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## **Yemen: gender situation**

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# YEMEN

by *Elham Manea*

POPULATION: 22,880,000

GNI PER CAPITA: US\$864

<b>COUNTRY RATINGS</b>	<b>2004</b>	<b>2009</b>
NONDISCRIMINATION AND ACCESS TO JUSTICE:	1.9	1.9
AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON:	2.0	1.9
ECONOMIC RIGHTS AND EQUAL OPPORTUNITY:	1.8	1.9
POLITICAL RIGHTS AND CIVIC VOICE:	2.1	2.0
SOCIAL AND CULTURAL RIGHTS:	2.1	2.0

(COUNTRY RATINGS ARE BASED ON A SCALE OF 1 TO 5, WITH 1 REPRESENTING THE LOWEST AND 5 THE HIGHEST LEVEL OF FREEDOM WOMEN HAVE TO EXERCISE THEIR RIGHTS)

## INTRODUCTION

The Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (South Yemen) united on May 22, 1990, to form the present-day Republic of Yemen. North Yemen had been established as a tribal-military polity in 1962 after the overthrow of the theocratic Zaydi Shiite imamate. By contrast, South Yemen, which gained its independence from Britain in 1967, was the only Marxist regime in the Arab world. The two countries' attempts to unify were long hindered by political differences, including two wars, but the process was accelerated in part by the end of the Cold War. A 1994 civil war between northern and southern factions ended with the victory of the close circle of tribal, sectarian, and military groups led by Ali Abdallah Salih, who had ruled North Yemen since 1978 and remains united Yemen's president to date.

Yemen has a vibrant civil society and media that do not shy away from criticizing the government. However, its political system is increasingly dominated by one party, the General People's Congress (GPC), despite a competitive presidential election in 2006. In February 2009, the parliament approved a two-year postponement of that year's legislative elections, perpetuating the GPC's control. The Salih regime is facing an increasingly vocal southern movement against alleged northern hegemony, and a

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Zaydi Shiite rebellion in the northern region of Sa'ada. After four years of fighting, the president declared the end of that conflict in 2008, but the security situation in Sa'ada remains unstable.

The lives of Yemeni women have been greatly affected by all of these political developments. The 1990 unification led to the codification of a family law that was considered a setback for southern women, who had previously enjoyed legal equality in family affairs. The end of the civil war led to new modifications of the constitution and the family law, marking a clear regression toward more conservative and gender-biased provisions. As the political situation has deteriorated, women's rights activists have increasingly faced harassment by security forces, and immediate political needs have absorbed resources that might otherwise have been used to improve the status of women and tackle the serious economic and social challenges facing the country today. Adding to these strains have been the diverse waves of migrants seeking refuge from war and persecution in the Horn of Africa, or transit to economic opportunities in the Gulf states and beyond.

Yemen is a tribal and traditional country where prevailing cultural attitudes, patriarchal structures, and Islamic fundamentalism accord women low status in the family and community and limit their participation in society. Women are subjected to various forms of violence and discrimination, including domestic abuse, deprivation of education, early or forced marriage, restrictions on freedom of movement, exclusion from decision-making roles and processes, denial of inheritance, deprivation of health services, and female genital mutilation (FGM).

The past five years have been marked by both positive and negative developments for women's status in Yemen. On the positive side, Yemeni nongovernmental organizations (NGOs) and activists have been vigorously advocating for gender equality, fostering awareness of gender-based violence, and demanding a change in Yemeni laws, especially family laws, which are heavily biased against women. The 2008 court case of a 10-year-old girl who demanded a divorce from her adult husband caused a public debate that culminated in the parliament considering a minimum marriage age of 17. Some educational and executive institutions have allowed women to enroll in their ranks for the first time, and the Islamist party Islah undertook internal changes that led to the first election of women to its higher decision-making bodies.

However, Yemeni laws still discriminate against women, treating them as inferiors or minors who need perpetual guardianship. Major political

parties, including the ruling GPC, refrained from supporting female candidates during the 2006 local elections, and women's representation in the executive and legislative bodies remains very low. Finally, the country's economic and political crises have drawn resources away from the education and health sectors, undercutting attempts to narrow the gender gap and improve conditions for women and girls. The primacy of rule of law is largely absent, and it is particularly challenging for women and the poor to access their rights and benefits.

## NONDISCRIMINATION AND ACCESS TO JUSTICE

Patriarchal social norms continue to hinder women's access to the judicial system, and legal provisions still give them an inferior status. The government has made no apparent progress on legal reforms that would allow women to pass on their citizenship to their children. Minorities continue to face discrimination and limited access to state health and educational services.

Article 3 of the 1994 constitution identifies Shari'a (Islamic law) as the source of all legislation. This provision has shaped the legal framework regulating women's lives and led to officially sanctioned gender discrimination. Although Article 40 declares that "citizens are all equal in rights and duties," this is clearly undermined by Article 31, which states that "women are the sisters of men. They have rights and duties, which are guaranteed and assigned by Shari'a and stipulated by law." In the cultural context, being sisters of men indicates a status where women are protected by their brothers, but are weaker and lesser in worth. Consequently, laws such as the Personal Status Law (Family Law), the penal code, the Citizenship Law, the Evidence Law, and the Labor Law systematically discriminate against women.

The 1994 constitution stands in contrast to the clear language used in the Unification Constitution of 1991, which stipulated that "all citizens are equal before the law. They are equal in public rights and duties. There shall be no discrimination between them based on sex, color, ethnic origin, language, occupation, social status, or religion." The new constitution, drafted after the end of the civil war, was greatly influenced by conservative political elements. President Salih's victory in the war depended in part on the support of the Islamist party Islah and the Hashid tribal confederation. Both of these factions were hostile toward women's rights, and as a

result, the 1991 constitution was modified to eliminate antidiscrimination provisions.

Yemen's judicial system has three levels of courts: first instance, appeals, and the Supreme Court. The higher courts are divided into specialized sections: civil, criminal, commercial, and personal status. According to Yemen's application of Shari'a, an adult woman is not recognized as a full person before the court. Article 45 of the Evidence Law (No. 21 of 1992) posits that a woman's testimony is not accepted in cases of adultery and retribution, or in cases where corporal punishment is a possible penalty. Also under Article 45, a woman's testimony is given half the weight of a man's in financial cases. A woman's testimony is accepted in instances where only women are involved, or when the act in question occurred in their segregated places (Article 30).

Women face additional difficulties obtaining justice because police stations and courts—which are always crowded with men—are commonly considered to be inappropriate places for “respected women.”<sup>1</sup> Moreover, the lack of female judges, prosecutors, and lawyers discourage women from turning to the courts. Given the social discrimination experienced by women, they hesitate to approach male legal consultants, particularly for issues such as abuse or rape. Instead, women often rely on male relatives to go to court in their place, or turn to them to solve their problem rather than taking the matter to the judiciary.<sup>2</sup>

Under Yemen's laws, women do not enjoy the same citizenship rights as men. The children of male Yemeni citizens automatically receive their father's citizenship, regardless of whether their mother is Yemeni.<sup>3</sup> The foreign-born wife of a Yemeni man has the right to apply for citizenship after four years of marriage, although her husband may object to this application. On the other hand, Yemeni women married to foreign citizens are unable to pass on their citizenship to their children. The government has taken steps to amend some of the discriminatory aspects of the law, but the new legislation fails from guaranteeing equality. Specifically, Law No. 24 of 2003 added Article 10 to the Nationality Law (No. 6 of 1991), allowing Yemeni women to transfer their citizenship to their children only if they are divorced, widowed, or abandoned by their non-Yemeni husbands. This amendment, while representing a step forward, failed to provide women with the unconditional right to pass on their citizenship currently enjoyed by Yemeni men. In March 2008, Article 3 of the nationality law

was amended to allow a Yemeni woman to transfer her citizenship to her child if the father is unknown or if he has no nationality.

