

TREATY BODY MONITOR

International Service for Human Rights



Human Rights Monitor Series

COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN 41ST SESSION YEMEN, 6TH REPORT 1 JULY 2008

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Key facts¹

Date of Ratification	Reservations	Party to Optional Protocol (OP)	Opted out of OP's Inquiry Procedure	Additional ratified core treaties
1984	Article 29	No	N/A	ICCPR, ICESCR, CRC, CERD, CAT

Type of report	Date submitted	Report submitted on time	NGO / NHRI consultation/input	List of issues provided / Written replies to issues rec'd	Last appearance before Committee
6 th	13 March	No	Yes/No	27 September 2007/ 4	14 August 2002

¹ The information in these two tables is sourced from the Office of the High Commissioner for Human Rights (OHCHR), and is available at <http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>

periodic report	2007			March 2008	
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Information submitted to the Committee

State party report

Yemen's sixth periodic report focused on the period between the consideration of the State party's previous report and the presentation of the current report. The report outlined the steps Yemen has taken since its last report to ensure full implementation of CEDAW articles into national legislation to ultimately guarantee substantive equality between the sexes. To achieve this goal, the report focused on special programs and quotas adopted to ensure political empowerment of women, fight violence against women, and legal reform in the legislative system. Additionally, the report detailed the significance of campaigning for women's issues to change traditional attitudes about gender roles in both urban and rural areas.

The body of the report was organized in accordance with themes of each article of the Convention. In addition to tables illustrating improvements for women's health and access to loans, it contains a summary of amendments to existing laws without an explanation of implementing the laws at the local level. Overall the report provided a frank examination of women's rights. Indeed, the report explained that Yemeni society still has societal and traditional obstacles that prevent women from realizing their human rights and that continue to perpetuate traditional gender roles.

List of issues²

On the legislative and institutional framework, the Committee requested clarification about the role and function of the Women's National Committee (WNC). The delegation, in its written response to the list of issues, described a consultative and executive organ, responsible, inter alia, for drafting women's development policies, preparing studies and reports on the status of women, and representing the Yemeni Government in matters relating to women at the national, regional and international levels. After further pressing by the Committee in the interactive dialogue, the delegation clarified that the WNC is not an executive organ, but functions as an advisory committee vis a vis the government.

In regard to violence against women and trafficking in women and girls, the Committee asked for more statistics and data. In its written response, the Yemeni government provided statistics about the number of homicides and other crimes committed by females; however, the Committee had requested statistics about the number of violent acts committed against women by men. Committee member Shin reiterated the need for more data and statistics during the interactive dialogue.

The Committee also requested information on awareness-raising activities undertaken to change gender stereotypes and on changes to discriminatory laws regarding a women's rights of residency. The Committee also singled out several other issues, including the deteriorating situation for rural women, raising the minimum age for marriage, the low representation of women in political decision-making bodies, and the status of disabled women.

NGO parallel reports

Only two parallel reports were submitted to the Committee.³ During the interactive dialogue, the Committee reflected many of the non-governmental organisations' (NGOs) thematic concerns, such as:

² The list of issues and written responses can be found at <http://www2.ohchr.org/english/bodies/cedaw/cedaws41.htm>

- Violence against women, including sexual, domestic, and violence in the family.
- Harmonization of domestic law with the Convention.
- Hostile attacks by the government on women's participation in civil, public and political life.

However, the Committee did not address one issue presented by the Sisters Arab Forum for Human Rights (SAFHR), which involved a minority group of women known as Akhdam. These women are Yemeni citizens, but are considered to be at the bottom of the social hierarchy. In their oral presentation at the NGO meeting, they asked the Committee to recommend to the government to implement specific legislation prohibiting discrimination against these women.

Themes and issues

Yemeni delegation's interaction with the Committee

The 5-person Yemeni delegation was headed by Hooria Mashhour Ahmed Kaid, Deputy Chair of Yemen's WNC. The delegation chose to speak in Arabic, and though interpreters were available, there still appeared to be confusion among Committee members about certain issues. Overall, however, the interaction between the delegation and the Committee members was cooperative and frank.

In her opening remarks, Ms Kaid reminded the Committee that Yemen was one of the first countries to sign and ratify the Convention. She also highlighted that Yemen had only made one minor procedural reservation to the Convention. Ms. Kaid further explained that the main source of law in Yemen was Islamic law, which she argued was compatible with the Convention. Among other topics presented, Ms. Kaid's presentation focused on new legislation and strategies developed by the WNC and adopted by Parliament to promote women's rights. Specifically, she pointed out that the government had adopted temporary measures to narrow the gender gap between men and women in political arenas. She maintained that the government had committed to increase the number of women in Parliament to occupy at least 15 percent of the seats. Despite new strategies and new amendments to existing laws, Ms. Kaid acknowledged that cultural and social obstacles exist to equality between men and women. Nonetheless, she firmly stated that under the law no such obstacles exist.

