

Joint UPR Submission

by UNICEF, UNDP, OCHA, UNFPA and OHCHR,

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(This report is an input by the above listed agencies and by no means claims to provide the full picture of the human rights situation in Yemen)

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I Background

The Republic of Yemen has a history of positive engagement with various UN agencies working in Yemen as well with UN human rights mechanisms. In 1990 following the unification, Yemen became a state party to many human rights treaties including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, and the 1951 UN Refugee Convention and its 1967 Protocol. It is also party to the 1949 Geneva Conventions and their Additional Protocols I and II. Many of these treaties were ratified by the Southern People's Democratic Republic of Yemen prior to unification; others have been ratified by the Republic of Yemen in the 1990s.

Despite this, other conventions and optional protocols have not yet been ratified by the Republic of Yemen. These include: The International Convention for the Protection of All Persons from Enforced Disappearance, Optional Protocols 1 and 2 to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

A deal brokered by the Gulf Cooperation Council (GCC) broke the political stalemate that happened in Yemen following the 2011 youth led revolution. The revolution left many dead and wounded and saw the ouster from power of former President Ali Abdullah Saleh. Under the same deal, Abd Rabo Mansour Hadi, who had been the vice president during the rule of Former President Saleh, became the new president. A new Prime Minister was appointed to head an interim "government of national reconciliation" for two years, consisting of the Joint Meeting Parties (a coalition of political parties who were opposition parties until November 2011) and the former ruling General Congress Party. Former President Saleh signed the deal in November 2011 which bestowed upon him and the officials who served with him an amnesty from any prosecution for violations committed before the deal. In February 2012, presidential elections took place and Abd Rabo Mansour Hadi began his term of office as elected president until the next elections which are due to take place in 2014.

Further to the accord brokered by GCC, the Yemeni Parliament adopted an amnesty law in January 2012 in a move that has been widely criticized for denying victims of crimes and their families from accessing justice, truth and reparation, though some have argued it saved the country from descending to an all-out civil war.

The GCC accord puts down the roadmap for the 2 year transition period including the election of the head of state for the transition stage which was held in February 2012, the National Dialogue (ND) process, constitutional drafting and referendum to be followed by national elections in February 2014. The UN system in Yemen is supporting the same process in a multi-faceted fashion through a 2 years long Transitional Plan.

The transitional government in Yemen, however, is faced with numerous challenges including serious deterioration in the security situation and a humanitarian crisis of huge magnitude. Targeted assassinations of government forces allegedly by AQAP allies and unknown armed groups have been common phenomena in the aftermath of the revolution, there have also been targeted killings by UAVs of alleged AQAP members and their affiliates with significant accompanying damage on civilian lives recorded.

II Constitutional and legal framework, key human rights acts and legislative processes

New laws in the making includes a law concerning the establishment of the National Human Rights Institution (NHRI) and a draft Transitional Justice and National Reconciliation law (TJ law).. The NHRI includes a chapter on the creation of a child rights observatory under NHRI based on clear procedures and standards that are child friendly and gender sensitive..

The draft TJ law has seen various amendments and has been sent back and forth between the law making bodies. In particular, it has been a bone of contention between the two major political blocks, i.e., the General People's Congress (GPC) and the Joint Meeting of Parties (JMP). The potential timespan to be covered by the law and the inclusion of amnesty clause are pointed out as some of the most controversial elements.

In 2012, the Government conducted a review of national laws related to children. . As a result, a draft Child Rights Law was developed and amendments proposed to 15 pieces of legislation to harmonize them with international legal obligations with the support of the UN. The team set up to draft the law included stakeholders from the government, civil society and children from beneficiary groups. Legislations were revised and a Legislative Policy Paper prepared in 2012, involving a revision of over 54 laws, drafts and bylaws in total.

Despite progress in terms of providing a protective child-friendly legal environment, the absence of a constitutional framework to ensure the rights of the children in Yemen sufficiently, and a binding reference for the remaining legislations, has been a point of concern. The new constitution of Yemen set to be prepared towards the end of September is expected to accommodate key rights and freedoms including that of children.

As a welcomed development, Yemen's acceded and signed international instruments, specifically through the Cabinet of Ministers' resolution No. (129) of 2012, which approves the third Optional Protocol to the CRC on a Communications Procedure; the Cabinet's Resolution No. (212) of 2012 regarding endorsement of the Paris Commitments to End the Use of Children in Armed Conflict. The Yemeni cabinet endorsed ratification of the Convention on enforced disappearances as well as the International Criminal Court statute in June 2013 and the Parliament is expected to debate the same drafts in the coming months.