Several NGOs have played an active role in calling for equal citizenship rights. The Women's Forum for Research and Training, a Yemeni NGO dedicated to women's rights, highlighted the issue in the context of CEDAW. Moreover, the Sisters' Arab Forum for Human Rights (SAF) in March 2008 organized the fourth Democratic Forum, which discussed the legal challenges that hinder women's political participation, including those concerning their citizenship rights.<sup>4</sup>

Women are also treated unequally in the Crimes and Penal Code (No. 12 of 1994). According to Article 42, the financial compensation (*diyya*, or blood money) owed to the family of a murdered or wrongfully killed woman is half that owed to the family of a male victim. The same article mandates that *aroush*, the compensation owed to a person if they have been permanently injured, is three times larger for an injured man than for an injured woman. Article 232 stipulates that a husband who kills his wife and her adulterous partner upon witnessing them in the act of adultery is subject to fines or up to one year in prison. This very lenient punishment also covers murders committed by men who find a female relative in an adulterous situation. Women who are beaten by their male relatives upon suspicion of extramarital sex are often left without any legal protection. According to police officers cited in a study on such "honor crimes" in Yemen, women who turn to the police for help are typically brought back to their male relatives.<sup>5</sup>

Article 273 of the penal code criminalizes "shameful" or "immoral" acts, loosely defined as "any act that violates public discipline or public decency," including nudity or exposing oneself. Violations are punishable by fines of up to 1,000 riyals or as much as one year in prison. The terms "public discipline" and "public decency" are left to the interpretation of police officers and judges, subject to each region's customs and traditions. Consequently, some women have been detained simply for being alone with men who are not their relatives.<sup>6</sup> Poor women or those who are members of marginalized groups, such as the Akhdam or Somali and Ethiopian refugees, are more likely to be detained or arbitrarily arrested on such grounds.

Political motives have also led to the arbitrary arrests of female human rights activists. For example, Hanan al-Wada'ai, an officer for the Child's

Rights Program in the Swedish organization Save the Children—Sana'a, was snatched from the street by security personnel on March 17, 2007. She was detained without due process and accused of entering the Iranian embassy, only to be released after two hours.<sup>7</sup> This tactic is used against both men and women who are politically active or involved in the defense of human rights.

Minorities including Jews, refugees, and the so-called *Akhdam* (servants)—Yemenis who are popularly believed to be descendants of East African invaders from the sixth century and who languish at the bottom of Yemen's social ladder<sup>8</sup>—are theoretically equal before the law. However, in practice they face denial of state services, verbal harassment, and attacks on their property and persons. Female members of these groups face a double burden of discrimination, and hesitate to report gender-based violence for fear of being abused by policemen. Women who belong to the Akhdam minority often face different forms of sexual harassment and abuse, and in cases where a child or a woman dies as a result, police forces frequently fail to investigate. Girls are most affected by the denial of education rights, and women are more likely to be turned away by hospitals.

The government of the People's Democratic Republic of Yemen (South Yemen), which signed CEDAW in 1984, made one reservation, declaring that it did not consider itself bound by Article 29, paragraph 1, relating to the settlement of disputes which may arise concerning the application or interpretation of the convention. South Yemen's treaty obligations were transferred to the unified Republic of Yemen in 1990, but CEDAW has not yet been fully implemented and incorporated into the country's legislative and institutional framework, as indicated by the laws described above.

Women's rights groups and civil society actors face constant obstacles in their attempts to combat gender discrimination because women's rights issues are extremely controversial within Yemen's conservative society. Activists are routinely intimidated and subjected to harassment and detention without justification by security forces. A'afraa al-Hariri, the head of Relief Center for the Care of Women in Aden, has been targeted since 2006 for her work in support of female juveniles who are former prisoners and victims of gender-based violence and child marriage.<sup>9</sup> Religious sheikhs, supported by semi-official newspapers, also target women's rights activists with damaging smear campaigns. One well-known case was that of Amal al-Basha, the director of the SAF. In 2006, because of her public call for changes to the Personal Status Law, she was vilified in the mosques

during Friday sermons. She also received death threats, and semi-official newspapers participated actively in inflaming the public against her.<sup>10</sup>

Women's NGOs like SAF and the National Organization for Defending Rights and Freedoms have worked in cooperation with the National Committee on Women, a governmental body for women's affairs established in 1996, to advocate for amendments to the penal code. For example, they have submitted a proposal to the government that would amend Article 42, which stipulates that the blood money for a slain woman is half that for a man. However, their recommendations have yet to be addressed.

### *Recommendations*

- ❖ The government should revise Articles 3 and 31 of the constitution so as to embrace without reservation—religious or otherwise—the concept of gender equality.
- ❖ The government should fulfill its international obligations and fully integrate the provisions of CEDAW into its national laws and constitution.
- ❖ The government should take specific measures to allow women non-discriminatory access to justice at all levels. These measures should include educating women on their rights and providing training to law enforcement officers and members of the judiciary regarding women's rights.
- ❖ The government should amend the penal code, striking down all articles that are biased against women and formally integrating the concept of gender equality into its provisions.
- ❖ The government should establish a mechanism that allows women's rights activists to report and obtain justice for harassment they face at the hands of security forces. Such a mechanism may include the establishment of a legal department dedicated to dealing with these cases.

## **AUTONOMY, SECURITY, AND FREEDOM OF THE PERSON**

The cultural attitudes prevalent in Yemen's tribal and traditional society have accorded women a low status in the family and the community. As a result, women are subject to mental and physical abuse within the family, deprived of their freedom of movement, and excluded from private decision-making processes. Women and girls among Yemeni Jews, Akhdam, and African refugees often face the worst discrimination. Studies conducted by local and international NGOs have highlighted the social prejudice exercised



against women and minorities in the name of tradition, customs, or religion. No progress has been reported on the implementation of CEDAW, women's access to identity and travel documents continues to depend on the permission of male guardians, and the Personal Status Law remains discriminatory in its unequal treatment of husband and wife in their family relations. The highly publicized case of a child divorce in 2008 led to a proposed law that would set the age of marriage at 17, but it is unclear whether Islamist and conservative members of parliament will allow the measure to take effect.

Freedom of religion or belief is not guaranteed by the constitution. Although Article 41 stipulates that "the state shall guarantee freedom of thought and expression of opinion in speech," the charter does not specifically mention freedom of religion as a basic right of Yemeni citizens. This omission is not incidental. Article 259 of the penal code criminalizes conversion from Islam to another religion, with violators subject to the death penalty. This punishment is mandated by Shari'a, and is based on a saying attributed to the prophet Muhammad. Christian immigrants are allowed to practice their religion publicly, for instance in the churches of Aden, but they observe a degree of self-restraint out of fear of Islamic fundamentalists. By the same token, Yemeni Jews, both men and women, have been targeted by Islamic fundamentalists and public anti-Semitism. Muslim women are not allowed to work as religious preachers or imams, although they are often recruited to disseminate Islamists' ideology as activists.

