with children was held on 27 April 2000 with the aim of continuing to inform children of their rights;
- A sample study of working children was conducted in order to determine the extent to which children participate in social activities within their institutions of work, to which end three working groups were held in conjunction with the active member associations of the NGO Coordinating Committee in order to brief instructors and persons working with children on the subjects of:
  - Children's participation;
  - Informing children about participation in social activities;
  - Informing children of their rights.

24. Activities carried out by various associations, as shown in the following table:

**Table 1**

Name of association	Number of meetings	Number of children taking part
1. The Scout Association	7	175
2. The Guide Association	7	175
3. The Association for Blind Women	7	120
4. The Challenge Association	3	75
5. The Deaf and Dumb Association	4	100
6. The Association for the Blind	4	100
Total	32	745

25. The total number of beneficiaries amounts to 745 boy and girl children from different groups, in addition to a number of the instructors who work with them.

26. A consultative meeting was held at which it was agreed to nominate a number of children and persons working with children from various associations and governorates to take part in the youth seminar on the issues of the new century, held in Jordan during the period 29 October-1 November 2000. Details of the activities and the groups targeted by some of the most active children's associations are to be found in annexes at the end of the report.

## II. DEFINITION OF THE CHILD (article 1 of the Convention)

27. The Rights of the Child Act No. 45 of 2002: Under article 2 of the Act, the child is defined as “every human being below the age of 18 years unless majority is attained earlier”, a definition which is fully consistent with the definition of the child set forth in the Convention. In the same article, a juvenile is defined as “every child over the age of seven years who has not attained majority”.
28. The Civil Code No. 14 of 2002:
- Articles 49, 50 and 51 of the Civil Code prescribe the ages at which children acquire the legal capacity to assume obligations and the legal capacity to exercise responsibility (limited or full legal capacity), as follows:
    - The legal capacity to assume obligations: Whereby a person acquires his or her legitimate rights as established at birth, such as inheritances, gifts, vows and so forth;
    - The legal capacity to exercise responsibility: Whereby a person exercises his or her civil rights on attainment of a specific legal age, be it the full legal capacity to exercise responsibility, as vested in an adult person, or the limited legal capacity to do so, as vested in a child capable of exercising discretion.
29. The Juveniles Act No. 24 of 1992, as amended by Act No. 24 of 1997:
- Under article 2 of the Act, a juvenile is defined as any person who commits an act which the law designates as criminal, or who becomes vulnerable to delinquency, while under 15 years of age. Article 37, paragraph (a), of this Act provides that, if a juvenile who is over 14 but under 15 years of age commits a crime punishable by the death penalty, he shall be sentenced to a term of imprisonment of not less than three years and not more than seven years. Paragraph (b) of the same article provides that, in all other offences, a juvenile shall be sentenced to a penalty of not more than one quarter of the maximum penalty prescribed for each offence by law.
30. Legal court proceedings: The Evidence Act stipulates that, in legal cases, the plaintiff must be discerning (of full legal age) or capable of exercising discretion and legally permitted to do so; the full legal age is 15 years and the age of discretion is 10 years, as stipulated in the Civil Code.
31. The Penal Code No. 12 of 1994: Article 31 of the Code defines the responsibility of minors and those who, to all intents and purposes, are minors. Article 32 stipulates that the right of a person or his heirs to indemnity for bodily injury (*diyah*) or for the shedding of blood (*arsh*) shall not be abandoned and that the indemnity shall be payable by the group which shares the liability of its members in such cases (*al-‘aqilah*). It is thus clear that no child under seven years of age is held criminally responsible. If the child is over 7 but under 15 years of age, the precautionary measures stipulated in the Juveniles Act are applied. If he is over 15 but under 18 years of age, his criminal responsibility is limited and he is sentenced to not more than half of the maximum penalty prescribed by law. If the penalty is death, he is imprisoned for a period of

not less than three years and not more than 10 years, with no abandonment of the right of a person or his heirs to indemnity for bodily injury (*diyah*) or for the shedding of blood (*arsh*), which is payable by the group which shares the liability of its members in such cases (*al-'aqilah*). If it remains unpaid, it is taken out of the child's assets, thus ensuring that no blood is shed in vain.

32. Article 125 of the Rights of the Child Act provides that if a juvenile under 10 years of age commits an offence, none of the penalties or measures stipulated in the Penal Code shall be inflicted on him and that he shall instead be sentenced to one of the measures stipulated in article 26 of the Juveniles Act, namely a reprimand, delivery into the custody of a third party, enrolment for vocational training, placement in a specialized hospital, the imposition of specific obligations, judicial probation or placement in a home for social rehabilitation.

33. The Personal Status Act No. 20 of 1992: Article 229 of the Act specifies the age of inheritance by stipulating that when a child is born, he has the legal capacity to assume obligations and is entitled to inherit if he is born live. He has the right to dispose of his assets when he attains the age of majority. Article 37 of the Civil Code stipulates that the personality of a human being begins when he is born live and ends at his death. A foetus, however, also has legally recognized rights.

34. Age of child labour: The Civil Service Act No. 19 of 1991 and its Implementing Regulations stipulate that candidates for permanent appointment to public office must be over 18 years of age, which may be reduced to 16 years of age in the case of posts and occupations which require special instruction at training institutes or centres or at places of work.

35. Article 133 of the Rights of the Child Act provides that a working child must be over 14 years of age and prohibits the employment of anyone below that age. Yemen has ratified the International Labour Organization (ILO) Convention No. 138 concerning Minimum Age for Admission to Employment and ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

36. Use of psychotropic substances: Article 148 of the Rights of the Child Act provides that the State shall take the necessary measures to protect and prevent children from using narcotic and psychotropic substances. It also prohibits the use of children in the production of or traffic in such substances. The penalties prescribed in the Penal Code are applicable to persons who takes such substances. If the person is a juvenile, however, those prescribed in the Juveniles Act are applicable.

### **III. GENERAL PRINCIPLES CONCERNING THE RIGHTS OF THE CHILD**

#### **A. The principle of non-discrimination**

37. The Constitution guarantees opportunities for all citizens to exercise all political, social, economic and cultural rights available to them (art. 24). Yemeni society is founded on the basis of justice, freedom and equality (art. 25) and all citizens are equal in regard to their rights and obligations (art. 41). The Yemeni Constitution provides for the right to participate in political and economic life (art. 42). The right of all citizens to stand as candidates and vote is thus

guaranteed (art. 43), as is the right to education (art. 54) and the right to health care (art. 55). Freedom of thought and freedom to express opinions, orally, in writing or pictorially are also guaranteed.

38. Article 9 of the Rights of the Child Act provides that: “The provisions of this Act shall not prejudice the right of the child to enjoy all public rights and freedoms, together with such protection and care as is guaranteed by the laws in force to human beings in general and children in particular, without distinction on the basis of race, colour or belief.”

39. Under article 5 of the Code of Civil Procedure, all citizens are equal before the law and it is prohibited to harass or harm any person on account of his nationality, race, language, belief, occupation, educational level or social status.

40. Measures taken to reduce economic, social and geographical disparities: The population policy and its programmes of action include the implementation of plans, programmes and projects concerning children’s rights, as well as surveys, social studies and statistical reports providing a true picture of the situation in regard to such disparities. A reworking of the policies, plans and programmes for the child segment of the population is therefore inevitable, based on the results of analysing the reality of children’s lives. The Household Budget Surveys conducted in 1997, the Demographic and Maternal and Child Health Survey, also conducted in 1997, and the Poverty Survey conducted in 1999 proved helpful in connection with the following national programmes and projects:

- Expansion of the programmes of the Social Security Network and its mechanisms, as well as implementation of the National Programme for Poverty Alleviation and Access to Job Opportunities for the poor in an earnest effort to reduce the acuteness of the above disparities, from which women and children as a group suffer the most;
- Preparation of a national strategy for the protection of children in difficult circumstances, with funding from national and international institutions such as UNICEF, although it should be said that this project is still under consideration;
- Through its various institutions, the Government proceeded to direct attention to building an information base on children’s issues, including, for example, a database on the education indicators of the Ministry of Education and a database on children and health care in the Ministry of Health, although these initiatives are still in the early stages. One of the key objectives of the Higher Council for Maternal and Child Health is to establish an integrated information base on mothers and children; the Council has an agreement with the Arab Gulf Programme for United Nations Development Organizations (AGFUND) concerning support for this project;
- The Government instructed the competent government agencies and non-governmental organizations to implement training programmes for those who deal with children in any area of service or with special needs children or children in difficult circumstances.

41. Measures adopted for the advancement of girls: Stemming from its belief in the importance of education for girls, the Government worked in collaboration with civil-society institutions on campaigns to raise the level of awareness in the community of the importance of such education. These campaigns were successful in that they prompted a number of girls to enter education, reduced the drop-out rate and positively improved the status of girls' education by:

- Providing a supply of female teachers in general and to rural areas in particular and prioritizing the recruitment of female graduates from teacher training institutions and the College of Education;
- Making available and improving school premises suitable for the education of girls, to which end 37 schools were established in 2001, providing 156 classrooms and increasing the enrolment rate among girls by over 30 per cent above the present average;
- Offering financial incentives during the 2000/01 school year to rural families whose daughters enrolled in basic education, in addition to which the Ministry made modest efforts to provide food assistance to 84,512 female students in 11 governorates;
- Exempting impoverished families whose daughters enrol in education from the payment of school fees, providing school bags and implementing various measures to establish awareness of the importance of girls' education and reduce the drop-out rate for girls.

42. In the context of its population policy for 2001-2025 and its Population Action Programme for 2001-2005, the Government also directed attention to eliminating the gender gap in education. Approval was thus given to the National Strategy for Girls' Education for the period 1998-2010, which focuses on principles and precepts derived from the view that girls' education is a real investment through and with which justice and gender equality are realized. The aim of this Strategy is to achieve a steady annual increase during the years 2001-2005 in the numbers of those enrolling in basic education, particularly girls, as well as a gradual narrowing of the gap between males and females, so that by 2005 the total proportion of entrants is no lower than 76 per cent, or 92 per cent for males and 59 per cent for females, using the following measures:

- Dispersing schools throughout all regions on the basis of population density and need in accordance with the school mapping criteria;
- Achieving a growing annual increase in public expenditure on education in line with higher demand and the construction of schools;
- Encouraging the private sector to invest in education;
- Encouraging support for the initiatives of voluntary organizations and civil-society bodies;



- Continuing to operate procedures to ensure that girls in impoverished rural and remote areas are exempt from payment of fees;
- Achieving a balance between the increase in pupil numbers and the increase in schools, classes and teachers, and meeting the need for female teachers in girls' schools;
- Providing support to enable needy, poverty-stricken and orphaned children of school age to enter and stay in basic education;
- Decentralizing the planning and implementation of projects for the advancement of girls' education;
- Recompensing families for opportunities lost through the failure to send girls to school by providing guidance, encouragement and support so that they enrol their girls in school and for training in skills and trades that guarantee a higher income and an improved standard of living, as well as encouraging local authorities to use national capital assets to support families who send their daughters to school;
- Establishing schools and school classes in the vicinity of population clusters on the basis of statistics and data showing the status quo of girls' education and the obstacles in the way;
- Allocating a percentage of the education budget for the subsidy of girls' education and increasing that percentage year after year;
- Placing all available assistance and grants towards implementing the plan for the development of education;
- Prioritizing expenditure on the development of education for girls in rural areas;
- Providing recruitment opportunities in rural areas for qualified female teachers.

43. Measures for the collection of data on children in difficult circumstances: The Government has endeavoured to take the necessary measures to collect data and information on categories of children in difficult circumstances by conducting social studies and field research, as follows:

- The field study on child labour, conducted in 1997;
- The field study investigating the causes of school drop-out, conducted in 1997;
- The field social study on child begging, conducted in 1999;
- The field study on the situation of children from marginalized groups, conducted in 1999;

- The field assessment study on the situation of social welfare homes, conducted in 1998;
- The field study on child labour, conducted in 2000;
- The field study on the practice of female genital mutilation, conducted in 2001;
- The fact-finding study on the participation of children in child-targeted activities and programmes, conducted in 2001;
- The study on child-rearing practices in Yemen, conducted in 2002;
- The socio-economic study of street children in San'a, conducted in 2001;
- The field study on children in conflict with the law, conducted in 2000;
- The disability studies conducted in various governorate directorates (Munirah in Hodeidah and Al-Udayn in Ibb);
- A study on the health and educational rights of the child, prepared in conjunction with the World Health Organization (WHO) (currently in printing).

44. It is worth mentioning that the Government promulgated national legislation to protect children who are impoverished, destitute, orphaned, disabled or in other special categories under the framework of the Social Welfare Act No. 31 of 1996. Moreover, on the basis of findings from the above studies, projects for the social protection of children, in particular street children, orphans and juveniles, were listed and financial allocations for the establishment of welfare homes catering to such categories were approved.

45. Measures to prevent and remove hostility and prejudice against children: There is no hostility or prejudice against children in Yemen. The Government's general policy and its sectoral plans and programmes aimed at achieving the full integration of children in society.

46. Measures to ensure the protection of children from all forms of discrimination or punishment: The Government has adopted measures to ensure the protection of children from all forms of discrimination or punishment, as is clearly spelt out in the Penal Code. These measures will be mentioned in due course.

47. Article 3, paragraph 4, of the Rights of the Child Act provides for the right of the child to obtain the necessary protection against all types of exploitation, which, under the Act, are regarded as constituting criminal offences, with prescribed penalties for the perpetrators thereof.

48. Article 124 of the same Act provides for the welfare and rehabilitation of children and their protection from against all forms of violence and exploitation. Article 125 specifically provides that: "If a juvenile under 10 years of age commits an offence, none of the penalties or measures stipulated under the Penal Code shall be imposed on him. He shall instead be sentenced to one of the measures provided for in article 36 of the Juveniles Act, namely a

reprimand, delivery into the custody of a third party, enrolment for vocational training, placement in a specialized hospital, the imposition of specific obligations, judicial probation or placement in a home for social rehabilitation.”

49. Under the heading of penalties, chapter XI of the Rights of the Child Act provides for the protection of children from all forms of exploitation and violation of their rights by stipulating deterrent penalties of varying periods, depending on the type of offence or misconduct committed against the child, in order to guarantee their protection from all forms of discrimination.

50. Difficulties encountered in implementing the provisions of article 2 of the Convention:

- Lack of material resources, which impedes the implementation of strategies aimed at eliminating differences and disparities between rural and urban areas and between male and female children, as well as the delivery of services to children in special circumstances;
- Lack of resources to assist the completion of institution-building within the criminal, security, justice and judicial structures, in particular the juvenile law enforcement agencies, in order to ensure the effective implementation of laws and legislation guaranteeing the establishment of children’s rights and the protection of children from all forms of discrimination and exploitation.

### **B. Best interests of the child**

51. Article 26 of the Constitution provides that: “The family, which is rooted in religion, morality and patriotism, is the cornerstone of society and the law shall protect its structure and strengthen its ties.” Article 30 provides that: “The State shall protect mothers and children and cater for the welfare of young people.” Article 54 further provides that: “Education is a right of all citizens and shall be guaranteed by the State in accordance with the law through the establishment of various schools and cultural and educational institutions. The basic stage of education is compulsory. The State shall devote particular attention to catering for the welfare of young people, protecting them from delinquency and providing them with religious education and education of the mind and body, in addition to which it shall create conditions conducive to the development of their aptitudes in all fields.”

52. The Rights of the Child Act emphasizes that the best interests of the child must be protected and gives priority to such considerations. Article 6 of the Act provides that: “Protection of the child and his or her interests shall take priority in all decisions and measures involving children, mothers, the family and the environment that are promulgated or applied by any authority.” Section 2, paragraph 9, provides that the aims of the Act are to ensure “the appropriate involvement of children in all matters of benefit to them and respect for and promotion of their rights, these being in their best interests.”

53. Courts, administrative authorities and legislative bodies also emphasize that children must have guaranteed access to these rights, which lay the ground for achievement of the child’s interests and are embodied in the provisions of article 124 of the Rights of the Child Act, namely: “No juvenile under 12 years of age may be detained in a police station or other security

establishment. His legal or testamentary guardian or another trustworthy person must stand surety for him, failing which he shall be placed in the nearest juvenile rehabilitation centre for a period of not more than 24 hours. Thereafter, he shall be referred to the Juvenile Office of the Department of Public Prosecutions for consideration of his case in accordance with the provisions of the Juveniles Act.”

54. Under section 5 of the Act, which is devoted to juvenile justice, article 130 provides that: “A juvenile accused of an offence must have a lawyer for his defence. If he has not selected a lawyer, the Department of Public Prosecutions or the court shall assume responsibility for the appointment of such lawyer in accordance with the rules prescribed under the Criminal Procedures Act.” Article 131, paragraph (a), of the said Act provides that: “Juvenile trials shall be conducted in camera and may be attended only by relatives of the juvenile, witnesses and social supervisors.” This is reinforced in paragraph (b), which provides that: “It shall be forbidden to publish in any medium the name and picture of the juvenile, the facts of the trial or a summary of the trial.” Article 132 provides that: “Juveniles shall be exempted from the payment of legal fees and expenses in lawsuits relating to this Act or any other law.”

55. Article 35 of the Rights of the Child Act provides that: “Where a minor is self-sufficient, he shall choose between his father and his mother in the event of dispute between them, provided that the child’s best interests take precedence. If carers other than the father or mother are in dispute, the judge shall choose the person who will benefit the child’s interest, having first sought the opinion of the minor.”

56. Under articles 152 to 154 of the Act and by way of the legislative and legal policies for which the Act makes provision, the Ministry of Education is availed of the opportunity to adopt legal measures regulating children’s cultural activities and programmes. Participation in national, Arab and international forums and festivals for children is also covered under those same articles. The Ministry has devoted considerable attention to talents, skills and entries to children’s international painting competitions, in addition to the establishment of free libraries which take part in the reading programmes for all. As a result, various musical, artistic and literary talents and creative flairs have emerged.

57. Measures to develop standards for the institutions responsible for child welfare and protection: The Government has issued numerous rules, regulations and decisions governing the progress of work in educational and teaching institutions with the aim of ensuring their ability to meet the needs of children in the school environment, in particular:

- A comprehensive education unit was opened in the Ministry of Education to direct attention to the integration of disabled children into the school environment. It selected a number of the Republic’s schools in which to pilot such integration. In other fields, fruitful efforts have been made to promote the best interests of the child and broaden the scope of children’s involvement in the community as part of various other steps and measures, whether in the context of celebrations for the Day of the Family or the Day of the Child or whether in the context of participation in national, Arab and international gatherings and exhibitions held and organized for the benefit of children and involving various national social institutions, both governmental and non-governmental;

- Several of the institutions responsible for child welfare and protection are adopting institutional, financial, administrative and technical procedures and regulations for the management, operation and conduct of their work. These might include conditions for the selection and appointment of personnel, human-resources training in capacity-building or the establishment of technical requirements and standards for buildings and public facilities, which vary according to the nature of the institutional work and the programmes, activities and services provided by such child welfare and protection institutions. Although not all of these requirements and standards have been fully met, they have nevertheless been satisfied within the limits needed for the delivery of services to their target groups, as in the case of centres providing welfare services to special needs children, with the assistance of competent specialists and technicians. To further that end, the Council of Ministers promulgated a decree awarding benefits and financial incentives to specialists, supervisors and personnel working in juvenile welfare homes. These institutions, however, suffer from the poor coordination among the relevant stakeholders, lack of funding, insufficient free technical support and inadequate technical, architectural and construction designs and means of assistance.