Proposed recommendations to the Government:

- Consider ratifying numerous outstanding instruments listed above including: the International Convention for the Protection of All Persons from Enforced Disappearance; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, Optional Protocols 1 and 2 to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Accede to The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime adopted in Palermo, Italy on 12/12/2000 and entered into force in 25/09/2003, The Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the UN Convention Against Transnational Organized Crime that entered into force on 28/01/2004;
- Expedite the process of ratification of the third Protocol on a Communications Procedure by Parliament
- Adopt constitutional provisions within the new constitution that uphold the rights of the child and establish the binding legal value of the international conventions before the national judiciary.
- Take the necessary measures to guarantee the enforcement of the child-related legislations and adopt mechanisms to monitor and follow up the progress made towards implementing them.
- Should carry out a complete overhaul of its existing legislation in order to ensure that Yemen's laws conform to its obligations under international human rights law and standards.
- Should initiate a wide consultation process on the state, regional and local levels to discuss terms of Law on transitional Justice and National Reconciliation and to secure inclusion of recommendations from the consultations in the law. The law should be adopted following the inclusion of such recommendations

III Institutional and human rights machinery, inter-governmental committees, Ministry of Human Rights, Transitional Justice institutions, Civil Society

Ministry of Human Rights: In 2003 a Ministry of Human Rights was created. The Ministry plays an important official advocate for the promotion of human rights in the country, and is at times a vocal critic of human rights violations. The Ministry is currently taking the lead on preparatory steps and consultation for the establishment of a National Human Rights Institution with assistance from the UN and international donors. It is also leading on the development of a national human rights strategy. The Ministry is a beneficiary of a multi donor Trust Fund administered by UNDP and implemented with the technical support from OHCHR Yemen.

Commission of Enquiry: Despite a presidential decree in 2012 to establish a Commission of Inquiry to the human rights violations during the 2011 revolution, the commission is yet to be operational and its members identified.

Other commissions of enquiry were established to respond to public demands. These include the Commission to Consider and Address Land Issues and the Commission on Forcibly Dismissed Employees which were established in January 2013 by the presidential decree with the purpose “to address issues related to land and employees in the Sothern Governorates in order to complete the National Dialogue and National Reconciliation and as required by the

Public Interest.” The success of these commissions is deemed to be critical for the success of the transitional justice process in general and the establishment of other entities like the Justice and National Reconciliation Commission.

Civil Society: Yemen has a vibrant, vocal and active civil society. It openly took part in protests in 2011, has for years criticized human rights violations, and is currently pushing for greater accountability by the authorities and increased participation for CSOs, youth and women in decision making processes. CSOs, including those working around issues of human rights, have mushroomed after the 2011 revolution.

Restructuring of the Ministry of Interior: Yemen has embarked on a process of restructuring the military and security forces. The Republican decree No. 50/2013 foresees a thorough process of restructuring of the Ministry of Interior (MOI) and identifies the components of the organizational structure of MOI. The restructuring committee has finalized the detailed terms of reference and the regulations for MoI structure within the Regulations of the Ministry and a new decree which will endorse the same is expected soon.

Proposed Recommendations to the Government:

- The Republic of Yemen should name the members of the commission of inquiry and support them in conducting a credible investigation of the violations in 2011, and even before, depending on the consensus reached in the National Dialogue Conference;
- Expedite the legislative procedures to ratify the law of the National Human Rights Institution, ensure the endorsement of the regulating legal texts of the child rights observatory and develop the bylaws of the NHRI's law, especially those related to the observatory provisions;
- Establish a Justice and National Reconciliation Commission as soon as possible;
- Provide urgent administrative, financial and technical support to the Commissions established to Consider and Address Land Issues and the Commission on Forcibly Dismissed Employees for them to fulfil their mandate.

IV Gender equality and non-discrimination, violence against women, FGM, groups at risk of discrimination

Equality and non-discrimination: Women and girls in Yemen face widespread domestic violence and discrimination in law and practice. Discrimination against women in law can be found in the constitution and Yemeni laws. For example, Article 31 of Yemen's Constitution describes women as “sisters of men”, a drafted in a manner that avoids giving women equal status to men. The Personal Status Law (Law No. 20 of 1992, as amended in 1997 and 1999) which covers matters relating to marriage, divorce, custody of children and inheritance, also contains many discriminatory provisions. Women and girls are often forced into marriage, particularly those living in rural Yemen. *GBV:* Furthermore, women often feel inhibited to have recourse to justice in case of violation of their rights in general. According to the results of a polling, carried out jointly by UNFPA/UN Women in 2012, 63% of the women who responded stated that if they would be a victim of violence practiced by their family members or others (non-members of the family), they would not lodge a complaint with the police.

Although data on GBV are scarce due to lack of proper reporting mechanisms, absence of supportive institution, and lack of knowledge and awareness among the population about the forms of violence, there is evidence that GBV is a serious issue in Yemen. The polling inquiry mentioned above showed that out of 4,221 women in 12 governorates, 1,333 (32%) stated that they had been beaten by a female family member, while 221 men out of 699 (32%) in the same governorates stated that a woman of his family had been beaten by someone of her family.

As mentioned, women are reluctant to take steps to complain about GBV to which they have been subjected, even though it may mean that they do not receive support such as health care, legal or psychosocial services, unless investigated first by the police. Still, women who do take steps to complain, may not receive adequate response, they risk to be subjected to more violence or humiliations (which could also happen at the health facility), or they may even be arrested for what is considered unfounded allegations. There is also a serious issue with regard to confidentiality and secrecy of the investigation. On a positive note, the government has done well in certain areas such as engendering government policies, in particular by establishing gender specific indicators as done by, among others, the Ministry of Planning and International Cooperation, the Ministry of Public Health and Population, the Ministry of Education, with the support of donors, and in collaboration with the Women's National Committee.