Freedom of movement for Yemeni women is restricted. A woman is unable to obtain a personal identity card or passport without the consent of her guardian, who is her closest male relative.<sup>11</sup> This is not based on any valid law but is the customary practice of the authorities. A personal identity card is essential for a woman seeking to enter the workforce or access various state services. In a demonstration of the restrictions on foreign travel, female activists with the SAF were denied their passports at the Migration and Passport Department on June 1, 2008, because they were not accompanied by their male guardians.<sup>12</sup> It was unclear whether the decision was motivated by the SAF's role in defending human rights. However, these restrictions are systematically implemented, and women can only bypass them if they are well connected socially.

The Personal Status Law (No. 20 of 1992) and the amendments enacted through Law No. 27 of 1998 and Law No. 24 of 1999 discriminate against women in matters concerning marriage, divorce, and child custody, and

treat women as inferior members of the family. Discriminatory provisions include the requirement that a male guardian approve of a marriage before the contract can be completed, and rules that allow a man to marry up to four women (Articles 16 and 12, respectively). Article 40 mandates that a wife must obey her husband by deferring to his choice for their place of residence, following his orders and undertaking her domestic chores, not leaving her marriage residence without his permission, and fulfilling his sexual desires. This final provision flagrantly legitimizes sexual violence and rape within marriage.

Moreover, the husband has the right to *talaq*, a form of unilateral divorce without justification in which he has only to pronounce the sentence “I repudiate you” three times. Article 58 of the Personal Status Law does not specify whether the husband should say the sentence to his wife directly, nor does it require a witness or notification of a court. It simply states that the divorce becomes valid once the husband utters the sentence with the intention of divorcing his wife.

A woman has the right to ask for a divorce if she can prove that her husband has caused her harm. According to Articles 47 through 55, “harm” includes the husband’s mental sickness or alcoholism, his inability to provide for his family or his wife financially, his absence in an unknown place or outside the country for more than one year, his imprisonment for more than three years, or the basic reason that the wife hates him. Alternatively, she may seek out a *khula* divorce, in which she ends the marriage in exchange for her financial rights. A husband’s consent is necessary for *khula* to take effect. Nevertheless, this alternative is often used by women of greater economic means, who can afford its financial sacrifice. *Khula* is not a viable option for women who are entirely financially dependent on their husbands, namely the majority of Yemeni women. In addition to the general difficulties, noted above, that women face when attempting to access the judicial system, their chances of securing a divorce often depends on the judge’s sympathy—an arbitrary factor that cannot be guaranteed in every case.

Women’s ability to negotiate their full and equal marriage rights is severely limited by both social customs and the Personal Status Law. According to Article 15, the permission and signature of a woman’s male guardian is required for a marriage contract to be valid. Although the law states in Article 10 that any marriage contracted by force is void and requires in Article 23 the bride’s consent to marry, Article 7 does not

require the presence of the bride to seal a marriage contract. Only the presence of her guardian and the prospective groom is required, leading to cases in which women are married without ever having been informed and must either accept the marriage or face intimidation or violence from their male guardians and families. Those who dare to marry without permission face legal punishment. According to the findings of Oxfam's Legal Protection and Advocacy Program, women who married without their guardians' consent or who escaped to marry men of their choice have been charged with adultery or shameful acts.<sup>13</sup> Adultery is punishable by up to 100 lashes if committed by unmarried men or women, a sentence that is frequently carried out.

Article 15 of the amended Personal Status Law of 1999 permits child marriage if there is "an interest" in such a union. The law is ambiguous in its wording and does not indicate what it means by an "interest," nor does it specify whose interest should be taken into account. In practice, both girls and boys are subjected to child marriage, especially in rural areas. However, due to economic factors, girls are more likely to be married off to adult men in exchange for dowries.

The recent case of Nojoud, an eight-year-old girl who was married to a 32-year-old neighbor against her will, caused local as well as international uproar and illustrates the limited extent to which a child can negotiate her full and equal marriage rights.<sup>14</sup> Although Nojoud repeatedly rejected the marriage, she was forced to consent under pressure. Her husband immediately consummated the marriage. Traumatized by this sexual abuse, the child went to a court alone in 2008 and, at the age of 10, demanded a divorce. Thanks to the combined support of her lawyer, Shatha Nasr, and the judge handling her case, Mohammed al-Kadi, Nojoud was able to get an annulment. The resulting public debate led to the introduction of a draft law by women's rights activists that would set an age limit for marriage at 17. Although the parliament initially approved the draft in February 2009, opposition from Islamist factions led to a postponement of its enactment "for further deliberation."

Yemeni girls and female noncitizens are the two populations most likely to suffer from gender-based, slavery-like conditions. The number of female refugees arriving in Yemen increased substantially beginning in June 30, 2008, although a half of the new arrivals intend to move to Saudi Arabia.<sup>15</sup> Fleeing war and persecution in the Horn of Africa and desperately seeking protection or economic opportunities in the Gulf and beyond, these

women often fall prey to human traffickers and are more likely to end up in slavery-like conditions. With 42 percent of the population living under the poverty line, some Yemeni families are forced to sell their young daughters to rich men from the Gulf as a source of income. The young brides of these unions, referred to as “tourist marriages,” are sexually exploited for several months and then divorced and left traumatized.<sup>16</sup>

The 1994 constitution specifically omitted Article 33 of the 1991 constitution, which forbade the use of cruel or degrading forms of punishment and declared that “no laws permitting such means may be enacted.” Reflecting this omission, cruel, inhuman, and degrading punishments are integrated into the penal code today. For instance, Article 38 sanctions execution by stoning, amputation of body parts, and crucifixion as means of punishment. Several cases arose in 2006 and 2007 in which women of poor economic means were convicted of adultery and sentenced to death by stoning. Although these cases have since been successfully appealed, they suggest that such punishments are more than theoretical, particularly when it comes to impoverished women.<sup>17</sup>

Domestic violence is not penalized, and there is little reliable data on the prevalence of the phenomenon.<sup>18</sup> There are no shelters in Yemen for the victims of domestic abuse. The problem is compounded by the reluctance of abused women to turn to the police for help, the fear of social stigma, police officers’ lack of sensitivity toward such cases, and the absence of female social workers and officers who are qualified to deal with women’s cases.<sup>19</sup> Studies have suggested that women accept some forms of violence as legitimate on religious grounds.<sup>20</sup> Sura IV, Verse 34 of the Koran lays out the “disciplinary” steps that a husband can follow in the case of his wife’s *noshouz*, or disobedience, the last of which is beating her. This verse has been used by some religious preachers to justify the beating of women.

Domestic violence in cases related to honor is a concealed phenomenon in Yemen. Normally such cases are handled discreetly within the family and rarely reach police records. If the parties to the problem are not relatives, it is often resolved amicably through tribal mechanisms. Cases of honor-related homicide perpetrated against women are usually not reported, and no health certificate is required for a burial, particularly in rural areas. As a result, such deaths are often attributed to natural causes.<sup>21</sup>

Rape, sexual abuse and exploitation, sexual harassment, human trafficking, and forced prostitution are all crimes under Yemeni law. However, refugee women and girls face high incidences of such sexual and

gender-based violence both inside and outside their homes, according to the Office of the UN High Commissioner for Refugees (UNHCR) and Yemeni authorities. The UNHCR estimated the number of refugees as of February 4, 2009, to be 140,148, a third of whom were women.<sup>22</sup> Refugee women, usually employed as domestic workers in urban areas, are at risk of serious exploitation, including poor working conditions, relatively low pay, and sexual abuse. Moreover, some refugee women resort to prostitution and survival sex to support themselves and their dependents. "Survival sex" is a term used by UNHCR to describe a situation in which female refugees are forced to sell themselves to survive.

