



## Convention on the Rights of the Child

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**WRITTEN REPLIES BY THE GOVERNMENT OF THE REPUBLIC OF YEMEN TO THE LIST OF ISSUES (CRC/C/OPSC/YEM/Q/1) TO BE TAKEN UP IN CONNECTION WITH THE CONSIDERATION OF THE INITIAL REPORT OF THE REPUBLIC OF YEMEN SUBMITTED UNDER ARTICLE 12, PARAGRAPH 1, OF THE OPTIONAL PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY (CRC/C/OPSC/YEM/1) \***

[Replies received on 6 August 2009]

**Information from the Republic of Yemen supplementing its report on the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography**

**1. Information on the process of preparation of the report, including whether non-governmental organizations, particularly child rights organizations as well as the Children's Parliament, were consulted**

The report was prepared in conjunction with several governmental and non-governmental organizations which deal with the subjects covered by the Optional Protocol. The Higher Council for Motherhood and Childhood, in consultation with the competent governmental and non-governmental bodies, formed a preparatory committee to draft a report on the implementation of the Optional Protocol. Further to the decision by which it was established, the committee was composed of (29) 31 members drawn from: the technical secretariat of the Higher Council for Motherhood and Childhood; the House of Representatives; the Advisory Council; the Office of the Public Prosecutor; the Ministry of the Interior; the Ministry of Planning and International Cooperation; the Ministry of Finance; the Ministry of Social Affairs and Labour; the Ministry of Justice; the Ministry of Education; the Ministry of Public Health and Housing; the Ministry of Human Rights; the Ministry of Information; the Ministry of Endowments and Guidance; the Ministry of Legal Affairs; the Ministry of Tourism; the Ministry of Culture; the Ministry of Communications and Information Technology; the Women's National Committee; and some non-governmental organizations such as Al-Saleh Social Foundation for Development, Al-Islah Charitable Society, the Yemen Women's Union, the NGOs Coordination Authority, the Democracy School, the Human Rights Information and Training Centre, the Yemeni Observatory for Human Rights, the Youth Advisory Council and the Children's Parliament.

A subcommittee of the preparatory committee was formed to write the report, and the draft was then presented for discussion and the incorporation of comments at workshops held for various governmental and non-governmental children's organizations. Comments were incorporated into the draft report, which was then submitted to a review committee made up of national experts on children's affairs, for revision, finalization and transmission to the Committee on the Rights of the Child in Geneva. The report was then published and distributed to a number of relevant governmental and non-governmental organizations.

The report, in paragraph 65 of the section entitled "Process for preparing the report (participating authorities)", describes the drafting and preparation mechanism and procedures.

**2. Disaggregated data (including by sex, age group, urban/rural area) for the years 2006, 2007 and 2008 on:**

**(a) The number of reported cases of early or forced marriage, sale of children, child prostitution and child pornography, with additional information on type of follow-up provided on the outcome of the cases, including prosecution and sanctions for perpetrators**

**(i) Early marriage**

Since nothing in the sharia or ordinary law prohibits or criminalizes marriage by males or females under the age of 18, there are no data on this subject, other than in relation to the recent controversy surrounding the marriage of two girls of only 10 years of age. Those cases were resolved through the annulment of the marriage contracts. According to article 15 of the draft Personal Status Code, the minimum age for marriage is 18. This matter was discussed by the House of Representatives and it was agreed that the

minimum age would be set at 17. Further to a request from some members of the House for a review of the issue, a decision on the article was deferred.

## **(ii) Forced marriage**

The Republic of Yemen is an Islamic State which derives its legislation and laws from the noble Islamic sharia. In Islam, consent between the male and the female partner is a crucial element of marriage. A marriage is deemed invalid if either partner fails to consent to it. There are no data or figures on forced marriage.

## **(iii) Sale of children**

The sharia prohibits trafficking in persons, including children, as do the Code of Offences and Penalties (art. 248) and the Children's Rights Act (art. 164). There are no cases of adult or child slavery in Yemen.

## **(iv) Child pornography**

The data in the table below show that most of the cases involving sexual misconduct were classified as sex offences and did not involve pornography. The adults who committed these offences were presented to the Office of the Public Prosecutor after evidentiary reports had been completed.

### **Overview of sex offences involving minors in the years 2006 to 2008, by category of offence**

Item	Offence	2006	2007	2008			
	Victims	Offenders	Victims	Offenders	Victims	Offenders	
1	Rape	127	54	105	51	51	137
2	Attempted sodomy	-	46	78	40	39	20
3	Unlawful intercourse	-	-	4	66	38	-
4	Indecent acts and images	-	-	15	25	-	-
5	Attempted rape	-	-	57	13	8	43
6	Lewd act with a female	-	-	21	27	14	8
7	Attempted unlawful intercourse	-	-	3	5	2	0
8	Keeping a bawdy house	-	-	-	10	-	-
9	Unlawful intercourse that has not been legally proven	-	-	-	1	3	-
10	Abduction followed by unlawful intercourse or sodomy	-	-	1	1	-	2
11	Sodomy	14	37	42	97	-	1
12	Sexual assault without the use of coercion	-	-	-	-	69	6
13	Sexual assault with coercion	-	-	-	-	6	7
Total	141	137	326	336	230	224	

## **(v) Child smuggling and trials and punishments of perpetrators**

The table below shows the number of persons caught in the act of child smuggling, by governorate of origin, in the period 2006 to 2008.

Item	Governorate	2006	2007	2008
1	Hajjah	26	162	136
2	Hudaydah	24	138	117
3	Muhwayt	5	31	53
4	Sana`a	7	35	34
5	Ta`izz	3	18	19
6	Ibb	1	14	17
7	Rimah	-	10	16
8	Amran	-	1	12
9	Hadramawt	-	1	10
10	Dhamar	2	16	8
11	Sana`a	-	15	5
12	Aden	-	-	4
13	Bayda`	1	2	4
14	Dali`	-	2	-

### **Persons caught smuggling children (and brought before the Office of the Public Prosecutor)**

2006 and 2007:31 smugglers

2008:17 smugglers

#### **(vi) Prosecution and sanctions for perpetrators**

Convictions have been handed down to persons found guilty of the offences of indecent assault, rape, abduction, rape and murder and marrying off girls under the age of 10. The table below contains figures on some of these convictions.

