

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the Name of Allah, the Beneficent, the Merciful



**First Report
By the
Children's Parliament
On
The Conditions of Children in Yemen
2008**

In cooperation with



Save the Children



Introduction:

Yemen ratified the United Nations Convention on the Rights of the Child (CRC) in May 1991. Since that time, three government reports have been issued coinciding with three shadow reports produced by civil society organizations under the umbrella of the coordinating agency for Yemeni non-governmental organizations (NGOs) concerned with the care of child rights. This year, Yemen is striving to present its first report on the measures and procedures taken to implement the Optional Protocol (OP) to the CRC on the sale of children, child prostitution, and child pornography, which was formulated to help towards achieving CRC purposes, particularly articles 1, 11, 21, 32, 33, 34, 35, and 36. Yemen joined this OP per Law No. 20 dated 24 August 2004 in concurrence with the fourth report on actions taken to implement the CRC and comments provided by the International Human Rights Commission in Geneva concerning the previous reports.

Reporting Agency:

The Children's Parliament accepted the responsibility to prepare this report. The Children's Parliament was established in 2000 and is one of the primary projects run by the Democracy School. The Democracy School is based on the principle of continuous cooperation among government agencies, civil society organizations (CSOs), and international organizations. In view of the growing awareness of the importance of children's participation in discussing and formulating laws and strategies laid down by the government and monitoring their implementation especially in relation to child rights, as well as being in a country such as Yemen where the total population of about 21 million consists of more than 50% children, it has become imperative to create mechanisms for activating the role of this segment of society. From this sprang the idea of establishing a children's parliament which has so far been very successful.

This year, the Children's Parliament has striven, in cooperation with Save the Children, to present this report as the first shadow report in Yemen prepared by children. In it they have detailed their observations and testimonies concerning measures taken to implement portions of the CRC and the OP on the sale of children, child prostitution, and child pornography and activating the CRC's principles, particularly:

- Non-discrimination (Article 2),
- Best interests of the child (Article 3),
- Child's right to survival and growth (Article 6),
- Child's right to participation (Article 12).

Through this report, the Children's Parliament attempts to convey Yemeni children's voices to the International Child Rights Commission in Geneva, although without meaning to ignore the important role other government agencies and NGOs play in presenting their reports, which without doubt are more skilled and professional. The final outcome of all of this is community mobilization towards improving child rights in Yemen and the necessity of legal and practical commitments to such.

Issues Included in the Report:

The primary issues that the Children's Parliament viewed as important to include in its report included:

- Child smuggling,
- Child labor,
- Children in child care institutions,
- Birth registration,
- Conditions of Somali refugees in Yemen.

Report Preparation Methodology

The preparation of this report went through the following phases:

- Selection of subjects through discussions at Children's Parliament sessions.
- Determining groups or agencies to visit and setting up appointments, choosing information collection methods such as interviews, observation, and questionnaires, selecting documentation methods such as using still cameras or video cameras, as well as making the decision to utilize these visits for awareness- raising and distributing posters related to child rights and the subjects under study.
- Selection of field observation groups and coordination with the Democracy School and its coordinators in the governorates and some government agencies.
- Training of observation groups in report- writing.
- Execution of field visits.
- Conduct interviews with government officials and specialists in light of results of the visits and generate recommendations.

Difficulties faced in preparing the report:

The main difficulties and obstacles faced in preparing this report include:

- Lack of statistics and comprehensive studies concerning these phenomena in the past, since most of them are recent. This made it difficult to obtain a detailed assessment of the issues and information on the extent of prevalence.
- Absence of an independent information center specializing in children's issues. Such a center would conduct studies on the conditions of children in Yemen which would facilitate access to accurate, clear, and reliable information. Also, the existence of conflicting data and statistics presented by various government agencies and NGOs presented another obstacle.
- Poor cooperation by some agencies, officials, and specialists with the young researchers involved in field visits, as well as during the interviews with the House of Representatives.

- Difficulty in communicating with Democracy School coordinators and House representatives in some governorates for various reasons, which led to delays in the field visits or lack of results from them.

Course of Field Visits

I. Child Smuggling

The problem of smuggling Yemeni children across borders which exposes them to various dangers has lately become a prominent issue that has provoked much controversy and justifiable concerns. There is conflicting information regarding this issue. Some government estimates announced in various media outlets¹ indicated that the number of Yemeni children smuggled to Saudi Arabia in 2006 amounted to only 900 cases and that the prevalence was constantly *decreasing*. Also, a representative of the Ministry of the Interior announced at a session of the Children's Parliament on 28 Nov 2007 that 74 cases of child smuggling had been thwarted during the first half of the year and that the number of children smuggled per governorate was as follows: Hajjah 146, al-Hudaydah 107, Sa'ada 29, al-Mahweet 23, Taiz 13, Ibb 13, Sana'a 11, Dhamar 12, Raymah 7, al-Baydha' 3, Amran 2, Hadhramawt 2; while the number of smugglers per governorate was: Hajjah 4, Ma'rib 2, al-Baydha' 2, Aden 1, al-Hudaydah 1, and Ibb 1.