Harmonization of domestic law with international law

During the interactive dialogue, the Committee was particularly concerned with Yemen's lack of political will to harmonize its domestic laws with the Convention. Committee member Flinterman (Netherlands) and a few others raised the issue with the State party several times.

Although the Committee praised Yemen as one of the first countries to sign and ratify the Convention, some argued that merely signing and ratifying the Convention was not enough. As Committee member Patten (Mauritius) put it, "the Convention is about equality of results as opposed to formal equality of the laws." She stated that the spirit and letter of the Convention was in stark contrast to the situation on the ground and in particular singled out the need to increase women's participation in the labour market.

In her response, Ms. Kaid did not provide any concrete examples of how harmonization would be achieved. She, however, explained that the government intends to encourage the private sector to end unemployment, particularly for women. With respect to the employment market for rural women, Ms. Kaid added that the

³ These reports are available at <http://www2.ohchr.org/english/bodies/cedaw/cedaws41.htm>

government aimed to increase the number of female teachers in rural areas by training female high school graduates to work as teachers.

Marriage relations

The Committee took issue with many different aspects of marriage relations in Yemen, including the minimum age of marriage, forced marriages, polygamous marriages, and tourist marriages. Most of these issues were raised in the context of the rights of female children, and consequently Committee members referred to the Convention on the Rights of the Child (CRC), which Yemen ratified on 1 May 1991 without any reservations. Underlying all of the different facets of marriage relations, Committee members expressed the need for changing traditional attitudes about gender roles. Experts emphasized that laws are a reflection of cultural and social mores, and thus attitudes generally must change before discriminatory laws can be amended or repealed.

In response to the Committee's concern about the minimum age for marriage, Ms. Kaid stressed that the WNC was strongly in favour of setting a minimum age. Ms. Kaid explained that in 1992 the government had set the minimum age for marriage at 15, but that legislation had later been amended to the time a girl reaches sexual maturity. She pointed out that many women's conservative groups along with other male political factions opposed raising the minimum age to 18, for which the WNC had advocated. Ms. Kaid conceded that this is a harmful practice for the girl child, and more importantly, for the development of the country as a whole. She hoped that a stronger presence of women in Parliament in the coming years would result in amending the existing law.

In regard to polygamous marriages, the Committee asked how the government planned to eradicate this discriminatory tradition, in line with international law. Ms. Kaid told the Committee that polygamous marriages are legal under *Sharia*, and no amendment calling for the eradication of this practice was planned. Resisting the Committee's stance, she pointed out that a polygamous marriage is not absolute, and men are obligated to treat women in a "just and fair manner." If a woman desires a divorce then she is entitled to such a divorce.

In regard to tourist marriages, Committee members requested more information about the legal protection afforded the girls forced into these marriages. Committee member Simms (Jamaica) argued that older Saudi Arabian men merely come to Yemen during the summer months to have sex with young girls under the guise of marriage, and stated that this type of behaviour was immoral and could not be justified under the legality of marriage. Ms. Kaid justified the practice by saying that tourist marriages are legal in Yemen, but she also recognized the harm they impose on girls. She assured the Committee that the WNC continued to dissuade young girls from entering into these marriages.

Violence against women

With respect to violence against women, the Committee focused on repealing discriminatory laws such as Penal Code section 232. Under this law, if a husband kills his wife suspected of adultery, the husband will only be penalized with imprisonment of up to one year, or fined. In addition to Penal Code section 232, Committee members expressed grave concern of the lack of criminalization for marital rape and domestic violence. The Committee underscored that the Yemeni government was not doing enough to address violence against women. Committee member Hayashi (Japan) pointed out that in the Committee's previous concluding observations, the Committee had recommended that the government actively combat domestic violence through appropriate legislation and abolish so-called honour killings.

The delegation conceded that there were no specific laws targeting domestic violence. Although acknowledging that domestic violence was a grave issue, Ms Kaid informed the Committee that studies had only recently begun about the number of women who face domestic violence. Ms. Kaid added that attitudes were slowly changing. Now legislators were willing, at a minimum, to contemplate domestic violence legislation; whereas in past years such issues could not have even been raised. Ms. Kaid did not have statistics about how many spouses had been killed in such circumstances, but she believed the number was very low.

A number of experts expressed frustration with the delegation's responses about marital rape and women's access to justice to ensure such incidents are reported and recorded. The Yemeni delegation denied that marital rape was a prevalent issue in Yemeni society since no or very few complaints had been filed. In addition, the delegation saw no legal obstacles to attain justice for women under *Sharia*, but admitted that tremendous traditional and cultural obstacles exist, especially for rural women. Ms Kaid also pointed out that several organizations provided legal assistance to women.

Committee member Shin (Republic of Korea) did not accept the delegation's perception that marital rape did not exist just because no complaints had been filed. She added that she knew of at least three cases of marital rape, citing two articles in the *New York Times* and one in the *Yemeni Times*. Ms. Kaid defensively responded that the WNC is not the "judicial body," while acknowledging and regretting the incidents mentioned.