Item	Victim	Age	Offence	Defendant	Sentence
1	Boy	14	Indecent assault	Adult	9 months' imprisonment + fine
2	Boy	10	Indecent assault	Adult	Acquitted for lack of evidence
3	Girl		Rape	Adult	15 years' imprisonment
4	Girl		Rape	Adult	15 years' imprisonment
5	Girl		Rape	Adult	15 years' imprisonment
6	Girl		Rape	Adult	15 years' imprisonment
7	Boy	10	Abduction	Adult	Resolved by conciliation
8	Boy	8	Rape and murder	Adult	Death sentence carried out
9	Girl	10	Marrying off girl below the age of 10	Husband + father	Contract annulled
10	Girl	10	Marrying off girl below the age of 10	Husband + father	Contract annulled; she will be allowed to choose once she is 17.

With regard to the prosecution and punishment of child smugglers, the laws on children make no explicit and direct reference to sanctions for child smugglers. The Code of Offences and Penalties (arts. 248 to 250 and 252), the Children's Rights Act (arts. 3, 4, 147, 155 and 164) and the Juvenile Welfare Act, as amended (art. 46), simply criminalize the sale, transfer, abduction and exposure of children to the risk of delinquency. These articles have been invoked in some child smuggling cases: in five smuggling cases, the defendants were charged with exposing children to the risk of delinquency, since there are no explicit legal provisions which directly criminalize and prohibit child smuggling and thus child smugglers are not liable to conviction. Nevertheless:

The draft amendments to the Code of Offences and Penalties do contain explicit provisions criminalizing and punishing child smuggling (see report on the Optional Protocol, paragraph 9 of part 1 entitled "Sale of children").

#### **(b) Number of child victims provided with recovery assistance and compensation as defined in article 9, paragraphs 3 and 4, of the Optional Protocol**

See part 9 of the present report

### **3. Measures taken to establish an effective system of data collection on violations of provisions of the Optional Protocol through a unified database**

The Government data collection activities were noted with appreciation by the international Committee which, in paragraph 25 of its concluding observations, recommended that the State party should strengthen its efforts to establish a comprehensive and permanent mechanism to collect data within the national statistical system covering all children. Efforts are being made to promote the use of the DEVINFO programme and the advanced version of the CHILINFO programme, which will significantly enhance the national statistical system with the inclusion of data disaggregated by gender, age and location (urban and rural). The 2004 census afforded a valuable opportunity for the collection of a great deal of information and data on all population groups.

The Higher Council for Motherhood and Childhood, in conjunction with and with support from the United Nations Children's Fund (UNICEF), is currently establishing a national children's rights observatory to: provide all kinds of data on the situation of children; monitor and follow up on violations; pay regular visits to institutions involved in children's issues; liaise between governmental and non-governmental bodies which deal with children's rights and child protection and welfare; support and promote children's rights; and prepare national and periodic reports on children.

Steps have been taken to monitor children with disabilities and to create a database at the Ministry of Social Affairs and Labour on child labour, and steps have also been taken in regard to children who are smuggled, through the establishment of modern centres in Harad and Sana'a City.

A database on juvenile justice was developed and completed with input from the Ministry of Justice, the Ministry of the Interior, the Ministry of Social Affairs and Labour and juvenile prosecutor's offices and courts, with support from UNICEF. The database will be operational in the near future.

The Ministry of Public Health and Housing is in the process of establishing a system for monitoring cases of injury and violence, including traffic accidents, drownings, fires, falls, domestic violence, gunshot injuries, injuries caused by sharp instruments, suicides and violence against children and women. As a first step, 10 central hospitals in five governorates have been included in the monitoring process - Sana'a City and the governorates of Aden, Ta'izz, Ibb and Hudaydah - and there are plans to extend the system to include the other governorates.

The Ministry of Human Rights and the United Nations Development Programme (UNDP) ran a joint project on the creation of a human rights database containing most of the international and regional treaties and instruments which Yemen has signed and ratified. The database includes over 1,000 documents, among others the Convention on the Rights of the Child and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, together with training manuals (the elimination of slavery and contemporary forms of slavery - the Anbatawi manuals - a section on juvenile offenders, penal policies and social integration, a guide on preparing alternative reports under article 44 of the Convention on the Rights of the Child and on the child's right to survival, development and participation and protection from exploitation). Also included are working papers, reports (the report of the United States Department of State on human smuggling in Yemen) and studies, research papers, decisions, declarations, statements and recommendations, for use by researchers and members of the public.

The Ministry of Justice is creating and designing an electronic network for courts in eight governorates, which will provide information on cases, including children's cases. The table below shows the courts that will be included in the network.

Item	Name of governorate	Courts
1	Sana'a City	Appeal CourtSpecial Criminal CourtCriminal divisionAl-Gharbiyah Court
2	Aden	Appeal CourtSirah Court
3	Ta'izz	Appeal Court
4	Hudaydah	Appeal Court
5	Hadramawt	Appeal Court
6-7	Sana'a and Jawf	Appeal Court
8	Amran	Appeal Court

#### **4.Information on specific budget allocations for the implementation of the provisions of the Optional Protocol at the local, regional and central levels**

We have not been able to obtain a budget allocation for the implementation of the Protocol, but there is a budget allocation for child protection and welfare in general. The following are some of the budgets that it has been possible to obtain.

There is a local budget of 7,368,000 Yemeni rials (YRIs) per annum to cover salaries and wages for protection and rehabilitation centres, social services centres, safe childhood centres, the steering committee and staff working on the comprehensive welfare project. The annual budget for salaries and employment costs for the anti-child labour project is YRIs 1,600,000 (one United States dollar (\$) = YRIs 200).