On the other hand, we find that reports from international and local NGOs provide different numbers. If we simply take the data issued by UNICEF, since it is the organization that is closest to the issue and plays the role of intermediary between Yemen and Saudi Arabia in efforts to solve the problem, we find that the number of children returned to Yemen through the Haradh border crossing amounted to 9,765 in the year 2006 of which 96% were boys and 4% girls. UNICEF estimates that the annual rate of increase in the number of children trafficked is 4.1%.

The Yemeni-Saudi coordination and UNICEF's support on this issue should be noted here. The two sides agreed upon conducting joint social research studies on child exploitation and child smuggling in order to apply the executive mechanism of the Memorandum of Understanding signed in 2006 between the two countries during Yemeni-Saudi Coordination Council meetings held in Mukalla, Hadhramawt and approved in 2007.

Furthermore, in spite of the formation of a joint Yemeni-Saudi committee and a national committee for combating child smuggling composed of the Higher Council for Motherhood and Childhood and various government agencies, the national committee's actions were limited to training and qualifying border workers at the Yemeni-Saudi border and the joint committee was not activated at all.

¹ This refers to statements made by the Yemeni ambassador to Saudi Arabia to the Yemeni Saba News Agency on 10 January 2007 following agreement made on the executive mechanism for the Memorandum of Understanding between the two countries signed in 2006 during Yemeni-Saudi Coordination Council meetings in the city of Mukalla, Hadhramawt.

Regardless of the numbers or information, the Children's Parliament felt it was necessary to directly observe this phenomenon in the regions where it occurs. Its mere existence indicates a flaw in society's humanitarian, religious, ethical, and legal values, as well as deficiencies in the application of Yemen's commitment to the CRC, most notably Article 11 which calls for combating the transport of children to and from their home countries in illegal manners. It also shows a deficiency in compliance with articles in the CRC's optional protocol on the sale of children, child prostitution, and child pornography, particularly articles 1, 11, 21, 32, 33, 34, 35, and 36.

Field Visit Dates:

27-30 October 2007

Field Visit Participants:

The coordinators and supervisors in each governorate participated in the field visits along with members of the Children's Parliament (8 participants of which were 4 boys and 4 girls).

Field Visit Regions:

Two governorates of al-Hudaydah and Hajjah covering the districts of Haradh, Abs, Bayt-al-Faqih, and al-Marawa'ah.

Target Institutions:

Schools; center for protection of smuggled children in Haradh.

Field Visit Objectives:

The goal of these visits was to:

- Observe the phenomenon close up and learn about the experiences of children who had been smuggled.
- Educate children on the dangers of being smuggled.
- Educate school directors and teachers within target schools on the risks of smuggling.
- Distribute printed materials including papers, stickers, and brochures in the target regions.
- Involve members of the Children's Parliament and a number of volunteers in educating others on the dangers of child smuggling.
- Bring attention to efforts taken to reduce the phenomenon of child smuggling.

Target Population:

8 schools; 5,360 students, both boys and girls.

Supporting Agency:

UNICEF

Observations:

The Children's Parliament team headed for the districts listed above since they are the most prominent border regions from which most infiltration operations and child smuggling take place, particularly of children from these same regions. The team aimed to raise awareness in as many children as possible on the risks involved in child smuggling and to convey the personal experiences of those who were victims of it. Coordination for the visits was done through members of local councils, district security directors, and school directors. The visits also included a trip to the Social Protection Center for Children which temporarily receives children returned by the Saudi border authorities. The most important observations that resulted from these visits are as follows:

1. The most prominent reasons for the prevalence of child smuggling are poverty, the inability of citizens to benefit from basic services such as education and health, the exploitation of smuggled persons due to their dire need and poverty, and poor awareness- raising through media on the dangers and illegality of child smuggling. This leads some parents to entrust their children to the hands of smugglers in return for material returns. There are also some children who, under pressure of poverty and deprivation, either in the desire to help their parents and return (from working in Saudi Arabia) with great sums of money (as they assume) or as a result of the disintegration of the family unit, try to cross the border on their own or by way of known smugglers without comprehending the dangers to which they will be exposed.
2. There are cases of children being kidnapped by gangs specializing in stealing children in various regions of the country. Some of these gangs succeed in smuggling children across borders which highlights the weak role played by defense and security forces.
3. Some border guards collaborate with smugglers and facilitate their crimes in return for bribes.
4. Smuggled children are exposed to harsh and difficult conditions during the smuggling process across the border. Some are beaten, humiliated, deprived from food and drink, and even exposed to immoral practices against them by the smugglers. They also have to cross on foot through difficult terrain that exposes them to poisonous insects and snakes, or puts them at risk of arrest by the Saudi border guards who place them in jails mixed with criminals.
5. Some children are exposed to great dangers once across the border such as being sold to other people, used in illegal businesses, begging, smuggling qat and fireworks, or being forced into immoral sexual acts.
6. These children also lack access to follow-up care.
7. Some smuggled children have not been returned to their country and their parents do not know what has happened to them.