58. Strengthening the capacities of personnel and others involved in children's rights to protect the best interests of the child: The Government has taken measures to strengthen these capacities in collaboration with civil-society organizations working in the field of children's rights and through public awareness-raising activities carried out in recent years, as well as through the media and through educational and social institutions, which have affirmed the need to encourage children to exercise their right to express their views. In that context, the Higher Council for Maternal and Child Welfare, the Ministry of Education, the Educational Research and Development Centre, the Ministry of Social Affairs, the Supreme National Committee for Human Rights and the Children's Parliament organized a number of activities geared to that end, in particular for judicial personnel of the juvenile courts, members of the juvenile police, representatives of the Juvenile Office of the Department of Public Prosecutions, lawyers, police officers, law-enforcement officers, members of the House of Representatives, members of the Consultative Council, teachers, instructors, university professors and social supervisors. Juvenile court trainees are sent on training courses abroad.

59. During the period 2000-2002, training courses included the following:

- Trainee instruction in child participation;
- Training in communication skills for use with street children;
- Instructor training in the skills needed to mobilize and involve the community;
- Personnel training in the institution-building of social welfare homes;
- Skills development for youth workers;
- Awareness-raising seminars and workshops on the importance of breastfeeding;

- A workshop to discuss the National Strategy for the Protection of Children in Difficult Circumstances;
- Training for 12 local counsellors in evaluating needs, stimulating participation, supervising compliance and mobilizing citizens;
- Training for 1,747 doctors, community midwives and traditional birth attendants;
- Instructor training in infection control;
- Training for 60 health workers in growth monitoring;
- Training for 22 instructors in the use of oxygen support equipment;
- Ongoing training activities for 430 health workers and supervisors in the Expanded Immunization Programme;
- Two seminars to familiarize community leaderships with the integrated care programme strategy for childhood illnesses at the central and directorate levels;
- Training courses in the educational process for 2002, as shown in the following table:

**Table 2**

Target training group	Number of trainees
1. Male and female teachers (in rural areas)	1 493
2. Instructors	522
3. School administration officers (skills)	900
4. Supervisors	734
5. Educational leaders	1 105
6. Field participants	4 554
7. Head teachers of basic education schools	916
8. Persons without educational qualifications	300
9. Teachers (refreshers courses)	15 379
<b>Total</b>	<b>25 903</b>

- Training for 64 participants from the welfare and judicial authorities in connection with children's rights and children at risk;
- Training for 60 participants from the committee which approves laws on rights and freedoms in the House of Representatives and the Consultative Council;
- Training for 30 male and female judges who deal with children's cases before the juvenile courts;
- Training for 40 police and law-enforcement officers;

- A working seminar of 34 male and female lawyers on the rights of the child and on giving effect to laws;
- A working seminar on the girl child for the various authorities concerned with the welfare of girl children.

### **C. The right to life, survival and development**

60. Article 30 of the Convention stipulates that: “The State shall protect mothers and children and cater for the welfare of young people.”

61. Under article 230 of the Penal Code, a newborn child is regarded as a person with human rights, provided that he or she is born alive.

62. Articles 128, 129, 130, 131 and 132 of the Personal Status Act make provision for the protection of the child and of his or her right to life, survival and development.

63. Articles 136, 149 and 158 of the Personal Status Act affirm that a mother has an obligation to breastfeed her child or, if this proves impossible, to have the child breastfed by another woman in return for remuneration. Under the terms of this Act, the father also has an obligation to maintain the child, provided that he is wealthy or capable of earning a living. If he is indigent or incapable of earning a living, the responsibility for maintenance devolves on the mother and, after her, on other wealthy relatives, depending on their degree of kinship under the rules of inheritance, who are required to provide the child with food, clothing, accommodation and medical treatment.

64. Articles 4 and 5 of the Rights of the Child Act affirm that a child has the right to life, an inherent right which may not be violated under any circumstances. They also affirm that the State is responsible for the welfare of children and must seek to provide conditions which guarantee, in a healthy environment, a sound upbringing that respects freedom and human dignity.

65. Measures to give effect to the right of the child to life, survival and development: The Government has translated these laws into policies and programmes of action for the institutions concerned with the health of children as foetuses, newborns and infants, with the aim of guaranteeing the child’s right to life, survival and development, as follows:

#### Health:

- The expansion and dissemination of health and treatment services;
- Improvement of the standard of living for families;
- Increased health awareness and knowledge of health among family members;
- Reinforcement of the Expanded Immunization Programme in order to attain 90 per cent coverage against the seven diseases by means of the following interventions:

- Regular inoculation campaigns reaching all target groups;
- Awareness-raising of the importance of inoculation and involvement of the community to that end;
- Improvement of child health through birth control by:
  - Raising awareness of the importance of birth spacing;
  - Encouraging intercourse during a woman's safe period;
  - Improving maternal and child health and paying attention to maternal nutrition during pregnancy;
  - Raising awareness of the importance of breastfeeding and improving supplementary feeding and weaning;
  - Combating the infectious diseases which are the highest cause of child illness and death;
  - Protecting children from malnutrition;
  - Monitoring child growth;
- The introduction of epidemic investigation systems.
- Population activities and their relation to an improved quality of life for the child:
  - The general secretariat of the National Population Council, in conjunction with governmental and non-governmental institutions, elaborated the (updated) National Programme for Reproductive Health, Family Planning and Child Health for the period 1996-2006. This Programme is based on a set of principles and premises, in particular:
    - Emphasis on pressing child rights issues, child welfare, greater male and female equality in all stages of life and the elimination of all forms of gender discrimination;
    - Reduction of the current levels of fertility and maternal, infant and child mortality.

66. Some of these key projects and activities, which are designed to achieve the objectives of the population policy, have a bearing on matters relating to the right of the child to life, survival and development.

67. Measures to ensure the registration of child deaths: The Rights of the Child Act regulates the registration of child deaths under article 46, which stipulates that: "Births and deaths shall be



confirmed by the official registers intended for that purpose. If there are no registers, or if the information entered in the registers is shown to be incorrect, they may be evidenced by any legitimate means.”

68. Article 47 of the same Act provides that official records and notifications of births and deaths shall be regulated by the Civil Status and Civil Registration Act.

69. Article 51 provides for the method by which births are notified; namely, births shall be notified to the competent authorities within 60 days of the date of birth.

70. Under article 58, the parent of the child or one of the persons responsible for notifying a childbirth, listed in article 52, is required to notify the death of a child. If the child dies before his or her birth is notified, the birth must first be notified and then the death. If the child is stillborn, his or her death must be notified.

71. The findings of the Yemen Demographic and Maternal and Child Health Survey, conducted in 1997, showed an infant mortality rate of 75 deaths per 1,000 live births and an under-five mortality rate of 105 deaths per 1,000 live births annually.

72. The Annual Statistical Reports, the Maternal and Child Health Surveys and the Poverty Survey produced in the past three years represent significant steps towards the provision of an information base on child mortality and its causes.

73. Special measures to prevent child suicide and violence against children: There are no specific measures in place to prevent child suicide, as it is not a problem from which Yemen suffers. Cases of violence in its various forms and manifestations also rarely occur. The security apparatuses nevertheless monitor, record and collect data on any such cases in order to facilitate analysis and take the necessary action.

#### **D. Respect for the views of the child**

74. Article 7 of the Rights of the Child Act affirms 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.” Supervised by the Supreme National Committee for Human Rights, preparations are currently under way for the elections to the Children’s Parliament. The Higher Council for Maternal and Child Welfare, the Ministry of Education and a number of trade unions and civil-society institutions are also involved in the preparations.

75. Measures to guarantee the right of the child to expression: The Government established the Children’s Parliament as a new mechanism to assist children, grant them their full right of participation and guarantee respect for their views and their right to express freely their objectives in life and their hopes and aspirations.

76. The social institutions concerned with juvenile welfare are taking the necessary measures specific to juveniles and the expression of their views, their trial and their placement and care in institutions. Article 130 of the Rights of the Child Act provides that: “A juvenile accused of an offence must have a lawyer for his defence. If the juvenile has not selected a lawyer, the Department of Public Prosecutions or the court shall assume responsibility for the appointment of such lawyer in accordance with the rules prescribed under the Criminal Procedures Act.”

77. Article 131, paragraph (b), provides that juvenile trials shall be conducted in camera and may be attended only by relatives of the juvenile, witnesses and social supervisors. Measures taken by the above institutions includes:

- The provision of social welfare and live-in care services;
- The provision of prevention, treatment and rehabilitation services in the context of institutional homes offering social guidance;
- The provision of rehabilitation services in order to give juveniles the opportunity to reform their behaviour so that they integrate into society and are mentally prepared;
- Reinforcement of the child's feelings and attitudes towards the formation of his future personality.

#### **IV. CIVIL RIGHTS AND FREEDOMS**

##### **A. Name and nationality**

78. Articles 38, 39, 40, 46 and 50 of the Civil Code state that the personality of a human being begins when he or she is born live and ends at his or her death, births and deaths being entered in the official legal registers in which everyone is identified by a distinctive name and a patronymic or surname.

79. Articles 20, 21, 23, 25, 26, 27, 29 and 30 of the Civil Status and Civil Registration Act also stipulate that the child's birth must be registered by notifying the Civil Status Department within 60 days from his or her date of birth. Foundlings must be immediately handed over to a welfare institution or children's home, If the birth takes place during travel, the child is issued with a birth certificate on arrival at the first port in the Republic of Yemen or at the Yemeni consulate in the country of arrival, as stated in article 3, paragraphs (a) to (h), of the Nationality Act.

80. Under the heading of name, nationality and registration of births, the Rights of the Child Act contains a separate section which reaffirms these rights and clarifies their various aspects and details. Articles 48, 50 and 51 prescribe the right to a name, nationality and registration. Article 49 of the same Act provides that the State shall guarantee the right of every child to preserve his or her identity, including nationality, name and family ties, in the manner prescribed under the Act and the laws in force.

81. Through the media, the competent institutions are making the utmost effort to sensitize families and society to the risks which arise from the failure to register births.

82. In order to prevent any stigma or discrimination against the child, articles 37, 38, 39, 45 and 48 of the Civil Code and articles 20, 21, 23, 25, 26, 27, 29 and 30 of the Civil Status and Civil Registration Act affirm protection for the rights of the child and prohibit discriminatory practices to which the child may be subjected.

83. Measures to guarantee the right of the child to know and be cared for by his or her parents: Article 12 of the Rights of the Child Act guarantees to every child the enjoyment of his or her legitimate rights, in particular the right to establish his or her parentage, to be breastfed, nurtured and maintained, and to see his or her parents.

84. Article 155, paragraphs 1 and 5, of the Rights of the Child Act prescribe the penalties for any person who abandons his or her child, entrusts the child to the care of a third party or neglects the child. The mother is also under obligation to nurture the child and the father to pay maintenance in the event of separation.

### **B. Preservation of identity**

85. Article 10 of the Rights of the Child Act affirms that every child has the right to a name which distinguishes him or her from others and which is entered at birth in the birth registers. The Yemeni legislator also accorded the child the right to preserve his or her identity in the context of legal provisions which strengthened such rights in accordance with articles 14, 17 and 19 of the Rights of the Child Act.

### **C. Freedom of expression**

86. Article 42 of the Yemeni Constitution affirms that: “Every citizen shall have the right to participate in political, economic, social and cultural life. The State shall guarantee freedom of thought and freedom to express opinions, orally, in writing or pictorially, within the limits of the law.”

87. Article 7 of the Rights of the Child Act also provides 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.”

88. Children have the right to exercise artistic, literary and intellectual creativity in all areas by means of:

- The national programme entitled “Children Illustrate their Rights”, which was implemented during the period 1999-2001 and targeted schools in 15 governorates, achieving the following results:
  - Groups of art teachers received training in how to raise and discuss with children the question of their rights;
  - Children were informed and advised of their rights and the expression of such rights through painting, song and theatre;
  - Mobile exhibitions of children’s paintings were staged in schools, universities, museums, etc.;
  - Illustrated with the best of those paintings, information booklets on the rights of the child were assembled and produced;

- Year calendars and greetings cards illustrated with children’s paintings were designed, produced and distributed.

89. As already mentioned, children also exercise their right of expression within school activities, such as those involving wall magazines and school radio stations, as well as in the performance, song and painting activities which take place during national and international events.

**Table 3**  
**Children’s exhibitions from 1998 to 2002**

Year	Activity	Number of exhibitions
1998	National exhibitions of children’s paintings	55 exhibitions throughout all governorates of the Republic
	Arab exhibitions of children’s paintings	4 invitations
	Foreign competitions and exhibitions	9 invitations
	Total for 1998	68 programmes
1999	National exhibitions of children’s paintings	75 local exhibitions
	Entry in Arab exhibitions of children’s paintings	4 Arab invitations
	Foreign competitions and exhibitions	7 international competitions and exhibitions
	Total number of beneficiaries	86 exhibitions
2000	National exhibitions of children’s paintings	120 exhibitions throughout all governorates of the Republic
2001	Arab competitions and exhibitions of children’s paintings	6 entries
	International competitions and exhibitions of children’s paintings	9 foreign entries
	Total	135 activities
2002	National exhibitions of children’s paintings	90 local exhibitions
	Arab and foreign competitions and exhibitions of children’s paintings	7 entries
	Egypt through the Eyes of the World’s Children Colours of the Spectrum, Sharjah	7 entries
	Ataturk, Turkey	
	Meeting of Arab Children, Sharjah	
	The National Centre competition, Egypt	
	Children in 2001, Poland	
The Shankar competition, India		

90. Within the framework of the joint coordination and close ties among the competent authorities, the Ministries of Culture, Education and Information work together on the school league programmes which are run every year before the school summer holidays. These comprise various organized activities and programmes aimed at encouraging student competition in the arts, culture, sports, science and general knowledge, and at keeping up with modern-day changes.

**Table 4**  
**Cultural competitions during 1998-2002**

Activity	Participating authorities	Number
Cultural competitions in music, song and traditional dance are held every year in each governorate	These competitions are organized and coordinated by the Ministry of Culture, the Ministry of Information and the Ministry of Education	144 competitions and activities in 12 governorates
Literary and intellectual competitions 1999	These competitions are held once annually in each governorate	15 governorates, with 250 male and female students benefiting in each governorate, amounting to a total of 375 000

**Table 5**  
**Magazines and publications during 1998-2002**

Name of magazine	Particulars	Total monthly print runs
<i>Al-Hudhud</i>	Self-funded publication/Abdul Rahman Mutahhar	5 000
<i>Waddah</i>	Ministry of Culture	10 000
<i>Al-Tufulah</i>	Self-financed publication/Najibah Haddad	10 000
<i>Usamah</i>	The Reform Association	20 000
<i>Al-Jawharah</i>	Published by Al-Mar'ah magazine/ Sayyidah Al-Haylamah	5 000
<i>Al-Muthaqqaf al-Saghir</i>	Published by Al-Jumhuriyah newspaper/ Sheba Press	5 000
Family and children's supplements	Al-Thawrah, October/Al-Yamaniyah	20 000 weekly
Publications	Particulars	Number
<i>Zannat al-Id</i>	Ali Al-Asadi	5 000
<i>Lu'bati</i>	Najibah Haddad	5 000
<i>Sariq al-Asal</i>	Najibah Haddad	5 000
<i>Tahish al-Juban</i>		5 000
<i>Majmu'at Tarjamat</i>	Abul Qasab Al-Shalal	5 000
<i>Nasihah Himar</i>	Abdul Rahman Muhammad	5 000
<i>Azif al-Nay</i>	I'tidal Dayriyah	5 000
<i>Al-Tifl wal-Bi'ah</i>	Children's free libraries	5 000
<i>Haqqi min Itifaqiyat</i>	The Children's Library	5 000
<i>Huquq al-Tifl</i>		
<i>Books of children's paintings, Huququna and workshops on child rights</i>		5 000
<i>Al-Ard</i>	Dar al-Aytam	5 000
<i>Bilqis Malikat Saba'</i>		5 000
<i>Risalat Waddah</i>	Najibah Haddad	5 000
<i>Maymun</i>	Ali Al-Asadi	5 000
<i>Hikayat Waraqah</i>	Najibah Haddad	5 000
<i>Al-Khabar lil-Jami'</i>	Ali Al-Asadi	5 000
Others in the remaining governorates		-

Source: Ministry of Culture.

91. An average of 30 drama productions are staged each year at school theatres throughout all governorates of the Republic. In many cases, the productions are staged at adult theatres. The first children's theatre attached to the Ministry of Culture is shortly due to be opened in the capital, San'a. A number of children's productions are also staged at theatres in cultural centres throughout all governorates of the Republic and, in some places, at theatres belonging to civil-society institutions, as well as at the television theatre for Channels 1 and 2.

#### **D. Freedom of thought, conscience and religion**

92. Article 42 of the Constitution guarantees freedom of thought for all citizens and children are citizens with the same rights. In fact, their rights are even greater and their obligations fewer by virtue of their need for care and services and the fact that, being under legal age, they are not bound by obligations. Children are able to express their ideas through a variety of literary and artistic media; painting exhibitions, song performances and theatre pieces are staged in schools throughout every governorate on the occasion of various national and international events which take place during the year.

93. Such events are covered by the media, in which connection it can be said that the product of children's ideas is taken on board at two levels: in the school and family environment and in the wider environment of the society at large. In the school and family environment, children express their ideas through media with a limited reach, namely school radio stations, wall magazines and school competitions.

94. The second level offers much wider scope in that it enables children's ideas and views to become known through media which highlight children's activities and during festivals and special occasions, thereby conveying what children want to say to the society at large. Examples include the television programme entitled the Friends' Club, which is presented by children, has a direct telephone link to its child audience and discusses subjects of interest to children, such as articles of the Convention on the Rights of the Child. As for radio, there are two programmes: one entitled Children's Corner and another entitled Birds Across the Ether, both of which have child presenters and cover issues of interest to children. These programmes mentioned as an example do not represent all programmes of interest to children, but are instances of programmes which give children the opportunity to exercise the right to express themselves and their ideas.