Al-Saleh Social Foundation for Development has an annual budget of YRIs 11,224,800 to cover operating costs for the protection centre in Harad.

Budget allocations for child protection and child welfare are made available by some international donor organizations, including:

Funding support provided by UNICEF for activities and events linked to the child protection programme (combating child smuggling; tackling violence against children and child abuse and neglect; combating female genital mutilation; juvenile justice; legislative support) and combating HIV/AIDS: the budget for 2007-2011 is \$6,375,000.

The Cooperative Housing Foundation allocated a budget to support activities against child labour and child smuggling for the period October 2008 to September 2011. The allocation amounts to \$295,667, with \$78,800 being contributed by the local community, for activities including awareness-raising, the promotion and enhancement of policies on child labour and education, support for research and documented data collection, sustainability, support for children and staff in the Aden governorate rehabilitation centre and support for the child labour units in the Sana'a and Aden governorates.

Penal Reform International, through its regional office, has supported a number of activities over the period from 2007 to 2009 relating to: the promotion of a follow-up care and social supervision system in the governorates of Ta'izz and Hudaydah; training juvenile justice personnel about the importance of a system for follow-up care and social supervision; and promoting the use of non-custodial measures for young persons. This budget amounts to \$134,336 (costs of developing policies for the follow-up care and social supervision system, training courses and awareness programmes for members of the local community and foreign experts' fees).

#### **5.Information on progress made towards the establishment of an independent national human rights institution with a mandate to monitor implementation of the Optional Protocol and also to receive complaints from, or on behalf of, children on violations of its provisions**

There are a number of national institutions with a mandate to monitor implementation of international human rights treaties and instruments such as the Convention on the Rights of the Child and the two Optional Protocols thereto and to receive complaints about infringements of children's rights and related laws and treaties. These institutions include:

##### **The Higher Council for Motherhood and Childhood**

The Council is the entity responsible for all child-related issues and its members include the ministers of ministries concerned with child protection and child welfare, together with some non-governmental organizations and prominent members of society who are involved in these issues. Its functions and purposes include: formulating policies, strategies and plans; designing draft laws and following up on their adoption; examining international treaties on children; following up on and evaluating the implementation of

national children's strategies and plans; and raising public awareness with respect to the protection and safeguarding of children's rights. The Council, in conjunction with the relevant authorities, has established various national networks, including the national network on violence against children and the national network for the welfare of children in conflict with the law. In 2008, the two networks were merged into one national network known as the "National child protection network". The aim of this network is to create a safe environment that meets the needs of children in Yemen and protects them from violence, abuse, neglect and exploitation, through coordination between its members and the relevant authorities in the design, implementation and evaluation of child protection programmes and activities.

## **Ministry of Human Rights**

The Ministry monitors the execution of national children's rights programmes; recommends policies, plans, programmes and procedures for the promotion and protection of human rights and implements them in conjunction with the competent authorities; examines legislation and laws to determine how far they are consistent with the principles and norms of the international human rights conventions and covenants that Yemen has ratified; proposes amendments to domestic legislation in line with the Constitution and prevailing laws; receives and considers complaints from the public and from organizations and institutions and deals with those that come under its remit, in conjunction with the competent authorities; prepares, in consultation with the competent authorities, periodic reports on Yemen's international obligations; collects, analyses and documents information on human rights and the Government's human rights policy; raises public awareness of the law and offers advice on the rights guaranteed by the Constitution and the law; disseminates a human rights culture throughout society using various awareness techniques; and liaises and develops cooperation with international civil society organizations that operate in the human rights sphere. These tasks are spelled out in article 2 of the Ministry's organizational regulation and are consistent with many of the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) endorsed by the Commission on Human Rights pursuant to resolution 1992/54 of 3 March 1992.

The Advisory Council and the House of Representatives play a significant role in monitoring, follow-up and the execution of national plans and of the State's efforts with respect to child protection.

The Higher Committee for Children and Young Persons plays a major role in follow-up and evaluation of children's rights programmes in the framework of follow-up on the national strategy for children and young persons.

Civil society organizations and other social organizations which are actively involved in children's issues have provided and provide services such as setting up telephone hotlines to offer psychosocial counselling to children and families. They play a role in identifying and monitoring children subjected to violence and exploitation, in raising society's awareness of the consequences of such phenomena and in monitoring the situation of children's rights. These organizations include, by way of example, the Democracy School, the Arab Institute for Human Rights, the Coordinating Authority for Children's Rights Non-Governmental Organizations and the Yemeni Observatory for Human Rights.

## **6. Further information on legislative measures taken to ensure that all the acts and activities referred to in the Optional Protocol are fully covered under the criminal or penal laws and information on whether, in the context of sale of children, engagement of the child in forced labour is criminalized as a form of sale of children**

The report on the implementation of the Protocol, in part I entitled "Legal status of the Protocol in Yemen" (paras. 5-26), refers to the legislative measures taken under the domestic laws which deal with the various issues covered in the Protocol (sale of children; sexual exploitation of children; child prostitution; child pornography; transfer of children's organs for profit; and exploitation of children in forced labour).

The draft amendments to the children's laws which were revised following the ratification of the two Protocols, including the Code of Offences and Penalties, were approved by the Cabinet and submitted to the House of Representatives for consideration and adoption. A number of draft provisions on the issues set out in the Protocol were included, namely:

### **Sale of children**

#### **Article 248**

##### **Offence of slavery**

(a) A term of up to 10 years' imprisonment shall be imposed on anyone who:

Buys, sells, makes a gift or otherwise disposes of, a person;

Brings a person into or out of the country for the purpose of disposing of that person.

(b) The term of imprisonment shall be increased to up to 15 years, if the victim of any of the acts enumerated in paragraph (a) of the present article was under 18.