Children's Parliament interview of specialists following the field visits:

Based on prior field visits and the resulting observations, the Children's Parliament held its sixth session from 24-28 November 2007 entitled "Child Smuggling is a Crime Punishable by Law".

The organizations that were questioned and debated include: Ministry of Social Affairs and Labor, Ministry of Foreign Affairs, Ministry of Defense, Ministry of the Interior, Higher Council for Motherhood and Childhood, UNICEF, members of the House of Representatives, and other agencies that attended the discussions (see attached session reports).

These sessions resulted in the following recommendations:

Recommendations:

1. The crime of child smuggling and other crimes that result from it should be regarded as felonies that deserve harsh, deterrent penalties to be dealt to anyone who participates in any stage of the act based on the amount of harm caused to the child.
2. Increase continuous awareness-raising campaigns targeting as large a population as possible of families, both at the national and local levels and especially at border regions. Provide the necessary funds and materials along with access to a variety of official and unofficial audio, visual, and printed media outlets focusing on variety (stickers, documentary films and cartoons, theatrical plays, school curricula, lectures in mosques, seminars, etc.). Programs should involve children who have been victims of the dangers of smuggling and other concerned children in awareness-raising, observation, and follow-up programs so that the message could be delivered much more effectively.
3. Strengthen security cooperation and coordination between both sides of the border to ensure that children are treated humanely and considered victims of smuggling, not partners in a crime, and to create more effective control at the borders.
4. Strive to implement the comprehensive strategy for poverty reduction, focusing on improving the conditions of children in Yemen by increasing public budget allocations related to services for children such as education and health; expand the social security network to encourage poor families, especially in border regions, to establish small businesses that contribute to raising their income level and reducing child smuggling.
5. Select qualified and trained border control staff to specialize in dealing with children.
6. Form committees in schools to combat violence against children and set up a hotline for immediate reporting of abuses; make this hotline available in all governorates.
7. Ensure placement of social workers and psychologists at centers working with smuggled children. Prepare these specialists both socially and emotionally. Establish more care and rehabilitation centers for children.

8. Activate the role of the national committee for combating child smuggling; coordinate among its members according to a comprehensive plan to eliminate this phenomenon. Its tasks should include establishing a unified database covering the issue.
9. The Ministry of Islamic Endowments should include awareness-raising on the dangers of child smuggling in its work plans and distribute this to all imams of mosques in all governorates.

II. Children Working in the Streets

In recent years, two dangerous trends have spread on a national scale; the first is child labor and the second is street children. These two trends are greatly interlinked as we find that many working children also live in the streets or work there. Conversely, street children depend on work to obtain their minimum needs for livelihood. Added to this is that the causes and dangers of the two trends on the child, family, and community are very similar. From this standpoint, our concern was to directly observe the phenomenon and search for solutions. This situation clearly conflicts with the most basic child rights protected by divine laws and international and local laws. Such rights include the child's inalienable right to life, education, health, a suitable standard of living, and protection from abuse, neglect, and all forms of economical or sexual exploitation, drug abuse or drug trafficking and any other forms of exploitation.

A by-law was issued to this effect which defined illegal occupations for working children under 18 years of age under ministerial decree No. 56/2004.

Field Visit Dates:

Members of the Children's Parliament conducted field visits to observe the conditions of working children in the streets coinciding with visits made by some children's institutions. This was done in two phases, the first being on 27 January 2007 in the Capitol Secretariat (city of Sana'a), and the second from 21-26 July 2007 encompassing almost all governorates.

Field Visit Participants:

Children's Parliament members in all governorates.

Field Visit Locations:

First phase in Sana'a and second phase in almost all governorates, with the exception of Sa'adah due to its security situation, and Hadhramawt due to the summer vacation and the inability to communicate with members of the Children's Parliament in Hadhramawt.

Target Locations:

Certain streets where large numbers of working children are found, as well as cities and public markets in all governorates.

Field Visit Objective:

To learn of the conditions of working children in the streets and the dangers they face.

Supporting Agencies:

First phase coordinated by the Democracy School (CP's general secretariat); second phase supported by UNICEF.