#### **E. Freedom of association and freedom of peaceful assembly**

95. Under article 58 of the Constitution, citizens have the right to organize themselves in the political, professional and trade-union fields and to form scientific, cultural and social organizations, as well as national federations. This constitutional right is regulated by the Non-Governmental Associations and Institutions Act No. 1 of 2001 and is emphasized in article 8 of the Rights of the Child Act, which accords to all children the right to form associations and clubs through which they can pursue their social and cultural activities, as befits their age and maturity. Examples of the main associations which have a large number of children among their membership are:

- The Scout and Guide Associations, which have a large number of children among their membership. Since their establishment some considerable time ago, they have played a substantial role in instilling the spirit of cooperation and altruism in the minds of adolescents and in teaching them to persevere, shoulder responsibility and help others by participating in such activities as Tree Day, Traffic Week and so on;
- The Children’s Parliament, the idea of which began with the initiative of a non-governmental organization. The Council convenes regular sessions, mainly during the summer holiday period. It discusses various issues of interest to children and submits the outcomes of its meetings to the President of the Republic and the Council of Ministers in the form of letters and recommendations, all of which deal with the particular and general rights guaranteed to the child by law. The Children’s Parliament is now overseen by the Supreme National Committee for Human Rights. The membership of the new Children’s Parliament will comprise 99 child deputies who are to be elected by their school colleagues.

#### **F. The right to privacy**

96. The Constitution and the laws in effect explicitly guarantee and specify in great detail the right of every citizen to respect for privacy and to non-interference in such privacy. Article 48 of the Constitution prohibits the subjection of citizens to any arbitrary or unlawful interference in their rights and lays down rules limiting the powers of law-enforcement authorities to arrest and detain citizens. Procedures and a time ceiling are also specified for the detention of a suspect and the same article prescribes that the law shall determine the penalties for offenders. Under article 52, the privacy of homes and places of worship and learning are guaranteed, while article 53 emphasizes the freedom and confidentiality of all forms of communication.

97. Articles 253, 255 and 256 of the Penal Code categorize the penalties prescribed by the Yemeni legislator for the said offences, varying from imprisonment for periods of between one and five years for those who invade the privacy of homes and imprisonment for a period of one year or a fine for those who invade personal privacy or the privacy of correspondence. The penalty is increased if the offender is a public servant in breach of the duties attached to his position. As for the offences of slander and defamation, the penalty varies according to the degree to which the victim’s honour and reputation are undermined.

98. Article 9 of the Rights of the Child Act provides that: “The provisions of this Act shall not contravene the right of the child to enjoy all public rights and freedoms and the protection and care guaranteed by the laws in force to human beings in general and children in particular, without distinction on the basis of race, colour or creed.” Article 155 of the same Act stipulates a number of penalties for any person who arbitrarily interferes with or invades a child’s privacy.

#### **G. Access to information (article 17 of the Convention)**

99. Article 100 of the Rights of the Child Act provides that the State shall encourage the possibility of access for children to local, Arab and international sources of information that is of religious, educational and cultural benefit and promotes the social and moral well-being of the child. Under article 92, the State is required to provide children with access to appropriate

information which meets their cultural needs in all fields and to such information on modern-day civilization as the child is able to assimilate, with the aim of encouraging children to think scientifically.

100. Measures taken by the State to guarantee children's access to information: The Government has endeavoured to ensure that the various avenues to culture are accessible to children. Pursuant to article 94, moreover, the Government is committed to the establishment of general libraries and children's cultural clubs in accordance with the prescribed terms and conditions. The operation of such libraries and clubs is regulated by decree of the competent minister. Under article 101, the Higher Council for Maternal and Child Health is also required to formulate an information strategy for child-targeted programmes which take on board what modern-day civilization has to offer and aim to encourage children to think scientifically and handle modern technologies. As a result, children will not only develop the habit of reading and seeking knowledge but will also be brought up to respect social and religious values. They will also develop an awareness of national belonging, a sense of the aesthetic and a taste for the arts.

101. In order to ensure the child's access to local, Arab and international sources of information and in compliance with the obligations incumbent on the media under article 102 of the Rights of the Child Act, which provides that the media apparatus must transmit and disseminate material prepared by the Higher Council for Maternal and Child Welfare, the Ministry of Information stepped up its efforts to promote the rights of the child and provide greater scope for the expression of children's issues and views, as well as its efforts to enlighten children about issues and information of interest to them through the audio-visual and print media. To that end, three official newspapers (Al-Thawrah, Al-Jumhuriyah and October) devote 288 pages a year to maternal and child issues.

102. The newspaper Al-Thawrah publishes a family supplement which devotes much of its space to childhood; a full page is dedicated to raising legal awareness of the rights of the child and women's rights. It is also planning to issue the supplement as a separate newspaper or magazine in order to increase both publication space and the opportunities to devote attention to the enrichment of every aspect of children's culture.

103. In regard to children's culture and children's access to diverse forms of culture and art, Al-Jumhuriyah publishes a bi-monthly children's magazine entitled Al-Muthaqqaf al-Saghir (The Young Intellectual), which circulated in the form of a supplement to the newspaper. The magazine Usamah is also for children and Al-Mar'ah newspaper comes with a special children's supplement.

104. In regard to the visual media, data produced by the Ministry of Information show that, in 1999, children's programmes accounted for 8.61 per cent and 14.8 per cent of the total hours of television broadcast on Channel 1 and Channel 2 respectively. This is in addition to the hours dedicated to family programmes, women's programmes and health awareness-raising programmes and items, which have a direct impact on children's affairs and issues.

105. Measures pursued to encourage children's publications include the support provided by newspaper enterprises which publish advertisements for children's publications or children's activities free of charge. These enterprises also assist such publications by printing them on their presses at cost price.



106. In order to protect children from injurious information and prevent their exposure to inappropriate materials in the various media, a number of measures are prescribed in articles 94, 95, 96 and 97 of the Rights of the Child Act, including the following:

- Terms and conditions are stipulated for the establishment of general libraries and clubs for children to ensure that they are not places in which children are exposed to injurious or inappropriate information (art. 94);
- It is forbidden to publish, display or circulate any audio-visual publications or art posters for children that appeal to their base instincts, suggest behaviour contrary to the Islamic faith and to the values and traditions of society or are likely to encourage delinquency (art. 95);
- Patrons of cinemas and similar public venues are forbidden to take children to see performances that are inappropriate for their age and those responsible for such venues must clearly display a notice in Arabic stating that children are forbidden to attend those performances (art. 96);
- In the interest of creating an enforcement and monitoring tool, a number of public servants are designated by decree of the Ministry of Culture, in coordination with the Ministry of Justice, as judicial officers who make a record of violations of the above provisions and of the offenders concerned.

107. The Ministry of Culture has its own follow-up and monitoring bodies which grant licences for local publications before they are disseminated and for foreign publications before they are introduced from international outlets. Media bodies also monitor the material transmitted in the media and engage in campaigns to monitor Internet cafes and places where compact discs are sold, as well as places where films are sold and rented, in order to ascertain that they are not facilitating children's access to injurious and inappropriate information materials.

#### **H. Torture and other cruel, inhuman or degrading treatment or punishment**

108. Articles 47 (b) and 49 (e) of the Constitution prohibit torture and other cruel, inhuman or degrading treatment or punishment. Torture is also prohibited under articles 38, 166, 167 and 168 of the Yemeni Penal Code and article 6 of the Yemeni Criminal Procedures Code.

109. Our country ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 5 November 1991.

110. Article 155, paragraph 6, of the Rights of the Child Act provides that: "Any person who is entrusted with the upbringing of a child shall be sentenced to imprisonment for a period of not less than one month and not more than six months, or to a fine, if he deliberately ill-treats or fails to take care of the child. The penalty shall be doubled if the child suffers physical or psychological harm as a consequence."

111. Article 31 of the Penal Code No. 12 of 1994 provides for the criminal responsibility of a minor, stipulating as it does that: "A person who was under seven years of age at the time of his commission of an act constituting an offence shall not be held criminally responsible. In the case of a juvenile offender over 7 but under 15 years of age, instead of the prescribed penalty, the judge shall impose one of the measures provided for in the Juveniles Act. In the case of an offender over 15 but under 18 years of age, the sentence imposed shall not exceed half of the maximum legally prescribed penalty. If the penalty is death, he shall be sentenced to imprisonment of not less than three years and not more than 10 years. In all cases, the prison sentence shall be served in special places in which the convicted person is treated in an appropriate manner. Persons who commit an offence while under the age of 18 shall not be held criminally responsible for their acts. If the age of the accused person is not ascertained, it shall be estimated by the judge, with the assistance of an expert."

112. Article 32 of the Code provides that the right of a person or his heirs to indemnity for bodily injury (*diyah*) or for the shedding of blood (*arsh*) shall not be abandoned.

## **V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE**

113. The efforts made by way of legislative and political approaches, such as the Rights of the Child Act, as well as in the population policies, sectoral policies and strategies and plans produced by governmental institutions and non-governmental organizations, seek to promote the responsibilities, rights and obligations of parents.

### **A. Parental guidance**

114. Article 3, paragraph 2, of the Rights of the Child Act determines the obligations of the State, society and the family to furnish the requirements of the child, raise his or her awareness and ensure that such requirements are met.

115. Paragraph 8 of the same article stipulates that efforts must be made to disseminate and increase awareness of the rights of the child and highlight the particular nature of those rights, as well as their importance in building and balancing the personality of the child and in instilling awareness of the responsibility of parents, family and the society at large towards the child.

116. Family counselling services: This principle is reinforced by the population policy, which lays emphasis on maternal and child welfare, family planning matters and awareness-raising of the responsibility of parents to cater for the welfare of their children and satisfy their needs. Non-governmental organizations play an effective role in supporting this policy by organizing programmes of action, discussion circles and training programmes aimed at:

- Raising parents' awareness of their responsibilities towards their children;
- Preparing young people for the task of shouldering family responsibilities;
- Preparing decision-makers to adopt positive attitudes on issues affecting the rights of children;
- Encouraging volunteers to work in this field;

- Endeavouring to strengthen the right of parents in regard to all areas of their children's welfare.

117. Such areas of concern have been strengthened by the additional efforts of national and civil-society organizations which work with families, particularly poor and marginalized families. These groups benefit from programmes designed to raise awareness and provide family counselling, social guidance and advice on the best methods for observing and protecting the rights of the child. Also included are a number of women's institutions and projects, such as the Gender-mainstreaming Project and policies designed to activate the latter's family and legal counselling unit, which offers its services in rural and urban centres.

118. The Yemeni Family Welfare Association also offers awareness-raising and family counselling services in matters of family planning and maternal and child welfare, as well as programmes to develop reproductive health awareness among young people and men and women.

119. The Hope and Future Helpline, which is operated by the Ministry of Information, offers awareness-raising and advice for families by disseminating and promoting information on the population problem, reproductive health, family planning and gender issues.

## **B. Parental responsibilities**

120. Both parents are responsible over and above any other person for protecting and catering for the welfare of the child and ensuring his or her survival. Moreover, they are responsible for ensuring conditions which are conducive to the child's development and growth. The above articles stipulate that the father is responsible for the child's attachment to him and for establishing his parentage, while the mother is responsible for breastfeeding the child after birth, in accordance with article 77 of the Rights of the Child Act.

121. In order to ensure that the child enjoys good health and is protected against childhood disease, the State provides free inoculation against the common infectious diseases, in accordance with article 74 of the Rights of the Child Act. The child's parents, guardian or custodian or the child's social welfare home are required to have the child inoculated at the nearest hospital or health unit offering an immunization service, in accordance with article 75 of the same Act and as affirmed in the general provisions and articles of the Act.

122. Implementing measures: mechanisms aimed at helping parents to fulfil their obligations towards the child include:

- The Higher Council for Maternal and Child Welfare;
- The National Population Council;
- Civil-society organizations.

These institutions provide a variety of different services to all families.

123. The majority of the plans, programmes and policies pursued by the Ministry of Social Affairs and Labour, the Ministry of Education, the Ministry of Public Health and Population and the bodies attached to them, as well as those pursued by many other sections, departments, institutions, ministries and non-governmental organizations, include assistance to help parents and legal guardians fulfil their responsibilities in bringing up children from birth, through kindergarten and finally secondary school (data on child welfare facilities and services are to be found in subsequent paragraphs of the report).

### **C. Separation from parents**

124. Article 26 of the Constitution provides that: “The family, which is rooted in religion, morality and patriotism, is the cornerstone of society and the law shall protect its structure and strengthen its ties.”

125. Article 12 of the Rights of the Child Act stipulates that: “The law shall guarantee to every child the enjoyment of his or her legitimate rights, in particular the right to establish his or her parentage, to be breastfed, nurtured and maintained, and to see his or her parents, in accordance with the provisions of this Act and the laws in force.”

126. Measures adopted to that end: family relationships are regulated by the provisions of the Personal Status Act No. 20 of 1992, as amended, which cover the relationship between spouses and the obligations of each spouse towards the other with a view to thus bringing about devotion, compassion and family cohesion. Article 34 provides that custody is reinstated to the person who forfeited the right thereto when the reason for the forfeiture no longer applies.

127. Article 141 of the Personal Status Act provides that the mother has a greater right to custody of her children after divorce or after the death of her spouse.

128. Article 142 also affirms that if the mother dies or if her right to custody is invalidated, custody is transferred to the maternal grandmothers and if they are unavailable, to the minor's maternal aunts, followed by the father and then the paternal grandmothers. If they are unavailable, it is then transferred to the mother's paternal grandmothers, followed by the child's sisters, maternal female cousins, nieces from a sister, nieces from a brother, paternal aunts, paternal female cousins, the father's paternal aunts, the daughters of the father's paternal aunts and the daughters of the father's paternal uncles in that order. If no women are available, custody is transferred to the nearest male agnatic relative, in the absence of which it is transferred to the nearest male uterine relative and thereafter in the case of absence to non-agnatic relatives and then to uterine relatives. At each degree, the relative who has two causes in her or his favour takes precedence over the relative who has only one and maternal relatives take precedence over paternal relatives. All being equal, custody is given to whoever is most fit to assume the task and if both are equally fit, it is for the judge to override the order of precedence in regard to the award of custody if he believes that it is in the interest of the minor to do so.

129. If the period of custody ends and the child is self-sufficient, he or she chooses between his father and his mother in the event of dispute between them, bearing in mind his or her interest. If carers other than the father or mother are in dispute, the judge shall choose the person who will benefit the interests of the child, having first sought the opinion of the minor.

130. The Civil Code stipulates that a person attains legal majority on reaching the age of 15 years, provided that he is in possession of his mental faculties and is rational in his behaviour at the time, in which case he has the legal capacity to exercise and administer his civil rights. An older age at which a person is entitled to exercise or enjoy any other rights may be stipulated in special laws, as underlined in section 3, articles 27 to 35, of the Rights of the Child Act, which explicitly refers to the right of the child to enjoy full custody and care in such circumstances as the child or the family may find themselves.

131. In according this right to the child, the above legal provisions have helped separated couples to resume their previous marital life where they come to feel that the rift in the conjugal relationship should be repaired in the interest of the child. There is no legal provision to prevent the child who is separated from one or both parents from regularly maintaining a personal relationship and direct contact with either parent. In fact, the Yemeni legislator ensures to the child the right to maintain a regular personal relationship with both by emphasizing to parents that the child must be availed of that right.

#### **D. Family reunification**

132. Family reunification is not prevented under any legal provision; the Nationality Act guarantees rights for the children of any expatriate holding Yemeni nationality on his departure from the national territory who has not relinquished that nationality in accordance with the law at his explicit request, even if he has acquired the nationality of the country of his residence and is entitled to freedom of movement and of travel to and from the country.

#### **E. Illicit transfer and non-return of children**

133. Article 249 of the Penal Code explicitly provides for the punishment of any person who commits such an act by prescribing a penalty of up to five years' imprisonment for anyone who abducts another person. If the victims of the abduction are female or male children who are of young age, insane or suffering from other psychological problems and illnesses, or if the abduction is affected through the use of force, threats or deception, the penalty is a term of up to seven years' imprisonment. If the abduction is accompanied or followed by bodily harm, assault or torture, the penalty is increased to a term of up to 10 years' imprisonment, without prejudice to the right to retribution (*qisas*) or indemnity for bodily injury (*diyah*) or for the shedding of blood (*arsh*), as the case may be, if such is warranted by the harm caused. If the abduction is accompanied or followed by a murder, adultery, prohibited sexual assault or sodomy, a harsher penalty, which can be as high as the death sentence, is imposed.

134. Article 3, paragraph 4, of the Rights of the Child Act also emphasizes that children must be protected from all types of exploitation, which, under the Act, are regarded as acts constituting a criminal offence.

135. Article 147 of the Rights of the Child Act underlines the role of the State in protecting children from all forms of sexual and economic exploitation and stipulates that it must adopt stringent measures to protect children from engaging in any immoral activity. Article 155, paragraph 3, provides that: "Any person who deliberately sets about to conceal a child or substitute one child for another or hand over a child to anyone other than the child's parents shall be punished with a term of imprisonment of up to two years."

136. Measures adopted to that end: In order to counter the problem of transfer of children abroad through various ports, the Government has adopted preventive security measures in that no passports are issued to children until after precautionary measures have been taken to ascertain the identity and person of whomsoever submits the passport application and his relationship with the child's family. These measures include the following:

- The passport applicant is required to present an official letter from his employer;
- The passport applicant is required to provide any certificates or other evidence to prove that he is a relative of the child;
- Control posts have been put in place to monitor all points of entry by land, sea and air.

#### **F. Collection of child maintenance**

137. The Rights of the Child Act devotes a full section to child maintenance and the method for collecting such maintenance. Articles 37 to 40 stipulate the procedures for its collection in various instances, depending on the economic circumstances of the provider. Child maintenance is assessed by the court and is paid from the income, assets and rights of a prisoner to any person who is providing for his children. Maintenance for a child of unknown parentage is paid from such assets as the child may have. If the child has no assets and no one volunteers to pay the child's maintenance, it is payable by the State.

138. Article 155, paragraph 7, of the same Act provides that any person who, despite his ability to do so, fails to hand over maintenance which he has been ordered to pay shall be punished with a term of imprisonment of not less than one month and not more than six months. The Government collects maintenance from those who have been ordered to pay it and hands it over to the children entitled to it.

139. Difficulties impeding the collection of maintenance:

- Parental unemployment;
- The death of the father and the advent of other heirs;
- Legal proceedings taken by the father against the mother for maladministration of the maintenance funds.

#### **G. Children deprived of family environment**

140. Children whose circumstances preclude them from being raised in their natural family environment are guaranteed by law the right to live in another environment and receive alternative care. If the parents are separated or if one of both of them are dead, the child has the right to be in the care and custody of his or her divorced parents, surviving parent or relatives, as well as the right to maintenance if he or she is in need, in accordance with the provisions detailed in the Islamic Shariah and stipulated by law. As for orphan children, children of unknown parentage or children without relatives to undertake their care, under article 110 of the Rights of

the Child Act, the Ministry of Social Affairs and Labour is under obligation to provide alternative care for all those precluded by their family circumstances from being brought up by their families or by a family member who has care and custody.

141. In the event that parents divorce or the father dies, the mother has custody in all cases, provided that she satisfies the necessary conditions, which are that a custodian must have attained legal age and be of sound mind, as well as trustworthy and capable of raising the child and safeguarding his or her physical and moral well-being. The period of custody is nine years for boys and 12 years for girls.