Women's rights groups and civil society actors working to improve the status of women have often faced harassment, obstacles, and hostile social attitudes. Shatha Mohammad Nasr, a prominent women's rights activist and lawyer, met with insults and accusations that she was trying to disturb social customs when she represented Nojoud, the child bride in the 2008 divorce case. Family members of her client launched such verbal attacks even within the courthouse.<sup>23</sup>

Yemeni NGOs have been active in fostering awareness of and combating violence against women. As a consequence of the Nojoud case, the Yemeni Network for Combating Violence against Women, known as SHIMA, collaborated with the Higher Council for Motherhood and Childhood to organize a two-day workshop in the Yemeni parliament in May 2009. The workshop, which was attended by Yemeni lawmakers, covered issues including FGM and the minimum age of marriage, and called for the amendment of laws that did not provide protection to children. On another front, the SAF commissioned a study on honor crimes and organized in May 2005 a panel discussion on the issue. The results of this effort were published in a document entitled *Crimes of Honor in Yemen*.<sup>24</sup>

### *Recommendations*

- ❖ The government should reform the Personal Status Law to bring it into compliance with CEDAW; this should include amendments to Articles 12, 15, 16, 40, and 58.
- ❖ The parliament should approve the draft law setting the minimum age of marriage at 17, and the government should take appropriate measures to ensure that the law is properly implemented, especially in rural areas.

- ❖ The government should outlaw domestic violence and establish a safe and secure mechanism that helps women to file complaints against their abusers. It should build shelters for abused women, establish a telephone hotline for victims of violence, take serious steps to hire and train female police officers to deal with women's cases, and provide training courses for policemen on this issue.
- ❖ The government should take active measures to protect minorities and ensure their safety. It should establish a legal department to deal with complaints from minorities and create a task force that monitors their access to education and health services.
- ❖ Yemeni NGOs should coordinate their work in highlighting the gender discrimination sanctioned by the Personal Status Law, and join together in their efforts to foster awareness regarding minorities' rights, honor crimes, and domestic violence.

## ECONOMIC RIGHTS AND EQUAL OPPORTUNITY

Women's economic rights and opportunities in Yemen are undermined by social barriers as well as deficiencies in the state's ability to implement and coordinate its economic development efforts. These obstacles have led to a wide gap between officially announced plans and actual conditions.

Women's financial dependence on their male relatives or husbands continues due to a combination of cultural and economic factors, and the gender gap in education remains as large as ever. The government has taken some positive steps in recent years to protect women from gender-based employment discrimination, but they were restricted to Yemenis and did not extend to noncitizen residents. Women were allowed to enroll in the High Judicial Institute for the first time in 2007, and the Central Security Agency has started to accept female applicants. Despite requirements mentioned in Yemeni laws, no daycare facilities exist in any public institutions or private companies.

No laws prohibit women from owning or having full and independent use of their land and property, and women technically have full and independent use of their income and assets. However, patriarchal tribal customs, widespread illiteracy, and women's ignorance of their economic rights have prevented them from exercising these rights in practice. Instead, they often hand over the administration of their property and income to their male relatives.

Women have limited inheritance rights, which are further undermined by tribal customs. Article 23 of the 1994 constitution provides that “the right of inheritance is guaranteed in accordance with Islamic tenets (Shari‘a).” Shari‘a holds that among beneficiaries who have the same degree of familial proximity to the deceased (such as brothers and sisters), men are generally entitled to twice as much as women. In practice, even this inferior share is often withheld from women by male relatives, particularly in rural areas.<sup>25</sup> In an effort to keep property within a family, some women are forced to marry relatives. Despite documentation of these violations, the government has yet to suggest policies that would enable women to obtain their full inheritance rights.

With respect to economic activity, there is a divergence between what is legally possible for women and what is actually put into practice. The laws permit women to freely enter into business contracts and activities at all levels. However, according to the *Annual Report on the State of Women 2007* published by the National Committee on Women, only a limited number of women are able to exercise these rights. Dominant social norms, which reject gender equality in the household and pressure women to stay home, have made it difficult for them to engage in innovative entrepreneurial activities.<sup>26</sup> Women with backgrounds in the upper-middle or upper classes are more likely to break away from traditional social constraints than those with a lower socioeconomic status. Equality of opportunity among women is therefore not guaranteed.

The constitution and other national laws emphasize education as a right for all citizens, regardless of sex. The government has paid great attention to girls’ education and considers education to be a cornerstone of economic development. This conviction is reflected in general education policies and short-term plans. Important measures that have been implemented since 2007 aim to encourage impoverished households to send their girls to school in exchange for food rations provided by the UN World Food Programme.<sup>27</sup>

However, these policies have so far failed to produce the expected results. Enrollment levels remain unchanged compared with four years ago. The literacy rate among Yemeni women—40.5 percent in 2007, compared with 77 percent for men—is still one of the lowest in the Middle East and North Africa (MENA) region.<sup>28</sup> The dropout rate among girls in elementary school is 15 percent, compared with 13 percent for boys.<sup>29</sup> And



the general education gap between females and males remains significant, as Table 1 demonstrates:

<i>Education Indicators</i>	<i>Male</i>	<i>Female</i>
Primary Enrollment	85.1%	64.9%
Secondary Enrollment	48.5%	25.8%
Primary Completion Rate	73.9%	46.2%
Expected Years of Schooling	10.6 years	6.6 years

**Table 1. Education Gender Indicators According to Education Level**  
(World Bank Gender Statistics, 2007)

Article 54 of the constitution maintains that education is compulsory and free, but in practice it is neither, and there are no monitoring mechanisms to ensure that parents send their children to school. The fact that many parents in rural areas do not register the birth of their daughters complicates the matter further. The law does not penalize parents who deprive their children of an education. On the matter of cost, Article 8 of the Law on Education (No. 45 of 1992) holds that education is free at all levels and guaranteed by the state to its citizens. Nevertheless, fees are required to register pupils in schools, and parents are asked to buy educational materials for their children. Prior to the presidential and local council elections in 2006, the education minister issued a resolution exempting male students from school fees until grade three, and female students until grade six. The move was interpreted as a political maneuver aimed at securing more votes for the president and his party, and the decree was never fully applied.<sup>30</sup>

Widespread poverty has negatively affected both male and female pupils' ability to attain a decent education. Children are often removed from school by their parents to work and contribute to the household income. Girls are more likely to remain illiterate as a result of their family's poverty. In fact, in rural areas, 43.5 percent of girls aged 10 to 14 are illiterate, compared with 13.3 percent of boys. The rate increases with age: 57.4 percent of girls aged 15 to 17 are illiterate, compared with 12.1 percent of boys. The trend is less obvious in urban areas, where 11.9 percent of girls aged 10 to 14 and 18.2 percent of girls aged 15 to 17 are illiterate, compared with 4.7 percent and 6.7 percent of boys, respectively.<sup>31</sup>



Access to higher education remains limited for both men and women. According to World Bank data for 2007, the gross school enrollment rate at the tertiary level was 5 percent for women and 13.5 percent for men.<sup>32</sup> There are no formal restrictions on the subjects women can study at university, but they are often expected to focus on the social rather than the natural sciences. Most universities are not segregated by gender, although one private Islamist university, Al-Iman, does impose segregation between male and female students.