Observations:

The field visits resulted in the following observations:

1. Poverty is the primary reason for the spread of the phenomenon of child labor in the streets. It causes families to force their children to search for work or children themselves go out in search of work due to an early sense of responsibility. This leads them to drop out of school and increases the rate of internal migration from rural areas to cities.
2. There is a high ratio of street children who have escaped family problems such as divorce or the death of one or more parents. This is exacerbated by the weak or non-existent alternative care services for children, which leads to homeless children in the streets.
3. The phenomenon of child labor is common in all cities across the country. The ages of working children in the streets range from 6 to 18 years. This is in violation of the CRC, particularly Articles 1, 32, 33, 34, 35, and 36, and the optional protocol on the sale of children, child prostitution, and child pornography Article 3, paragraph 1 (a). It is also in violation of the Yemeni Child Rights Law which designates the minimum age for a working child to be 14 and forbids employment of a child under that age. It also forbids employment of a child under 15 to work in heavy industries. The Yemeni Labor Law also states that children under 18 may only work in specific occupations as stated in ministerial decree No. 56, Article 45 of the General Labor Law of 1995. Work hours for these occupations may not exceed seven hours per day or 42 hours per week and no child may be forced to work more than 4 hours at a time without a break. Since most street children do not work for specific or known employers, their situation is much more dangerous than other child laborers. They have no access to even the least legal protection such as limited work hours; some of them may actually work up to 17 hours a day.
4. Children work in arduous and dangerous jobs that are unsuitable for their age and physical abilities such as carrying stone blocks, ironwork, carpentry, vehicle body repair work, or work at bus stations. Another common job is selling simple goods at street intersections, which puts them in danger of passing cars. Bad habits that are acquired in the streets include addiction to smoking and qat. They may also be exploited by gangs or individuals to engage in illegal acts such as selling and consuming alcohol and drugs and performing sexual acts that conflict with public decency. Working street children also face much verbal and physical abuse and are vulnerable to kidnapping, smuggling, and sexual harassment while they work.

Children's Parliament interview of specialists following the field visits:

Based on the prior field visits and resulting observations, the Children's Parliament held its fifth session entitled "Child Labor- a phenomenon that needs a solution" from 6-8 August 2007. The various relevant organizations discussed the issue of child labor and the conditions of street children. These agencies included: Ministry of Social Affairs and Labor, Ministry of the Interior, Capitol Secretariat, the international program for combating child labor under the International Labor Organization (IPEC?), and the rehabilitation center for child laborers.

Following the session, the Children's Parliament produced the following recommendations:

1. Call for the implementation of the comprehensive strategy for poverty reduction, focusing on improving the conditions of children in Yemen by increasing public budget allocations related to services for children such as education and health and allocations for organizations working with children; expand the social security network to encourage poor families to establish small businesses that contribute to raising their income level and reduce the need to have their children work.
2. Conduct awareness-raising campaigns through audio, visual, and written media, as well as within schools to inform people on the dangers that street children and working children face. Focus on communicating to children themselves and informing them of the special hotline through which they may report any abuses that happen to them.
3. All concerned agencies should work to activate execution of child labor laws, strengthen monitoring of places where children work, and enforce penalties on them for any violations.
4. Relevant agencies should assist street children to locate appropriate shelters, provide alternative care for them with a focus on health, emotional, and social rehabilitation, and help them to complete their schooling or vocational education.
5. Relevant agencies should train and qualify their staff working with children in proper approaches for working with children and prepare corresponding training guides for each agency.
6. Establish centers for qualifying and educating working children in all governorates.
7. Educate on the harms to children of smoking and chewing qat through the media, especially visual media; enact laws to prohibit their use by children under 18 wherein anyone who urges or facilitates a child use of such will be penalized.
8. Establish development projects in rural areas.

III. Children in Institutions

Members of the Children's Parliament conducted field visits to observe the conditions of children in institutions working with children such as those that keep them in custody or provide care. The locations visited included: temporary jails, central prisons (juvenile and women's wards), orphanages, police stations, juvenile care homes, and some government-

run hospitals. The visits were performed in two phases; phase one from 30 January to 6 February 2007 in the Capitol Secretariat, and phase two from 21-26 July 2007 in almost all governorates which was done in coordination with visits to observe the conditions of working street children as noted above.

Field Visit Participants:

The first phase was implemented by Children's Parliament members in the city of Sana'a while the second phase was implemented by CP members in the governorates.

Field Visit Locations:

The first phase location was in the Capitol Secretariat while the second phase took place in almost all governorates with the exception of Sa'adah due to its security situation and Hadhramawt due to the summer vacation and the inability to make contact with members of the CP there.

Target Institutions:

During the first phase, the CP visited the central prison, 5 temporary jails, 3 public hospitals, one public orphanage, the Center for Safe Childhood, Social Guidance Home for Juveniles, and conducted interviews with government officials including the former Minister of the Interior, the Minister of Justice, and the Secretary General of the Higher Council of Motherhood and Childhood. The second phase was more extensive and included visits to fifteen hospitals, five orphanages in various governorates, five children's care homes, five juvenile care homes, nine temporary jails, and eight central prisons with facilities for juveniles.

