



HUMAN
RIGHTS
WATCH

OBLIGATING OBEDIENCE

Violations of Women's Rights in Yemen

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Printed in the United States of America
ISBN: 978-1-62313-2217

Cover design by Rafael Jimenez

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Acknowledgements

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Malcolm Smart, editor with the Middle East and North Africa division, and Tom Porteous, deputy program director, edited the report. James Ross, legal and policy director, provided legal review. Fred Abrahams, special children's rights advisor; Joseph Amon, health and human rights director; Rothna Begum, Middle East and North Africa women's rights researcher; and Janet Walsh, deputy women's rights director, provided expert review. Sandy Elkhoury, associate in the Middle East and North Africa division, provided production assistance.

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Photographs by Abbie Trayler-Smith/Panos Pictures

Sarah Jamal Ahmed, a 24-year-old sociologist who was one of the activists during the 2011 uprising in Sanaa, stands by posters of dead protesters posted in the streets. 2012.



Yemenis are in the midst of dramatic change, trying to build a new, stable political system after 33 years of dictatorship followed by an unsteady three years of transition. The challenges to build a more rights-respecting state based on the rule of law are significant.

For Yemeni women, the stakes are high. Many women played important roles in the 2011 uprising that led to the removal of President Ali Abdullah Saleh and have contributed to the political transition, both inside and outside the government. Concrete steps are now needed to ensure that women's rights are respected in the new Yemen and that discrimination based on gender is firmly rejected by law.

Currently, Yemen's Personal Status Law contains provisions that explicitly discriminate against women in relation to marriage, divorce, custody of children, and inheritance. There is no law on the books prohibiting violence against women, child marriage, or female genital mutilation.

Following the uprising and the installation of Abdu Rabu Mansour Hadi as president, Yemen undertook a 10-month-long National Dialogue Conference in 2013-2014. The conference proposed many recommendations to advance respect and protections for human rights in a new constitution and through new or revised national legislation. This was followed by the Constitutional Drafting Committee, which began work in March 2014 and is mandated to include the recommendations in the new constitution. Once the draft is completed, Yemen will hold a national constitutional referendum, followed by presidential and parliamentary elections.

This report presents three key issues that the Yemeni government should address to help secure women's rights in the transitional period: discrimination against women; violence against women; and access to reproductive health care. Failure to deal with these issues properly could reverse the progress Yemeni women have made over the past two years, particularly through the National Dialogue Conference, and hinder respect for women's rights in the future. Now is the time to ensure that women can participate actively in the political process and that women's rights are enshrined in the Yemeni constitution and law.

Discrimination

Yemen's 1994 constitution states that all citizens are equal, but it also refers to women as "sisters of men" who "have rights and duties, which are guaranteed and assigned by *Sharia* [Islamic law] and stipulated by law." This discriminatory principle is further expounded in the Personal Status Law, which contains provisions that discriminate against women in relation to marriage, divorce, custody of children, and inheritance.

Under current Yemeni law, a woman is not entitled to enter into marriage on the basis of her own free will, but can

do so only with the agreement of her male guardian. Men are allowed four wives while women are only allowed one husband. Yemeni law allows a man to unilaterally divorce his wife by pronouncing his repudiation of the marriage three times. A woman seeking to divorce her husband, however, must apply to the courts and may do so only in limited circumstances. In the event of a divorce, women are usually granted care of their children until their children reach a certain age, after the children may choose with which parent they wish to live. Guardianship, however, remains with the father during marriage and after dissolution, regardless of whether he has direct care of the children or not.

Women have the right to inherit from their father, mother, husband or children and, under certain conditions, other family members. However, usually, a woman will receive half of the share that a man would receive if he were in the same relationship to the deceased.

Violence against Women

Yemen does not have any law that prohibits violence against women, and in its penal code women are required to obey their husbands, including in having intercourse. As a result, marital rape is not criminalized. In addition, under the penal code, male perpetrators of so-called honor killings are given leniency when sentenced. Other existing legal provisions that criminalize *zina* (sexual intercourse outside of marriage) and "immoral acts" have a discriminatory impact on women, undermining women's rights, including to equal protection under the law.

Child marriage and female genital mutilation are two serious abuses facing girls and women across Yemen for which the government has done little to stop.

Access to Reproductive Health Care

Access to health care in Yemen is generally poor and women in particular face severe health challenges, including in the area of access to reproductive health care. Maternal and infant mortality rates are very high for the region, and these rates are exacerbated by early mar-

riage, teenage pregnancy, and high fertility rates. Only about 60 percent of pregnant women surveyed in 2013 had received antenatal care and the majority of Yemeni women give birth at home.

