



صادر عن هيئة التنسيق للمنظمات اليمنية غير الحكومية لرعاية حقوق الطفل
Issued by the Yemeni National NGOs Coalition for Child Rights

Submission for the Universal Periodic Review of Yemen

July 2013

Issued by YNGOs Coalition for the Rights of Children



1. INTRODUCTION:

, This submission focuses on the situation of child rights in Yemen and has been developed to contribute positively and to put children's issues within the priorities and concerns of the government and the whole society. The Yemeni National NGOs Coalition for Child Rights Care is a non-governmental, non-profitable coalition founded in 1995 with 43 members from the local NGOs and institutions. All coalition members work on strengthening the child rights' protection and achievement of a better life for all children all over Yemen. The coalition has cooperative relationships with local, regional and international organizations and it provides sound services for children based on cooperation and participation principle. Moreover, its focus is on the implementation of Convention on the Rights of the Child (CRC) in addition to preparing the alternative reports to the Committee on the Rights of the Child (CRC Committee). Since 2005, it has presented four reports on the child rights situation in Yemen and it has also many advocacy, training and juveniles' justice programmes which aim at improving children's situation in the country.

2. Methodology

A scientific methodology was adopted in preparing this report and it was based on data and documents analysis, from government, CSOs international organizations, and consultations with different stakeholders. This submission is the result of a large survey involving 312 participants including 91 children and consultative meetings with children, lawyers, etc. from 12 governorates.

3. BACKGROUND AND FRAMEWORK:

A) State's commitment to the international conventions and progress achieved in the area of child rights

2) The political regime in the Republic of Yemen is based on multi-parties and peaceful transfer of power and its constitution is based on the Charter of the United Nations and the Universal Declaration of Human Rights. Yemen has ratified most of the international conventions, including the CRC in 1991 and the ratification of its two Protocols. Since then, Yemen has submitted four reports on the state of child rights to the CRC Committee in Geneva. In 2012 the government has approved the third optional protocol of the CRC but a long process still needed to go through the parliament and to be ratified by the president ,

B) Local Legislations and Laws

3) Yemen has seen important developments in the field of constitutional and legal procedures to protect the rights of the child. The Constitution asserts equality of all citizens in rights and duties. Moreover, a number of laws and measures were adopted to protect the rights of the child including the Rights of the Child Act, No. 45 in 2002. However, practically, there are still some gaps and illegitimate practices that are not in line with the law. The government has taken a number of measures to promote the role of the child in the society and to overcome the exceptional circumstances in which the country is passing through and the great challenges facing the country including poverty, unemployment, armed conflicts and the increasing flow of refugees. Currently, the National Dialogue Conference is in progress and that constitutes a turning point in terms of re-structuring the State and drafting a new constitution which would be the basis for a new State that has an order, respect and that maintains the rights and freedoms of all citizens.



4. CHILD RIGHTS PRIORITY ISSUES IN YEMEN:

4) This report focuses on five main issues that represent a priority for child rights. These issues have been identified by the non-governmental organizations, children, lawyers, human rights activists and other members of the community and they are as followed:

Right to Education:

- 5) The Constitution and the General Education Law No. 45 in 1992, Education guarantee the right to education for all and stressed that primary education is compulsory and free till age of 15.. But in practice, the law is not implemented and education is no longer free as many fees are charged under various names and excuses such as community participation fees, monthly examination fees and school maintenance fees if something damaged in one of the school equipment or facilities. And that has led to deprivation of a large number of children from education, especially children from poor and low-income families. Moreover, school building network does not meet the education needs specifically in the rural areas. Poor quality of education and are a key concern, particularly with respect to teachers' training and qualification, leading to poor learning outcomes. Also, the approved budget allocated to education is less than 12% of the government budget and about 70% of it goes to wages and salaries, assets while the other 30% is allocated to childhood education programs. In spite of the great efforts made by the government in expanding school buildings and educational quality and services so as to increase enrollment rates, education in Yemen is still deteriorating and the number of children out of schools is estimated at 2 million children¹ and that means about 46% of school-age children do not attend schools.
- 6) Academic achievement of children is also affected by the lack of school textbooks and review processes. The curricula are based on method of memorization, which does not allow room for critical thinking among students, that can help to develop their understanding of science and improve their academic achievement. Other factors affect children's educational outcomes such as the class size increase , with an average of more than 60 pupils per class, the severe shortage of scientific libraries and extracurricular activities, leading to increased school dropout and failure and growing gender gap in enrollment rates between boys and girls. Moreover the political crisis and armed conflicts have greatly undermined the educational process and schooling. Hundreds of schools have closed or are/were being used by armed rebels, while some of these schools were used as shelters for IDPs. In 2011, there were 28.000 children out of their schools and 902 schools in 12 provinces were affected partially or completely by armed conflicts².

Recommendations:

We recommend the government to:

- 1.1. Abolish other fees collected by schools or teachers by allocating operational budgets for schools (grades 1-9) according to a mechanisms that ensure the schools' accountability and best utilization of school budget and enact free fees education decree in 50 districts as first phase by 2016.

