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## UNICEF Yemen Situation Report

December 2014

**Key focus:**

**Juvenile Justice**

Distribution of school bags in Taiz Governorate helps families enrol their children in school

### Highlights:

- **8,739 out of school children (OOSC) are now receiving formal or informal education in Taiz, Hodeidah, Raymah and Hajjah.**
- **29,191 marginalized, disadvantaged and most vulnerable children received birth certificates during the rapid registration campaign in Ibb Governorate.**

### Situation Overview

Tensions have continued to flare up this month between parties to the conflict, resulting in the deaths of 25 children, while a further 48 were maimed. The majority of these were due to two dreadful incidents where children were not targeted but were the unfortunate main victims. The first happened when a vehicle borne improvised explosive device (VBIED) exploded at a Houthi/Ansar Allah checkpoint, killing or maiming 33 children (32 girls, 1 boy) who were passing by on their school bus. The second took place at a cultural institute in Ibb, when a suicide bomber targeted the Houthi/Ansar Allah gathering taking place, reportedly killing at least 14 boys and maiming 13. Children under 18 have also continued to be observed manning Houthi/Ansar Allah checkpoints throughout Sa'ada, Ibb, Hodeidah and Amran. The UN CTFMR members continue to follow up on the ground not only to verify the affected children but to ensure that they are provided with efficient response.

Schools have continued to be attacked by parties to the conflict, with five verified incidents this month and a further seven reported to the UN CTFMR. Civil disobedience in Aden, Lahj, Al-Dhale and Abyan since early December has also caused disruption to children's education as all schools are closed on Mondays. The governorate education offices have made alternative arrangements to compensate for the loss of schooling hours by opening schools on Saturdays, except in Aden where the local authority rejected the alternative arrangement despite advocacy on the part of UNICEF and its partners.

## Key focus: Juvenile Justice

### Issue

The criminal justice system in Yemen is yet to be fully child sensitive. There is no consistent, unified definition of the age of the child in national Yemeni legislation. Contradicting the Convention on the Rights of the Child (CRC) that Yemen has ratified, children are referred to as persons below the age of 15; and the minimum age of criminal responsibility is set at 7 (although the CRC committee recommends it at least at 12).

Furthermore, the justice system in Yemen has poor implementation of child friendly procedures, measures that guarantee fair trials, and child sensitive approaches. This is due to the weak capacity of law enforcement bodies and their lack of awareness of the rights of children in conflict with the law. It is also related to a poor government budget and a very low allocation of resources to this sector.

Furthermore, despite national legislation prohibiting the death penalty for those aged below 18, Yemeni courts are still sentencing under 18s to death.

There is great doubt that juveniles sentenced to death had the right to a fair trial including legal representation. Moreover, the methods used to determine age, appear to lack transparency and impartiality.

### Impact

The failure to comply with international standards leaves hundreds of children vulnerable and victim to unfair trials and treatment. Children aged 15-18 are tried in ordinary courts instead of juvenile courts and are usually kept in prisons with adults.

Currently, 64 people alleged to have been under 18 at the time of their crimes, are awaiting the death penalty. Following intense advocacy by UNICEF and the international community, 12 of these are under appeal and 52 have been suspended by the President's office while the age determination process takes place.

Yemen has one of the lowest birth registration rates in the region at 17 per cent. Consequently, most children in conflict with the law in Yemen lack birth certificates, so determining their age is difficult and there is doubt that Yemen's courts are able to do this.

### Action

UNICEF has worked with the Government of Yemen, the European Union and NGOs to establish a child sensitive approach within the criminal justice system, establishing relevant policies and procedures, producing training manuals and studies. Some well-trained juvenile judges, juvenile police and prosecutors are available, although the juvenile justice system is not yet fully operational due to their limited number and the slow process of adopting proposed laws / amendments. However, two child rights manuals have been developed and will be incorporated in the curriculum of new recruits at the Supreme Judiciary Institute and the Police academy.

Supported by UNICEF, an Inter-Ministerial Committee has developed recommendations for amending national legislation on child rights that complies with international standards. As a result, a draft child rights law was finalized by the Ministry of Legal Affairs in April 2014 and is currently awaiting adoption by the Cabinet. Unlike other national legislation, this new draft law addresses the inconsistencies around the age of the child and establishes adulthood at 18. It also raises the minimum age of criminal responsibility to 12 and criminalizes violations against children's rights.