According to the Labor Law (No. 5 of 1995) and the Civil Service Law (No. 19 of 1991), women have the same right as men to work and occupy public office. Yet the patriarchal nature of Yemeni society often restricts women's freedom to choose their profession. Women's male relatives often interfere with their decisions on such matters, and social norms dictate that certain professions, such as teaching, public administration, and medicine, are more appropriate for a woman. These norms also emphasize that society most favors women's reproductive role. Yemen's 2007 report to the UN CEDAW committee noted that the economic participation rate is 22.8 percent for women and 69.2 percent for men. Women's participation is generally limited to traditional activities such as agriculture and handicrafts, and most women work in the informal sector. High illiteracy rates, a lack of skills, and inadequate training contribute to women's limited participation in the workforce.<sup>33</sup>

The government has taken some positive measures to protect women from discrimination in employment. Decree No. 191 of 2007 dictates the abolition of such discrimination, though it is restricted to Yemenis and does not improve conditions for noncitizen residents. Also in 2007, women were allowed to enroll in the High Judicial Institute for the first time. A certificate from the institute is a prerequisite for a career as a judge. Prior to this change, all female Yemeni judges came from the former South Yemen, whose socialist policies fostered women's emancipation. In a more recent development, the previously closed male domain of the Central Security Agency, which has responsibilities ranging from ensuring the safety of property and persons to border security and counterterrorism, announced in March 2009 that it would begin accepting female applicants to be trained as part of women's police units.

Some professions, such as the army, are still limited to men, and social customs prevent women from becoming taxi drivers, construction workers, or car mechanics. Systemic nepotism and corruption limits the

opportunity for qualified men and women to be hired by an employer with whom they lack a previous relationship.

Yemeni laws do not include provisions penalizing sexual harassment in the workplace, and only 17 complaints of such harassment were registered in police records during 2007.<sup>34</sup> There are few valid statistics on this issue, but several cases were documented through a hotline provided by the Yemeni Society for Psychological Health in Aden.<sup>35</sup> Somali refugees or Ethiopian, Eritrean, and Southeast Asian female expatriates working as domestic servants expressed unwillingness to file official complaints, fearing social stigma or the loss of their jobs.<sup>36</sup> Yemeni women are no different, often declining to report sexual harassment due to social prejudice that often blames them rather than the perpetrators.

Gender-based employment benefits are offered to women on a limited basis. Women are entitled to 60 days of maternity leave, according to Article 59 of the Civil Service Law. This short period is not sufficient to meet the intensive demands of childrearing at this early stage, and should be increased to at least three months. Men are denied a parental leave under this law. Article 45 of the Labor Law requires Yemeni entities that employ more than 50 women to provide daycare facilities; Article 106 of the Child Rights Law (No. 45 of 2002) repeats this mandate but lowers the requisite number of female employees to 20. Despite these legal provisions, no daycare facilities exist in any public institutions or private companies.<sup>37</sup>

Yemeni NGOs, local organizations, news portals,<sup>38</sup> and women's activists that promote economic rights and equal opportunity for women have successfully raised awareness in Yemeni society of some of the major topics involved. They are credited with breaking taboos surrounding certain issues, such as sexual harassment, and have pushed for relevant changes in Yemeni laws. These efforts culminated in 2008 in a Dutch-funded project that aims to provide better protection for women and children exposed to violence and sexual abuse. The SAF will implement the four-year project in all 21 governorates of Yemen; it will include training courses, capacity-building activities, and a review of current laws, in addition to a telephone hotline for complaints from women and children exposed to sexual harassment.

On another front, the Federation of the Yemeni Chambers of Commerce and Industry, the Yemen General Federation of Workers' Trade Unions, and the Ministry of Social Affairs and Labour (MOSAL) joined

forces to implement a technical cooperation project entitled “Promoting Decent Work and Gender Equality in Yemen” (2004–08), with financial support from the government of the Netherlands. The project focused on enhancing the capacities of MOSAL and other institutions in coordinating the implementation of the national strategy on women’s employment. It encouraged positive perceptions of female employees among policymakers, employers, workers, media, and other stakeholders.<sup>39</sup>

### *Recommendations*

- ❖ The government should establish a mechanism that would allow women to file complaints regarding denial of their inheritance. It should establish a section in the court system that specifically deals with female inheritance denials and provide it with the necessary resources to remedy this problem.
- ❖ NGOs should conduct awareness campaigns in rural areas on women’s inheritance rights and establish voluntary legal advice centers that can advise women on how to fully realize their inheritance rights.
- ❖ Maternity leave should be increased to a minimum of three months at full pay.
- ❖ The government should enforce the requirement that public and private sectors provide daycare for young children in their facilities. It should allocate the necessary financial resources in its yearly budget to such facilities in the public sector, and impose financial penalties on private institutions that fail to comply with the law.
- ❖ The government should promulgate laws that criminalize sexual harassment and discrimination, and establish a mechanism, such as a legal department or a telephone hotline, that will allow women to file gender-based discrimination and sexual harassment complaints.
- ❖ The government should implement its education and antipoverty policies and take active measures to eliminate the gap between men and women in these areas.

## **POLITICAL RIGHTS AND CIVIC VOICE**

Yemeni women have enjoyed political rights to varying degrees for several decades. Those from South Yemen gained full political rights under the 1970 constitution, while those from North Yemen were able to vote and run for office in the country’s first local elections in 1983.<sup>40</sup> In 2006, for

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the first time in Yemeni history, women were nominated in a presidential election, although none of the three female candidates made it through the entire nomination process in the bicameral parliament. And for the first time in the history of Islah, the main Islamist opposition party, pressure by its female activists has led to the election of women to its higher decision-making councils. However, the party continues to oppose women's candidacy in elections for public office. Political maneuvering and opportunism by both the GPC and opposition parties generally prevented the nomination of women in the 2006 elections, and the rate of political participation by women remains as low as ever.

Official and social biases have led to comprehensive exclusion of women from Yemeni political life, despite constitutional and legislative provisions that guarantee their political equality with men. Article 41 of the constitution guarantees a citizen's right to "participate in the political, economic, social and cultural life of the country" and "the freedom of thought and expression of opinion in speech, writing, and photography." Similarly, Article 42 provides all citizens with the right to be elected or nominated as a candidate in an election and the right to participate in referendums. Finally, Article 57 grants citizens the right to "organize themselves along political, professional, and union lines." Neither the constitution nor the Election Law (No. 13 of 2001) set restrictions on women's voting and nomination rights. From a legal perspective, therefore, Yemeni women have the right to peaceful assembly, to freedom of expression, and to participate in competitive and democratic elections with full and equal suffrage. However, these rights are often violated on various levels in practice.

Women face continued discrimination within politics and are unable to compete in elections on an equal footing with men. Since the country's 1990 unification, three elections (1993, 1997, 2003) have been held for the lower house of parliament, the House of Representatives, but women have never held more than two of the 301 seats. Similarly, few women have been appointed to executive posts or the 111-member upper house, the Consultative Council, since its creation in 2001.