142. Under article 32, the custodian is required to do what is right for the child or, in other words, act in the child's interest. Maintenance, however, is payable by whomsoever is required to do so under the relevant provisions. The custodian may take the child to his or her own country, unless to do so would cause physical, mental or moral harm to the child. This may mean that the child's religion, culture and language are preserved, a matter to which due regard must be paid in accordance with the terms of the article. The subject is also covered in further detail under article 142 of the Personal Status Act, which contains a paragraph on separation from parents.

143. Having considered the circumstances and family environment of a child from a broken home, the judge has the right to determine where the child should live or to leave it for the child to choose where to live during the period of custody.

144. As for orphans, children of unknown parentage and children without relatives to undertake their care and custody, article 110 of the Rights of the Child Act stipulates that children in need of alternative care must be placed in an alternative system, which must nurture the child in such a way as to achieve his or her interests. The alternative may be one of the following:

- A (surrogate) family which takes temporary or permanent custody of the child;
- A social welfare institution which specifically provides live-in facilities for children who have no family (orphans);
- A social welfare institution (juvenile home).

145. The Social Development Fund has also established a special social protection department providing technical services to social welfare institutions, including juvenile homes.

146. Difficulties impeding the progress of work in such homes:

- The inability of these institutions to meet their increasing needs inasmuch as their institution-building is incomplete;

- The inadequacy of expenditure and operational budgets which can in their turn help to diversify and develop service resources with a view to increasing their capability and efficiency when it comes to upgrading more of the activities and services for juvenile rehabilitation and reform, in particular recovery, psychological and social counselling, occupational guidance and vocational training;
- The lack of integrated training and further training programmes designed to build the capacities of psychologists, sociologists, social supervisors, night supervisors, etc., and thus enable them to discharge their tasks and responsibilities in an efficient manner;
- The lack of after-care programmes for juveniles who have completed their stay in such homes.

#### **H. Adoption and fostering (*kafalah*)**

147. Islam does not endorse adoption in the sense where the child is given an adopted name. It does, however, endorse and encourage fostering, which serves all of the child's interests in the same way as adoption, apart from the name. This is to ensure that there is no confusion over kinship and that the child, once adult, is not forbidden from marrying whomsoever he or she is permitted to marry, or does not, as may occur, marry a person to whom marriage is not permitted. Although the foster child does not have the same automatic right as the foster parent's own children and legitimate heirs to inherit from the foster parent, the latter is entitled to place up to one third of his estate in trust for the foster child, which may amount to more than the share of a legitimate heir.

#### **I. Periodic review of child placement**

148. Article 136 of the Child of the Rights Act stipulates that children must undergo a medical examination before they take up work in order to ascertain that they are physically fit and healthy enough for the work in question. It also stipulates that they must be periodically re-examined within a maximum period of one year and that the labour inspector must request such re-examination before the specified period is over if it is apparent that the working conditions or the fitness of the working child so require. Working children are not responsible for any financial costs incurred in their medical examination; they may be young victims of domestic violence or violence in the workplace or may be subjected to forms of harassment, sexual assault or rape.

149. Article 127 of the Act provides that social welfare homes and institutions must supervise and monitor the different stages of the juvenile's education and recovery, as well as his post-recovery progress. They must also make efforts to ensure that juveniles are able to work in the occupations for which they are qualified so that, after leaving institutional care, they suffer no setbacks which lead them to resume delinquent behaviour on account of the circumstances and difficulties in life which they face. Any certificates awarded must not indicate that they were obtained during the juvenile's placement in a welfare home or social institution.



**J. Ill-treatment and neglect, including physical and psychological recovery and social reintegration**

150. The objectives behind the enactment of the Rights of the Child Act include that of protecting the child from all forms of exploitation, which, under the Act, are regarded as acts constituting a criminal offence (art. 3). Article 146 of the Act covers children who are subject to ill-treatment, deprived or socially exploited and living in difficult conditions, all of whom must be protected by the State. Under article 147, the State is required to protect children from all forms of sexual and economic exploitation and adopt stringent measures to protect children from being used and exploited in acts of debauchery and immoral activities or in the production of or traffic in psychotropic substances (art. 148).

151. All laws are aimed at protecting human beings in general and children in particular from all forms of violence, harm, physical and psychological ill-treatment and economic and sexual exploitation. The Penal Code notably prescribes stringent penalties for offenders in cases where the victim is a child or where the offender is the child's guardian or trustee or a person entrusted with the child's care.

152. The Rights of the Child Act prescribes penalties for the offences of ill-treatment of the child by either parent or neglect by a trustee to cater for the welfare of the child for whom he is responsible. Article 155, paragraph 1, prescribes the penalty of imprisonment for a period of not less than one year and not more than three years for any person who abandons his newborn child or entrusts him to another person. Paragraph 2 stipulates that any person entrusted with a child's upbringing by a social welfare home who then neglects the child shall be punished with imprisonment for a period of up to six months or a fine of 20,000 rials. Paragraph 6 stipulates that: "Any person entrusted with the upbringing of a child shall be sentenced to imprisonment for a period of not less than one month and not more than six months, or to a fine, if he deliberately ill-treats or fails to take care of the child. The penalty shall be doubled if the child suffers physical or psychological harm as a consequence."

153. The forms of sexual exploitation of children include the act of inciting children for the purposes of procurement and debauchery. Article 279 of the Penal Code stipulates that a penalty of up to 10 years' imprisonment may be imposed on anyone who incites a minor under 15 years of age to engage in an act of debauchery if such incitement leads the minor to commit the offence or if the inciter is dependent on procurement for his livelihood. If both circumstances are combined, i.e., if the incitement involves a person of minor age and if the inciter is dependent on procurement of the minor for his livelihood, the penalty for the inciter may be as much as a term of up to 15 years' imprisonment.

154. The offence of inciting a minor to commit theft is punished with imprisonment for a period of up to one year or, if the offence of theft does not take place, to a fine of not more than 2,000 rials (art. 303 of the Penal Code).

155. The government mechanisms currently operating under the umbrella of women's and children's affairs departments are concerned with monitoring forms of violence, ill-treatment and exploitation, as are the non-governmental organizations involved in working with women and children.

156. Article 127 of the Rights of the Child Act provides that social welfare homes and institutions must seek to achieve the physical and psychological recovery and reintegration of child victims of violence, exploitation and ill-treatment by following up their own supervision procedures, as well as all stages of the recovery and education of such juveniles. During the post-recovery stage, they must also make efforts to ensure that these juveniles are able to work in the occupation for which they are qualified so that, after leaving institutional care, they suffer no setbacks and do not resume delinquent behaviour on account of the circumstances and difficulties in life which they face.

157. The Juveniles Act No. 23 of 1992 covers a number of prevention, rehabilitation and treatment measures designed to rescue juveniles and reintegrate them into society, including:

- Vocational training: The court sends the juvenile to a vocational training centre or to a factory, shop or farm which agrees to train him. Although the court does not specify the duration of this measure, the juvenile should not stay in the establishments mentioned for longer than a three-year period;
- Placement in a juvenile rehabilitation and welfare home: The juvenile is placed in a social welfare home for juveniles that belongs to or is recognized by the Ministry. Juveniles who are disabled are placed in a centre which is appropriate for their rehabilitation. The period of placement is not specified in the court order, although it should not exceed 10 years in the case of serious offences, three years in the case of minor offences and one year in the case of potential delinquency. The home of placement is required to report to the court on the juvenile's condition and behaviour at six-monthly intervals so that the court can take an appropriate decision in the light thereof;
- Placement in a specialized hospital: The juvenile is admitted to a specialized hospital in which the juvenile can receive the care required by his condition. The court is responsible for periodically monitoring his stay under treatment, which may not exceed one year in any one period, during which doctors' reports must be submitted. A decision to release the juvenile is taken if it is clearly warranted by his condition.

158. These services, however, are still not integrated and are substantially lacking in financial, technical and human resources, particularly in the field of after-care, which consists of supplementary treatment to help juveniles who have been released from these homes, assist them in their new lives and help them to integrate and adapt into society.

## **VI. BASIC HEALTH AND WELFARE**

### **A. Disabled children**

159. The Rights of the Child Act devotes an entire chapter (chapter III), entitled "The welfare and rehabilitation of disabled children", to this subject. Article 115 stipulates that: "The State shall guarantee to a mentally or physically disabled child the right to enjoy a decent life, as well as social, health and psychological care that develops his self-reliance and facilitates his integration into society."

160. Article 116 of the above Act provides that: “The disabled child shall have the right to rehabilitation through the provision of social, psychological, medical, educational and vocational services. The State must provide the remedial equipment and services needed for the rehabilitation of children free of charge.”

161. Article 123 of the Act stipulates that: “The Higher Council for Maternal and Child Welfare shall, in collaboration with the Ministry of Information, disseminate information on issues relating to disabled children through the various media in order to increase social awareness of the rights, needs and abilities of such children in different fields and of their equality with other children.”

162. Under the Act, the Government is also required to establish institutes, centres and institutions for the rehabilitation of disabled children, provide remedial equipment and rehabilitation services free of charge and admit such children to basic education schools in accordance with their abilities and aptitudes with a view to harnessing those abilities to make them eligible for gainful employment.

163. Measures adopted to that end: The National Committee for the Welfare of Disabled Persons was established and mandated, pursuant to Republican Decree No. 5 of 1991, to perform the following tasks:

- Elaborate strategies and policies for the welfare and rehabilitation of persons with special needs;
- Put into practice the policy of social integration and effective participation in development.

164. A disabled welfare fund was established under Republican Decree No. 6 of 1991, as amended by Act No. 2 of 2002, known as the Disabled Welfare Fund Act. The Disabled Welfare and Rehabilitation Act No. 16 of 1999 was promulgated.

165. Council of Ministers Decree No. 284 of 2002 concerning the Implementing Regulations of the above Act was promulgated.

166. Ministry of Education Decree No. 407 of 1999 was promulgated, giving disabled persons the right of admission to mainstream education. In the education sector, the Department of Comprehensive Education was established, with branches in all governorates. In conjunction with non-governmental organizations, efforts were made to develop the school curriculum in Braille and large print. These efforts, however, are still far from meeting the requirements of all special needs children.

167. Child and maternal immunization campaigns were run, achieving extremely positive results in that poliomyelitis, which causes motor disability, was eradicated from Yemen and Yemen was removed from the epidemic map of countries for poliomyelitis. Similar results were also achieved in combating congenital tetanus, as well as measles, which causes many deaths among the under-fives and newborn infants.

168. The audio-visual media began to play an active awareness-raising role in order to reduce the incidence of disability caused by misguided practices in traditional methods of treatment.

169. The Population Action Programme (2001-2005) makes provision for the establishment of new centres, the improvement of existing training centres, access to educational aids and the organization of workshops for the rehabilitation of disabled persons. Public, private and educational service institutions are encouraged to work on integrating the disabled into their activities and efforts to raise cultural and educational awareness within the community have been intensified with a view to ensuring that the needs of disabled persons are accommodated and understood and that disabled persons are treated as members of society.

170. The Government has devoted attention to the establishment of social welfare homes for this category and to the provision of support for a number of the health, educational and vocational associations working in this field:

**Table 6**

Name of home	Number of beneficiaries
1. Centre for the Blind - San'a	135
2. Centre for the Blind - Aden	61
3. Centre for the Blind - Hadramawt	101
4. Special Needs Centre - San'a	323
5. Special Needs Centre - Aden	85
Total	705

171. Non-governmental organizations are encouraged to channel resources and activities into rehabilitation services for the genuine integration of disabled persons. In that connection, the Government, in cooperation with the Swedish organization Rädde Barnen, established a community-based rehabilitation (CBR) project as an action strategy aimed at providing support and training for disabled children and their families in the context of the local community.

172. The main achievements of the project were as follows:

- It produced statistics on the amount and types of disability in the target regions by means of a comprehensive field survey;
- It elaborated a strategy for comprehensive education in the Republic of Yemen, which began with a pilot project for comprehensive education in 15 schools, illustrated in the following table:

**Table 7**

Governorate	Number of children integrated into schools
Aden	65
Ta'izz	54
Ibb	101
Abyan	73
Lahij	93
Total	386

- It created a health referral system, which made the Ministry of Public Health and Population more aware of the health issues surrounding disabled children and also facilitated access to medical services and the supply of aids equipment.

173. Numerous disabled persons in the CBR programmes in various governorates benefited from this project, as follows:

**Table 8**

Governorate	Males	Females	Total
1. Ta'izz	262	158	420
2. Aden	52	154	206
3. Ibb	333	186	519
4. Abyan	311	186	497
5. Lahij	145	136	281
Total	1 103	820	1 923

174. The project also ran several training courses for disabled persons in a number of governorates, as follows:

- Three basic training courses in several different regions;
- An external training course on cerebral palsy;
- Two training courses on cerebral palsy;
- A training course on administration and planning;
- A training course on vision;
- A training course on physiotherapy;
- A training course on hearing difficulties.

### **B. Health and public services**

175. Article 68 of the Rights of the Child Act stipulates that the State shall provide prenatal, perinatal and post-natal health care by:

- Providing access to primary health care services, training qualified health personnel in the management and delivery of primary health care services, and seeking to develop the infrastructure of such services;
- Providing free treatment for incapacitated children, requiring all health institutions and primary health care and child rehabilitation facilities to deliver health care within their own specialized fields, and ensuring follow-up treatment for chronic diseases;
- Raising overall awareness of maternal and child health.

176. Article 69 of the Rights of the Child Act stipulates that that State shall take all effective measures to eliminate practices harmful to the health of the child. Article 70 stipulates that: “The State and the private sector shall be required, through the health system, to conduct a full medical examination of newborn and nursing infants and perform such treatment or early surgical intervention as is necessary to eliminate the appearance of any future disability or damage to the child’s health.”

177. Chapter II also comprises legal provisions concerning the delivery of child health services, the child health card, the terms and conditions for use of the child health card for immunization purposes and the requirement whereby the health card is one of the documents of which a copy must be supplied in order for a student to enrol in the pre-university stages of education, as stipulated in articles 71, 72, 73, 74, 75, 76, 77, 78, 79 and 80. These are national legislative provisions, the sum of which is consistent with the provisions of the Convention.

178. Approximately 50 per cent of the population is covered by health services. Absolute priority is given to maternal and child health programmes by way of the Strategy for Health Sector Reform. The findings of the Demographic and Maternal and Child Health Survey, conducted in 1997, confirmed that the under-five mortality rate fell from 203 deaths per 1,000 live births in the 20 years prior to the survey to 105 deaths per 1,000 live births in the five years prior to the survey. Infant mortality similarly fell from 138 to 75 deaths per 1,000 live births.

179. The Ministry also adopted the Strategy for the Integrated Management of Childhood Illnesses (IMCI) as a practical avenue for reform of the health sector. Its aim is to develop the skills of health professionals in the diagnosis and treatment of childhood illnesses, enhance the standard of child health services, improve the attitudes of family and community towards children, and reduce the percentage of deaths among the under-fives caused by diarrhoea, acute respiratory disease and measles complications, as well as reduce the incidence of childhood diseases preventable by immunization and malnutrition to 25 per cent among the under-fives by 2005.

180. Measures adopted to that end:

IMCI:

- The IMCI Health Department was established and seven paediatricians received training in Egypt and the Sudan in the new IMCI Programme mechanism and system, 56 paediatricians received supervision training and 37 paediatricians and 75 medical auxiliaries received IMCI training;
- Over 2,000 health auxiliaries received training to combat diarrhoea, 200 received training to combat acute respiratory infections, a further 800 received training to combat both diarrhoea and acute respiratory infections, 60 child experts and general practitioners received training in the standardized plan for the diagnosis and treatment of diarrhoea and acute respiratory disease and two training courses in the use of oxygen concentrators were held for doctors.

181. The National Expanded Immunization Programme: The level of vaccination coverage rose from 28 per cent in 1997 to 42 per cent in 1998 and 70 per cent in 1999 and Yemen was removed from the epidemic map for poliomyelitis. In 1999, the hepatitis B vaccine was introduced for children under one year of age in combination with the usual immunization doses. The five-in-one vaccine (triple vaccine + hepatitis B + HIP) is to be introduced in 2004. The coverage with three inoculation doses against tetanus rose to 33 per cent among women of child-bearing and reproductive age.

182. Reproductive health and family planning: Reproductive health and family planning have special prominence now that the population sector is included and the Minister of Public Health and Population has been appointed as vice-chairperson of the National Population Council. A number of interventions have taken place, with focus on optimizing current health facilities, strengthening reproductive health and family planning services, providing basic obstetric care at the directorate level, providing emergency obstetric care, developing executive personnel, particularly the women among them, developing such support services as referral, outreach and supervision, dispersing reproductive health services across remote areas, disseminating awareness and information to the individuals in society on the importance of maternal health care and on complications in pregnancy, providing access to information on maternal deaths and diseases in the form of statistics posted in health facilities, surveys, rapid investigations and scientific research, and promulgating a decree of the Minister of Public Health and Population making childbirth in all hospitals, health and other centres free of charge.

183. The reproductive health and family planning programmes have sought to reduce the percentage of early pregnancy in marriage and the Demographic Survey of 1997 showed a rise in the average age of marriage from 15 to 18 years for the following reasons:

- The substantial risk and danger to maternal health caused by early pregnancy;
- The higher percentage of girls in education;
- The low personal income level and the higher percentage of unemployment and poverty, as a result of which most young people are unable to marry.

184. Prenatal, perinatal and post-natal care: The proportion of pregnant women receiving prenatal care stood at 34 per cent and is higher in urban areas and among educated women. The proportion of women of reproductive age receiving three or more tetanus vaccinations stood at 33 per cent, in addition to which 22 per cent of births (including 16 per cent in health facilities) take place under the supervision of qualified personnel. Post-natal care stood at only 6 per cent and the use of family planning methods was no more than 21 per cent.

185. The National Programme to Prevent and Combat AIDS and Sexually Transmitted Diseases (STDs): In 2002, the Government introduced the National Programme to Prevent and Combat AIDS, a strategic framework which is the first of its kind, at least in the region, and is aimed at mobilizing all competent governmental and non-governmental authorities, both national and international, to stand united in tackling HIV/AIDS and STDs, caring for AIDS patients and providing them with help and assistance under the umbrella of the National Population Council. The Programme has recently implemented a number of activities, as follows:

- Five courses for health workers on how to perform epidemic monitoring;
- Five training courses for laboratory testing personnel in new methods of blood testing for AIDS;
- Fifteen training courses for grandmothers and midwives on clean births;
- Fifteen training courses for trainees and teachers in the field of nursing;
- Further efforts to raise information and health awareness in the different sectors of society;
- Health awareness-raising for those with STDs, including AIDS,
- Epidemic monitoring of the AIDS virus among patients with tuberculosis and STDs, in conjunction with these programmes;
- Courses for personnel on how to perform epidemic monitoring;
- Periodic field visits to health facilities for follow-up and monitoring purposes;
- The supply of several laboratories and hospitals with the equipment needed to test blood for transfusion and ensure that it is free of such viruses as AIDS and hepatitis;
- A number of training courses on preventing infection through contaminated instruments;
- Preparation of a training manual for health workers in psychological counselling and patient care;
- A study on the prevalence of STDs among women, including pregnant women;
- Separate studies in prisons and tourism enterprises;
- AIDS work by various non-governmental associations and organizations.