UNICEF and partners continuously advocate for improvements in the situation of children in contact with the law, including implementing the legislation that bans the death penalty for juveniles and suspending cases where age has not been determined properly. A UNICEF-supported Forensic Committee, comprised of four medical doctors and an international forensics expert have so far investigated 36 cases where the age of the child is ambiguous. The public defence system in Yemen is very poor, so civil society organizations, also supported by UNICEF are engaged in providing legal assistance to minors including those charged with murder.

UNICEF has provided technical support to both the NDC and the constitutional Drafting committee to ensure the two processes have incorporated child rights standards.

### Appeal

UNICEF's Juvenile justice programme for 2015-2016 focuses on eradication of the Juvenile Death Penalty, promotion and implementation of non-custodial measures as well as strengthening a child friendly judiciary and policing system, and requires US\$ 2.5 million in funding. The programme remains severely underfunded and requires urgent financial support.



"I have the right to know my rights"

## Interagency Collaboration

25 participants from Taiz and Ibb Governorate Health Offices were trained on rapid nutrition assessment to improve emergency response capacity.

The UNICEF lead Clusters and Sub-Cluster (child protection) 2015 strategies and workplan have been drafted.

## UNICEF Yemen Nationwide Response

### Education:

150 child friendly schools carried out quality improvement activities in Sa'ada, Al Jawf, Al-Dhale, Aden and Taiz. These included the training of School Development Teams; training of social workers on community participation; training of trainers on child rights and the implementation of school development plans.

Peacebuilding activities in and around rehabilitated, conflict-affected schools in Aden and Lahj continued; student conflict mediation groups were formed in 15 schools and peace promotion activities were carried out.

3,739 OOSC have now been enrolled in formal education classes in Taiz, while around 5,000 others continue to receive non-formal education classes in Hodeida, Raymah and Hajjah.

### Nutrition:

3 new integrated health and nutrition mobile teams were launched by the health office in Hajjah.

40 midwives from Hajjah were trained on infant and young child feeding in December.

1,812 health staff were trained in community management of acute malnutrition (CMAM) in 2014.

Research is being carried out to assess reasons for defaulters from the CMAM programme: In December, the effect of the new Arabic instructions on packets of therapeutic food (plumpy nut) was researched in 10 outpatient centres (OTPs) in Hodeidah.

In addition, a data collection process was launched to provide operational research examining factors associated with defaulting, as well as the effect of community outreach and health volunteer activities on reducing the number of defaulters and improving the utilization of the CMAM services.

### WASH:

4,625 monthly consumable hygiene kits were distributed for 30,396 IDPs in Hajjah Governorate, including 30 kits for 4 IDP schools (4,149 students); and 14 kits for health and women centres inside IDP camps 1 and 3 for 10,807 beneficiaries. 2,382 IDP families (16,216 IDPs) received basic hygiene kits in Hayran and Mustaba Districts.

75% of the Shalilah water project schemes have been completed. Once finished, the project will provide safe drinking water to 5,832 people including 3,500 children in 15 villages in Haradh.

2,300 IDP and local community school students, have had water tanks installed in their 2 schools in Haradh.



Distribution of hygiene kits in Khairan

### Health:

1,000 pregnant women received antenatal care (ANC) through community midwives in 5 targeted districts from Sa'ada and Al-Jawf Governorates in the past two months. The midwives also screened 550 children under 2 and 435 women for malnutrition.

The temporary health unit established inside the marginalized communities of Sa'ada has screened 336 children under 5 for malnutrition (referring 30 cases); 396 children were treated for common illnesses; 27 pregnant women received ANC; and 129 children under 2 were vaccinated over the last quarter.

### Child Protection:

171,165 people including 119,016 children (65,638 girls and 53,378 boys) received mine risk education under the leadership of YEMAC in Abyan, Al Dhale'e, Al Jawf, Amran, Hajjah, Sa'ada and Shabwah Governorates in partnership with DRC, Intersos, MoSAL and a wide range of local NGOs.

10,650 people including 9,521 children (4,266 girls and 5,255 boys) received psychosocial support services through community based and mobile child friendly spaces organized by DRC in Abyan, and Shabwa Governorates.

86 unaccompanied Yemeni children (78 boys, 8 girls) were identified in December. These include 65 expelled from the Kingdom of Saudi Arabia (KSA) and 2 handed over by Al Houthis/Ansar Allah. All 86 have been provided with interim care at the MoSAL-run Child Protection centre in Haradh supported by UNICEF. Of these, 66 have been reunited with their families and returned safely to their community of origin, mainly in Hajjah, Mahweet and Hodeidah Governorates.

29,191 marginalized, disadvantaged and most vulnerable children (14,421 girls and 14,770 boys) were provided with birth certificates between November and December through mobile teams in Ibb Governorate.

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