Field Visit Objective:

The visits aimed to involve the Children's Parliament in learning close up of the conditions of children in various institutions working with children.

Supporting Agencies:

The first phase was coordinated with the Democracy School (CP's general secretariat) and the second phase was supported by UNICEF.

Observations:

1. Children in Conflict with the Law

According to the Ministry of the Interior, the number of juvenile delinquents cases recorded for the period of 2003-2007 reached 1,057. "Juvenile delinquent" refers to a child who has committed an act prohibited by law. The CRC has given much attention to this category of children as shown in Article 40 that delineates their rights and legal assurances of such. Article 37 also criminalizes inhumane treatment, the use of torture on juveniles, and dealing them harsh sentences such as capital punishment or long prison terms.

Seven courts specializing in juvenile cases have been established in seven of the 21 governorates where children's cases are tried in regular courts, which leads to many violations of children's rights, a lack of concern for their best interests, and application

of the Juvenile Law against them. The Ministry of Justice has been cooperating with UNICEF to form a panel of lawyers for juvenile delinquents in a number of governorates, although not all cases are covered in all governorates.

Current Yemeni laws in effect concerning juveniles suffer deficiencies and contradictions, whether among the laws themselves or in their compliance with the CRC. One of these issues is defining the legal age for a juvenile from age seven to age fifteen, which means that the juvenile between the age of 15 and 18 is treated as if he was not a juvenile (i.e., as an adult). Furthermore, the younger end of the range, age 7, is too young for a child to be treated as a juvenile.

Newly proposed amendments took into consideration numerous remarks noting the necessity of complying with legislation that execute Yemen's international commitments.

A) Temporary Jails

- 1) There were many different kinds of juvenile cases in temporary jails observed during the field visits. These include offenses such as sodomy, theft, murder, attempted murder, fighting, disgracing one's honor, running away from home, rape, homelessness, possession of alcohol, and resisting authority.
- 2) In all temporary jails we observed deficiencies in performance, a lack of concern for juvenile rights during arrest such as the right to an attorney, in addition to poor health and environmental conditions and malnutrition, absence of hygiene, excessive use of violence such as beatings during questioning, and violations of all their legal rights by jail staff.
- 3) The field visit teams also noted that juvenile inmates were mixed with adults in temporary jails, which leads to juveniles acquiring bad behavior from adult inmates. Also, some children were used as pawns, i.e. placed in jail by government parties to apply pressure in feud cases, which was seen in Shabwah governorate.
- 4) Lack of qualified personnel for working with juveniles.
- 5) The teams discovered that some governorates and districts did not have temporary jails (Raymah, Abyan, Amran, Shabwah, Sa'adah, al-Hudaydah, Hajjah, Suqutra, al-Jawf, Ma'rib, al-Baydha').

B) Central Prisons (for Juveniles)

- 1) The children's field visit teams noticed an absence of prisons designated specially for juveniles in some governorates.
- 2) The field visit teams observed poor treatment of juveniles in the juvenile prisons, a lack of personnel qualified in social and psychological aspects needed to understand the juvenile's background, and a lack of sufficient action in improving their conditions and focusing on rehabilitation.
- 3) The special wards designated for juveniles in central prisons suffer poor health and environmental conditions and a lack of food and water.

- 4) Violence, specifically beating, is practiced by staff responsible for the care of juveniles within prisons and temporary jails.
- 5) Juveniles themselves commented on the absence of lawyers during questioning and court proceedings to defend them. There are also some murder cases postponed by the public prosecutor and courts which causes extended detention of juveniles in the prisons. These cases are not resolved quickly, in spite of the fact that juvenile cases must be resolved quickly according to the law.
- 6) There are children living with their mothers in women's central prisons due to lack of care services for them outside the prison.
- 7) There are a number of private prisons run by tribal shaykhs where children are sometimes held as pawns until their accused adult family members are arrested; those escaping the shaykh's authority are also held.

C) Juvenile Guidance Homes

- 1) The field visit team observed poor conditions in most juvenile guidance homes in addition to a lack of attention to juveniles' health, insufficient food or lack of concern for the quality of the food, whether in prisons or welfare homes. Also, there were no programs for their rehabilitation and a lack of qualified and trained staff working with them. The team found that some of the juvenile guidance homes housed non-delinquent children. These were placed in the homes for various reasons: family problems or, due to lack of temporary jails, receiving cases transferred to public prosecutors who in turn hand them over to the homes. The juveniles noted that they had been exposed to violence in temporary jails prior to their arrival in the homes.
- 2) Poor role of the public prosecutor in following up juvenile cases starting from police stations and continuing all the way to the courts.
- 3) Absence of juvenile care homes in Ma'rib, Lahj, Dhamar, Abyan, Raymah, Amran, al-Jawf, Shabwah, al-Dhali', and Suqutra.