Early Marriage: Early marriage remains a widespread phenomenon in Yemen, exacerbated by the lack of a legislative framework that identifies the minimal age of marriage in addition to the prevalence of traditions that fuel the phenomenon. The issue with marriage age in the Yemeni legislation is that the Personal Status Law No. (20) of 1992 had, in its original form prior to the amendment, specified the marriage age at 15. However, under pressure from the

Committee to Codify the Shariah Provisions in the Yemeni Parliament, the law was amended and the age limit was revoked. Hence, the marriage age became open without any legal controls or restrictions. Such a measure is contradictory, among other things, to Yemen's commitments as per article (2) of the Marriage satisfaction Convention and the Minimum Marriage Age of 1964, endorsed by Yemen on 09/02/1987. However, early marriage was brought back into the public debate recently after its inclusion as an issue in the National Dialogue Conference.

Child marriage is a major factor in malnutrition. Maternal malnutrition is a key contributor to maternal mortalities with 20 per cent of deaths attributed to it. Estimated maternal deaths were 200 cases per 100,000 live births in 2010. Anaemia rates mount to 58 per cent among pregnant women. Due to the high levels of child marriage, many adolescent girls becoming pregnant are subject to atrophy before completion of their first pregnancy as it consumes the growth nutrient leading to underweight children at birth and higher risks of maternal and infant mortality.

FGM: The Yemeni Government has made efforts to combat the phenomenon of Female Genital Mutilation/Cutting (FGM/C), especially with the Higher Council of Motherhood and Childhood's adoption of a national plan against it in 2008. The plan, which was the first of its kind in Yemen, aimed to reduce the prevalence of the phenomenon by 30 per cent in 2012. The latter mentioned Council, the National Women's Committee, the Ministry of Health, the Women's Union and other NGOs did a commendable job in raising awareness of the issue. The provisions included in the Legislative Policy Paper (2012) which criminalize FGM/C for the first time and assign an intensive penalty for committing it are also remarkable, although the insufficiency of these efforts is clear. In this respect, a recent study in 2011 revealed that about 97 per cent of females in Hodeidah are subject to FGM/C while 75.8 per cent of the women in Hadhramout reported the same, from a sample of 400 women in 5 Yemeni governorates. The study points out that the governorates of Hodeidah, Hadhramout, Al Mahra, Aden and Sana'a City have the highest rates of FGM/C in Yemen.

Proposed Recommendations to the Government:

- Expedite the process of adopting legislative provisions criminalizing FGM/C and providing for deterrent punishments;
- Continue to support national efforts in combating FGM/C. Involve official religious leaders in Yemen to solve religious disputes on the legitimacy of this phenomenon to abolish a key source (incorrect religious beliefs) that feeds its continuation;
- Focus on raising awareness of the illegitimacy of FGM/C and its harmful effects on women's health while targeting leaders in the areas where the phenomenon is common;
- Create a system to monitor and report cases of FGM/C and prosecute them;
- Expedite the process of approving legislative amendments to set marriage age at above 18 years old. Adopt policies and implementation arrangements to apply these provisions;
- Open community discussions, especially among influential religious leaders among risks facing girls as a result of early marriage. Invite media means and civil society organizations to play an influential role to combat this practice;
- Encourage girls' education and enrolment in schools.

V Civil and Political Rights, death penalty, trafficking in human beings, human rights while countering terrorism, forced child labour, juvenile justice, freedom of association and assembly, maternal mortality

Unlawful arrest, detention, and enforced disappearance: In recent years, hundreds have been subjected to prolonged detention without charge or trial for their suspected of involvement in the anti-government protests in 2011, the unrest in the south, the war in Sa'ada, or terrorism.

Many were allegedly arrested and detained by the Criminal Investigation Department, the Political Security or National Security, and subjected to abuses, including incommunicado detention, prolonged detention without charge or trial, torture or other ill-treatment and enforced disappearances.

The Yemeni authorities have repeatedly stressed that those held in connection with the 2011 revolution have been released, and that those who remain detained at Political Security are primarily those detained for membership of al-Qaida. In May 2013, 17 of the 21 detained in relation to the attack on the presidential mosque in 2011 were released after a series of hunger strikes by the victims with the Minister of Human Rights herself joining the same exercise for a final push.

It is estimated that hundreds of peaceful protesters were killed and thousands injured by security and military forces as well as by unknown armed groups during the 2011 revolution. Proper investigations of the incidents have yet to be done. Violent repression of peaceful demonstrations still continues including in governorates in southern Yemen where the many were killed allegedly by Government security forces following a demonstration in February 2013 by pro-independence supporters. This led to further escalation of the political tension in the South. The use of live ammunitions against Al Houthi demonstrators in Sana'a in June 2013 led to the death of many protesters, the government security forces claiming they were defending an armed attack of their office by the former.

Torture and other ill-treatment: The Yemeni Constitution prohibits physical and psychological torture as a means of coercing a confession during arrest, investigation, detention and imprisonment, and states that those who order, participate in or carry out acts of torture shall be punished, and that the law shall determine the punishment. The Yemeni Penal Code prohibits torture, but fails to define torture in accordance with Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Yemen is a state party.

For decades detainees in Yemen often report torture or other ill-treatment by police, prison guards, Political Security and National Security. More recently and during the 2011 protests and its aftermath, detainees have also reported torture or other ill-treatment by the Republican Guard and the Central Security Forces.