#### **Article 249**

##### **Abduction and associated offences**

A term of up to 5 years' imprisonment shall be imposed on anyone who abducts a person. If the person who is abducted is a female

or suffers from insanity or a disability, or if the abduction is carried out using force, threats or deception, the penalty shall be a term of up to 7 years' imprisonment. If the person who is abducted is under 18 or if the abduction is accompanied or followed by bodily harm, physical assault or torture, the penalty shall be a term of up to 10 years' imprisonment. This shall all be without prejudice to the victim's right to claim retribution (*qisas*), blood money (*diyyah*) and an indemnity for certain wounds (*arsh*), as applicable, depending on the nature of the injury. If the abduction is accompanied or followed by murder, prohibited sexual assault or sodomy, the penalty shall be death.

## **Article 252**

Having due regard to article 251 of the present Code, a term of up to 10 years' imprisonment shall be imposed on anyone who abducts a newborn child and a term of up to 7 years' imprisonment shall be imposed on anyone who conceals or swaps a child for another or who makes a fraudulent claim regarding the parentage of a child.

## **Sexual exploitation of children**

An entire section was added under the heading "Sexual exploitation of children" to the draft amendments to the Code of Offences and Penalties.

## **Sexual exploitation of children**

### **Article (262 bis1) 4**

(a) A term of up to 7 years' imprisonment shall be imposed on anyone who, through enticement, encouragement or any form of assistance, compels a male or female under the age of 18 to engage in acts of indecency, debauchery or prostitution.

(b) The penalty shall be a term of up to 10 years' imprisonment if the author of the offence is an ascendant or a brother of the victim or a person responsible for the victim's upbringing or supervision.

(c) The penalty shall be a term of up to 12 years' imprisonment if the author of the offence used any form of coercion, intimidation or deception.

### **Article (262 bis) 5**

A term of up to 7 years' imprisonment shall be imposed on anyone who takes a child under the age of 18 across the national borders for the purpose of the sexual exploitation or the facilitation or instigation of the sexual exploitation of the child. The penalty shall be a term of up to 10 years' imprisonment if the perpetrator is an ascendant or a brother of the child or a person responsible for his or her upbringing or supervision.

### **Article (262 bis) 6**

A term of up to 5 years' imprisonment shall be imposed on anyone who entices, encourages or helps a male or female under the age of 18 to leave the family home in order to engage in acts of indecency, debauchery or prostitution.

### **Article (262 bis) 7**

A term of up to 5 years' imprisonment shall be imposed on anyone who reproduces a photograph or a drawing or the name of a child under the age of 18 in any publication or information or advertising medium for the purpose of pandering to sexual desires or of inviting, inciting or encouraging others to engage in immoral and indecent acts. The penalty shall be a term of up to 7 years' imprisonment if the photograph or drawing shows the child's genitalia.

## **Child prostitution**

### **Article 279**

A term of up to 3 years' imprisonment shall be imposed on anyone who incites another to engage in debauchery or prostitution. If, as a result of the incitement, the offence is actually committed, the penalty shall be a term of up to 7 years' imprisonment. If the person incited to commit the offence was a minor under the age of 15 or if the instigator of the offence lives off the proceeds from the debauchery or prostitution of the other person, the penalty shall be a term of up to 15 years' imprisonment. If both of the aforementioned circumstances obtain, the instigator shall be liable to a term of up to 15 years' imprisonment.

**7. Please clarify whether the State party may establish its jurisdiction over offences referred to in the Optional Protocol in all cases indicated in article 4, and notably when the crime is committed abroad and the alleged offender is a national of Yemen or a person who has his habitual residence in Yemen, or when the victim is a national of Yemen.**

Yemen is a sovereign State which exercises its sovereignty throughout its territory and over all persons living therein. Some laws contain provisions on this matter, including the Code of Criminal Procedures No. 13 of 1994, which provides:

### **Article 17**

- 1.The Code of Criminal Procedures applies to all criminal offences committed in the territory of the Republic.
- 2.The laws on criminal procedures apply to citizens, foreign nationals and stateless persons.

### **Article 236**

- 1.Where an offence under Yemeni law is committed abroad and the perpetrator has no known address in the Republic and has not been apprehended, criminal proceedings shall be brought against that person in the courts of the capital.
- 2.Where an offence is committed partly abroad and partly in the Republic, the court in the jurisdiction of which the criminal acts were committed in the Republic of Yemen shall have local jurisdiction for the matter.

### **Article 244**

The Yemeni courts shall also have jurisdiction over offences committed at sea on board vessels flying the Yemeni flag, regardless of the nationality of the perpetrators, and over offences committed on board foreign commercial ships present in a Yemeni seaport or in Yemeni territorial waters. Jurisdiction shall be with the court at the first Yemeni port where the vessel weighs anchor.

### **Article 245**

The Yemeni courts shall have jurisdiction over offences committed on board Yemeni aircraft, regardless of the nationality of the perpetrator, and over offences committed on board foreign aircraft by or against a Yemeni national. If, following the commission of the offence, the aircraft sets down in Yemen, the court in the district of which the landing site is located shall have competence to arrest the accused upon landing, or jurisdiction shall lie with the court in the district of which the accused was arrested, if the arrest took place in Yemen. If the accused was arrested abroad, the Yemeni courts may hear the case.

### **Article 246**

The Yemeni courts shall have competence to try any Yemeni who commits a legally designated offence abroad, if the offender subsequently returns to the Republic and the offence is punishable under the law of the State in which it was committed.

The Code of Offences and Penalties of 1994 also provides:

### **Article 3**

This Code shall apply to all offences committed in the territory of the State, regardless of the nationality of the offender. An offence shall be deemed to have been committed in the territory of the State if an act constituting an element of the offence was committed in that territory. Where the offence was committed wholly or in part in the territory of the State, the Code shall apply to the accessories to the offence, even if their participation occurred abroad. This Code applies to all offences committed abroad for which the Yemeni courts have jurisdiction under the Code of Criminal Procedures.