2. Health Situation (Hospitals)

It is every person's right to enjoy good health and good health services since good health provides important guarantees for the inherent right to life. The CRC, Articles 24 and 25, has dealt with this child right, including the health of children in special welfare homes or prisons.

The children paid a visit to a number of public hospitals in various governorates to see up close the standards of services provided. The following is their findings:

- 1) Most child patients are being treated for: anemia, diarrhea, malnutrition, burns, and injuries due to fireworks/firecrackers. Malnutrition is one of the primary problems suffered by children in Yemen and a cause of stunting.
- 2) The conditions in most hospitals are unsatisfactory with regards to all health and environmental aspects. Child patients and relatives complain of under-qualified

doctors and their failure to properly diagnose diseases and a lack of concern for and follow-up of the patient's case. Other problems include technical obstacles faced by hospitals such as electrical power outages for long periods, especially in Shabwah and al-Mahrah governorates, in addition to deficiencies in basic medical equipment and supplies, the use of qat in hospitals, and smoking in patients' rooms.

- 3) Weak doctors' knowledge in how to deal with children's cases that expose cases of abuse such as sexual exploitation and violence, specifically in how to report them.
- 4) There is only one hospital in al-Hazm/al-Jawf and it is inoperative.

CP interviews with specialists following field visits:

The results of the visits detailed above were presented to and discussed with relevant agencies. The conditions of children in detention institutions and guidance homes were discussed as well as these institutions' competence in fulfilling their required roles. These discussions took place during the Children's Parliament sessions from 12-14 March 2007 under the slogan "Empty prisons and detention centers of children". The agencies questioned during the sessions were the Ministry of Justice, Ministry of the Interior, members of the network for children in conflict with the law, Capitol Secretariat officials, public prosecutor, Ministry of Social Affairs and Labor, UNICEF, Ministry of Human Rights, in addition to other parties who attended and participated in the discussions (See attached sessions reports).

As for the issue of conditions at hospitals, a representative of the Ministry of Health was interviewed at the session held on 27 February 2008, wherein the representative was informed of the results of the hospital visits followed by a group discussion.

The sessions produced the following recommendations:

1. Establish special departments for juveniles at police stations and establish guidance homes/ detention centers, public prosecution offices, and courts especially for juveniles in all governorates.
2. Work to speed up conclusion of juvenile cases by not postponing them in court proceedings since they are considered urgent cases according to the law.
3. Provide follow-up care services for juveniles by establishing welfare homes in every governorate, ensuring that they are trained and qualified health-wise and socio-psychologically, and assisting them in completing their school and vocational education.
4. Deal with cases of children held in prisons without legal cause and have them released quickly. Also, have children (ages 15-18) held with adults moved to juvenile guidance homes after reviewing their sentences and dealing with them as children.
5. Strengthen monitoring of police stations, temporary jails, central prisons, and juvenile guidance homes, in addition to any institution where children reside or that work with children, and prosecute any person working in these institutions who is proven to have committed violations of child rights.

6. Necessity of training and qualification of legal physicians in all governorates.
7. Designate an agency to care for children living with their mothers in prisons and issue birth certificates for them.
8. Necessity of establishing orphanages in each governorate to prevent them from resorting to begging or being exploited.
9. The Ministry of Health and Population should monitor the conditions of children in emergency rooms and pediatric wards and provide all necessary medical supplies and specialized cadre in pediatrics for all health centers in governorates and districts.
10. Should not provide medicine to children without a physician's prescription.
11. Work to combat qat and smoking among children and youth.
12. Prosecute any doctor who examines a child victim of physical or sexual assault and does not report it.
13. Give attention to the health and environmental concerns of institutions working with children.
14. Activate the role of the network for children in conflict with the law and the network for combating violence against children.
15. Relevant agencies should train and qualify workers in these institutions in methods for dealing with children and prepare training guides for each institution to achieve this purpose.
16. Establish a 24-hour hotline for reporting cases of violence against children.
17. Make cases of abuse against children felonies to be referred to special courts and formulate laws for this purpose.
18. Issue a law to criminalize the sale of tobacco to children less than 18 years of age.

IV. Birth Registration

In 2007, the government of Yemen issued a public announcement concerning obtaining a birth certificate for free. The reason was citizens' reluctance to register their newborns at fees they could not afford. The announcement was tied to school registration season and aimed to facilitate issuance of birth certificates for children immediately following birth. According to the CRC, Articles 1, 7, and 8, a child is defined as any person under the age of 18; this child has a right from birth to a name, citizenship, parental care, and preservation of such. The Yemeni Child Rights Law affirmed this in Law No. 45/2002.