Freedom of expression: In 2011 and the few years prior to it, Yemen had seen a marked deterioration in freedom of expression. Journalists have been intimidated and harassed due to the role they play in criticizing and exposing violations and abuses including in 2011. Journalists and other human rights defenders continue to face physical assaults, imprisonments, threats and kidnappings following the 2011 revolution, despite relative improvements. One instance of assassination of a journalist was recorded in early 2013 in Aden, allegedly by government security forces. Two lawyers representing victims from what is known as the “Friday of massacre”, referring to March 18 2011, the day the bloodiest repression of demonstrations took place, were assassinated in December 2011 and February 2013 by unidentified gunmen, not followed by proper investigations.

The Death Penalty: The death penalty is widely applied in Yemen. The majority of those sentenced to death or executed have been convicted of murder. However, the Yemeni law applies the death penalty for non-lethal offences including drug trafficking, espionage, consensual heterosexual and in some cases for same-sex sexual intercourse. Yemen is one of the last four countries in the world that still practice Juvenile death penalty (JDP). UNICEF, in cooperation with the Yemeni National Coalition on Child Rights Care (YNGOC), in 2010 conducted a survey on Juvenile Death Penalty (JDP) in Yemen. The survey covered 15 central prisons in Yemen and 19 pre-trial detention facilities. A total of 105 cases (2 girls, 103 boys) of children in 15 governorates were found at high risk of receiving death penalty, and 11 were already sentenced to death by either first instance, appeal or high court, three of them were already signed by the President. The survey also showed that fourteen juveniles were executed between 2006 and 2010.

Between 2010 until June 2013, 3 persons (Fuad Alshahari, Hind Albarati, and Muhamed Haza'a) who alleged to be below the age of 18 when committing the crimes were executed. Currently, there are 31 cases of minors on the death row, four of which are approved by the President. Over 150 cases are at high risk or receiving death sentence if no immediate action is undertaken.

Proposed Recommendations to the Government:

- Adopt the proposed amendments to Juvenile Justice Act and speed up their approval in Parliament;
- Development of a minimum package of child justice services that would enable a multidisciplinary support, from prevention, protection, legal aid, rehabilitation and reintegration of children at risk of violence, abuse and exploitation, including children in contact with the law. Develop policies, procedures and by-laws for juvenile courts, prosecution, and prisons in relation to children vulnerable to death penalty and inhumane sentencing;
- Allocate more resources for an effective justice system for children and enhancing the respect and fulfilment of children's rights;
- Enhancing the institutional and administrative capacity of the judiciary, social welfare, law enforcement authorities, and CSOs dealing with children in contact with the law, including the scaling up of non-custodial measures program;
- Strengthening protection and rehabilitation initiatives for vulnerable children, including strengthening the vocational training and post care programme;

- Support community based initiatives in identifying and protecting children at risk and enhancing the participation of women as social workers, judges, prosecutors and police officers;
- An immediate suspension of all unfair and inhumane death sentences , and urge the President of Yemen to use his power in accordance with Article (480) of the Criminal Procedure Code which gave discretion to the President to issue his decision to ratify the death sentence or replacement sentence or pardon the convict, and issuing pardons for those who exceeded the extended detention limit maximum provided for in Article 31 of the Penal Code and was approved by President (Walid Haykal, Mohammad Alsamoum, Mohammed Tawil, Mohammad Al-Qasim) and replace the death penalty on those who did not exceed this period of imprisonment;
- On children convicted of the death penalty and still in the process of ratification of the President and have no identification papers proving their age at the time of the commission of offenses, we urge the President to replace the death penalty against them to imprisonment within the scope of Article 31 of the Penal Code (i.e., from 3 - 10 years maximum);
- Reform the specialized forensic committee that have been created by the Minister of Justice in the mid of 2012, and furnish the same with the necessary tools;
- Consider all juvenile cases under the age of eighteen years of age at the time of being accused of infringing the penal law by specialized juvenile courts and not the ordinary courts.

VI Economic, social and cultural rights, right to work and adequate working conditions, freedom from hunger, right to food, right to health, social protection, education, adequate standards of living (poverty)

Access to health by Women: The constitution guaranties all citizens the right to access health services and emergency care for free. However, laws and health facility regulations are discriminatory for women, and reality does not reflect the principles mentioned in the constitution. Since 2009, the government has not sufficiently tackled this incongruity, even though more facilities for pregnant women have been built. The number of facilities built by the government dedicated to reproductive health services is limited and not in proportion with the number of women, and mainly focused on the big cities. Maternal Mortality (MM) is still among the highest in the region. Female health professionals are still limited in number and mainly concentrated in the main cities, which affects women access to the services. Health Facilities often require the consent of a male family member as a condition for the woman to receive RH/FP services, including during delivery or to get a caesarean section. Basic obstetric emergency care is still not provided for free, while it is a constitutional right. The working hours in public health facilities are still limited to morning time, , except at the large hospitals in some of the main cities where services are provided 24/7.

Right to food (Malnutrition and food security):The Government has made an effort to curb the exacerbating condition of malnutrition in Yemen, notably by requesting to join Scale Up Nutrition (SUN) initiative in 2012 and nominating the Minister of Planning to act as a coordinator for the initiative in which will lead to promotion of nutrition issues. UNICEF has supported the creation of over 700 health facilities until 2012 to support therapeutic feeding interventions. More than 250 programmes for supplementary feeding programmes now exists across Yemen. Yet, Yemen maintains one of the highest rates of chronic malnutrition (stunting) among children worldwide; stunting in the country amounted to 59.4 per cent in 2009 and the percentage reached 61.4 per cent in 2011, whilst rates of wasting are currently estimated at 15 per cent. In certain areas of the country, wasting affects 32 per cent of children under the age of 5, which is way above the emergency threshold of 15 per cent.