## **8.Further information on measures taken to protect the rights and interests of child victims of the acts prohibited under the Optional Protocol at all stages of the criminal justice process to ensure that they are not criminalized and, in particular, on the rules and practice concerning the protection of child victims who have to testify in criminal cases**

The Yemeni legislature has specified the main purposes of the Children's Rights Act No. 45 of 2002, which include to protect children from all forms of exploitation, to classify such exploitation as a designated offence and to prescribe the penalties for its commission. The text is a general one which imposes the obligation to protect children from all forms of exploitation and designates such exploitation as a criminal offence under the law. The Yemeni legislature has introduced several measures to protect children from exploitation, requiring the State to put child protection procedures in place further to various laws, including:

The Children's Rights Act (arts. 146, 147 and 148):

### **Article 146**

The State, acting through the Ministry of Social Affairs and the Higher Council for Childhood, shall ... (d) endeavour to protect [children] from falling into the abyss of depravity using all corrective means, including criminal legal sanctions.

### **Article 147**

The State shall protect children from all forms of sexual and economic exploitation and shall introduce strict procedures and measures to prevent their:

- (a)Engagement in any immoral activity;
- (b)Employment or exploitation in prostitution or other unlawful practices.

### **Article 148**

The State shall take measures to prevent and protect children from using narcotic drugs and psychotropic substances and to stop

them from being employed in the production and trafficking thereof.

The Juvenile Welfare Act provides for a large number of measures guaranteeing children legal and judicial protection during the evidence-gathering (inquiries and custody), investigation and trial stages. These matters are covered in many articles of the Act (arts. 8, 11 to 16 and 19 to 20), which offer protection to child victims during the investigation and trial stages and lay down binding rules designed to ensure that:

Children are listened to and treated as victims, not criminals

They receive health, social and legal protection and assistance and are reintegrated into society

All procedures taken with respect to them are dictated by their best interests

They are not placed in prisons or in detention centres reserved for criminals or non-convicted persons

They are placed in special welfare facilities

The confidentiality of trials is maintained in order to prevent victims and their families from damage to their reputation or from coming to harm at the hands of defendants, their families and those who assist them

Victims are given the opportunity to make statements and air their views and fears in the different stages of criminal proceedings and by means that do not infringe the right of defendants to a fair trial, and interpreters are provided to assist victims during trials

Victims' cases are dealt with as urgent cases

Article 181 of the Code of Offences and Penalties defines the act of attempting to influence a witness as a punishable offence, stipulating: "A term of up to one year's imprisonment or a fine shall be imposed on anyone who uses force or threats or offers or promises a gift or benefit of any kind in order to induce another not to give testimony or to give false testimony and who fails to achieve his purpose. The same shall apply with respect to experts and interpreters." This is a general provision which can be applied to attempts to influence child witnesses and it constitutes a form of legal protection for witnesses.

## **9. Please inform the Committee of the social reintegration assistance as well as physical and psychosocial recovery measures available for victims of offences covered by the Optional Protocol**

A number of social assistance and social reintegration measures and programmes for child victims have been introduced and carried out, including the following.

### **Child victims of smuggling**

Two reception and protection centres were established for child victims of smuggling, the first in the Harad area of Hudaydah in April 2005 and the second in Sana'a City in March 2008. The aim of the centres is to provide protection for children under the age of 18 who are victims of smuggling and to reintegrate them into their families.

### **Mechanism for admitting children to the centres**

1. Children are admitted to the temporary protection centres and are offered psychological support in the form of psychotherapy sessions with psychiatrists which are designed to put them at ease and help them to feel safe.
2. After admission to the centre, children are offered health care consisting of tests conducted at a well-equipped medical clinic and care by a health supervisor. The children are given whatever medicines they need and if they are suspected of having a major illness they are sent to hospital for tests.
3. The children spend between five days and a maximum of one month at the centres, unless it is in their interests to keep them there.

### **Services for children staying at the centres**

1. Putting children at ease and offering them psychological assistance upon admission and daily follow-up by a psychiatrist;
2. Preliminary medical examination upon admission and daily medical checks by a health officer;
3. Shelter, clothing and regular food which are of a standard consistent with the child's age;
4. Comprehensive social, family, environmental and economic background checks and identification of the main reasons why the child is no longer with the family;
5. Enrolment in informal educational programmes and creative and life skills activities designed to assess the child's level of educational attainment, to identify his or her creative talents and to encourage the child to go back to school;
6. Enrolment in sports and recreational programmes as a means of providing psychological distraction and building up physical strength;
7. Legal protection through the prosecution of those involved in the smuggling and exploitation of children before the courts and police bodies by a legal expert;



8.Improving the relationship with the family such as to create a loving and stable family environment for the child.

In coordination with social welfare centres and homes, assistance is provided to child victims of smuggling, and families receive support for children's social reintegration.

Two vocational and technical training institutes were established in Harad and Abas in the Hujjah governorate.

Members of local councils, sheikhs, prominent individuals and the security authorities are involved in efforts to stop families from smuggling their children a second time.

A follow-up programme was launched for the welfare of child victims of smuggling who are returned to their families.

Some 90 child victims of smuggling in three governorates - Hujjah, Hudaydah and Muhwayt - benefited from follow-up care, with 15 children per month receiving such care from April to September 2009. Checks are carried out to ensure that children settle in their families and are integrated into the education process. Food assistance is provided, consisting of one bag of wheat, a 10-kilogram bag of sugar, a 10-kilogram bag of rice, one gallon of oil, a box of dates, items of clothing, a school uniform and a school bag.

Forty child victims of smuggling were trained at the Baghdad Vocational Training Institute and were given tests to assess their interests and aptitudes. In order to help them to find work in an honest profession, they were admitted to three areas of specialization:

(a)Carpentry;

(b)Car mechanics;

(c)Car electrics.

They were given everything that they needed in terms of accommodation, food, clothing, medicine, recreation and pocket money.