Other reasons include the importance of defining one's age to be able to gain all of a child's legal rights, the many problems facing children who have no certificates to prove their true age, and the lack of qualified legal doctors who sometimes cannot determine the exact age of a juvenile, especially in criminal cases involving children which could make them vulnerable to harsh punishments, possibly reaching the death penalty.

To promote the idea of free birth certificates the government, represented by the Higher Council for Motherhood and Childhood and the Civil Status Authority in cooperation with Save the Children, organized a workshop targeting various related government and non-government sectors which was the basis of the Children's Parliament's evaluation of progress on the public announcement.

Field Visit Dates:

The field visits coincided with the beginning of the 2007-2008 school year.

Field Visit Participants:

The Democracy School team represented by member(s) of the Children's Parliament in each governorate and Democracy School coordinators in the governorates participated in completing the DS questionnaire with the consultation of Save the Children.

Field Visit Regions:

Governorates to which field visits were conducted included: Capitol Secretariat, Sana'a, Raymah, Hajjah, Taiz, al-Mahrah, Abyan, Shabwah, Amran, Lahj, al-Jawf, al-Mahweet, al-Hudaydah, al-Baydha', al-Dhali', Dhamar, Ibb. Governorates that were not visited include: Sa'adah due to its security situation, Hadhramawt due to the inability to communicate with its two CP members, and Ma'rib due to the lack of a CP member there.

Field Visit Objectives:

1. Investigate the level of government implementation of its 2007 announcement for issuance of birth certificates for free.
2. Determine guardians/parents' turnout to obtain birth certificates.
3. Determine the level of awareness/knowledge of those publicizing the announcement.

Preparation of Target Population:

The number of questionnaires distributed during the field visits was 1000 in all target governorates, but the total number of questionnaires that were returned was 900.

Supporting Agencies:

Save the Children

Observations:

It became clear from the field visits and data from the questionnaires that 60% of the study subjects did not know of the public announcement for free birth certificates. This indicates limitations in the government's role in making this decree known. There were a great number of beneficiaries who felt that the certificate fee was too high. Also, the cost of a birth certificate varied from one governorate to another, ranging from YR 2,000 to YR 2,500, and more than 36% of fees are paid without being issued an official receipt. A large proportion of the survey group, nearly 27%, did not seek birth certificates for their children because they did not believe it was necessary. The reason is that they mentally connect birth certificates with enrolling in school, so since they do not intend to enroll their children -either due to poor financial situation or need to

involve their young children in farming- they do not see the importance of birth registration. This indicates a lack of awareness on the importance of birth registration which facilitates ensuring the child's full educational, health, and legal rights, etc.

CP interviews with specialists:

In the session dated 25 February 2008, the results of the above visits were presented to relevant parties at the Ministry of the Interior. The CP discussed the issue of the decree for free birth registration with the MOI representative and how to activate it. The session resulted in the following recommendations:

Recommendations:

1. Necessity of awareness-raising through various media on the importance of obtaining a birth certificate and that it is free.
2. Monitor implementation of the public announcement to issue birth certificates for free in all governorates, penalize any violations, and set appropriate punishments.
3. Distribute birth certificate forms to all districts to facilitate obtaining them.
4. Provide up-to-date equipment for determining a child's age and train legal doctors in their use.
5. Unify procedures for obtaining a birth certificate at hospitals or police stations.

V. Conditions of Somali Refugees in Yemen

The Kharaz Refugee Camp for Somalis in Yemen operates under the umbrella of a number of international organizations and the United Nations, Save the Children, and ADRA. Based on an agreement between the Democracy School and Save the Children, a visit to the camp was arranged to observe conditions there. The impetus for this is Article 22 of the CRC which clarifies the responsibility of the state and UN organizations in protecting refugee children and providing the necessary humanitarian assistance.

Field Visit Dates:

Thursday, 9 August 2007.

Field Visit Participants:

A number of CP members and Democracy School representatives along with activists in child rights and Save the Children.

Field Visit Regions:

Somali refugee camp located in Kharaz region between Aden and Lahj governorates.

Field Visit Objectives:

To learn about the camp, the refugees' lives, and the conditions they live in.

Target Population:

The number of Somali refugees living in Kharaz camp is 6000 of whom 2700 are children.