The results of the 2006 local council elections illustrated the gap that exists between what officials have promised and what has been delivered. During the 2006 campaign, President Salih publicly called on women to nominate themselves, pledging to support independent candidates from the state budget. He appealed to male candidates to withdraw in favor of their female colleagues, and said that 15 percent of the candidates

nominated by the GPC would be women.<sup>41</sup> Women responded to the call, and their numbers among the candidates reportedly increased. However, there is no evidence that independent candidates received state funding or that male GPC candidates withdrew from the election. On the contrary, women were apparently harassed and verbally intimidated by the GPC on a large scale, and the GPC did not meet its goal of 15 percent female candidates.<sup>42</sup>

These elections also demonstrated the practical difficulties—both social and fiscal—faced by female candidates. Women generally ran as independents and lacked the benefit of institutional support that many of their male counterparts enjoyed. Women were also restricted in their ability to canvass publicly or show their faces on campaign posters for fear of allegations against their morality. In addition, there were credible reports that female candidates experienced discrimination during the registration process, including instances in which applications were arbitrarily refused by the main electoral district committees.<sup>43</sup> Nevertheless, the generally negative treatment of female voters and candidates seemed to have no effect on the final voting patterns among women, suggesting that they tend to cast their ballots based on tribal or familial loyalties rather than their own free choice or interests.<sup>44</sup>

Ultimately, only 131 women competed with 28,498 men in the 2006 local elections, which filled councils for the 21 governorates and 333 districts. Just 37 of these female candidates, or 0.5 percent of over 7,000 successful candidates, were elected, and all but four of these were with the GPC. The results echoed the 2003 parliamentary vote, in which only 11 women competed against 1,385 men for the 301-seat lower house, and just one woman succeeded.<sup>45</sup> The Yemeni government's lack of support was also evident, as only two women were appointed to the 111-seat Consultative Council. Table 2 gives an overview of female representation in the legislative and local councils:<sup>46</sup>

<i>Type of Council</i>	<i>Women</i>	<i>Men</i>	<i>Female Share</i>
House of Representatives	1	300	0.3%
Consultative Council	2	109	1.8%
Local Councils	37	7,000	0.5%
Total	40	7,409	0.5%

**Table 2. Female Representation in the Legislative and Local Councils**

Although Yemeni political parties claim to support women as full party members with equal rights and duties, women are separated into distinct units and premises by most of the political parties, and generally occupy few leadership positions.<sup>47</sup> The Islah party underwent an internal transformation in 2006 after its female members demanded to be fully integrated into leadership positions. That year, women were elected for the first time to Islah's General Secretariat and Shura Council. They now represent 38.1 percent of the General Secretariat, the top leadership body in the party. In March 2009, the 5,000-member assembly of Islah unanimously voted against a Salafi fatwa, or religious edict, that had denied women the right to political participation in these decision-making bodies.

Despite an agreement between the ruling and opposition parties in 2006 that called for all to support women's legal rights, half of the parties did not nominate any female candidates. Chief among them was Islah, which adhered staunchly to its public rejection of female candidacy despite its acceptance of women in the internal party hierarchy. Due to Islah's stance against women's nomination, the five leading opposition parties that had formed a coalition with Islah were hesitant to name female candidates for fear of undermining their own electoral chances.<sup>48</sup> The Yemeni Socialist Party (YSP) was the only party that offered additional support to its female candidates.<sup>49</sup>

In general, women's ability to participate in the political arena and influence decision making is consistently and severely compromised by widespread negative attitudes toward their involvement. This problem is rooted in the belief—shared by many women as well as men—that women inherently lack the capacity to fully engage in public life. Moreover, Islamic fundamentalists have targeted the few gains made in women's political rights in recent years on religious grounds. In June 2008, a group of Salafist sheikhs issued a small handbook that petitions against quotas for women's political participation, arguing that “opening the door for women to leave their houses and mix with men will lead to sexual chaos.”<sup>50</sup>

Women remain significantly underrepresented in the judiciary and the executive branch, although some positive developments have occurred in recent years. The first female judge was appointed to the Supreme Court in September 2006. Also that year, women ran for president for the first time in Yemeni history: three women were among 49 potential candidates in the run-up to the September presidential election. According to Article 66 of the Elections Law (No. 13 of 2001), the application of a potential

candidate for the presidency must be approved by at least 5 percent of all members of the bicameral parliament who attend the session. None of the female applicants secured the required endorsement, and only five male candidates were approved.<sup>51</sup> Table 3 provides more detail on female representation in the judicial and executive branches:<sup>52</sup>

<i>Position</i>	<i>Women</i>	<i>Men</i>	<i>Female Share</i>
Minister	31	2	6.1%
Ambassador	116	2	1.7%
Deputy Minister	214	2	0.9%
General Manager	4,971	186	3.6%
Judge	953	85	8.2%

**Table 3. Female Representation in Judiciary and Government (2007)**

In recent years, security forces have implemented heavy-handed polices toward opposition groups and journalists who criticize the government. Men have been targeted more than women. Citizens of both gender were allowed to demonstrate and express their anger over the Danish cartoons of the prophet Muhammad in 2006 and the war in Gaza in 2008, but when demonstrations were held to express social and political grievances, security forces used violent and oppressive measures to break them up. Such was the case with the 2007 demonstrations by retirees in several southern regions who were protesting their forced retirement and dire economic situation, and with follow-up protests that occurred in April 2008.

If Yemeni authorities consider a female journalist to be independent or part of the opposition, she is bound to face obstacles in the conduct of her work. Tawakol Abd al-Salam Karman, president of Women Journalists Without Chains (WJWC), a domestic NGO that monitors and documents abuses related to freedom of expression, was forcibly stopped from covering a political opposition strike in November 2008. Security personnel surrounded her and forcibly expelled her from the area.<sup>53</sup> The same organization was denied the right to publish a newspaper in 2007. The Ministry of Information has often politicized decisions on newspaper closures, violating the clear guidelines provided by the Law of Press and Publications (No. 25 of 1990).<sup>54</sup> These sorts of denials highlight the control the government exercises over the media and its growing attempts to silence critical coverage.

Women have limited freedom to access and use information to empower themselves in all areas of their civic and political lives. The 2006 local elections demonstrated that high levels of illiteracy among women severely constrained their exposure to information about the elections and their wider civil and political rights. The broadcast media are controlled by the government, and even among literate women, the Internet is a practical means of communication for a small, well-educated minority. Many of the voter-education initiatives specifically aimed at women were inadequate in reaching their target audience. Civil society organizations representing women demonstrated enthusiasm in their efforts to support women in the elections, but they suffered from a lack of coordination, partisanship among key figures, and a dearth of positive female role models.<sup>55</sup>

### *Recommendations*

- ❖ The government should amend its laws to establish a reasonable minimum quota for women in all legislative, executive, and judicial structures.
- ❖ The government and NGOs should combine their efforts and launch public-awareness campaigns, using television and radio advertisements that highlight the importance of women's participation in political and civic life.
- ❖ Civil society organizations should create a body during election periods to foster cooperation in their efforts to promote women's political participation.
- ❖ The NGOs and private sector should establish a permanent center that specializes in providing training for young women aspiring to enter political life.

## **SOCIAL AND CULTURAL RIGHTS**

Yemen is ranked 140 out of 182 countries in the UN Development Programme's 2009 Human Development Index. Its gross national income per capita was just US\$864 (2007 estimate), although that represented an improvement from US\$491 in 2000. The recent drop in oil prices has struck at the main source of national income and will no doubt affect the implementation of Yemen's development plans. The country's meager resources and dire economic situation have left it unable to fulfill its obligations in providing health and education services to its citizens. Yemen's



maternal mortality rate remains one of the highest in the MENA region. In rural areas especially, male relatives deny women what legal rights they have with respect to health care and maternity. NGOs and female journalists have been active in promoting women's social and cultural rights, but some have consequently faced smear campaigns aimed at intimidating them.