The total population of Yemen is estimated to be 25 million. The population of children under 5 was estimated to be more than 4 million in 2012. Of these about 267,000 are suffering from Severe Acute Malnutrition (SAM) and about 700,000 are suffering from Moderate Acute Malnutrition (MAM).

Malnutrition is a key cause of death among children in Yemen, placing it second after Afghanistan in malnutrition and stunting rates worldwide. An investigative study prepared by UNICEF in 2011 among the host communities and IDP camps revealed that 31 per cent of children under 5 suffer from malnutrition, which is twice the global emergency threshold of child nutrition. Also, 45 per cent suffer from chronic diseases such as diarrhoea and respiratory infections, which endangers their growth. Forty-three per cent of the families skip a meal due to the high prices of foodstuffs and 50 per cent of families go to bed hungry which renders malnutrition one of the most complicated problems facing the country. In Yemen, a host of aggravating factors that exacerbate both the rates of malnutrition as well as their impact include access to potable water, sanitation and hygiene facilities. In addition, community understanding of malnutrition and its lifelong effects on children is very limited with stunting and thinness considered ‘normal’.

According to a study prepared by UNICEF, 45 per cent of the population were food insecure in 2011, compared to 32 per cent in 2009. The condition proved very serious in Taiz as the governorate with the highest malnutrition rates followed by Ibb where malnutrition affects 14.3 per cent of the population. Proposed Recommendations to the Government:

- The government should show a strong commitment to reducing MM and improving maternal health and allocate a budget for Reproductive Health services;
- Adopt media policies targeting raising the awareness of malnutrition risks in Yemen and its contributing factors, especially wrong traditional practices using alternative food to breastfeeding;
- Focus on the first 1,000 days in the life of the child since pregnancy until two years of age as breastfeeding is a decisive factor to reduce malnutrition;
- Adopt sectoral plans at the state level in cooperation with the donor community, the civil society and the private sector to combat malnutrition and eliminate its destructive effects; Impose strict control over the entry and promotion of alternative feeding to breastfeeding at the domestic market.

Right to Health Care: The health sector has witnessed a notable improvement marked by the increasing numbers of hospitals, health units, health centres, beds and medical staff. This is in addition to the expansion in the creation of preventive and therapeutic centres, health services, immunization programmes and disease control. The numbers of public and rural hospitals increased to 236 public hospitals by the end of 2010 compared to 75 hospitals in 1992. Multiple preventive and therapeutic centres have been established such as the National Centre for Epidemiological Surveillance, the National Malaria Control Centre, the National Centre for Contingencies and First Aid, the Centre for Artificial Kidneys and Cardiology and Cancer Centres in a number of governorates. Health centres have increased from 370 centres in 1992 to 3,712 in 2010 and 2,871 health units offering primary health care in 2010 compared to 940 health units in 1992. In addition, there are over 2,388 public health centres offering reproductive health services. In 2010, the number of children targeted by the polio vaccine during the first, second and third immunization campaigns reached 2,141,285 and the percentage of children vaccinated throughout the three campaigns were 94 per cent, 89.7 per cent and 88 per cent respectively. The percentage of children vaccinated by the penta vaccine in the third campaign of 2010 reached 87 per cent of the total targeted population. Children vaccinated against measles reached 73 per cent of the total target in 2010.

Data indicates that the percentage of children vaccinated against tuberculosis (TB) in 2010 was 70 per cent of the target compared to 57 per cent in 2006 and 59.1 per cent in 1992. Children vaccinated with MMR in 2006 amounted to 88 per cent compared to 44 per cent in 1992.

Aside from the developments in the health sector either in terms of increasing numbers of health facilities, labour force, expansion in the immunization programmes or improvement of the preventive and therapeutic services, Yemen is still a country stricken by health problems. The distribution and spending of available resources does not quite generate the desired return. Health services are limited and unsatisfactory. The State has paid special attention to the health sector and attempted to fund it; public spending on the health sector in 2010 was estimated at 5.41 per cent of the total expenditure compared to 3.98 per cent in 2002. The average annual growth in spending on the health sector for the period 2002-2010 reached 20.90 per cent.

The public expenditure on the health sector dropped in 2011 in the aftermath of the political crisis, and it had been already declining compared to the GDP and total public expenditure since 2008. The Government share in health expenditure has fallen from 33.9 per cent to 20.9 per cent in 2011. Health expenditure rate compared to the GDP declined from 1.59 per cent in 2008 to 1.1 per cent in 2011.

A remarkable development has taken place to reduce under 5 mortality rate, which accounted for 102 deaths per 1,000 live births in 2003, as it declined to 77 deaths in 2012. Immunization rates dropped because of the political instability to hit 82 per cent in 2012 after reaching 87 per cent in 2010 for children under 1. The immunization network of a number of diseases has nearly collapsed. The internal displacement, lack of medical staff and lack of monitoring due to the current events have all contributed to the return of communicable diseases. 40 per cent of Yemenis remain outside the coverage of the health services and remain inaccessible by such services while 60 per cent of those who can access health services simply don't use them.