186. Nutrition: The Nutrition Programme focuses on modern low-cost methods which are highly beneficial for maternal and child health, making good use of scientifically recorded experiments, studies, surveys and technical support provided by the competent organizations, including:

187. The Programme to Combat Iodine Deficiency Disorders: The findings of a follow-up survey of the prevalence of iodine deficiency disorders showed a fall of 30 per cent in comparison with the previous figures. The Implementing Regulations of the Iodization of Table Salt Act were drafted and five training courses, designed by health centre officers and directors and officers in charge of nutritional monitoring in the governorate health environment, were held



on the subject of monitoring the iodization of salt. Comprehensive activities to establish awareness on how to prevent iodine deficiency were conducted in the various media and awareness-raising materials were distributed to the target regions.

188. The Programme to Combat Iron Deficiency:

- A project to fortify flour with iron and folic acid was begun;
- Training in the fortification of flour with iron and folic acid is planned for the workers in Yemen's largest flour mills;
- Council of Ministers Decree No. 169 of 2001 concerning the fortification of oil with vitamin A and of flour with folic acid was promulgated, thereby reinforcing the earlier decision to iodize table salt.

189. The Programme to Combat Vitamin A Deficiency:

- Distribution of vitamin A capsules on national days for the immunization of under-fives during the years 1996-2002, with the proportion of children who received vitamin A during the campaign held in 2002 amounting to 97 per cent of those targeted;
- Control of malnutrition diseases caused by lack of protein and energy foods;
- Information on balanced nutrition;
- Early diagnosis and treatment of childhood diseases;
- Monitoring of child growth;
- Provision of food and nourishment for all family members, in particular pregnant and breastfeeding mothers, and the distribution of food (soya beans, sugar, wheat and oil) to those attending directorate health centres in 10 target governorates.

190. The Programme to Promote and Protect Breastfeeding:

- Promulgation of Council of Ministers Decree No. 18 of 2002 regulating the protection and promotion of breastfeeding and prohibiting the advertisement of milk formula in clinics and hospitals.

191. Main successes and activities conducted in 2002 in cooperation with UNICEF:

- A workshop to disseminate information on food legislation on 19 and 20 October 2002;
- Completion and follow-up of the first phase of the Critical Control Point plan in Dhamar and Ta'izz and six of their directorates in January 2002;

- Evaluation of the trace-element testing capacities of government laboratories (in Hadramawt, Aden, Ta'izz, Hodeidah and the Capital Municipality) on 2 March 2002;
- Implementation of phase 2-3 of the Critical Control Point plan for the distribution of iodized salt (San'a, Amran, Hajjah, Hodeidah and Sa'dah);
- Observation of World Breastfeeding Week.

192. The National Programme to Combat Tuberculosis:

**Table 9**

**Reported cases of positive pulmonary tuberculosis in children under 14 years of age**

Governorate	1997	1998	1999	2000	2001	2001	Total
1. Capital Municipality	14	10	15	16	13	11	79
2. Aden	12	8	12	13	14	8	67
3. Hodeidah	21	15	20	23	23	21	123
4. Ibb	9	16	13	15	14	12	79
5. Dali'	7	4	6	5	3	2	27
6. Hadramawt	5	4	2	1	0	3	15
7. Mahwit	4	5	6	8	2	7	32
8. Ta'izz	19	26	32	25	37	24	163
9. Abyan	7	6	0	4	3	3	28
10. Dhamar	3	4	0	7	6	8	33
11. Amran	8	9	10	11	14	7	59
12. Lahij	4	5	4	6	4	5	28
13. San'a	2	3	7	8	4	6	30
14. Ma'rib	1	3	1	0	0	4	6
15. Jawf	0	1	1	0	0	4	6
16. Bayda'	1	5	6	11	4	9	36
17. Hajjah	19	11	15	18	10	20	93
18. Mahrah	0	2	1	0	0	0	3
19. Shabwah	0	2	2	3	4	0	11
Total	137	142	166	177	159	151	932

193. Health promotion: The Government is mobilizing all official and traditional means of information, education and communication in order to promote the health of the population through a variety of activities, particularly in regard to healthy lifestyles and protection from infectious disease. It is also taking care to include child health issues in all curricula used in education, technical and vocational training and higher education. In that connection, it is imperative to activate the role of schools in health. The National Centre for Health Information and Education (which cooperates with WHO) is the apparatus responsible for playing the support role and coordinating all actors. The Ministry of Public Health and Population produces the manuals needed for the purposes of information, education, communication and counselling, as well as for training health personnel, particularly in personal communication skills, and personnel working in various areas of the mass media.

194. Non-governmental organizations working in the health sector: A substantial number of services in a variety of fields are provided by several of the non-governmental organizations working in the health sector, such as the Yemeni Family Welfare Society, which has been involved in reproductive health and family planning for over a quarter of a century, the Charitable Society for Social Reform, the Association for the Development of Women and Children, the National Anti-AIDS Society, the Society for the Disabled, the Challenge Association, the Lantern Association and others. Some of the successes of each will be mentioned elsewhere in the report.

195. The private sector: The Government encourages investment in the private sector, which has greatly prospered, thereby assisting the delivery of its services, including maternal and child health services, to those in a position to use them. The reach of private-sector services is also being extended to benefit the poor.

196. Disabled children: The Centre for Prosthetic Limbs and Physiotherapy supplies prosthetic limbs for disabled persons and primary means of mobility for invalids. It employs a large number of people who are themselves disabled and is run by a double-foot amputee. Various ministries are also required by law to employ a number of disabled persons in their facilities.

197. The issue of a birth certificate for each child and its linkage with health: Every child who is newly born in health establishments or under health supervision is registered with the Civil Registration Department, which issues the birth certificate after the newborn health certificate is obtained and coordinates with the Ministry of Education, as the admission of children to public or private schools is still linked to this day with the health card and the teething certificate. However, 75 per cent of births take place in the home and citizens do not go to obtain a birth certificate and give immediate notification of births, even though the Civil Registration Department has branches in every governorate and its directorate.

198. Female circumcision: Using the Yemen Demographic and Maternal and Child Health Survey, the Central Statistical Office compiled the statistics on female circumcision and harmful traditional practices for the first time ever and found that approximately 22 per cent of women are circumcised. In the survey conducted by the Girls' Health Project in areas where, according to the findings of the above Survey, female circumcision is commonly practised, it was found that:

- The clitoris and the labia minora were removed in 69 per cent of circumcisions;
- The clitoris alone was removed in 20 per cent of circumcisions;
- The labia minora alone were removed in 8 per cent of circumcisions;
- The clitoris, labia minora and labia majora were all removed in 2 per cent of circumcisions.

199. These customs are practised on girls during their first two weeks of life. The Yemen Demographic and Maternal and Child Health Survey, conducted in 1997, showed that 8 per cent complained of haemorrhage, 4 per cent complained of pain, 1.5 per cent complained of fever and a number mentioned difficulty in urinating and the formation of pus.

200. Measures adopted in this field: The Ministry of Public Health and Population promulgated a decree prohibiting the use of government facilities for the purpose of circumcision. On the basis of the above statistics, the general secretariat of the National Population Council has referred to this type of misguided practice against female children in its publications. These include the manual for health personnel, which aims to deepen their awareness so that they can combat the ways and customs leading to female genital mutilation and consequent damage to health. The manual also lists the potential harmful effects, both short-term and long-term, caused by the practice of such customs.

201. Difficulties encountered in delivering primary health care services and other health services:

- The prevalence of illiteracy, particularly among women;
- The heavy work burden on pregnant women;
- Harmful traditional practices;
- The limited expenditure on health in the general State budget (4.5 per cent), together with the high growth in population, which in 2001 stood at 18,830,000 persons. Of these, some 60 per cent were children and mothers, a high percentage which places a heavy burden on society and the State in regard to meeting the need for maternal and child health services;
- The wide dispersal of the population and the difficulty of delivering primary health care services to remote areas;
- Poor planning and the unfair distribution of services, leading to a decline in the quality of health services in general;
- The poverty, unemployment and economic decline affecting many groups of inhabitants, particularly in rural areas, making it extremely difficult for mothers and children to travel to the nearest health facility for the purpose of obtaining health services and treatment in view of the financial burden entailed.

202. Water and sanitation: Between 50 and 60 per cent of water sources are now clean, particularly in towns. During the period 1997-2001, 740 projects were implemented to carry out civil and mechanical works from which approximately 1,963,033 persons benefited in all governorates.

**Table 10**  
**Dispersal of projects by year and governorate**

Governorate	1997	1998	2000	2001	2002	Total
1. San'a	47	16	23	24	16	126
2. Dhamar	19	33	52	28	17	149
3. Ta'izz	38	12	37	24	4	115
4. Hodeidah	5	4	-	3	2	14
5. Hadramawt	18	24	13	8	1	64
6. Mahrah	16	-	-	-	-	16
7. Mahwit	4	13	5	1	1	24
8. Hajjah	5	3	12	10	6	36
9. Jawf	2	-	-	-	-	2
10. Ma'rib	-	5	1	3	-	9
11. Ibb	11	18	25	10	2	66
12. Abyan	-	-	-	13	3	16
13. Bayda'	8	3	1	21	4	37
14. Amran	-	-	27	13	5	45
15. Lahij	-	-	-	3	1	4
16. Dali'	-	-	-	-	4	4
17. Sa'dah	8	-	1	1	1	11
18. Shabwah	-	-	-	1	-	1
19. Aden	-	-	-	1	-	1
Total	181	131	197	164	67	740

- The table clearly shows that, in 1997, 181 projects were established, accounting for 24.4 per cent of the total number of projects over the five years. In 2002, 67 projects, accounting for 9 per cent of the total number, were established.
- The table also shows that there are more projects in the northern governorates than in the southern governorates, which is attributable to the following causes:
  - (a) The population density in the northern governorates is higher than in the southern governorates;
  - (b) The present water requirement plays a part in the dispersal of projects throughout the governorates and the southern governorates already had a water distribution network;
  - (c) Administrative activity also plays a part in such dispersal and branches with an energetic personnel capable of project implementation won a greater share of projects.

### **C. Social security and child welfare services and facilities**

203. Article 56 of the Constitution stipulates that: “The State shall undertake to provide social security for all citizens in the event of sickness, disability, unemployment, old age or loss of their source of support. It shall also undertake to provide the same in particular for the families of martyrs, in accordance with the law.”

204. Those who are not included among the beneficiaries of the above laws or the Welfare of Martyrs’ Families Act benefit from the provisions of the Social Welfare Act No. 31 of 1996. Consequently, all children enjoy the right to social security; poverty-stricken and needy children who have a monthly income of less than the minimum wage or salary and no movable or immovable assets other than their own home are covered under article 6 of the Social Welfare Act.

205. Orphan children whose guardians were employed in the public sector, the security sector, the army or the private sector are included under the guarantees prescribed in the insurance laws for such categories, namely the Insurance and Pensions Act No. 25 of 1991, the Armed and Security Forces Pensions and Benefits Act No. 32 of 1992 and the Social Insurance Act No. 26 of 1991. Along with widows and elderly persons whose provider has died, children are the main beneficiaries of those guarantees.

206. Section 2, paragraph 2, of the Rights of the Child Act specifies the obligations of the State, society and family in regard to providing the requirements of the child, enlightening the child and fulfilling those requirements.

207. Orphan children who have lost one or both parents, or whose father or parents are unknown, and who are unmarried and without employment are entitled to permanent social assistance, as are all those with a permanent and total or partial incapacity, including sick and disabled children. A number of children also benefit from the programmes of the Social Security Network and the Social Welfare Fund.

### **D. An adequate standard of living**

208. Article 7 of the Constitution underlines social justice in economic relations aimed at developing and promoting production, achieving social integration, providing equal opportunities and raising the standard of living in society. Article 6, paragraph 3, of the Rights of the Child Act specifies the children’s services to be provided by the State and measures for the protection and development of children. Measures adopted to that end:

The State has sought to raise the standard of living for citizens by way of:

- The economic reform and restructuring policy;
- The Social Security Network, which aims to lessen the burdens of living for the poor and for low-income earners, create work opportunities for the unemployed, increase grass-roots participation and strengthen social integration. Several mechanisms have

been formed under the social security umbrella, including the Social Welfare Fund, the Social Development Fund, the National Programme for Productive Families, the Public Works Project and the Disabled Welfare and Rehabilitation Fund;

- The National Poverty Alleviation Strategy, which aims to provide job opportunities for the majority of poor inhabitants, who, as indicated in the findings of the National Poverty Survey, conducted in 1998, account for 38 per cent of the population in Yemen, a figure which on the rise.

209. The Government took a number of immediate measures to improve living standards for families, including their children and women:

- The Youth Welfare Fund was established to support the new generation of children and involve them in socio-economic development;
- Attention was devoted to technical and vocational education, the unemployed were provided with job opportunities and job opportunities for women were increased.

210. Difficulties facing these programmes:

- The steady population growth;
- The geographical dispersal of the population;
- The country's weak economic structure.

## **VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES**

### **A. Education, including vocational training and guidance**

211. The Constitution guarantees equal political, economic and cultural rights for all citizens, in addition to which article 54 provides that: "Education is a right guaranteed to all citizens by the State, in accordance with the law, through the establishment of school, cultural and educational institutions. Education at the basic stage shall be compulsory. The State shall endeavour to eliminate illiteracy and devote attention to the expansion of technical and vocational education. The State shall also devote particular attention to the welfare of young people, their protection from delinquency and their access to religious, intellectual and physical education and shall provide them with conditions conducive to the development of their aptitudes in all fields."

212. Article 35 of the Constitution provides that protection of the environment is the responsibility of the State and the religious and national duty of every citizen.

213. Article 88 of the Constitution provides that basic education shall be compulsory and guaranteed by the State to be free of charge. Article 81 of the Rights of the Child Act also provides that the State shall guarantee that education is free of charge in accordance with the laws in force.

214. Article 91 provides that the State shall endeavour to achieve equality of opportunity in education and to assist families whose socio-economic circumstances prevent them from enrolling their children in basic education.

215. The General Education Act No. 45 of 1992 stipulates that education is a long-term human investment and a legitimate human right of all inhabitants.

216. The Government has sought to interpret constitutional obligations and laws by prioritizing educational services, particularly at the basic stage, in order to expand and establish them to the point of forming a broad supply base for the later stages.

217. Educational policies and reforms: The establishment of urban and rural schools led to an increase in the number of basic and secondary schools from 10,004 in the school year 1990/91 to 13,141 (of which 6 per cent were girls' schools, 13 per cent were boys' schools and 81 per cent were co-educational) in the school year 2000/01. The proportion of schools in the Republic covered by head teachers amounted to approximately 75 per cent. As for the proportion of teachers working in each stage, 79 per cent work in the basic stage, 11 per cent work in both basic and secondary education and the remaining 10 per cent work in secondary education only (see annexes, table 4).

218. In accordance with the definitions employed in educational surveys, school premises include all places in which an educational activity is performed. The premises might be fixed (a school building) or temporary (a shed or tent), or may be places where there are no physical structures but where teaching is carried out, such as a mosque, an open-air space, a side area or a clearing. The latter qualify under the term premises in order to permit the inclusion of schools operating in such places and ensure that data are consistent.

219. The total number of school premises amounts to 12,969, of which 11.13 per cent are in urban areas and 88.87 per cent in rural areas.

220. The proportion of fixed and temporary school premises in the Republic stands at 90 per cent in urban areas and 88 per cent in rural areas. Of these, 91 per cent are designed as school premises, 5 per cent are improvised and the remaining 4 per cent are temporary premises.

221. As for teacher supply, the number of teachers in basic education schools has risen from 51,776 in the 1990/91 school year; in the 2000/01 school year, the number of teachers in all schools stood at 184,037. Of these, 9,998 were head teachers and 174,039 were class teachers, 98 per cent of whom work in schools supervised directly by the Ministry. The remaining percentage work in private, local and foreign schools.

222. All pupils are supplied with school textbooks. The number of books distributed has risen to cover all governorates and books are now delivered to schools before the start of the school year.

223. The situation of Yemeni teachers has improved; the Teachers Act was promulgated and implemented in the 1999 school year, awarding teachers a salary increase of up to 110 per cent of their basic salaries.



224. All data and other forms of information have been improved and developed through the conduct of periodic education surveys. Preparation of the 2002 Statistical Report is currently under way.
225. The general school education curricula have been developed.
226. The Ministry has undertaken the elaboration of strategies for literacy and for girls' education. In the interest of activating these strategies, they are now core areas of the basic education strategy.
227. A national strategy for the development of basic education in Yemen has been drafted, using a scientific and practical methodology, with the assistance of German Technical Cooperation (GTZ) in Yemen.
228. An educational data and information base has been established and the Ministry has recently devoted its efforts to the periodic conduct of a series of comprehensive education surveys.
229. In regard to children deprived of a family environment, the Government has established several child welfare homes in a number of governorates. The Ministry of Education provides educational services and supplies these homes with books and various other scholastic requirements.
230. The Ministry of Education promulgated Ministerial Decree No. 407 of 1999, pursuant to which children deprived of a family environment are accorded the right of admission to general education. In the education sector, a comprehensive education department was established in 1996 and branches have been created in all governorates. Those involved with this department and its sections receive continuous training, in addition to which the Ministry has engaged in numerous efforts with non-governmental organizations to develop the school curriculum in line with the needs of such children.
231. Development and modernization of the education process:
- In basic education, the curricula for grades 1 to 3 were developed in the early 1990s and for the second cycle (grades 4 to 6) in 1997. The mathematics and science curricula for the third cycle of basic education were developed in the 2000/01 school year, as were the subjects of mathematics and science for the second stage;
  - The remaining school subjects in the third cycle of basic education (grades 7 to 9) were developed for the 2000/01 school year and are currently undergoing assessment. Work also began on updating the textbooks for the second stage. Care was taken to incorporate environmental concepts into these curricula in order to promote the aim of developing respect for the environment, as set forth in article 29, paragraph 1 (e), of the Convention on the Rights of the Child. These books are delivered to schools before the start of the school year and are distributed to students free of charge;

- A total of 3,488 male and female teachers with university qualifications (a bachelor's degree in education) have been recruited to remote areas, together with 9,001 male and female teachers with higher and intermediate diplomas from the Teachers' College and 48 teachers with teaching diplomas;
- The institutional and legislative structure of educational establishments has been developed by improving their operational and administrative efficiency through decentralization, in addition to which education offices have been vested with full administrative and financial powers;
- The general education system has been standardized in accordance with Republican Decree No. 60 of 2001, in which emphasis is laid on the standardization of education in terms of both its curricula and management;
- In a bid to reduce the proportion of failure and drop-out, efforts have been made to ensure adequate school classes, stimulate the role of school management and provide the school buildings, fittings and fixtures needed for education;
- Subsidies were provided for the centre which produces educational aids and school textbooks in order to meet practical requirements at all stages and levels of education;
- Micro-training programmes, literacy programmes and pre-school education programmes were prepared by the Education Channel;
- A number of educational studies and reports were produced, helping the competent authorities to devise and implement the policy for educational development, determine and prioritize educational projects, diagnose educational problems and find remedies for such problems;
- The School Mapping Project was completed and the future map of educational institutions was drawn;
- Educational programmes for all stages were broadcast on the Education Channel and those in charge were sensitized to the importance of education, particularly for girls and those with special needs, as well as to the importance of adult education and literacy;
- Civil-society organizations and local associations were involved in literacy efforts and their resources were used to achieve the objectives.