Articles 54 and 55 of the constitution state that all citizens have the right to health care and that the government has the responsibility to provide free health services by establishing hospitals and other medical institutions. Yemen's 2007 country report to the UN CEDAW committee places a special emphasis on women's health, particularly with respect to pregnancy, childbirth, postnatal care, care for working mothers, and nutrition for the child and mother.<sup>56</sup> The objectives of the Population Action Plan of 2001–05 included providing health care to 60 percent of pregnant women, increasing attended births to 40 percent, and providing postnatal care to 15 percent of women. As of 2007, however, only 35.7 percent of all births were attended by skilled health staff. There are no updated figures on the share of pregnant women receiving prenatal care, which was 41.4 percent in 2003.<sup>57</sup> The government's stated goals are quite difficult to achieve, especially if only a small portion of the budget is allocated to the health sector.<sup>58</sup> In addition, the government announced in 2008 that it would cut its budget allocations for ministries and institutions by 50 percent, which is bound to make the health goals even harder to attain.<sup>59</sup>

Yemeni women generally lack the freedom to make independent decisions about their health and reproductive rights. On a social level, they are absent from most such decision making within their families, and are often unaware of their rights to use contraception and determine the number of children they wish to bear. On a legal and official level, women must get permission from their husbands before they can undergo an operation on the uterus—including a hysterectomy or a cesarean section—or obtain contraceptives.<sup>60</sup>

The maternal mortality rate is one of the highest in the MENA region, at 430 per 100,000 live births.<sup>61</sup> Several factors contribute to this, including early marriage and teenage pregnancy, short birth intervals, high fertility rates (5.5 births per woman as of 2007), malnutrition, and anemia. The lack of access to and availability of skilled care during pregnancy is also a serious problem. Even where the medical infrastructure exists, the lack of

female health workers inhibits women's access because they are reluctant to consult male doctors. Weak logistics and supervision systems are chronic shortcomings that lead to unreliable services.<sup>62</sup>

Yemeni women are not protected from harmful, gender-based traditional practices. Early and forced marriages, as well as female genital mutilation (FGM), are seen as part of Yemeni culture. FGM is also widespread among the refugee communities, especially the Somalis. It is often practiced among Yemeni Sunni Muslims living in the coastal and southern areas of the country, but is not practiced at all among Yemen's Zaydi and Ismaili Shiites. While national figures hide regional variations, the 1997 Demographic Health Survey reported that FGM prevalence among newborn girls was as high as 97.3 percent in Hodeida, 96.6 percent in Hadramout, 96.5 percent in Al-Mahra, 82.2 percent in Aden, and 45.5 percent in the capital, Sana'a.

There is no law against FGM, although a ministerial decree that took effect on January 9, 2001, did prohibit the practice in both government and private health facilities.<sup>63</sup> According to the UN news agency, the first public discussion of FGM in Yemen took place in 2001, at a seminar on women's health issues sponsored by the Ministry of Public Health and funded by the U.S.-based MacArthur Foundation. Campaigns to eliminate the practice have since been carried out across the country. Some of the largest public and private NGOs devoted to women's issues have shaken off their previous hesitance to tackle this issue and run public-awareness campaigns on television, radio, and in community gatherings to discourage the practice. For example, the Girls' Health Project, conducted by the National Committee on Women in Aden and International Health and Development Associates (IHDA), sponsored 12 local organizations to carry out awareness campaigns across the Aden governorate between 2001 and 2003.<sup>64</sup> The Yemeni government, supported by UN agencies, has also started in the last two years to target refugee communities with awareness campaigns against FGM.

Yemeni civil society is active and vibrant despite increased reports of official harassment of NGOs working in the field of human and woman's rights. It is widely accepted that around 2,900 NGOs are registered and working in Yemen.<sup>65</sup> However, no reliable records exist regarding the number of women's NGOs participating in and influencing community life, public policies, and social development at local levels. Despite this lack of

documentation, it is worth mentioning that some of these NGOs, such as the SAF, have gained local as well as international recognition for their contributions to civic life. The SAF has been at the forefront in creating awareness and fostering debates on women's issues and rights. In 2008, the government of the Netherlands chose it to implement a US\$700,000 project that aims to provide better protection for women and children exposed to violence and sexual abuse.

Women remain underrepresented in the media, limiting their ability to influence content and shape public perceptions on gender issues. Only 703 women were employed in the media across all sectors, compared with 4,302 men. In particular, women's representation in senior positions within the media remains very low, and the appointment of a woman to such positions is considered exceptional. The only female deputy minister of information has left her post to serve in United Nations.<sup>66</sup>

While the media generally portray women in stereotyped roles as mothers and housewives, new forms of press harassment have started to target women activists. Quasi-official newspapers, such as *Addastour*, *Al-Bilad*, and *Akhbar al-Yum*, have published slanderous articles about female journalists or civil society activists that provoked traditional segments of the community against them. Victims of such verbal assaults include Rashida al-Qaili, Samia al-Aghbari, Mahasin al-Hawati, Rahma Hugira, and Amal Basha.<sup>67</sup> These tactics aim to intimidate women activists and journalists into silence, adding yet another obstacle to their participation in Yemeni civic life.

As the poverty gap in Yemen is widening, women represent the vast majority of the poor. The *Annual Report on the State of Women 2007* found that of the families living below the poverty line, 17.5 percent are headed by women, an increase of 4.5 percent compared with four years ago. In addition, the average income of a family headed by a woman is one-third less than that of families headed by men. Poverty leads to a higher school dropout rate and affects girls more than boys, especially in the rural areas. Due to women's lower status in society and the preferential treatment boys receive within the family, women, including pregnant women, are more likely to suffer from malnutrition in poor households. In a country where 42 percent of the population lives under the poverty line, the effects of this deficiency on future generations are serious. The combination of poverty, lack of health services, and illiteracy has contributed to the country's high infant mortality rate, which stands at 69 per 1,000 live births.<sup>68</sup>

Women have a legal right to own and use housing as individuals, but they face discrimination in the case of divorce. Unlike the 1974 family law of South Yemen, which allocated the marital house to the wife if she maintained custody of children, the current Personal Status Law denies her these benefits. Hence, unless she owns the marital house, she is required to leave it with her children after a divorce.

Yemeni women have begun to challenge more conservative Islamic interpretations regarding the proper role for women in society and actively campaign against gender-based violence practiced in the name of tradition and custom. However, they face continuous attacks by Islamic fundamentalists who attempt to smear their reputations, accusing them of undermining Islamic teachings and social morals. They have also increasingly become a target of harassment by security forces, which systematically suppress human rights activism in general. Combined with negative public attitudes regarding women's participation in public life, these factors present daunting obstacles to women's rights activists. Yet their determination to continue their efforts and exercise their rights despite such adversity is a reason for optimism.

### *Recommendations*

- ❖ The government should increase its budget allocations for the health sector so as to fully implement its policies on improving women's access to health services.
- ❖ The government should take active measures to increase women's participation in the media. This may include special recruitment initiatives targeting women, scholarships in journalism in Yemen and abroad, and setting a hiring quota for women in senior positions of all state-owned media outlets.
- ❖ The government should issue a law prohibiting and penalizing the practice of female genital mutilation. The law should be complemented with community awareness campaigns that aim to eliminate public tolerance and acceptance of this type of violence.
- ❖ The government, in cooperation with Yemeni NGOs, should conduct awareness campaigns in the media and schools to promote the concept of women's right to make independent choices regarding birth control and health in general.
- ❖ The government should provide incentives for the private sector to establish a sustainable program of small credits (loans) to help women start or expand their own businesses.

- ❖ The government should take concrete steps to protect female journalists and rights activists from smear campaigns and government-sanctioned harassment. It should amend its laws and procedures to penalize such practices.