The Access-MENA project distributed assistance to child victims to help them to get back to school and to stop them from dropping out. School uniforms and school bags were distributed to 4,101 students and remedial classes were set up in Hujjah city to prevent children there from dropping out of school.

Cultural entertainment centres were established for young persons at these schools, offering programmes and activities to attract children to school so as to effect their rehabilitation and offer psychological assistance and advice aimed at protecting them from smuggling. Targeted schools were renovated and provided with their own electricity generators.

The reception centre in Harad was entrusted to the supervision of Al-Saleh Foundation in order to encourage the participation of prominent civil society organizations in child protection programmes.

Child protection teams were set up in hamlets in the Aflah al-Sham province of Hujjah governorate as an experiment that may be replicated in other provinces once it has proved successful.

The Sports Recreation Centre for Children in Aflah al-Sham province was established, equipped and given the necessary resources to help raise awareness among the children of the area and to help prevent children from leaving the area.

Educational, cultural, social and leisure programmes were carried out for children in reception centres and the necessary technical staff were provided for the task. In the period from May 2005 to September 2008, 2,579 children used the centres' services. This figure can be broken down as follows:

Year	2006	2007	2008	2009	Total
Harad Centre	796	603	544	414	1 943
Sana'a Centre			4	13	17
Total	796	603	584	427	1 947

The Arab Institute for Human Rights offers support and psychological assistance to child victims of violence, abuse and exploitation at its psychotherapy clinic or via its psychological assistance helpline. The clinic was opened in January 2009.

The tables below show the number of children who have received assistance and psychological support at the clinic of the Arab Institute for Human Rights.

#### **(a)Abuse and violence**

	Child	Adult	Children and adults/ not known	Total
No.	No.	No.	No.	
Physical abuse	13	10	-	23
Sexual abuse	9	4	-	13
Emotional abuse	12	11	-	23
Neglect	5	8	-	13
Witness to violence	14	10	-	24
Violent rage	7	6	-	13
Domestic violence	15	11	-	26

Not specified and other reasons	2	-	-	2
Total	77	60	-	137

## (b) Commercial exploitation

No.	Children No.	Adults No.	Children and adults/ not known No.	Total
Children forced to work in order to pay off family debts	8	-	-	8
Child domestic workers	6	-	-	6
Sexual exploitation of children/ child prostitution	4	-	-	4
Child trafficking	7	-	-	7
Other kinds of child labour	8	-	-	8
Abduction	3	-	-	3
Use of children in begging	8	-	-	8
Use of children in criminal activity	4	-	-	4
Children in armed conflict	2	-	-	2
Not specified and other reasons	1	-	-	1
Total	51	-	-	51

## Child workers

Children in the labour market, particularly those most at risk, are offered protection through follow-up on the implementation of Ministry of Labour and Social Affairs decision No. 56 of 2004 which prohibits the employment of children in difficult and dangerous occupations and of children under the age of 14 in hazardous places

Follow-up includes pre-employment medical examinations, regular tests, rest breaks, working hours and leave and the application of other legal regulations of child labour in line with the Convention on the Rights of the Child and other international conventions on child labour

Seminars, posters and the press are used to draw attention to the prohibition of child labour

Two child labour focal points were appointed in 11 governorates where the problem of child labour is particularly serious

Regular follow-up and data collection is assured through inspections of children's places of work

A survey of child labour in the capital was conducted in 2006

Fifteen child labour inspectors have been given training

A total of 5,041 visits have been paid to child workers in their workplaces in the governorates

A total of 341 child workers have been returned to school

A total of 505 children have been redeployed to light work that is suited to their physical capacities, while the workload for others has been reduced

Medical examinations have been carried out and a number of cases have been referred to health centres for treatment

A total of 25 child workers were trained in television maintenance

Table showing groups targeted by the programme in 2006-2007 and taken from different social categories: child workers and their siblings and families; employers; civil society organizations; schoolchildren and local authorities; and activities carried out in partnership with the Ministry of Social Affairs Child Labour Unit and rehabilitation centres for child workers in Sana'a City and Say'un

Item	Target group	No.	Implementing authority	Activity
1	Schoolchildren in Sana'a City	160	Child Labour Unit + Children's Parliament	Awareness programmes on the consequences of dropping out of school
2	Employers/informal sector	26	Child Labour Unit	Awareness and briefings about Ministry decision No. 56
3	Local authority	15 individuals from different sectors	Child Labour Unit + Ministry offices in different governorates	Awareness and briefings about the Government's role in curbing child labour
4	Families of child workers	534	Rehabilitation centre for child workers (Sana'a City)	Awareness-raising and briefings during visits to the centre
5	Families of child workers enrolled in the centre (Sana'a	748	Rehabilitation centre for child workers (Sana'a City)	Repeat visits to ensure that children remain at the centre