Proposed Recommendations to the Government:

- Redirect financial resources allocated for investment in the health sector to the neediest areas, especially rural areas and the poorest communities. Take action to improve and expand the scope of health insurance to cover children and poorest groups.

Right to Education: Following the 2011 crisis, net enrolment in basic schools declined to 73 per cent (80 per cent for boys and 66 per cent for girls). Armed confrontations in parts of Yemen have damaged about 596 schools either wholly or partially rendering them unsafe and inappropriate. About 120 schools have been occupied either by IDPs, armed men or the armed forces. Many other schools were looted and the clashes posed actual challenges to education in 810 schools in total..

Over 1.4 million children remain outside schools, mostly in the rural areas constituting part of the marginalized communities. Failure and repetition of classes is a serious problem. Yemen is lagging behind the achievement of the MDG (Education for all). Girls' representation in the educational system is incomplete, namely for rural girls due to the traditional attitudes against girl education, early marriage that impedes enrolment and leads to dropping out of school, parents declining to send their daughters to mixed schools, negative social attitudes towards girls education and lack of female teachers. The quality of education is poor aside from poverty, insecurity, lack of school infrastructure, overcrowding and lack of sanitation facilities in over half of the existing schools. According to 2012 statistics, the percentage of children who complete the sixth grade is 63.3 per cent (69.3 per cent for boys and 56.3 per cent for girls) and the rest drop out of school. Leisure and cultural activities are barely seen or existent.

Female teachers represent only 25 per cent of teachers and 9 per cent of teachers in the rural areas. This causes imbalance and reflects on girls' enrolment levels. Teachers' absenteeism and shortage are common problems in the rural areas. The Ministry of Education is well aware of the challenges facing the educational process due to the gap between male and female teachers. There are a number of initiatives funded by the development partners aimed at increasing the number of female teachers in the rural areas.

Proposed recommendations to the Government:

- Focus on child friendly schools programme as a key step to improve girls' enrolment in schools through an integrated approach with other sectors, especially the provision of water, sanitation and child protection;
- Allocate sufficient resources to upgrade the infrastructure of public education and construct more schools in rural areas. Focus on recruiting female teachers to bridge the gap in education between males and females;
- Initiate more extracurricular activities inside and outside schools.

VII Particular groups including children, IDPs, marginalized groups

The Muhamesheen: Members of the community have organized themselves better after 2011, aiming to tackle the deep rooted discriminations they face in enjoying most of their basic rights. Most of the community members who have been working as street cleaners for many years under the government without a fixed term contract in various Yemeni cities, now call for improvements, including through strikes. The demands of some of the workers in Sana'a have been met as a response to their pressure, while the underlying conditions remain unchanged. One member of the community has been allotted a seat in the National Dialogue Conference where he has highlighted the historical injustice faced by the community, calling for constitutional recognition of their fundamental rights.

The humanitarian situation: Conflict in the country has led to displacement, disruption in livelihood, breakdown of rule of law, collapse of social services and above all, a spike in humanitarian needs. In the north where a large IDP population exists as well as migrants from the Horn of Africa, reports of human rights abuses are rampant. Generally, IDPs, including children, living in areas that are inaccessible to humanitarian workers hardly receive any assistance. Many migrants suffer torture and other forms of abuses from traffickers. Others hardly have enough to eat. In Taiz, hundreds of migrants are in prison and have demanded to be repatriated back to their country of origin.

In camp settings, women are discriminated against during food distributions, or the provision of shelter and health care services. They are subjected to more harassment and sexual abuse while seeking shelter or food. In 2012, over 1,000 cases of Gender Based Violence (GBV) have been reported in the IDP camps of Haradh. Sometimes women have no other options but turning to prostitution to feed their children, especially if they are the head of the household.

Despite what the Yemeni Constitution laid out with reference to equality and the stipulations of the Law on the Child regarding non-discrimination against children in enjoyment of the rights therein, realistic indicators still indicate discriminatory patterns experienced by vulnerable children like marginalized dark-skinned children (Muhamesheen), migrants, street children and children with disabilities.

Administration of Juvenile Justice: Major developments to strengthen the Justice for children system were observed in the last 3 years. Formulation of the National Technical Committee on Juvenile Justice (NTC) with Clear TOR through a ministerial decision (152/ 2010), installation of Juvenile Justice information system in 23 stations and training of law enforcement officials. A programme on social monitoring and non-custodial measures was developed and implemented in 4 governorates. Free legal assistance to more than 2167 children (2021 boys, 164 girls) was also provided in the last 3 years. Comprehensive review of child related legislations, including 15 pieces of laws beside the constitution was finalized. Two guiding procedures and regulations were developed on JDP & child recruitment.

However, despite these important developments, there are still major challenges facing the justice for children in Yemen. Despite ratified global instruments and national legal frameworks, the situation of Yemeni children in conflict with the law remains complicated. Most children in conflict with the law lack birth certificates (only 22% of children under five are registered), which makes determining the actual age of the juvenile at the time of committing the offence difficult and requires specialists in this field.

The lack of a clear, consistent and unified definition of the child in all legal texts has sometimes led to the practice of using interpretative judgment. This could be against the juvenile's best interest and cause him/her to be victim of judicial measures unbecoming to his age or level of maturity.