## AUTHOR

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## NOTES

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- <sup>21</sup> SAF, Shadow Report, 20.
- <sup>22</sup> UNHCR, *Asylum and Migration: Fact Sheet* (Sana’a: UNHCR, January 2009).
- <sup>23</sup> “The Lawyer Shatha Nasr in an Interview with Sayyidati: The Child Nojoud Is Still in Need of Help and Care,” republished online in Aman—The Arabic Centre for Sources and Information on Violence against Women, July 29, 2008, in Arabic, <http://www.amanjordan.org/a-news/wmview.php?ArtID=23511&page=2>.
- <sup>24</sup> Kawkab al-Thaibani, “MPs Say: No to Genital Mutilation, 18 Is Minimum Marriage Age, Juveniles Cannot Be Punished as Adults,” *Yemen Times*, June 26–29, 2008, <http://yementimes.com/article.shtml?i=1167&p=local&a=1>; SAF, *Crimes of Honor in Yemen*, 31.

- <sup>25</sup> SAF, Shadow Report, 20.
- <sup>26</sup> National Committee on Women, *Annual Report*.
- <sup>27</sup> World Food Programme, "Over One Million Yemenis to Benefit from New WFP Project," news release, March 14, 2007, <http://www.wfp.org/node/416>.
- <sup>28</sup> World Bank, "Genderstats: Middle East and North Africa," <http://go.worldbank.org/AETRQ5QAC0>.
- <sup>29</sup> Estimate based on the 2004 statistics cited in SAF, Shadow Report, 11.
- <sup>30</sup> SAF, Shadow Report, 11.
- <sup>31</sup> National Committee on Women, *Annual Report*, 74.
- <sup>32</sup> World Bank, "GenderStats: Education," <http://go.worldbank.org/RHEGN4QHU0>.
- <sup>33</sup> Yemen's sixth periodic report to CEDAW, 15.
- <sup>34</sup> National Committee on Women, *Annual Report*, 130.
- <sup>35</sup> SAF, Shadow Report, 23.
- <sup>36</sup> SAF, Shadow Report, 23.
- <sup>37</sup> SAF, Shadow Report, 8.
- <sup>38</sup> See for instance Nazar Khuthair al-Abaddi, "Sexual Harassment of Working Women in Yemen: The Struggle Between Will and the Inherited [Traditions]," Nabanews, May 10, 2006, in Arabic, <http://www.nabanews.net/2009/3106.html>.
- <sup>39</sup> Kandy Ringer, "Sisters Arab Forum Implements Project in Yemen to Protect Women and Children," BBSNews, October 2, 2008, <http://bbsnews.net/article.php/20081002160621254>; International Labour Organization, *Country Brief 3: Promoting Decent Work and Gender Equality in Yemen* (Beirut: Regional Office for Arab States, October 2008), [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms\\_100282.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---gender/documents/publication/wcms_100282.pdf).
- <sup>40</sup> South Yemeni women first utilized their political rights in the 1977 local elections. The political rights of women from North Yemen were never clearly established under the constitution, Article 19, which used the masculine form of "All Yemeni are equal in rights and duties." Taking advantage of the vagueness of this article, Islamic elements were able to limit women's political rights during the 1988 parliamentary elections by only allowing them to vote—not run as candidates.
- <sup>41</sup> See for instance "He Called on the Congress to Withdraw Its Male Nominees in the Districts Where Women Are Nominated," *26 September* (newspaper), August 20, 2006, in Arabic, [http://www.26sep.net/news\\_details.php?lng=arabic&sid=17812](http://www.26sep.net/news_details.php?lng=arabic&sid=17812).
- <sup>42</sup> *Yemen—Final Report: Presidential and Local Council Elections* (EU Election Observation Mission, September 20, 2006), 27, [http://ec.europa.eu/external\\_relations/human\\_rights/election\\_observation/yemen/final\\_report\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/election_observation/yemen/final_report_en.pdf).
- <sup>43</sup> *Yemen—Final Report: Presidential and Local Council Elections*, 27–28.
- <sup>44</sup> *Yemen—Final Report: Presidential and Local Council Elections*, 28.
- <sup>45</sup> *Yemen—Final Report: Presidential and Local Council Elections*; Yemen's sixth periodic report to CEDAW, 19–20.
- <sup>46</sup> National Committee on Women, *Annual Report*, 115.
- <sup>47</sup> SAF, Shadow Report, 18–19.
- <sup>48</sup> In an attempt to unify their challenge to the ruling GPC, the six leading opposition parties established a combined platform in 2004 called the Joint Meeting Parties (JMP).



- The JMP includes the Islah; the YSP, which formerly ruled South Yemen; the Nasserite Unionist Party (NUP); the Al-Haq Party; the Ba'ath Party; and the Popular Forces Union Party.
- <sup>49</sup> Elham Manea, *The Arab State and Women's Rights*, 164–165.
- <sup>50</sup> A Message from Yemeni U'lama regarding Women's Quota, June 2008.
- <sup>51</sup> SAE, Shadow Report, 17.
- <sup>52</sup> National Committee on Women, *Annual Report*, 113, 122, 123.
- <sup>53</sup> Women Journalists Without Chains, *Fourth Annual Report on Press Freedom in Yemen in 2008*, in Arabic, 21, <http://www.womenpress.net/articles.php?id=166>.
- <sup>54</sup> Strikers for the Right to Own Media, Freedom of Expression, and the Right to Receive and Disseminate Information, news release, May 29, 2007, <http://www.hoodonline.org/det.php?sid=982>.
- <sup>55</sup> *Yemen—Final Report: Presidential and Local Council Elections*, 28.
- <sup>56</sup> Yemen's sixth periodic report to CEDAW, 46.
- <sup>57</sup> World Bank, "GenderStats: Create Your Own Table," <http://go.worldbank.org/MRER20PME0>.
- <sup>58</sup> In the 2003–04 fiscal year, only 4 percent of the budget was used for health care.
- <sup>59</sup> See Decree No. 467 of 2008.
- <sup>60</sup> SAE, Shadow Report, 24–25.
- <sup>61</sup> World Bank, "GenderStats: Middle East and North Africa," <http://go.worldbank.org/AETRQ5QAC0>.
- <sup>62</sup> UNDP, *United Nations Common Country Assessment for the Republic of Yemen, 2005*, 18–19, in Arabic, <http://www.undg.org/docs/8080/Yemen%20CCA%20Arabic.pdf>; Ricardo Hausmann, Laura D. Tyson, and Saadia Zahidi, *Global Gender Gap Report 2007* (Geneva: World Economic Forum, 2007), 158, <http://www.weforum.org/pdf/gendergap/report2007.pdf>.
- <sup>63</sup> Country Assessment on Violence against Women, Yemen, 2007, 9, UNICEF, *Situation Analysis on Female Genital Mutilation/Cutting (FGM/C) in Yemen* (Sana'a: UNICEF, June 2008), 8.
- <sup>64</sup> "YEMEN: Eradicating FGM Will Be a Slow Process, Experts Say," Integrated Regional Information Networks (IRIN), November 14, 2005, <http://www.irinnews.org/Report.aspx?ReportId=25685>.
- <sup>65</sup> Mohammed bin Sallam, "More NGO Accountability Needed," *Yemen Times*, October 25–27, 2004, <http://www.yementimes.com/article.shtml?i=784&p=community&a=2>.
- <sup>66</sup> National Committee on Women, *Annual Report*, 140–142.
- <sup>67</sup> SAE, Shadow Report, 21–22.
- <sup>68</sup> SAE, Shadow Report, 24–25; National Committee on Women, *Annual Report*, 69–71; Hausmann, Tyson, and Zahidi, *Global Gender Gap Report 2007*.