	City)			
6	Families of child workers enrolled in the centre (Sana'a City)	1 282	Rehabilitation centre for child workers (Sana'a City)	Microenterprise grants: two grocery stores; one chicken shop and one mechanics workshop
7	Families of child workers enrolled in the centre (Sana'a City)	8	Rehabilitation centre for child workers (Sana'a City), in cooperation with the Arab Child Protection Initiative	Interest-free microenterprise grants after training on enterprise management was provided with the help of consultants (YRIs 100,000 for each family)
8	Families of children enrolled in the centre (Sana'a City)	12	Rehabilitation centre for child workers (Sana'a City), in cooperation with the Arab Child Protection Initiative	Basic financial assistance
9	Families of children enrolled in the centre (Sana'a City)	30	Rehabilitation centre for child workers (Sana'a City), in cooperation with the Arab Child Protection Initiative	Cash/food assistance
10	Families of child workers (civil society)	1 282	Child Labour Unit + rehabilitation centre for child workers (Sana'a City)	Visits to raise awareness and provide advice
11	Younger siblings of child workers (4 to 7 years)	433	Rehabilitation centre for child workers (Sana'a City)	Enrolment in the centre (Sana'a City)
12	Child workers of working age (14 years)	14	Rehabilitation centre for child workers (Sana'a City) + vocational training	Inclusion in training programmes: carpentry, the butcher's trade and electrical devices and equipment
13	Female child workers (7 to 14 years)	76	Child Labour Unit + rehabilitation centre for child workers (Sana'a City)	Enrolment in the centre (Sana'a City) and access to services
14	Male child workers (7 to 14 years)	485	Child Labour Unit + rehabilitation centre for child workers (Sana'a City)	Enrolment in the centre (Sana'a City) and access to services
15	Child beggars (6 to 16 years)	76	Rehabilitation centre for child workers (Sana'a City)	Enrolment in the centre (Sana'a City) and access to services
16	Children's civil society organizations	7	Child Labour Unit	Awareness-raising and briefings about Ministerial decision No. 56
17	Child workers	152	Rehabilitation centre for child workers (Say'un) + <i>Al-Nahdah</i> Association	Enrolment in the Say'un rehabilitation centre for child workers
18	Child workers and their families	152 (children)	Rehabilitation centre for child workers (Say'un) + <i>Al-Nahdah</i> Association	Withdrawal from the labour market and return to school
19	Basic education schools	35	Rehabilitation centre for child workers (Say'un) + education bureau in Wadi Hadramawt	Awareness-raising in schools in Say'un, Shabam and Qatan
20	Female child workers	20	Rehabilitation centre for child workers (Say'un) + <i>Al-Nahdah</i> Association	Training programmes (home management)
21	Female child workers and their families	71	Rehabilitation centre for child workers (Aden) + the productive families programme	Access to the productive families programme
22	Families of child workers	17	Rehabilitation centre for child workers (Aden) + <i>Al-Mirtqa'</i> Association	Loans programmes
23	Children working in fishing	203	Rehabilitation centre for child workers (Aden) + the governorate	Enrolment in the Aden centre and access to educational and training services
24	Siblings of child workers	138	Rehabilitation centre for child workers (Aden) + the Association against Child Labour	Enrolment in the Aden centre and access to education and training services
25	Families of child workers	15	Rehabilitation centre for child workers (Say'un) + <i>Al-Nahdah</i> Association + the Social Fund for Development	Scheme involving loans worth between YRIs 50,000 and YRIs 150,000
26	Child workers and their families (agriculture)	59	Child Labour Unit + offices of the Ministry in the governorates + occupational health and safety	Referral to health centres for treatment
27	Local civil society	-	Rehabilitation centre for child workers (Say'un) + <i>Al-Nahdah</i> Association + mosque preachers	Awareness-raising on the dangers of random use of pesticides in agriculture, particularly for girls
28	Female child workers in agriculture	98	Rehabilitation centre for child workers (Say'un) + Child Labour Unit	Awareness-raising on the risks of random use of pesticides in agriculture
29	Children employed in various jobs	440	Child Labour Unit + Ministry offices in the governorates	Rights awareness and granting children the freedom to play through the "Day without work" initiative

## Street children

The phenomenon of street children is a recent one in Yemeni society and can basically be ascribed to the rising incidence of poverty, the growing burden that making a living places on families and the spread of unemployment, in addition to social problems arising from the disparities caused by economic and financial programmes, rural underdevelopment and the return of hundreds of Yemenis following the Gulf War.

The Government, with the participation of civil society, deals with the problem of street children through protection and rehabilitation programmes and family and social reintegration. The efforts made in this regard include the following:

The establishment of three safe childhood centres for the protection and rehabilitation of street children in Sana'a City, the governorate of Aden and the governorate of Ta'izz respectively, and coordination with civil society associations in the management and operation of these centres. The safe childhood centres offer street children social welfare, psychological recovery and social reintegration services through a diverse range of integrated activities which begin with drawing the children into the centres and offering them rehabilitation (health, education, culture, leisure, sports and work) and culminate in the return of children to their families or their natural environment or, as in the case of orphans, for example, in placement in an alternative environment such as a social welfare home. Children who use the services of these centres tend to be homeless or to come from broken families or are victims of domestic violence who have run away from home.

A number of centres operate in this domain and are directly managed and overseen by civil society associations entrusted with the task by the Ministry of Social Affairs and Labour. A total of 1,026 street children used the services of the centres in the period from 2002 to 2005.

The safe childhood centres aim at providing protection, welfare and rehabilitation services to homeless street children in order to enable them to achieve self-reconciliation and reconciliation with their families and their communities. Social, psychological, educational, health, religious, cultural, technical, sports and recreational programmes and activities are provided for this purpose.

### **Promoting and facilitating the return of street children to their immediate and larger families**

The centres study the children's social and psychological profile in preparation for their return to their families. Intensive rounds of visits are paid to the children's families to verify their socio-economic circumstances and help them to accept their children back into the family.

Appropriate food and accommodation are offered to street children, in addition to health care, educational opportunities, protection and assistance. The centres offer the children appropriate accommodation and food which contains all the elements that they need at their age. Residents are given regular health examinations, checks are done on children's hygiene, their intake of medicines is controlled and emergencies are dealt with. There is a health file on each child.

A number of educational activities are carried out, including:

- 1.Integration of children into government schools close to the centre;
- 2.Provision of school supplies;
- 3.Visits to schools and monitoring of the children;
- 4.Remedial activities for children at the centre and help with doing homework and memorizing information;
- 5.Creation of a school file on each child;
- 6.Assessments to determine the level of academic attainment of students enrolled for study at the centre: a literacy class was set up for children over the legal age for formal schooling;
- 7.Computer training to help the children to acquire new skills, and the establishment of a library at the centre which is specially designed for children and can be used for consultation and for reading all kinds of books;
- 8.Holding of children's cultural competitions, the distribution of prizes as a means of providing encouragement and awards for children enrolled in schools and in classes at the centre.