Education

Though the number of girls in primary school had increased since the last state party report to CEDAW, the number of girls in high school continued to be very low. Committee members echoed their concern from the previous meeting in 2002 about what kind of action the government was taking to ensure that girls completed high school. Underlying this concern was the issue of gender stereotyping and whether there had been a change in the school curricula to reflect changing attitudes about gender roles.

Ms. Kaid stated that the high number of female dropouts in high school was a result of the high number of girls marrying at younger ages. She informed the Committee that the curricula between boys and girls remained the same. She further added that education is the cornerstone for development and is a basic human right, and thus the State was undertaking discussions about gender sensitive budgets.

Rural women

Committee member Simms (Jamaica) expressed great concern for rural women in Yemen since they account for more than half of the female population. Ms. Simms was specifically concerned with the traditional gender roles that continue in the rural areas. She argued that eliminating discrimination between the sexes was not only about getting girls to learn how to read, write, and do arithmetic; but rather addressing the underlying problem of traditionally-enforced gender roles.

In her response, Ms. Kaid conceded that gender stereotyping was a systemic problem. Indeed, she stated that most rural girls in high school gravitate toward fields such as home studies rather than areas such as medicine or engineering. To eradicate gender stereotyping, Ms. Kaid stated that WNC was using visual and radio media in campaigns. The WNC has also started using the Mosque as a medium for change. Friday prayers often contain messages about sending girls to primary school and encouraging girls to attend high school.

Participation of women in political life

In her opening remarks, Ms. Kaid informed the Committee that Yemen has adopted a policy of quotas to ensure that women participate in politics. In fact, she stated that the government had committed 15 percent of

the seats in Parliament to women. Nonetheless, several Committee members pointed out that the number of women in Parliament had declined from 9 to only one, and the Committee wanted to know what the government was doing to decrease the gender gap between the sexes. Ms. Kaid's response indicated that there continue to be forces working against the women's movement in Yemen. She also mentioned that the WNC has requested the help of the government to ensure the division of seats in Parliament was more balanced.

Other themes discussed

There were several other issues raised by Committee members during the interactive dialogue such as the prevalence of FGM in rural areas, employment of women in all sectors, trafficking and smuggling of women, and women's health including maternal mortality rates.

Conclusions and next steps

At the conclusion of the interactive dialogue, Chairperson Simonovic (Croatia) opined that the Yemeni government still perceived CEDAW as a declaration rather than as a treaty, and urged the government to ensure that Yemeni laws are in agreement with international standards and principles articulated in the Convention.

In its Concluding Observations,⁴ the Committee strongly urged the Yemeni government to incorporate the principle of equality and the definition of discrimination as articulated in the Convention into domestic legislation. In the same vein, the Committee was concerned with the lack of clarity of the status of international instruments and recommended the State party disseminate information about the Convention and the general recommendations to all stakeholders. To address persistent negative stereotypes of men and women in society, the Committee "called upon" the State party to increase comprehensive awareness raising programmes to foster a better understanding of equality between men and women at all levels of society. In relation to violence against women, the Committee was "deeply concerned" that there remained no specific legislation on violence against women and girls, including domestic violence and sexual violence. The Committee recommended the State party "enact without delay" legislation on violence against women and girls, including domestic and sexual violence to ensure that all violence against women constitutes a criminal offence. The Committee further recommended women have adequate access to redress. With respect to discriminatory laws, the Committee urged the State party to amend the Penal Code to ensure marital rape is criminalized and to repeal Penal Code section 232 to ensure that individuals who commit murder are prosecuted appropriately. The Committee, reiterating its previous recommendations, urged the State party to take measures and raise the minimum age of marriage for girls. The Committee also urged the State party to adopt all necessary measures to prevent "tourist marriages." Finally, the Committee recommended the State party transform the Women's National Committee into a Ministry within the governments to ensure its participation in the decision making process.

Two other treaty bodies have examined issues related to women's rights and each recommended similar measures as the CEDAW Committee to improve Yemen's compliance with its international obligations. For example, the Committee on the Rights of the Child recommended that the State scrutinize carefully existing legislative and other measures both at the national and local levels to ensure that the provisions and principles of the CRC are implemented in relation to the girl child. Similarly, the Committee on Economic, Social, and Cultural Rights expressed concern about the existence of certain customs, traditions and cultural practices which lead to substantial discrimination against women and girls and commented on the still persisting patterns of discrimination, particularly in family and personal status law, as well as in inheritance law.⁵

⁴ The Committee's concluding observations are available at <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.YEM.CO.6.pdf>

⁵ Concluding comments of the treaty bodies can be found at the Office of the High Commissioner for Human Rights (OHCHR) at <http://www.ohchr.org/EN/Countries/Pages/HumanRightsintheWorld.aspx>

Yemen's seventh periodic report is due in 2013.

Last revised and updated: 11 August, 2008

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The *Treaty Body Monitor* forms part of the Human Rights Monitor Series produced by ISHR. It reports on each country reviewed by the six treaty bodies (all but the Committee on the Rights of the Child) and provides an overview of every treaty body session. It is currently an online publication that can be found at <http://www.ishr.ch/hrm>.

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