The challenges facing the enforcement of juvenile justice in Yemen is serious, especially in the absence of data on children in conflict with the law from the age group 15-17 who are not treated as children. The annual report of the Ministry of Interior indicates that 1,375 children below 15 years of age (1,290 boys and 85 girls) were involved in the commission of crimes in 2012 and the implication of 150 children from the same age group (148 boys and 2 girls) in traffic accidents in the same year. Other challenges facing juvenile justice were voiced by the children in conflict with the law, social workers and law enforcement officers (judges, police, lawyers, general prosecutors and social experts) during a field visits of the national team to review the legislations and the focus groups of children in conflict with the law in August 2012. Such challenges include violent patterns, cases of torture and harsh treatment of juveniles while held in police stations, lack of juvenile care institutions that are sufficiently equipped to receive them (particularly female juveniles), lack of juvenile courts in all Yemeni governorates and weak media attention to juvenile justice issues.

Visits to central prisons and care centres in 2012 showed 46 cases of male and female children below the age of 18 were documented in 2012, kept in detention in the central prisons and care centres despite the expiry of their terms due to the insolvency of their guardians to pay the blood money "Deya" and civil compensations ordered in consequence of punishable acts committed by the child. Those children spent 6 months to 4 years in prison without any legal pretence and in clear violation of relevant national and international norms.

Proposed recommendations to the Government:

- The immediate release of all children whose sentences have expired while they are still in arbitrary detention due to insolvency of their caregivers. Adopt strict monitoring procedures to ensure that no sentenced or detained children stay longer than what is established by law, the ruling or the judge's orders;
- Ensure the rights of the children victims of arbitrary detention due to their caregiver's insolvency and their right to compensation for the period they spent in detention in contradiction with the law;
- Build the capacities of those working in juvenile justice in the field of monitoring and documenting violations against incarcerated children. Revive the role of public prosecution and juvenile judges in monitoring detention centres.

Trafficking and sexual exploitation of children: At the beginning of 2013, the Government, under the auspices of the Ministry of Human Rights, created the National Committee to Combat Human Trafficking. The Committee has been assigned to draft a law against human trafficking. This step comes as recognition by the Government for the first time of the presence of the problem. The draft law included progressive provisions that are consistent with the Second Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

Under the growing poverty rates and political conflict in Yemen, the phenomenon of human trafficking, saw a rise in the recent years. Security information revealed in 2012 reveals the involvement of criminal groups with foreign affiliations in sex trade, trafficking in organs, child trafficking and exploitation of victims. There are 150 detainees in human trafficking-related crimes including Syrians, Egyptians and Jordanians. There are gangs active in organ trafficking and others in child smuggling into Saudi Arabia in addition to groups working in prostitution and pornography. Children are the most trafficked to Saudi Arabia through criminal gangs that also smuggle Qat, drugs and weapons.

Proposed recommendations for the Government:

- Make sure the thousands of unaccompanied and separated Yemeni and non-Yemeni children who are subject to enormous risks including violence, abuse and exploitation at the hands of smugglers and traffickers, get a safe trip home without delay and reintegration with their families;
- Continue with efforts to bring to justice smugglers and traffickers in Haradh and rescue hundreds of migrants including children of non-Yemeni nationalities;
- Take effective and swift action to establish facilities to shelter and protect unaccompanied children pending their return and reintegration;
- Take swift action to approve the Anti- Human Trafficking Law and put in place the necessary framework and resources for operation of the same;
- Intensify the monitoring and build the capacities of border guards.

Child Labour: An official report prepared by the Human Rights, Freedoms and Civil Society Committee in the Shoura Council in 2013, revealed that the number of child labourers in Yemen under 12 years of age is growing at an average of 3 per cent every year. Female workers constitute 51 per cent. The report indicated that child labour is concentrated in the agricultural sector by 92 per cent while 4.8 per cent work in the service sector and 2.5 represent as part of the unskilled labour force. The report highlighted that some children may work for up to 17 hours per day and get very poorly paid. According to an official statistics, child labourers amount to over 3.2 million children.

Although hard to obtain accurate figures, the National Child Labour Survey of 2012 found that the percentage of child labour in the age group 5-14 is 17 per cent (17 per cent boys and 18 per cent girls). Child labour is not merely attributed to economic factors. Social reasons emerge as the educational level of the family, lack of schools and poor awareness about the child labour law. Children in Yemen work as plumbers, mechanicals, waiters and peddlers. They also exercise dangerous and unwanted jobs.

Yemeni labour law prohibits the engagement of children in dangerous professions identified by the law in a list of 72 professions. It also bans children from working for more than 6 hours and provides for penalties against violating employers of up to 10-years imprisonment. However, such penalties are yet to be applied.

Work injuries are a key indicator of child labour. They range from broken bones to wounds or bruises in addition to poisoning, difficulty in breathing, bleeding or other injuries. On the other hand, child labourers may be exposed to physical or incorporeal violence or both by the employer, the co-workers or the customers.

The National Survey on Child Labour in Yemen (2010) noted that the majority of those children were forced to carry out extremely onerous works and that almost half of them were exhausted by the difficulty of the job. 11 per cent suffered from long working hours while 33 per cent complained about lack of breaks.