While the ongoing process of political transition has already provided unprecedented opportunities to reshape the legal and social status of women in Yemen, including with regard to their full and meaningful participation in politics, the gains made to date remain fragile and need to be rapidly bolstered by clear constitutional and legislative guarantees. The onus is on the government to provide leadership in adopting reform measures as part of its stated effort to promote human rights for everyone in Yemen.

RECOMMENDATIONS

To the Constitutional Drafting Committee

Ensure that the new constitution:

- Includes effective protections of human rights as they are recognized under international law;
- Guarantees equality between men and women under the law;
- Guarantees nondiscrimination including on the basis of sex, gender, pregnancy, and marital status, and directs the legislature to pass legislation to prohibit discrimination by the state or private entities;
- Applies its guarantees of equality and non-discrimination and other human rights protections to all laws in Yemen.
- Empowers the courts to strike down discriminatory laws, policies, and practices, and afford those affected an effective remedy.
- Includes provisions that define gender-based violence as a form of discrimination and directs the legislature to act to prevent and address it.

To the Yemeni Parliament

- Repeal or amend all laws that discriminate against women – either directly or indirectly – to ensure that Yemeni domestic law complies fully with Yemen's international human rights obligations. Parliament in particular should reform provisions in the Personal Status Law relating to marriage, divorce, care of children in case of divorce, inheritance, and a wife's obligations of obedience towards her husband; and the Nationality Law, which affords women unequal status with men in passing on their nationality to their spouse.
- Enact laws to make all forms of violence against women and girls, including domestic violence, a criminal offense. Ensure that legislative reform includes provisions for victim assistance, and appropriate protocols and guidelines for all government officials responding to violence against women;
- Repeal or amend all laws that facilitate violence against women including those related to "honor killings";
- Repeal or amend penal law prohibiting zina (sexual intercourse outside of marriage);

- Enact, once transmitted by the cabinet, the Child Rights Bill to provide criminal penalties for those who carry out early marriage, female genital mutilation, and child labor, among other issues, in line with international human rights standards.
- Ensure that relevant government agencies have the capability to implement and monitor new and revised legislation to promote and protect women's rights. Develop a national plan of action on violence against women and girls to implement new and revised legislation;
- Consult with Yemeni women's rights groups and other relevant civil society organizations when drafting new legislation concerning women's rights;
- Support independent, non-partisan programs to assist female candidates for elected office and governmental positions, to overcome barriers to office, and to develop capacity-building initiatives, such as campaign management or leadership training for female candidates.

To the Government of Yemen

- Ensure effective protection of equality and nondiscrimination and other internationally recognized human rights.
- Train police officers on identifying and responding sensitively and effectively to gender-based violence. Increase the number of women in the police and other security forces.
- Ensure that all women have equal access as men to education.
- Increase and improve access to reproductive health services and information for all girls and women, including access to emergency obstetric care and family planning, by expanding reproductive health care outreach to rural communities where a large percentage of Yemenis live.
- Ensure that all health care workers are aware that government policy does not require husbands' authorization for women to seek health care, including obstetric care, regardless of the woman or girl's age.



Villagers arrive at a school near Haradh city to receive cash from an Oxfam program targeting the elderly, pregnant women, families with malnourished children and other vulnerable people. During the distribution, Oxfam and local groups carry out hygiene and public health awareness activities. 2012.

I. BACKGROUND

Women and girls in Yemen face many forms of discrimination, inequality, and social exclusion. While the position of women across the Arab world has generally improved in recent years, Yemen continues to rank at the bottom of global measures of gender equality.¹ Women in Yemen are significantly less literate, less mobile, and less healthy than men.² They have much less access to health care, economic opportunities and education.³ The general poverty, political instability, and rural hardships endured by much of Yemen's population contribute to the challenges women face.

The Global Gender Gap Index (GGG), compiled by the World Economic Forum, includes data on women's economic participation, educational attainment, health, and political empowerment. Every year since the GGG began in 2006, Yemen has ranked at the very bottom of the list.⁴ The United Nations Development Program's Gender Inequality Index (GII) analyzes data on women's reproductive health, empowerment, and participation in the labor market. In 2013, Yemen was ranked last of 152 countries.⁵ Factors that contributed to Yemen's low rankings were high adolescent fertility rates, low rates of female parliamentary participation, and extremely low rates of educational attainment and labor force participation.⁶

1 UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014," 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf), (accessed August 4, 2014), p. 26.

2 Freedom House, "Yemen," 2012, <http://www.freedomhouse.org/report/countries-crossroads/2012/yemen-o#.U-T0gl2SzQo> (accessed August 4, 2014).

3 SIGI, "Yemen", 2012, <http://genderindex.org/country/yemen> (accessed August 6, 2014).

4 World Economic Forum, "Global Gender Gap Report 2014: Country Profile: Yemen," 2014, http://www3.weforum.org/docs/GGGR14/GGGR_CompleteReport_2014.pdf (accessed October 28, 2014).