232. Proportion of the budget allocated to education: The State assumes the task of funding education from its general budget and prioritizes education in the government expenditure, which has helped to increase the rates of admission to education and further its reform. The feeling is that such expenditure creates a form of social justice and helps to contain poverty by preventing poor income distribution, education being a way of increasing individual productivity. The aim is to create equal educational opportunities for citizens whose circumstances may be such that they are unable to meet the cost of education. Moreover, owing

to the global changes affecting the economy of various donor States, external support has diminished and the only resort left is that of limited borrowing from the World Bank. The State's burden of financing education had been substantially reduced by such external support.

233. Public expenditure on educational services and affairs continually grew during the period 1995-2000.

234. Total expenditure on general education also rose from 5,536,000 rials, or 4.4 per cent of gross domestic product (GDP), in 1990 to 81,796,000 rials, or 5.2 per cent of GDP, in 2001.

235. The Government's adoption of a policy of economic stabilization and its focus on poverty alleviation also helped to produce an increase in regard to general education; the figures stood at 16.12 per cent in 2001, with the expectation of a further increase to 21.2 per cent in 2002. This percentage is higher than suggested by international institutions.

236. A brief description of the different stages of education follows.

### Pre-school education

237. Pre-school education is seen as a way of helping children to be mentally prepared to pursue education through the acquisition of a few simple educational principles. The Ministry of Education therefore promulgated Ministerial Decree No. 168 of 2002 establishing special task forces to develop the curricula for pre-school and basic education and incorporate all provisions of the Convention. Development of the kindergarten curricula was entrusted to a select group of professors, specialists and educationalists with the academic qualifications and expertise needed to enable them to cater for the psychological and social characteristics of children at this stage.

238. There are now 984 kindergartens, either with their own premises or sharing premises with other schools, accommodating 13,580 children. The number of kindergarten instructors, both male and female, is 848.

**Table 11**

#### Key indicators and data on kindergartens in the Republic (urban/rural areas)

Indicator	The Republic as a whole		Urban areas of the Republic		Rural areas of the Republic	
	Number	Percentage	Number	Percentage	Number	Percentage
Total kindergartens	984	100	180	98	4	2
Number of branches	537	100	528	98	9	2
Total and average of children in kindergartens	13 580	100	13 307	98	273	2
Average of children per branch	-	100	-	75	-	25
Number and average of male and female kindergarten instructors	848	100	839	98	9	2

*Source:* Report on the findings of the Periodic Education Survey of 2000/01, Department of Planning, Ministry of Education.

### General education

239. In the 2000/01 school year, the total number of students in schools offering general education in the Republic amounted to 3,886,081, of whom 3,401,508 are in the basic stage, including 129,830 females. The proportion of female students amounted to 36 per cent of the total number of students in the basic stage and 26 per cent of the total number in the secondary stage.

240. The general education sector has developed substantially, particularly in the basic and secondary stages.

**Table 12**

**Key indicators and data on students enrolled in general education  
in the 2000/01 school year**

Indicator	The Republic as a Whole		Urban areas of the Republic		Rural areas of the Republic	
	Number	Percentage	Number	Percentage	Number	Percentage
Students in general education	3 886 081	100	1 289 370	33.18	2 596 711	66.82
Students in the basic stage	3 401 508	100	1 057 625	31	2 343 883	69
Students in the secondary stage	484 573	100	231 745	48	252 828	52
Female school students	1 346 060	100	566 619	42	779 441	58
Basic education	1 216 230	100	480 790	40	735 440	60
Secondary education	129 830	100	85 829	66	44 001	34

*Source:* Report on the findings of the Periodic Education Survey of 2000/01, Department of Planning, Ministry of Education.

### Technical education and vocational training

241. Under the national laws and legislation, women are guaranteed the right to enrol in any type and field of technical education or vocational training programme, provided that they meet the requirements for enrolment:

- The percentage of girls enrolled in the different basic technical education programmes (long-term and regular) is still limited, amounting to only 13 per cent of the total intake capacity;
- Statistics show no visible change in the percentage over 10 years, despite new developments and information;
- The bodies involved in regular training are the Ministry of Technical Education and Vocational Training, the Ministry of Health and the National Institute for Administrative Sciences;

- The intake capacity, fields of training and geographical distribution of training institutes are all noticeably limited;
- Interest in the hotel industry, tourism and technical vocations is limited.

**Table 13**

**Enrolment in and completion of technical education and vocational training**

No.	Field of Training	Training body	Entrants		Graduates	
			Males	Females	Males	Females
1.	Industrial	Ministry of Technical Education and Vocational Training	6 013	26	3 484	23
2.	Commercial	Ministry of Technical Education and Vocational Training, National Institute for Administrative Sciences	1 306	587	486	229
3.	Agricultural	Ministry of Technical Education	423	-	203	-
4.	Health	Ministry of Health	3 366	1 122	1 433	480
5.	Fishing	Ministry of Technical Education and Vocational Training	32	-	32	-
6.	Hotel Industry	Ministry of Technical Education	67	1	59	-
7.	Electronics and computing	National Institute for Administrative Sciences, Ministry of Communications - Institute of Communications	172	68	116	53
8.	Development administration	National Institute for Administrative Sciences	11 755	1 973	593	166
Total			52 314	3 777	6 411	951
			86%	14%	87%	13%
			26 922		7 362	

242. Obstacles:

- The infrastructure of the training institutes is concentrated in the main towns;
- There is a lack of any great variety in specialist fields considered acceptable by females, such as health, commerce and information;
- The training institutions in other fields, e.g., technical fields, are unequipped to take females;
- There is no awareness-raising to provide information on the training opportunities available to females;

- The overall image of technical education and vocational training is such that they are regarded as male-oriented by the community.

243. Continuous training (short courses):

- There is a move by the Government to increase training opportunities for women and equip them with the skills needed to help them obtain work opportunities, as a result of which the number of bodies offering short training for females are increasing;
- The activities offered by such training bodies are similar and the type of training is limited and consequently lacking in innovation;
- These bodies fail to coordinate in planning the type of training which can be offered to females;

**Table 14**

**Number of females enrolled in training (government and private)**

No.	Body	Ownership	Number of females enrolled	Percentage	Remarks
1.	Women's training centres	Government	2 169	6	Services provided free or at nominal charge
2.	Productive family centres	Government	3 940	10	Targeted at the impoverished groups of inhabitants
3.	Ministry of Technical Education and Vocational Training	Government	1 134	3	Targeted at communities in secondary towns
4.	Yemen Women's Federation	Civil	4 328	11	Is attempting to expand its activities to several regions
5.	Non-governmental organizations	Civil	12 000	31	- Focus on females - Basic training fields: fabric and textile work (traditional and modern)
	Private centres	Private	15 000	39	
	Total		38 571	100	

- The activities of government bodies and civil-society institutions are confined to specific fields, such as training in fabric and textile work (sewing, tailoring and embroidery), which accounts for 45 per cent of the opportunities offered by such bodies, followed by computer training and household management;
- The private bodies mainly offer training in various fields of computing.

244. Employment:

- Statistics show that female workers account for 25 per cent of the total workforce and are mainly concentrated in the following economic activities: agriculture, health and education;
- Data also indicate that 93 per cent of the workforce is unskilled and largely illiterate and that 7 per cent is educated to secondary level or higher;
- Women tend to be active in the conversion industries and essentially in textiles and textile products, working for themselves in small projects.

245. Obstacles:

- Social customs and traditions;
- The lax application of laws and legislation;
- The widespread female illiteracy;
- Limited training and retraining opportunities; there is no agricultural or technical training, for instance, and training opportunities in health are confined to nursing and in commerce to secretarial work, thereby creating a gap between the training opportunities available and the requirements of the job market.

246. Literacy: In all, there are 795 alphabetical literacy centres at which 45,668 students are taught. Of these, 7,687, or 17 per cent, are male and 37,981, or 83 per cent, are female.

**Table 15**

**Key indicators and data on alphabetical literacy centres and women's basic training centres in the Republic, 2000/01**

Indicator	The Republic as a whole		Urban areas of the Republic		Rural areas of the Republic	
	Number	Percentage	Number	Percentage	Number	Percentage
Total number of alphabetical literacy centres for women	795	100	262	33	533	67
Total number of students	45 668	100	17 077	37	2 859	63
Males	7 687	100	2 030	26	5 657	74
Females	37 981	100	17 047	40	22 934	60

*Source:* Report on the findings of the Periodic Education Survey of 2000/01, Department of Planning, Ministry of Education.

247. Difficulties facing the education process: Despite the efforts of the State to develop and modernize education and teaching, a number of difficulties stand in the way of those efforts:

- The difficulty of matching the requirements of the education process with the speed of the growing demand within society for education, given the limited economic resources available, in addition to the high growth in population, which stood at 18.3 million in 2000 and has a young age composition; it is estimated that 48.8 per cent of the population are in the 5-15 age group. This population composition is a burden on society, increasing as it does the need for essential social services. The basic school provision, for instance, is inadequate to cover the growing social demand; 2,058,095 children, most of them female, are outside basic education and constitute a considerable obstacle to development in view of the implications for literacy, as is visible from the following table:

**Table 16**

**Rates of enrolment in the basic education stage compared with the population in the 6-14 age group**

6-14 age group in 2000		Numbers enrolled in 2000/01			Rates of enrolment (percentage)			Children outside education	
Females	Total	Males	Females	Total	Males	Females	Total	Males	Females
3 105 603	5 959 603	2 185 278	1 216 230	3 401 508	64.26	35.76	100	668 722	1 389 373

*Source:* Report on the findings of the Periodic Education Survey of 2000/01, Department of Planning, Ministry of Education.

- The highly dispersed population, which has made its mark on the course of development in basic education, as the competent authorities have been obliged to rely on school arrangements that promote no improvement in the quality of education. Such arrangements include combined classes and one-teacher schools, both of which are commonplace, in addition to which many basic schools are unfinished and do not offer the facilities needed to encourage girls to enrol in or continue with education;
- The large size of Yemeni families;
- The lack of desire which families show for girls' education; data indicate that 42 per cent of girls in the 6-15 age group are not enrolled in education, a result of the absence of social intermediaries whose role it is to deepen awareness of the importance of girls' education;
- The imbalance between quantity and quality; emphasis has been laid on the quantitative expansion of education in order to meet demand, while quality has been neglected, leading to a decline in the quality of education in general;
- The ceiling placed on financial allocations for recruitment, which makes it impossible to take on all those graduating from education colleges, particularly in subjects suffering a shortage of teachers;



- The poor preparation of teachers at the basic education stage and the lack of any worthwhile on-the-job training programmes;
- The failure of school social services to perform the role entrusted to them and the lack of qualified personnel in that area.

### **B. Objectives of education**

248. In conformity with the provisions of article 29 of the Convention on the Rights of the Child, article 54 of the Constitution provides that all citizens have a right to education which the State must safeguard, in accordance with the law, by establishing schools and cultural and educational institutions and by making education at the basic stage free. The State is making efforts to eradicate illiteracy and devote attention to the expansion of technical and vocational education. It is also particularly concerned to ensure the welfare of young people, protect them from delinquency, provide them with religious, mental and spiritual education and offer conditions conducive to the development of their aptitudes in all fields.

249. Under the terms and provisions of chapter V, article 81, of the Rights of the Child Act, the State is required to guarantee that education is free of charge, in accordance with the laws in force. Article 82 stipulates that: “The educational curricula shall aim to give the child a grounding in science and culture, develop his personality, talents and skills, introduce him to religious matters and teach him to have pride in himself and his dignity and to respect others and their dignity, as well as imbue him with charitable and humanitarian values, in order to ensure that he has a well-rounded background, making him a capable human being who has faith in his God and his homeland and is either capable of playing an effective part in production and services or ready to complete a higher education on the basis of equal opportunities for both sexes.”

250. As for training, programmes have been run for the professional groups who deal with children and the Ministry has been involved in training and retraining. During the period 1997-2002, a number of training courses were held to cover all aspects of education (curricula, school management and educational aids), as shown in the following tables:

**Table 17**

#### **Main training activities carried out in 1997**

Activity	Number	Funding Body
Female teachers in rural areas	5 000	UNICEF
Instructor training	150	UNICEF
Lead instructors	21	The Ministry
Division tutors	50	UNICEF
Head teachers in basic education	619	UNICEF + America-Mideast Training and Educational Services (AMIDEAST)
Instructor training	292	Basic Education Expansion Project
Instructor training	80	AMIDEAST development agency
Course for those without qualifications in education (oil graduates)	300	The Ministry

*Source:* Report of the General Department of Training and Retraining, Curricula and Guidance Section, Ministry of Education.

**Table 18****Main training activities carried out during the period 1998-2000**

Activity	Number	Funding body
School management	900	Ministry of Education
Teachers	9 093	Ministry of Education
Tutors	684	Ministry of Education
Laboratory chiefs	322	Ministry of Education
Educational leaderships	1 105	Ministry of Education
Mini field training	4 554	Ministry of Education
Refresher courses for teachers	15 379	Ministry of Education
Teachers (introduction to curricula), instructors and supervisors	99 485	Ministry of Education

*Source:* Report of the General Department of Training and Retraining, Curricula and Guidance Section, Ministry of Education.

**Table 19****Main training activities carried out in 2002**

Activity	Number	Funding body
Training Course	9	UNICEF
Training development workshop	40	UNICEF
Follow-up of field training programme implementation	800	UNICEF
Course for female teachers in rural areas	529	UNICEF
Preparation course for instructors	18	TASH of the Netherlands
Training course for school head teachers	123	TASH of the Netherlands
Refresher course for teachers of grades 1-6	180	TASH of the Netherlands
Training course for instructors	52	GTZ of Germany
Refresher course for teachers of grades 1-6	520	GTZ of Germany
Preparation course for instructors (part two)	292	Education Expansion Project
Refresher course for teachers of grades 1-6 (part two)	18 297	Education Expansion Project
Training course for instructors	34	UNICEF
Workshop of the mini-training forum	100	UNICEF

*Source:* Report of the General Department of Training and Retraining, Curricula and Guidance Section, Ministry of Education.

**Table 20**

**Retraining activities during the period 1998-2001**

Activity	Number	Funding body
Post-secondary diploma	62 054	Ministry of Education
Bachelor's degree	1 219	Ministry of Education
Master's degree	236	Ministry of Education
Doctorate	1	Ministry of Education

*Source:* Report of the General Department of Training and Retraining, Curricula and Guidance Section, Ministry of Education.

**C. Leisure, recreation and cultural activities**

251. The Rights of the Child Act devotes a full chapter to children's culture. Article 92 provides that: "The State shall guarantee fulfilment of the cultural needs of children in all areas of literature, art, knowledge and information so that they are in a position to draw inspiration from Islamic, Arab and Yemeni culture and benefit from modern scientific and cultural developments in the context of respect for the religious values of society." Article 93 provides that: "The child shall have a right to rest, play and spend his or her leisure time in the pursuit of social activities and to participate in the life of sport, culture and art, as appropriate to his or her age. The State, society and family shall guarantee this right and encourage its exercise by the child." Article 94 also provides for the establishment of general libraries and cultural clubs for children.

252. Measures adopted to that end:

- With support from the Social Development Fund, the Yemeni Association for the Dissemination of Culture and Knowledge worked actively to implement and establish six cultural libraries for children in the Capital Municipality, as well as one in Aden and another in Hadramawt. During the current year, a further number of libraries will be opened in the governorates of the Republic. The Association also established the first centre dedicated to printing publications and magazines produced by children attending those libraries in the interest of promoting and developing their mental faculties.
- The Ministry of Culture benefited from the Culture Fund Act No. 11 of 2002 in order to offer programmes aimed at the following:
  - Training children and young people in how to handle modern cultural and communication media, with focus on materials which enhance their abilities and development;
  - Allowing for the widest involvement in activities designed to develop talent in a variety of arts (*inter alia*, music, singing, theatre, dance, visual drawing and sculpture), in which capacity Yemen has attended and participated in a number of Arab and international festivals;

- Promoting workshops to review the skills and talents of children between the ages of 4 and 7 and young people between the ages of 7 and 18;
- Following up instances of Internet café users and usage of the most up-to-date cultural, information and communication media;
- Encouraging the establishment of cultural libraries and associations for children, such as the Association for the Protection of Children and Young People, which is concerned with opening reading libraries and acquiring useful information material, and the Ibar Association, which holds cultural exhibitions and workshops for children;
- Displaying children's talents in artistic and cultural festivals at home and abroad;
- Using the Children's Theatre as a starting point for a children's cultural centre, in which regard contacts are under way with the Arab Council for Childhood and Development, including communication during the fruitful encounters and meetings held within the framework of the activities of the Higher Council for Maternal and Child Welfare;
- Supervising the cultural materials provided to children through the local audio-visual media;
- The Scout and Guide Associations run art and cultural activities which include poetry, story-telling, painting, musical concerts and so on.

**Table 21**

Activity	Number of beneficiaries	Time	Participating body
1. Support for cub activities in sports clubs	7	1996 to present	The Youth Welfare Fund
2. Population awareness-raising activities	200	January 2002	The Scout Association, in cooperation with the United Nations Population Fund (UNFPA) and Oxfam
3. Support for gifted children	40	2000 to present	The Olympic Committee
4. Vocational and technical training in summer centres	4 000	August 2000	The Scout Association
5. Flower activities and competitions in summer centres	1 200	August 2000	The Guide Association
6. Competitions in painting, sculpture and epic poetry	84	December 2002	The Scout Association
7. Participation in the Meeting on Children's Culture	7	January 2003	The Scout Association

- Three complete stories have been submitted and initially approved for publication, subject to their further preparation;
- Work was carried out to resume publication of the children’s magazine Waddah and monitor the situation with a view to publishing other cultural magazines supported by official and grass-roots institutions and organizations;
- Al-Muthaqqaf al-Saghir (The Young Intellectual), a cultural periodical for children, was published by Al-Jumhuriyah newspaper;
- Libraries devoting substantial attention to children’s culture have been opened in cultural centres (13 cultural centres were constructed in the Capital Municipality and various governorates, and the State is endeavouring to complete the construction of cultural centres in the remaining governorates);
- A series of songs for children and young people and dedicated to professional culture has been prepared.