Supporting Agency:

Save the Children

Observations:

Upon arrival at the camp, it was clear to the participants that conditions at the camp were very bad and resources appeared to be minimal. This is in spite of the fact that the camp is assisted by a number of international organizations, the UN, Save the Children, and ADRA. Among the most important observations are:

1. Homes in the camp are built from straw.
2. Refugees suffer from scarcity of water, especially since the camp is located in a semi-desert region.
3. There are no mid-level or high schools in the camp although there is one elementary school which consists of only one classroom. It contains no resources, not even teachers. Only students who have graduated from high school teach there. It receives no material support aside from books supplied by the Ministry of Education which are insufficient to cover needs.
4. There is no service for birth registration in the camp. This makes it more difficult for them to send their children to outside schools.
5. There is no attention given to environmental, social, and religious issues at the camp.
6. Poor control mechanism for monitoring the comings and goings of refugees in the camp.
7. Lack of regular visits to observe and record the refugees' conditions and problems and consider their suggestions for solving their problems.
8. Absence of effective mechanisms for cooperation between the government, civil society organizations, and international organizations.
9. Poor material support for refugees.

Recommendations:

1. Move camp to another location due to its distance from public life.
2. Expand health services in the camp.
3. International organizations and the government should coordinate among them to provide services.
4. Provide basic services at the camp such as education, health, and environment.
5. Provide the equipment and materials that help them and facilitate living in the camp, such as drinking water, food, and electricity.

6. Organize trips and field visits to the camp to contribute to raising morale of the camp population.
7. Strive to register births in the camp to solve the problem of not being able to enroll in schools and facilitate their obtaining identity papers.
8. Activate the role of monitoring of refugee and displaced persons camps.

Conclusion

This is the first experiment of its kind in which the children in Yemen present a shadow report on the conditions of children in Yemen to the Commission on Child Rights in Geneva. We have recognized our duties towards ourselves and our country and believe that we should participate in the discourse concerning ourselves and our situation. This has become clear to us through some of the issues that affect our lives and our most basic right to live in security and dignity with our families and in our land.

We are not here to try anyone or retort, but we just wanted to say one thing to everyone: We are your children, yes... but we are also your partners. We own half of the present and all of the future. It is our right to be given your attention.

In the name of all children of Yemen, we would like to thank those who helped us produce this report, including all individuals, local and international NGOs, and government agencies.

To conclude this report, it is necessary that we present some final, general recommendations concerning our rights. We hope that they would be taken into consideration and be acted upon from the first moment that our feet touch the ground in our country.

The most important points we would like to recommend are:

1. The government should prepare national plans to combat negative phenomena related to children and include such in the National Strategy for Children and Youth which represented a major positive step towards improving the conditions of children in general. Thus, we must strive to implement it and all other strategies, ensuring the participation of all and making allocations available to strengthen their effectiveness.
2. Lately the government has made efforts to legislate laws that comply with Yemen's commitments to various international treaties, exemplified in its draft law amendments with regards to children. These amendments include: removing any discrepancies among the various laws in effect concerning the legal age of a child and age of criminal responsibility and the CRC; recognizing the dangerous nature of child smuggling and formulation of laws to control it; proposed legislation concerning the sexual exploitation of children, begging, and trafficking in body parts. Nevertheless, these proposed legislations still suffer deficiencies such as: defining the legal age at which a child is treated as a juvenile at age 7, which is too young; the proposed penalties against those who engage in child smuggling and exploitation are not tough

enough to be deterrents and do not emphasize the real danger of these crimes. Therefore, we call on the government to increase its efforts in formulating and enforcing laws since they are the most important mechanisms for protecting child rights. There are other points that have not been considered in these draft amendments, in spite of the International Commission's recommendations. These include the prohibition of children chewing qat, which we here reaffirm this request, and the necessity of formulating a law to prohibit the use of qat and tobacco by children by criminalizing the incitement of children to do so or selling these items to them.

3. Formulate laws to criminalize abuse against children, such as prohibiting FGM/C (female circumcision) which is common in some governorates, as well as early marriage.
4. Strive constantly to improve the living conditions of Yemeni citizens since poverty is the main cause of all negative phenomena faced by the society as a whole and children in particular.
5. Strive to activate the child protection networks and ensure their continuance, such as the network for children in conflict with the law, the network for combating violence against children, and the technical committee for combating child smuggling which is the government agency among the above-mentioned organizations.
6. Continuous awareness-raising in child rights through all media outlets and educational and training institutions to ensure that these rights become common national knowledge in all sectors and segments of society.
7. Establish an independent children information center with a sufficient budget to ensure compilation of a database covering everything related to children. This would help everyone to evaluate the situation of children in Yemen without being affected by misinformation or exaggerations.
8. Establish an independent agency for child protection whose tasks would be to receive complaints and provide guidance for dealing with various cases with consideration to the child's best interests.

We decided to place the above recommendations here to stress their importance. As for the specific recommendations stated within the report under each specific subject, we hope we have succeeded in presenting them fully and clearly.

Our wishes for success to all and to the children for security, happiness, progress, and prosperity for Yemen...

The report was approved at the joint session for the Children's Parliament 2004-2006, and the CP session 2006-2008 held from 16-20 August 2008.

The report was prepared by members of the Children's Parliament 2004-2006.



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And God is the Giver of Success