Proposed Recommendations to the Government:

- Take procedural actions and measures to address child labour issues involving civil society organizations in an integrated development effort to reduce this practice. Form broad alliances of the Government, employers and workers unions to address the phenomenon.
- Prepare extensive studies on the phenomenon and its causes and design alternative programmes, strategies and policies to combat child labour. Prepare supplementing bylaws and executive decisions for the Labour Law to regulate child labour and monitor the facilities using children outside the law and prescribe the penalties stipulated in the law against violators.
- Provide care and protection to working children. Education and training shall be key aspects of care efforts. Work to provide a healthy and safe environment for working children and reduce their exploitation in difficult and dangerous professions.
- Activate programmes of the social safety net targeting the poor groups mostly affected by the economic reform programme. Raise awareness on the risks of child labour on their health, psychological and physical growth, as well as academic performance.

Birth registration: The current transitional period has marked a turning point in support of the civil status and registration. The transition (2012-2014) is expected to lead to a referendum on the new constitution and the implementation of general elections which requires updating the voter lists and issuing identification for the new voters. Since 2003, amendments have been introduced to the Elections Law regarding the voters' registry so that a voter is automatically registered in both the Civil Registry and the National ID System. The update of the voters' registry in 2008/2009 (before the Parliament elections in April 2009) resulted in the registration of a total of

10,334,000 voters. The update managed to cover over 90 per cent of the population above 18 years old and created some gender balance in the voters' registry.

Ever since the GCC deal was reached in 2011, there has been a tendency in the international donor community to support the civil registry and birth registration.). Despite such efforts, problems remain, especially with the majority (about 70 per cent) of births taking place at home. Owing to lack of awareness on the importance of birth registration, many citizens don't seek one. While the birth rate is taking an upward direction by about 3 per cent every year, birth registration has been taking the opposite direction over the last 6-7 years.

Proposed recommendations for the government:

- Take immediate and urgent action to improve the civil registry services starting with large scale issuance of identification documents that carries a national number.

Children affected by armed conflicts: Between July 2011 and March 2013, about 564 children were killed (111 boys, 24 girls) or injured (370 boys, 59 girls) due to, or in relation to, armed conflicts in Yemen. Of these, 290 cases were verified - 79 killed (62 boys, 17 girls) and 210 maimed (180 boys, 31 girls). Child casualties were attributed to various types of explosive weapons. In particular, children were increasingly at risk of death or injury due to mines, UXOs, and ERWs, including improvised explosive devices (IEDs) and suicide attacks. In total, 97 children (86 boys, 11 girls) were casualties of such attacks; 23 boys and 1 girl were killed, 63 boys and 10 girls were maimed. The majority of these incidents were due to UXOs where 71 children were killed (13 boys, 1 girl) or maimed (50 boys, 7 girls). Over half of the incidents (65 per cent) occurred in Abyan governorate affecting 46 children, with 8 children killed (all boys) and 38 maimed (36 boys, 2 girls). As a result of the armed conflict, schools have also been under attacks. Between July 2011 to March 2013, 242 attacks on schools were reported, 239 of which were verified.

Proposed Recommendations to the Government:

- Prioritize the provision of sustainable livelihoods including vocational training and job opportunities to the youth to empower them and prevent their involvement in violence;
- Expand the de-mining programme through The Yemeni Executive Mine Action Center (YEMAC) with the introduction of new effective strategies based on the international standards in order to address the dispersion of exploded devices in the civil areas.
- Comply by the international law in respecting and supporting the impartiality and integrity of schools, hospitals and safe zones including the staff of these institutions.

Recruitment and use of children in armed conflict: During the year 2012, and by virtue of the Cabinet resolution No. 212, the Government officially agreed on the Paris Commitments to End the Recruitment and Use of Children by Armed Forces and Groups in conflict. Tangible progress was also made in 2012 by involving the parties in a dialogue to design and implement national work plans to meet Yemen's commitments in line with the UN Security Council Resolutions on children and armed conflicts. The visit by Special Representative of the Secretary-General for Children and Armed Conflicts to Yemen in November 2012 encouraged the Yemeni Government and the armed group Al-Houthi to pledge development of a concrete and time-bound plan to prevent child recruitment and continue to engage with UN and the Country Task Force on monitoring and reporting of grave child rights violations (CTF MR). In response, the President issued a decree to prohibit recruitment of children below 18 years and the Cabinet of Ministers issued resolution No. (1) of 2013 on reviewing the level of implementation of Yemen's commitments to end the phenomenon of child recruitment and exploitation in armed conflicts.

Proposed Recommendations to the Government and other armed groups:

- Accelerate its efforts to follow-up these commitments and finalise an action plan to address the recruitment and use of children and to ratify the proposed amendments of five relevant military laws, with allocation of adequate resources are allocated for their effective implementation;
- Accelerate restructuring the military with establishment of appropriate age verification procedures in recruitment centres and screening all underage recruits;
- The commitment expressed by the Al-Houthi armed group to engage with the CTF MR, during the visit of the Special Representative for Children and Armed Conflict must translated into action through continuous cooperation with the CTF MR to develop an action plan to end recruitment and use of children and other grave violations, in line with SCRs 1539, 1612, 1882 and 1998;

- The Government has to adopt a media policy to raise the community awareness by the risks of the spread of weapons on children and the risks of child recruitment and use in armed conflicts. The role of CSOs and its capacities shall be enhanced in monitoring and reporting of recruitment and use of children.
- Expedite the configuration of the electronic birth registration system;
- Create income-generating projects and job opportunities, expand the social protection net for families and increase the coverage of the basic social services.