253. Future plans are also being made with the Higher Council for Maternal and Child Welfare in support of the Association for Poverty Alleviation, the aim of which will be to reduce poverty and devise responsible cultural programmes; children can then avail themselves of education and knowledge by means of enjoyable cultural programmes which are both beneficial and entertaining.

254. The State has directed attention to creating a number of parks and to revamping and equipping existing parks to make them user-friendly for families and for children in particular. The Capital Municipality, for instance, has equipped 16 parks in its neighbourhoods.

## **VIII. SPECIAL PROTECTION MEASURES**

### **A. Children in emergency situations**

#### **1. Refugee children**

255. Article 46 of the Constitution stipulates that: “The extradition of political refugees shall be prohibited.” Political refugees in Yemen enjoy the protection required by their status as refugees. The children and relatives of refugees also enjoy such protection.

256. The total number of refugees in Yemen is estimated at 60,000, the majority of whom are displaced persons fleeing from wars and conflicts in their countries and from the natural disasters and drought suffered by neighbouring States, in particular those in the Horn of Africa and East Africa, notably Somalia, Ethiopia and Eritrea. In addition are the refugees from among our fellow Palestinians.

257. Yemen is among the States which have signed the Convention relating to the Status of Refugees and the Convention on the Rights of the Child, which were adopted in 1951 and 1989 respectively. Acting in compliance with these Conventions, it thus seeks to ensure protection for and safeguard the rights of all refugees, including children.

**Table 22****Number of refugee children among total refugees in the following governorates**

Governorate	Total refugees	Number of children
1. San's	19 000	9 049
2. Aden	15 000	7 000
3. Lahij (Kharaz camp)	10 500	6 000

*Source:* Office of the United Nations High Commissioner for Refugees (UNHCR).

258. Measures adopted to that end: The Yemeni Government formed a National Committee for Refugee Affairs, comprising the Ministry of Foreign Affairs, the Ministry of the Interior, the Immigration and Passports Department and the Political Security Office, as well as the heads of governorates hosting large numbers of refugees. The Committee was reconstituted by decree of the Council of Ministers in 2000 and its tasks include that of working with the Office of the United Nations High Commissioner for Refugees (UNHCR) on future approaches to dealing with refugees in Yemen. Refugees, including children, receive shelter and protection and no refugee is forcibly returned to his country. The National Committee for Refugee Affairs helps in taking measures to facilitate the work of UNHCR, which is carried out through Yemeni non-governmental organizations or by those referred to by UNHCR as "implementing partners".

259. These services aim to provide a greater measure of protection, assistance and stability for refugees, particularly children, by providing care in a variety of fields, including:

- Free medical care and awareness-raising;
- Registration in Yemeni schools at all stages for children of refugees and the free supply of textbooks;
- Access to essential recreational and sports facilities;
- The establishment of reading libraries;
- Training in handicrafts, computing and agricultural activities;
- Assistance for children who fall outside the law;
- Provision of food subsidies.

260. During the past few years, the UNHCR programme implemented by non-governmental organizations in cooperation with Yemeni Government authorities, such as the National Committee for Refugee Affairs and the Ministries of Education and Health, has achieved substantial progress in the delivery of care to refugees.

261. Special attention is also paid to unaccompanied children and orphans, who are guaranteed full protection and sensitized in order to protect them from any exploitation to which they may be vulnerable.

262. Difficulties impeding those efforts: These include the difficulty of overcoming customs which refugees bring from their home countries. such as early marriage, female circumcision and failure to limit the number of children (family planning), as well as failure to use protection against STDs, of which refugees are carriers. The lack of any budgets for refugees impedes the implementation of plans designed to provide them with optimum care.

## **2. Children in armed conflict**

263. Article 149 of the Rights of the Child Act affirms that the State must endeavour to respect the rules of international law relating to armed conflict and to protect children in armed conflict by:

- Prohibiting the carrying of weapons by children;
- Protecting children from the effects of armed conflict;
- Protecting children from reprisal;
- Ensuring that children are not involved in war;
- Recruiting no one under 18 years of age into the armed forces.

264. Measures adopted to protect children in armed conflict: The State has put in place the protection needed to ensure that children are not exploited and forcibly conscripted; article 139, paragraph 2, of the Police Force Act stipulates that any person who applies to join the police force must be over 18 and under 25 years of age.

265. Article 4, paragraph (b), of the General Reserve Act No. 23 of 1990 also provides that the reserve consists of male citizens between 18 and 50 years of age. Yemen is therefore a State which is careful to ensure that children are not involved in armed conflict and to cater for their protection. The State is also in the process of ratifying the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict.

266. In regard to demining, in the light of articles 31 and 38 of the Convention on the Rights of the Child, the Government has sought to fulfil its international obligations as a signatory to the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction.

267. As a result of the wars which Yemen lived through prior to unification and the war of secession, countless districts in virtually every governorate are littered with individual and anti-tank mines which have caused the disability and disfigurement of a great many children, adults and animals:

- A National Demining Committee was established in 1994;

- An area of 114,287,458 square metres of mine-suspected areas has been surveyed in the Republic;
- An overall area of 5,371,310 square metres has been prepared in minefields where work is to be carried out;
- A total of 73 minefields with an overall area of over 4 million square metres have been cleared in the governorates and over 74,000 shells and mines have been destroyed.

268. In terms of guidelines, the Committee has produced brochures and booklets on the subject for distribution to citizens. It also carries out regular monthly field visits to damaged schools and villages, which have given rise to the following figures:

- A total of 115,803 males in Ibb, Dali', Makiras, Hadramawt, Radmah, Sh'ar, Ba'dan, Abyan, Lahij and Aden received awareness-raising;
- A total of 91,196 women received awareness-raising;
- The total number of men and women who received awareness-raising amounted to 206,999;
- Awareness-raising was carried out in a total of 116 villages in various governorates.

269. A total of 51 male and female trainees attended awareness-raising workshops in the target governorates.

270. In regard to assistance provided to those injured by explosion, there are programmes designed to help victims, who fall into two categories:

- New victims who are immediately assisted by the programme;
- Former victims who are assisted in three phases:
  - (a) They receive field visits during which they are entered in registers in their villages and files on each victim are prepared;
  - (b) Victims are collected and taken to specialized hospitals for examination;
  - (c) They are provided with the treatment which they need and with aids that enable them to resume normal lives (crutches, spectacles, artificial limbs, wheelchairs, amputation, re-amputation).

271. By November 2002, the programme had recorded a total of 5,227 cases of injury, a third of them involving children. An average of four persons a month fall victim to the explosion of undetonated mines and shells. The potential mine-affected area of the Republic amounts to 922,726,881 square metres and the number of citizens of both sexes affected by or living with mines amounts to 827,794.



272. A total of 592 districts are affected by mines and explosions.
- One minefield has been cleared in the Bi’r Nasir district of the governorate of Lahij;
  - Two minefields have been cleared in the governorate of Abyan;
  - Eight minefields have been cleared in the Qa’tabah directorate of the governorate of Dali’;
  - Three minefields have been cleared in the Nadirah directorate of the governorate of Ibb.
273. In view of its unfailing attendance of international meetings on demining and its effective participation in those meetings, Yemen was chosen to serve as a rapporteur of the Standing Committee on Mine Clearance, Mine Awareness and Mine Action Technology for a period of three consecutive years from 1999 to 2001 and as co-chairman with Germany.
274. Yemen’s last stockpile of mines was cleared on 27 April 2002.

## **B. Children under the juvenile justice system**

### **1. Administration of juvenile justice**

275. Article 48 (a) of the Constitution provides that: “The State shall guarantee to its citizens their personal freedom and shall preserve their dignity and security. The law shall specify the cases in which the citizen’s freedom is restricted. A person’s freedom may not be restricted, except by a ruling from a competent court.”
276. The State elaborated national legislation to address the problem of juvenile delinquency through either prevention or treatment, as appropriate to circumstances and to social and cultural considerations. Article 3, paragraph 3, of the Rights of the Child Act provides for the legal protection needed to ensure that the rights of the child are not undermined, in accordance with the terms of the Islamic Shariah and the laws in force.
277. Article 8 of the Juveniles Act provides that: “The Department of Public Prosecutions shall be directly responsible for the examination and handling of juvenile cases. During questioning and investigation, the examiner shall show due regard for the age of the juvenile, the gravity of the act of which he is accused, his physical and mental condition, the circumstances of his upbringing, his living conditions and other elements which are a test of character.”
278. Article 14 of the same Act stipulates that: “A juvenile may not be ill-treated or handcuffed. The physical coercion of convicted persons subject to the provisions of this Act shall be prohibited as a means of enforcement.”
279. Article 16 of the Juveniles Act provides that: “The juvenile court shall have the exclusive competence to examine the case of a juvenile who is charged with an offence or

vulnerable to delinquency. It shall also have competence in the other offences for which this Act makes provision. If a person who is not a juvenile is an accomplice in the offence, only the juvenile shall be brought before the juvenile court.”

280. Article 25 of the same Act provides that: “Any procedure required by law must be made known to the juvenile and any judgement delivered in his regard must be notified to a parent, a person exercising right of legal guardianship or a person who is responsible for the juvenile, any of whom may, in the interest of the juvenile, pursue the methods of appeal prescribed by law.”

281. Measures adopted to that end: Various measures are prescribed in section 2 of the Juveniles Act, article 36 of which provides that: “Juveniles under 16 years of age who commit an offence may not be sentenced to any of the penalties or measures prescribed under the Penal Code, with the exception of seizure and closure of premises.” One of the following measures, however, may be imposed:

- A reprimand: The court rebukes or censures the juvenile for his conduct and warns him not to engage in such conduct again;
- Delivery into custody: The juvenile is delivered into the custody of a parent or a person exercising right of legal or testamentary guardianship. If neither is fit to undertake his upbringing, the juvenile is delivered into the custody of a member of his family who is eligible to do so, failing which he is delivered into the custody of a trustworthy person who undertakes to bring him up or into the custody of a reliable family whose main provider is willing to undertake responsibility for his upbringing;
- Enrolment for vocational training: The court commits the juvenile to a centre which specializes in vocational training;
- Imposition of specific obligations: The juvenile is prohibited to frequent certain types of places or premises or is required to present himself to specific persons or panels at set times or attend meetings designed to provide guidance or is placed under other restrictions determined by a decision of the Minister;
- Judicial probation: The juvenile is placed in his natural environment under guidance and supervision and with due regard for the obligations specified by the court. The period of judicial probation may not exceed three years. If the juvenile fails probation, he is brought before the court, which may impose such other measures as it deems appropriate;
- Placement in a juvenile rehabilitation and welfare centre: The juvenile is placed in a juvenile welfare home attached to or recognized by the Ministry. The home in which the juvenile is placed must submit a report on the juvenile’s condition and behaviour at six-monthly intervals so that the court can take an appropriate decision in the light thereof;

- Placement in a specialized hospital: The juvenile is placed in a section of a specialized hospital where he can receive the care that his condition requires. The court is responsible for periodically monitoring whether he should remain under treatment, no period of which may last more than one year.

282. In 2002, the Ministry of Labour and Social Affairs, the Ministry of Justice, the Ministry of the Interior and UNICEF worked in collaboration to create new means of ensuring the welfare and protection of juveniles, including the following:

- In addition to the two existing courts in the Capital Municipality and Aden, five juvenile courts were established in the governorates of Hodeidah, Ta'izz, Ibb, Hadramawt and Dhamar, together with five new offices of the Department of Public Prosecutions;
- Two expert social workers were provided for each of these courts;
- A total of 25 police officers received training in juvenile policing;
- The training manual on juvenile welfare was produced and training was given to judges, members of the Department of Public Prosecutions, social workers and members of the juvenile police force;
- Six special juvenile police sections were initially created as part of six security districts in San'a and were properly furnished and equipped;
- The Lawyers' Union and volunteer lawyers worked in collaboration to establish volunteer committees to defend juveniles during legal proceedings and children having committed any breach of law;
- Civil society organizations and non-governmental associations join in promoting and developing juvenile welfare programmes, a role which is assigned both to them and to management councils consisting of social figures and formed for that purpose. Two workshops attended by non-governmental associations, businessmen and social figures have been held to discuss the mechanisms entailed.

283. The Government is endeavouring to provide social welfare programmes for the groups and segments of society living in difficult circumstances with the aim of improving their situation. The following table shows the numbers benefiting from the services and programmes of social welfare homes (the Safe Childhood Centre in San'a, the two Comprehensive Service Centres in San'a and Aden, and the Social Guidance Centre for Girls).

**Social guidance centres for juveniles****Table 23**

**Number of juveniles benefiting from social guidance centres in the base year (2001)  
in the Capital Municipality and governorates by charge (act of delinquency)**

Name of centre and governorate	Act of delinquency					Total
	Murder	Theft	Sexual offences	Mischief	Other	
1. Children's Social Guidance Centre, Capital Municipality	4	21	12	26	84	147
2. Children's Social Guidance Centre, Ta'izz	13	6	3	-	2	24
3. Children's Social Guidance Centre, Hodeidah	-	4	-	-	17	21
4. Children's Social Guidance Centre, Ibb	-	3	-	-	-	3
5. Children's Social Guidance Centre, Aden	-	16	8	13	1	38
6. Guidance Centre for Girls, Capital Municipality	-	3	17	-	3	23
7. Children's Guidance Centre, Hajjah	-	-	-	-	-	-
<b>Total</b>	<b>17</b>	<b>53</b>	<b>40</b>	<b>39</b>	<b>107</b>	<b>259</b>

**Table 24**

**Number of juveniles benefiting from social guidance centres in the base year (2001)  
in the Capital Municipality and governorates by charge (delinquency risk)**

Name of centre and governorate	Delinquency risk						Total
	Orphanhood	Divorce	Absent father	Desertion	Broken home	Other	
1. Children's Social Guidance Centre, Capital Municipality	41	16	12	-	33	51	153
2. Children's Social Guidance Centre, Ta'izz	33	4	-	-	23	-	60
3. Children's Social Guidance Centre, Hodeidah	73	13	-	-	26	6	118
4. Children's Social Guidance Centre, Ibb	117	-	-	-	-	-	117
5. Children's Social Guidance Centre, Aden	4	3	2	-	2	5	16
6. Guidance Centre for Girls, Capital Municipality	-	3	-	17	-	3	23
7. Children's Guidance Centre, Hajjah	-	2	-	3	-	2	7
<b>Total</b>	<b>268</b>	<b>41</b>	<b>14</b>	<b>20</b>	<b>84</b>	<b>67</b>	<b>494</b>

**Table 25****Number of juveniles benefiting from social guidance centres during 2002 in the Capital Municipality and governorates by charge (act of delinquency)**

Name of centre and governorate	Act of delinquency					Total
	Murder	Theft	Sexual offences	Mischief	Other	
1. Children's Social Guidance Centre, Capital Municipality	3	83	43	17	15	161
2. Children's Social Guidance Centre, Capital Municipality	-	1	37	-	5	43
3. Children's Social Guidance Centre, Aden	1	29	25	18	9	82
4. Children's Social Guidance Centre, Ta'izz	22	15	23	12	18	90
5. Children's Social Guidance Centre, Hodeidah	-	16	8	13	1	38
6. Guidance Centre for Girls, Capital Municipality	-	4	4	-	20	28
7. Children's Guidance Centre, Ibb	-	2	3	-	2	7
<b>Total</b>	<b>26</b>	<b>134</b>	<b>135</b>	<b>47</b>	<b>69</b>	<b>411</b>

**Table 26****Snapshot of juveniles (male and female) benefiting from juvenile care homes during 2001 and 2002 and those expected to benefit during the period 2003-2005**

	Number of beneficiaries	Number of beneficiaries in 2002	Expected beneficiaries (2003-2005)				Total 2001-2005
			2003	2004	2005	Total	
Males	740	804	914	950	950	2 814	4 385
Females	23	52	60	130	150	340	415
<b>Total</b>	<b>763</b>	<b>856</b>	<b>974</b>	<b>1 080</b>	<b>1 100</b>	<b>3 154</b>	<b>4 773</b>

284. Male juveniles (delinquents): In 2003, 110 more juveniles are expected than in 2002 owing to the establishment of further homes for convicted juveniles; on 5 March 2003, for instance, a juvenile offenders' home was opened in the governorate of Hodeidah and 18 juveniles were transferred there from prison. In all, 40 juveniles are expected to benefit from its services by the end of 2003.

285. In the governorate of Hadramawt, a home was opened on 15 March 2003 and seven juveniles were transferred there from prison. In all, 30 juveniles are expected to benefit from its services by the end of 2003. In the governorate of Ibb, a new juvenile home is to be opened and juveniles are to be transferred there on due completion of the renovation work in April 2003. In all, 40 juveniles are expected to benefit from its services by the end of 2003.

286. As for the years 2004-2005, the home's admission centre is scheduled for completion by the end of 2003, the same year in which construction began. The number of juveniles to benefit from its services will amount to 36 in 2004 and 36 in 2005.

287. Female juveniles (delinquents):

- The only home in current operation is the Home for Female Delinquents located in the Capital Municipality. In the governorate of Aden, an orphanage run by the Social Development Fund was turned into a home when it was divided into two sections, one of which caters for male juveniles and the other for female juveniles. The female section of the home is expected to serve the governorates of Lahij, Abyan and Aden. It is also expected that more homes for female juveniles will be built in the governorate of Ta'izz in 2004, financed by the Social Development Fund. A projection was therefore made concerning the numbers expected to benefit from these female homes during the period specified in the Five-Year Plan;
- The Adawiya Home for Women, a welfare and rehabilitation home for released women prisoners who have no families, is due to be furnished and equipped in 2003 and brought into operation in the second half of the year, in conjunction with a non-governmental association named the Association for Women's Legal Rights, which has signed an agreement with the Social Development Fund. Part of the girls' orphanage will be given over to the Home, as it will be divided in order to serve three groups, including released women prisoners. The Home will be furnished at the expense of the Social Development Fund and is expected to cater for 50 women once it is open.

### **Orphanages**

288. The Government is working, *inter alia*, to provide care for orphans with a view to serving this group of children and helping them to integrate into society and become ordinary and useful individuals. In the past, orphans benefited from the facilities provided by social guidance centres. However, as these centres are intended to benefit juvenile offenders and potential juvenile delinquents, solutions have been found to cater for orphans in a separate environment. In that connection, the following has been carried out:

- As far as possible, efforts have been made to create special homes or premises for juvenile delinquents that are separate from the current guidance centres, where there is an assortment of children at risk of delinquency, including orphans;
- The social guidance centre in the governorate of Hajjah has been converted from a juvenile welfare home into an orphanage, as juvenile delinquency is not very prevalent in that particular governorate owing to the family cohesion and the customs and traditions which prevail in its rural areas;
- Some of the charitable associations in the Gulf States make arrangements for a number of orphans to receive foster care in welfare homes or in families.