¹ The State of Human Development in Yemen, PPT in the 6th Session of the National Dialogue Conference, 27/3/2013.

² Human Leaflet - Yemen, Human Affairs Bureau in Yemen, 2012.



- 1.2. Ministry of Education to review school textbooks for grades 1-6 so as to make them easy for children and teachers and which are based on active learning with consideration to content balance (input – process – outputs) by 2016.

The Right to Health:

- 12) The situation of children's health is alarming and recent data of Ministry of Public Health and Population shows high mortality rates among infants (69 per 1,000 live births). Moreover, the mortality rate of under five children (78 per 1,000 live births) and the rate of neonatal mortality is (73 per 1,000 live births). Thus, Yemen is considered one of the highest countries in the world in children mortality rate. Moreover, the Human Development Report has stated the percentage of children exposed to death risks due to diseases and injuries as 110% compared to the risks exposed by adults at the age 15-59.
- 13) The Constitution guarantees the right to health for all citizens and there are several provisions on public health in Yemeni legislation. There is a clear absence of a proper role of health policies by the time the government is implementing many projects and programs in order to improve and expand medical services but the efforts do not meet health needs of citizens. Government expenditure on the health sector has witnessed a decline in recent years and the budget allocated for health sector in 2010 was (1.7) out of the national gross expenditures. Data indicates that only about 40% of the population has an ability to access health services and low-income and poor people faces great challenges that limit their ability to access health services in addition to the imposition of fees for various medical services such as lab tests and high drug costs. Moreover, there is an absence for equitable distribution of medical services between provinces and the concentration of most services is in main cities with a lack of health insurance in general. The rural areas, where most of the population live, has 20% of the health care units at the national level and 26% of these units lack for medicine, 24% without equipment and 17% without operational budgets³.
- 14) Malnutrition is one of the prevailing health problems in Yemen. The situation becomes worse due to the political unrest and the collapse of social services. According to the recent data of MPHP stunting rate among children at the early age is 57.9% and the percentage of children who suffer from severe stunting is estimated at 15.9%.
- 15) Also, nearly one million children under five years suffer from severe malnutrition and 250,000 children are at risk of death due to absence of medication.

Recommendations:

We recommend the government to:

2.1 Expand the provision of primary health care services in remote/rural areas in average of 300 health units and redeploy health staff from main cities into rural areas so as to cover the newly established units by 2016.

2.2 Carry out comprehensive awareness campaigns for the whole community especially in rural areas on prevention of malnutrition of children with close cooperation/coordination of the Civil Society Organizations to adopt creative initiative in poor communities, by 2016.

³ National Strategy for Productive Health, MPHP – Yemen, 2011-2015: 2011.



services, family planning, obstetric care and health education to raise awareness in the rights to health and getting primary health care by 2015.

2.3 Address inequities in access to health by facilitating access to primary health services and introducing protection and health insurance schemes according to people's ability to pay more than the first half of 2016.

Violence against children

16) Violence against children takes various forms including corporal punishment and verbal and sexual violence.

There are many settings where children are exposed to violence such as homes, schools, streets, prisons and public places. The government has pursued its efforts and endeavors with its various institutions to implement a number of laws, policies and mechanisms to take preventive measures and interventions to tackle violence against children such as issuing Child Rights Act No. 45 in 2002, establishment of social guidance centers and formation of protection committees at governorates and districts. However, the challenges are great and Yemen still suffers of many crises. Some of the most important gaps are: children's participation in protests, marches and exploitation in armed conflicts in addition to weakness in the child care and detention centers and institutions that serve children and unfortunately these institutions have not enough qualified and trained staff besides limited allocated operational budget, lack of staff training programmes which are based on human rights approach to child care; and spread out of wrong customs and traditions. Reports have indicated that numerous girls and boys are being exposed to violence, including severe forms of violence linked to the conflict. In 2012, 174 children have been killed and/or physically distorted and 49 of them were victims of mines. These figures have exceeded similar cases recorded in 2011 81% of children aged 2 to 14 years have been subjected and might be still subjected to corporal punishments and sexual abuse.

17) Corporal punishment is a deep rooted practice in the home and at schools as it is seen as a disciplinary conduct.

The ban introduced by the Minister of Education on corporal and verbal punishment in schools is not enforced due to the absence of legal texts to prohibit, criminalize and punish the perpetrators causing harm to children in educational or care institutions.

18) Vulnerable groups of children such as street and working children as well as juveniles in detention are particularly exposed to corporal, psychological and sexual violence. For example the number of juveniles has reached 531 cases. Thirty one of these cases (juveniles) were sentenced to death and sentences out the 31 were signed by the President of Yemen for implementation. Attached Table No. 2 shows the number of juveniles exposed to death penalty in various courts during the years the period 2010 – 2013.⁴

Recommendations:

We recommend the government to:

4.1. Modify national laws (Child Rights Law, Civil Affairs Law and Labor Law, etc. so as to ensure compliance with CRC and its additional protocols and incorporate them into a comprehensive Child Protection Law that ensures protection of children's rights from violence in all settings, including at home, school, care and

⁴ The NGOs Coalition Reports, Yemen: 2013.



detention centers, with clear penalties for offenders and increase the age of criminal responsibility from 7 to 12 years and the juvenile age to 18 years by the year 2015.