In order to provide the children with protection and assistance, the social and psychological activities run at the centre focus on protecting the children, gradually rebuilding their personalities and rehabilitating them in all kinds of ways. Social and psychological activities can be divided into two categories:

- 1.Activities at the centre, namely, studies of each child and recommendations for action;
- 2.Field work outside the centres aimed at completing the information about the child's community and environment, and efforts to reintegrate the child into the family.

The centres also familiarize children with their rights and encourage and empower them to express themselves, providing them with the skills and knowledge that they need to protect themselves from exploitation and abuse.

Qualified personnel are on hand to protect the children and offer them instruction and guidance on their rights and how to safeguard and assert them.

In addition, there are many civil society associations devoted to the protection and rehabilitation of street children. Some of these associations are subsidized by the Government and others are self-funding. These associations are particularly active in this domain.

### **Table showing the number of users of safe childhood centres(street children) in the governorates**

Centre name	2006	2007	2008
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Sana'a City Safe Childhood Centre	104	120	135
Aden Safe Childhood Centre	143	162	110
Ta'izz Safe Childhood Centre	149	72	169
Total	396	354	414

With regard to comprehensive social services, two centres were set up in the governorates of Sana'a and Aden to provide comprehensive care to families and children through activities geared towards the delivery of educational, social, health and manual work services. A total of 1,371 children and women received services and 373 children were enrolled in schools close to the centres in Sana'a and Aden in 2007.

In the period 2006-2008, a joint agreement was carried out between the Higher Council for Motherhood and Childhood, the Ministry of Social Affairs and Labour and the Arab Council for Childhood and Development to support a street children's project involving the following activities:

Support for a field survey of street children which was conducted in partnership with eight governorates

Holding of a national workshop to discuss the findings of the survey and to produce recommendations in conjunction with decision-makers and those who carry out decisions

Organization of a training workshop for 30 persons who work with street children

Holding of four training workshops for 100 journalists and communications officials on child protection, with a focus on the rights of street children

Production of public information materials (television and radio programmes, posters and leaflets) on the subject of street children

## **10. Please indicate whether special training, particularly legal and psychological, is provided to persons working in the area of recovery and social reintegration of child victims of the offences under the Optional Protocol.**

A total of 90 police officers and border guards were trained in three training courses held from April to June 2009. Some 30 persons were trained at each course under a programme entitled "Raising rights and legal awareness among the police and border guards on combating child smuggling".

Various training and rehabilitation programmes were run for specialists on the subject of combating child smuggling. UNICEF provided support for the rehabilitation programme which the International Organization for Migration ran at the protection centre for child victims of smuggling. Centre managers and social workers from social welfare centres and homes and from safe childhood centres were given training on the following subjects: psychological protection and rehabilitation; social reintegration; employment procedures at centres and homes for the protection of smuggled children; developing skills in identifying child victims of smuggling (120 individuals were given training).

The Ministry of Justice has designed and run several training courses to improve the skills of professionals who deal with young persons, including appeal court presidents, juvenile court presidents, court judges, chief and deputy prosecutors, members of the prosecution service, lawyers who are experts in social issues, members of local councils, directors of social affairs and labour offices and staff of institutions and civil society organizations. These training courses covered the following areas:

The specific aspects of juvenile justice

Correctional justice and non-custodial measures

Evaluation of alternative sentencing programmes and non-custodial measures for young persons

The specific aspects of juvenile justice and principles of correctional justice for young persons

Supporting psychological, social and legal training for professionals who work with young persons

The General Department for Women's and Juvenile Affairs at the Ministry of the Interior runs various training courses for members of the police force (males and females) on these subjects. A total of 598 persons have attended the following courses:

A training course on psychological and legal methods for dealing with young persons, based on a manual entitled *Amal* (Hope) prepared by the Department: the course was designed for 80 female police officers, 40 from security branches in the governorates and 40 from Sana'a City, and explained the legal concepts of relevance to children. The course was held in July 2007, lasted one week and was supported by UNICEF.

A training course on the protection of children during a state of emergency and on the involvement of children in armed conflict: the course was attended by four police officers and four members of the women's police. The relevant articles of the Protocol were explained during the course, which lasted three weeks, was organized by the Ministry of Social Affairs and Labour, was supported by the United Nations Population Fund and was held in August 2008.

A training course for police officers and members of the women's police force in security branches in the governorates and Sana'a City: the course lasted five weeks and was designed for 400 participants. The course explained the domestic and international laws on children, together with the Convention and the two Optional Protocols thereto, and outlined the best means of dealing with

children (young persons) as victims. The course was held by the General Department for Women's and Young Persons' Affairs, with support from UNICEF, in August and October 2008.

The Ministry of Social Affairs and Labour has run a number of training courses, including:

A training workshop on management of residential institutions and on the regulations governing such institutions, which was run in cooperation with the Adolescents Protection Initiative

A training course on psychosocial support for adolescents in conflict with the law

A training course on educating siblings about AIDS and life skills, with support from UNICEF

Training courses for members of local councils, civil society organizations, mosque preachers and prominent individuals in 16 provinces in the governorates of Ta'izz and Hudaydah on the subjects of social supervision and follow-up care

AIDS prevention awareness campaigns for children and youth workers in welfare homes and centres in the governorates of Sana'a City, Ta'izz, Hudaydah and Aden

Training of trainers in AIDS prevention in safe childhood centres

As part of an Access-MENA project, courses were run for school heads and social workers in eight schools in the governorate of Hujjah under a programme on combating child smuggling in five selected provinces. Training on child-centred methodologies was designed for 15 trainers working in target areas, who in turn trained 189 teachers in selected schools.

The Ministry of Public Health and Housing and the Higher Council for Motherhood and Childhood, with the support of the World Health Organization and UNICEF, worked together to compile a health manual on dealing with cases of violence which was designed to help doctors and health practitioners to diagnose cases of violence among children and adults, to develop a methodology for dealing with them and to familiarize them with the procedures to be followed in such cases. We should point out that the manual is being revised with a view to its subsequent adoption and issuance in printed form.

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