**Table 27****Number of orphans benefiting from social welfare homes during 2002**

Name of home/body	Fostering authority	Number of orphans benefiting	Remarks
1. Hajjah Orphanage	The Ministry/ Hajjah governorate	45	A government-run home. Efforts are currently being coordinated to arrange foster care for 40 children through the Sharjah Association
2. Social Guidance Centre, Aden	Sharjah Association	14	Homeless young orphans are fully fostered at the Centre
3. Social Guidance Centre for Girls, Capital Municipality	Sharjah Association	20	Orphaned and homeless female juvenile delinquents are fully fostered at the Centre
4. Safe Childhood Centre, San'a	Sharjah Association	30	Child orphans and homeless children are fully fostered at the Centre and with families
5. Children's Orphanage Home, Mahwit	Sharjah Association	30	Orphans are fully fostered at the Home
6. Shukani Orphanage Home, Capital Municipality	Sharjah Association	70	Orphans are partially fostered outside the Home with their families
7. Shukani Orphanage Home, Aden	Sharjah Association	30	Orphans are partially fostered outside the Home with their families
8. Aden Charitable Society	Sharjah Association	60	Orphans are partially fostered outside the Society with their families
Total		299	Of these, 50 are female orphans and the remainder are males

**Table 28****Number of orphans fostered during 2001-2002 and numbers expected to be fostered during 2003-2005**

Year	Number	Remarks
1. 2001	-	
2. 2002	299	Including 45 at the Hajjah Orphanage Home and the remainder, as shown in table 7, by the Sharjah Association
3. 2003	240	40 more orphans than in 2002 are to be fostered by the Sharjah Association and 500 more by the governorates of Dhamar and Amran
4. 2004	540	-
5. 2005	600	300 more foster placements in Hadramawt and 300 more female orphans in the Capital Municipality
Total	1 979	

289. Beneficiaries of the Project for Full Welfare and Child Protection: The Project embraces various programmes and activities aimed at improving the social welfare programmes available for children in need of special protection, in particular juveniles, street children and children from poverty-stricken and needy families.

## 2. Protection and rehabilitation of street children

290. The Programme for the Protection and Rehabilitation of Street Children began in September 2001 and was enlarged with the construction of a centre, known as the Safe Childhood Centre, in the Capital Municipality. In 2003, it was extended to the governorate of Aden. The following table shows the number of children who, in 2001, benefited from the Safe Childhood Centre for the Protection and Rehabilitation of Street Children. The role of the Project is restricted to the field of training and retraining for personnel working in homes for male juveniles. Homes for female juveniles (delinquents) are directly subsidized by the previous project.

**Table 29**

**Number of children benefiting from the Safe Childhood Centre for the Protection and Rehabilitation of Street Children in 2001-2002 and expected number of beneficiaries in 2003-2005**

1. Safe Childhood Centre/Capital Municipality	15	61	65	65	80	286
2. Safe Childhood Centre/Aden	-	-	65	65	80	210
Total	15	61	130	130	160	496

291. The Project was also extended to include two new homes for juvenile offenders in the governorates of Hodeidah and Hadramawt, which it will provide with a small subsidy during 2003. In both cases, the numbers of beneficiaries and the numbers expected to benefit by 2005 have already been stated.

### Comprehensive Social Services Centres

292. Since first established, these two Centres have continued to be directly subsidized by the Project. The following table shows the number of male and female beneficiaries of their services during the period 2001-2003.

**Table 30**

**Beneficiaries of the health section at each Centre**

Name of centre/governorate	Number of beneficiaries		Total
	Children	Women	
1. Comprehensive Social Services Centre/Capital Municipality	312	198	510
2. Comprehensive Social Services Centre/Aden	850	589	1 439
Total	1 162	787	1 949



**Table 31**

**Beneficiaries of the social section at each Centre**

Name of centre/ governorate	Social groups benefiting from the social section								Total
	Orphans	Disabled persons	Street children	Working children	Widows	Abandoned women	Divorced women	Poor families	
1. Comprehensive Social Services Centre/Capital Municipality	27	9	-	-	10	-	-	71	117
2. Comprehensive Social Services Centre/Aden	38	43	4	1	65	14	42	134	341
<b>Total</b>	<b>65</b>	<b>52</b>	<b>4</b>	<b>1</b>	<b>75</b>	<b>14</b>	<b>42</b>	<b>205</b>	<b>458</b>

**Table 32**

**Beneficiaries of the education section at each Centre**

Name of centre/governorate	Tutoring for drop-out students	Reinforcement classes	Learning materials assistance for children from poor families	Female literacy	Education and rehabilitation	Total
1. Comprehensive Social Services Centre/Capital Municipality	7	72	-	42	9	130
2. Comprehensive Social Services Centre/Aden	30	64	40	45	10	189
<b>Total</b>	<b>37</b>	<b>136</b>	<b>40</b>	<b>87</b>	<b>19</b>	<b>319</b>

293. These juvenile welfare services reflect the indicators of the growth and development of not only the content and substance of these services but also of the target groups. Although not available in every geographical region, they are important when it comes to developing such aspects of social protection as rehabilitation, treatment and care in the target regions. They are also an essential term of reference which can be used in the future as a basis for indicators of the growth in service. An assessment of their impact on the children targeted will also make it possible to develop them further and establish the extent to which they should be consolidated.

**3. Children deprived of their liberty**

294. Article 131 of the Rights of the Child Act stipulates that juvenile trials must be conducted in camera and may be attended only by relatives of the juveniles, witnesses and social supervisors. It is also forbidden to publish in any medium the name and picture of the juvenile, the facts of the trial or a summary of the trial.

295. Article 132 of the Rights of the Child Act also provides that juveniles are exempted from the payment of legal fees and expenses in lawsuits relating to the Act itself or to any other law.

296. Article 11 (b) of the Juveniles Act affirms that: "No juvenile under 12 years of age may be detained in a police station or other security establishment. His legal or testamentary guardian or another trustworthy person must stand surety for him, failing which he shall be placed in the nearest juvenile rehabilitation centre for a period of not more than 24 hours.

Juveniles over 12 years of age may be detained in a police station, provided that the period of detention is not more than 24 hours and that they are held in special accommodation which precludes their mixing with older prisoners.”

297. Article 19 of the same Act provides that: “A juvenile accused of a serious or minor offence must have a lawyer for his defence. If he has not selected a lawyer, the Department of Public Prosecutions or the court shall assume responsibility for the appointment of such lawyer in accordance with the rules prescribed under the Criminal Procedures Act.”

#### **4. Sentencing of children, with particular attention to prohibition of the death penalty and life imprisonment**

298. Torture and other forms of cruel, inhuman or degrading treatment or punishment are prohibited under articles 47 (b) and 49 (e) of the Yemeni Constitutions, articles 38, 166, 167 and 168 of the Penal Code and article 6 of the Yemeni Criminal Procedures Act.

299. In affirmation of the above, our country ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 5 November 1991.

300. Article 155, paragraph 6, of the Rights of the Child Act also stipulates that any person who is entrusted with the upbringing of a child shall be sentenced to imprisonment for a period of not less than one month and not more than six months, or to a fine, if he deliberately ill-treats or fails to take care of the child. The penalty is doubled if the child suffers physical or psychological harm as a consequence.

301. The Ministry of the Interior has adopted several measures aimed at ensuring that there is no violation of the rights of young children detained at a police station. Under the supervision of the General Department for Women’s and Children’s Affairs (Juvenile Police), work is under way to provide special rooms for juvenile delinquents who are brought into police stations. Juveniles are detained in preventive custody for a period of not more than 24 hours, after which they are transferred to social welfare homes.

302. Article 31 of the Penal Code No. 12 of 1994 provides for the criminal responsibility of a minor, stipulating as it does that: “A person who was under seven years of age at the time of his commission of an act constituting an offence shall not be held criminally responsible. In the case of a juvenile offender over 7 but under 15 years of age, instead of the prescribed penalty, the judge shall impose one of the measures provided for in the Juveniles Act. In the case of an offender over 15 but under 18 years of age, the sentence imposed shall not exceed half of the maximum legally prescribed penalty. If the penalty is death, he shall be sentenced to imprisonment of not less than three years and not more than 10 years. In all cases, the prison sentence shall be served in special places in which the convicted person is treated in an appropriate manner. Persons who commit an offence while under the age of 18 shall not be held criminally responsible for their acts. If the age of the accused person is not ascertained, it shall be estimated by the judge, with the assistance of an expert.”

303. Article 32 of the Code provides that the right of a person or his heirs to indemnity for bodily injury (diyah) or for the shedding of blood (arsh) shall not be abandoned; the indemnity is payable by the group which shares the liability of its members (al-‘aqilah), failing which it is taken out of the child’s assets.

304. In order to protect children, the use of violent methods against persons detained in police stations is prohibited.

305. The competent monitoring authorities are activating their role by carrying out periodic spot inspections of law enforcement agencies, places of detention and courts. They also take the necessary action to refer any person in breach of the law for questioning and accountability in accordance with the law.

306. As for corporal punishment practised by those with children in their care, it is a form of discipline which some parents use to prevent the child from repeating the same mistake.

307. The corporal punishment of school students is prohibited under the terms of the Minister of Education Decree No. 14 of 1996, in conformity with the Convention on the Rights of the Child.

#### **5. Physical and psychological recovery and social reintegration**

308. In regard to article 39 of the Convention, article 127 of the Rights of the Child Act provides that: “Social welfare homes and institutions shall supervise and monitor the different stages of the juvenile’s education and recovery, as well as his post-recovery progress. They shall also make efforts to ensure that juveniles are able to work in the occupations for which they are qualified so that, after leaving institutional care, they suffer no setbacks which lead them to resume delinquent behaviour on account of the circumstances and difficulties in life which they face. Any certificates awarded must not indicate that they were obtained during the juvenile’s placement in a welfare home or social institution.” The Juveniles Act contains a number of procedures and measures for prevention, recovery and treatment designed to rescue juveniles and reintegrate them into society, including.

309. Enrolment in vocational training: The court sends the juvenile to a vocational training centre or to a factory, shop or farm which agrees to train him. Although the court does not specify the duration of this measure, the juvenile should not stay in the establishments mentioned for longer than a three-year period.

310. Placement in a juvenile rehabilitation and welfare home: The juvenile is placed in one of the social welfare homes for juveniles belonging to or recognized by the Ministry. Juveniles who are disabled are placed in a centre which is appropriate for their rehabilitation. In its ruling, the court does not specify the period of placement, although it should not exceed 10 years in the case of serious offences, three years in the case of minor offences and one year in the case of potential delinquency. The home of placement is required to report to the court on the juvenile’s condition and behaviour at six-monthly intervals so that the court can take an appropriate decision in the light thereof.

311. Placement in a specialized hospital: The juvenile is admitted to a specialized hospital in which the juvenile can receive the care required by his condition. The court is responsible for periodically monitoring his stay under treatment, which may not exceed one year in any one period, during which doctors' reports must be submitted. A decision to release the juvenile is taken if it is clearly warranted by his condition.

## **C. Exploitation of children**

### **1. Economic exploitation, including child labour**

312. Article 133 of the Rights of the Child Act provides that: "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."

313. The Labour Act No. 5 of 1995 regulates the employment of young persons and specifies the legal age of employment for a juvenile as 15 years. The Civil Service Act No. 19 of 1991 prescribes the terms of appointment to posts in the administrative apparatus and other sectors subject to the Act; article 22, paragraph 2 (a), stipulates that a candidate who seeks appointment to public office must be over 18 years of age. A person of 16 years of age may be appointed to work in posts and occupations for which special instruction is required at training institutes or centres or at places of work specified by the Ministry. In all cases, age must be proven by a birth certificate or a certificate from the competent medical committee.

314. Article 48 of the Labour Act provides as follows:

- A juvenile's working hours may not exceed seven hours a day or 42 hours a week and the weekly working hours must be divided over six days, followed by a day of rest with full pay;
- Daily working hours must be interspersed with a period of rest of not less than one hour and juveniles must not work for longer than four hours continuously;
- It is prohibited to employ a young person on overtime or on night work, except in such activities as are determined by a decree from the Minister;
- Hours which a juvenile spends in training during daily work time shall be counted as official working hours;
- No juvenile may be employed during weekly rest times, official holidays or other periods of leave.

315. Under article 49, paragraph 2, of the Labour Act, it is prohibited to employ juveniles in remote and undeveloped locations. Under article 4, it is prohibited to employ young persons in heavy work, in hazardous industries and in socially dangerous occupations. The Minister may specify such activities and industries by decree.

316. Promulgated by the former Ministry of Labour and Vocational Training, Ministerial Decree No. 40 of 1996 specifies the jobs, occupations and industries in which young persons may not be employed, including dangerous jobs which affect the child's health and development. A committee is now being formed to produce regulations prohibiting dangerous work for children under 12 years of age.

317. Measures adopted to that end: The State adopted a number of measures to implement a project to combat child labour, signed in Geneva in July 2000 between the Yemeni Government and ILO, including:

- The establishment of a child labour unit in the Ministry of Social Affairs and Labour pursuant to Ministerial Decree No. 28 of 2000;
- The formation of a national steering committee composed of the bodies involved in implementing the strategy pursuant to Ministerial Decree No. 5 of 2001;
- The appointment of a national coordinator for the International Programme on the Elimination of Child Labour (IPEC) in Yemen to act as a link between ILO and the Government;
- The conduct of studies and surveys, as well as the collection of data and information, on working children in a number of the governorates in the Republic, including:
  - Children from marginalized groups;
  - Children in rural areas, with emphasis on female employment;
  - Disabled children;
  - Children employed in workshops, restaurants, agriculture, animal husbandry, fishing, the manual and craft industries, etc.;
- The aims of the survey were to identify:
  - The reasons which are a factor in children leaving school;
  - The jobs in which child labour is concentrated;
  - The remedies needed to limit child labour and reduce school-leaving rates among children.

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

319. Field visits were also made to farms and children who handle pesticides in spraying agricultural crops, particularly qat, were tested. The pathological cases found were referred to governorate health units.

320. Efforts were coordinated with the Ministry of Information to broadcast, with ILO funding, awareness-raising seminars on the dangers of child labour. As part of IPEC, the Ministry of Education also conducted a study on the reasons for drop-out and entry to the job market:

- The General Confederation of Workers' Unions Yemen (GCWUY) also established a child labour unit, with focal points in 18 governorates concerned with the issue of child labour. The main tasks carried out by the unit were:
  - To conduct an awareness-raising campaign aimed at Yemen's union leadership ranks in order to reduce the worst forms of child labour;
  - To engage a number of artists to create stickers and posters identifying the phenomenon of child labour and its dangers;
- A child labour unit was also established in the General Federation of Chambers of Commerce and Industry (GFCCI) in 2002. This unit has trained 10 coordinators in 10 Chambers of Commerce and Industry in the governorates and its main tasks are to:
  - Establish an integrated database on the subject of child labour;
  - Raise employer awareness of international and Arab conventions and domestic legislation on child labour.

321. Despite the measures and mechanisms adopted by the State in this field, as a result of the excessive population growth, the pressures of living are increasing in terms of unemployment and the fall in wages, which pushes more children into the world of work and its dangers and hardships.

## **2. Protection from drug use**

322. Article 148 of the Rights of the Child Act provides that: "The State shall take the necessary measures to ensure that that children are protected and prevented from the use of narcotic and psychotropic substances, and to prohibit the use of children in the production of or traffic in such substances."

323. Article 62 of the same Act provides that: "Without prejudice to any harsher penalty prescribed under any other law, any person who prompts or incites a child to use, traffic in or sell narcotic or psychotropic substances shall be punished with imprisonment for a period of not less than five years and not more than eight years. The penalty shall be doubled for a repeated contravention."

324. The Prevention of Illicit Traffic in, and Use of, Narcotic and Psychotropic Substances Act No. 3 of 1993 contains straightforward provisions; article 2 stipulates that it is prohibited for any person to import, export, produce, own, possess, buy or sell narcotic substances or to trade in or transfer them in any capacity or to intervene as an intermediary or user for any or no remuneration, except in the cases provided for in this Act and under the terms stated therein.

### **3. Exploitation and sexual abuse**

325. Article 147 of the Rights of the Child Act provides that: “The State shall protect the child from all forms of sexual and economic exploitation and must adopt stringent procedures and measures to protect the child from engaging in any immoral activity and from being used and exploited in acts of debauchery or other illicit practices.”

326. Article 163 of the same Act provides that: “Without prejudice to any harsher penalty prescribed under any other law, any person who incites a male or female child to practice prostitution and acts of debauchery shall be punished with imprisonment for a period of up to 10 years.”

327. These legislative enactments are in place, even though cases of sexual assault against children occur only rarely and are not such as to constitute a phenomenon or problem; instead, they exist in the form of isolated cases and have no firm basis in society that provides a relative average to compare with other offences. The legal measures and laws in place, however, do not excuse the perpetrators of such offences and our country is making great efforts to study the matter in order to identify causes, motives and places where cases may concentrate or spread in order to devise adequate programmes and remedies in a bid to pre-empt their occurrence.

328. The State directed its attention to the group of children who are victims of violence by starting work on a field study of the causes, factors and motives of violence in order to produce quantitative and qualitative indicators and elaborate an action plan and programme to protect such children, with support from UNICEF and the Swedish child welfare organization.

329. The State is also currently in the process of ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

### **4. The sale, traffic and abduction of children**

330. Such cases are non-existent in Yemen. Nevertheless, article 155, paragraph 3, of the Rights of the Child Act provides that: “Any person who deliberately sets about to conceal a child or substitute one child for another or hand over a child to anyone other than the child’s parents shall be punished with a term of imprisonment of up to two years.”

331. Article 164 of the Rights of the Child Act provides that: “Without prejudice to any harsher penalty prescribed under any other law, any person who sells, buys or in any way disposes of a male or female child shall be punished with imprisonment for a period of not less than 10 years and not more than 15 years.”

332. Article 148 (a) of the Penal Code also provides that any person who buys, sells, gives away or in any way disposes of a human being shall be punished with imprisonment for a period of up to 10 years. Paragraph 2 provides that anyone who causes a person to enter or leave the country with the intention of interfering with him shall be punished with the same penalty.

## **5. Other forms of exploitation**

333. Article 4, paragraph 3, of the Rights of the Child Act provides that: “Children shall be protected from all forms of exploitation, which, under the Act, are regarded as acts constituting a criminal offence, with prescribed penalties for the perpetrators thereof.”

334. Article 6 of the Rights of the Child Act also provides that: “Protection of the child and his interests shall have priority in all decisions and measures relating to children, mothers and the family or the environment that are issued or pursued by any authority.”

### **D. Children belonging to a minority or an indigenous community**

335. It is stipulated in articles 24 and 41 of the Constitution that all citizens are equal in regard to their rights and obligations and that the State guarantees equal opportunities for all citizens in the political, economic, social and cultural fields and shall issue laws to achieve the same. These provisions also apply to children.

336. Article 9 of the Rights of the Child Act also provides for the right of the child to enjoy all public rights and freedoms, as well as such protection and care as is guaranteed by the laws in force to human beings in general and children in particular, without distinction on the basis of race, colour or belief.

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