- 4.2. Implementing awareness campaigns in various provinces about the negative effects of various types of violence on children and training care providers and staffs who work with/for children in schools, families and detention centers on the best practices of dealing with children according to the human rights-based approach by 2016.

Child labor

- 19) The child labor phenomenon is one of the major problems in Yemen and it has increased significantly after the Gulf War. Among the factors behind this expansion the economic deterioration, the shift towards a market economy, the privatization of the public sector institutions, rapid population growth, poverty, unemployment and the lack of employment opportunities. , Political instability and insecurity in Yemen over the last three years has exacerbated this phenomenon.
- 20) The results of the National Survey on the child labor in 2010 showed that the number of children aged 5-17 represents 34.3% (7,703,000 million) of the total population. 21% of them (1,614,000) are working children⁵.
- 21) The Labor Law No. 5 1995 falls short of requirements set by international conventions as did not specify the minimum age for child work. Moreover, the last decade has witnessed many issues related to child labor, one of them being child exploitation in forced begging and cross border trafficking. During the unstable conditions witnessed by Yemen in the past period, rapid assessments pointed to child protection issues for most children in the evaluated areas. Many children are separated from their parents or not attended by their families because parents send them to find work and/or search for food in the target provinces covered by the assessment (governorates of Hajja - Dali - Shabwaa - Taiz)⁶. Moreover, other children were involved in work with the opposing armed forces in order to earn a living by bringing water and food for the fighters or acting as messengers. A study, carried out by Save the Children International, targeting 1000 children found that 42% of children work in the labor market with daily working hours between 6 - 10 hours and 39% of them worked between 11 and 17 hours. (Look at attached Table No. 1).

Recommendations:

We recommend the government to:

- 3.1 Review labor law , especially articles represented as gaps for employers or whoever to exploit children during their work and adjust the law in order to prevent the exploitation of children in conformity with international

⁵ Central Statistics Organization: Working Children in Yemen .The results of the 2010 National Child Labor Survey – Ministry of Planning & International Cooperation, 2012:p.81. See http://www.ilo.org/ipec/Informationresources/WCMS_205232/lang--en/index.htm

⁶ Quick Assessment for Child Protection in the South Governorates – Ministry of Social Affairs & Labor with UNICEF – Sana’a/2013, pp. 13-22.



conventions signed by Yemen and to increase the minimum age for work to 18 years and to provide for strict penalties for offenders by the end of 2014.

- 3.2 Establish technical vocational rehabilitation centers in all governorates specialized in rehabilitation and training for working children so as to provide them with professional and technical skills and to allocate annual operational funds in the State budget for these centers by 2018.

Child marriage

- 22) Early marriage is widely practiced in Yemen. According to official information during the year 2009, the number of early marriage cases was about 998 young girls in three provinces - Aden, Ibb and Al-Baidha out of the 21 provinces across the country.⁷ However here is no public data available on the scale of the problem at national level and the effects and risks of these marriages on girls' health and life.
- 23) More than 365 women per 100 thousand live births die as a result of pregnancy and delivery and postpartum complications which is considered the leading cause of maternal mortality in Yemen. A study implemented in four provinces by the MPHP (2012) showed that most of girls targeted in this study have faced difficulties and problems as a result of early marriage. 73.6% of girls mentioned health concerns associated with early marriage and early pregnancy; 39.2% of girls faced problems related to the inability to rear their children and the lack of awareness and knowledge of issues around pregnancy and marriage while 30.5% had to drop out of schools. Moreover, 86% of girls have suffered from social problems and 90% of girls became pregnant and have been subjected to various risks during pregnancy, especially those aged between 15 - 17 years old⁸.
- 24) A report issued last year by the International Center for Studies indicated that Yemen ranked 13th among the 20 countries classified with the biggest challenges in relation to child marriage.
- 25) Despite Yemen's acceptance of UPR recommendation No. 93.6 made by Austria in 2009 to raise the age of marriage to 18⁹, the Parliament has not yet endorsed a law to ban early marriage.

Recommendations:

We recommend the government to:

5.1 Conduct a comprehensive study at the national level on early marriage and its health, social and psychological effects on girls and the community and launch awareness raising campaigns on the risks of early marriage with the involvement of local communities, mass media and CSOs by the end of 2014.

5.2 Amend the Civil Affairs Law to set the minimum age for marriage at 18 years old and introduce measures to ensure full compliance with the law before the issue of marriage contracts by the end of 2015.

⁷ An official letter from the Minister of Justice to the Yemeni Prime Minister.

⁸ Reasons of Early Marriage, MPHP – Yemen, 2012.

⁹ Addendum to the UPRWG report on Yemen, 2009.