5 United Nations Development Program, "Human Development Report," Explanatory Note on the 2014 Human Development Report Composite Indices: Yemen, 2014, http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/YEM.pdf (accessed August 4, 2014).

6 UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014," 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf), (accessed August 4, 2014), pp. 82-83.

In 2011, when anti-government protests erupted, women played a crucial role in the movement for change. The civilian uprising led President Ali Abdullah Saleh to step down from office. However, Yemeni women have reported that over the last three years overall conditions have worsened for them.⁷ They continue to be marginalized in employment and in the political process.⁸ As the political situation has again deteriorated, they have increasingly been subjected to pressure and harassment from religious conservatives who take exception to their growing prominence and have targeted them with *takfir* (apostasy) campaigns. Those faced with such accusations have included Nobel Peace Prize laureate Tawakkol Karman, human rights activist Amal al-Basha, Bushra al-Maqtari and Arwa Othman, both writers and activists, and journalist Samia al-Aghbari.⁹

Gender discrimination continues to be entrenched in a number of important pieces of legislation, including the Personal Status Law, Citizenship Act, and Penal Code.¹⁰ The current transition period provides Yemen a unique opportunity to amend these problematic provisions and to firmly entrench women's equality in the legal system and beyond.

Yemen, as a state party to core international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), is obligated to ensure equality between men and women.¹¹ These trea-

ties state explicitly that women and men are considered equal before the law, must be treated so in practice, and must be afforded equal opportunities in all areas of life. CEDAW obligates all states to embody the principle of equality between men and women in their national constitutions or other appropriate legislation, and to ensure the practical realization of women's equality.¹²

Yemen's 10-month long National Dialogue Conference in 2013-2014 produced many recommendations for human rights reforms, which the 17-member Constitutional Drafting Committee, which started its work in March 2014, is mandated to enshrine in the new constitution. Once the draft is completed, Yemen will hold a national referendum on the draft, followed by presidential and parliamentary elections. At the time of writing there was no clear timeline as to when the referendum would be held.

The National Dialogue Conference also produced recommendations that require Yemen's parliament to reform or pass new laws to meet international human rights standards, and Yemen's government to adopt new policies to the same end.

⁷ Ibid., pp. 26, 84.

⁸ Ibid., p. 83.

⁹ Human Rights Watch, Yemen – “A Life-Threatening Career”; Attacks on Journalists under Yemen's New Government, September 2013, http://www.hrw.org/sites/default/files/reports/yemen0913_ForUpload_3_o_o.pdf, p. 37.

¹⁰ SIGI, “Yemen”, 2012, <http://genderindex.org/country/yemen> (accessed August 6, 2014).

¹¹ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx> (accessed September 11, 2013), ratified by Yemen on February 9, 1987.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res.34/180, 34 U.N. GAOR Supp. (No. 46) at 193, U.N. Doc. A/34/46, entered into force September 3, 1981, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> (accessed September 11, 2013), ratified by Yemen on May 30, 1984.

¹² CEDAW, article 2(a); CEDAW, article 3.

II. DISCRIMINATION

Yemen's laws discriminate against women in several important areas, including Yemen's 1994 Constitution and the Personal Status Law.¹³ In 2000, Thikra Naqib, a member of the governmental National Women's Committee, embarked on a process with her colleagues to review 197 Yemeni laws.¹⁴ The group found at least 90 laws that discriminated against women in some way. Yet, according to Naqib, by 2014 only 18 of these laws had been reformed.¹⁵

In 2008, the UN Committee on the Elimination of Discrimination against Women (CEDAW committee), the international expert body that monitors compliance with Convention on the Elimination of All Forms of Discrimination against Women, to which Yemen is a state party, expressed concern about the unclear status of the convention in Yemen's legal system and the lack of compliance with its provisions.¹⁶ Gender discrimination continues to exist in key pieces of Yemeni legislation. In 2009, at its Universal Periodic Review at the UN Human Rights Council, Yemen committed to undertake a full review of national legislation with the aim of eliminating provisions that discriminate against women.¹⁷ Yemen has yet to fulfill this pledge.

¹³ Yemen's 1994 Constitution has technically been overridden by the 2011 Gulf Cooperation Council Accord that set the foundations of the transitional period, and its UN-facilitated Implementing Mechanism. At the time of writing, the constitutional drafting committee formed in 2014 had yet to publish a draft constitution.

¹⁴ Sanaa University: Center for Gender Research Studies and Development and Aden University: Centre for Women Research and Training, “Gender-Based Violence in Yemeni Society,” 2010, p. 242.

¹⁵ Human Rights Watch interview with Thikra Naqib, representative of the Director of Development, National Women's Committee, Sanaa, April 20, 2014.

¹⁶ CEDAW, “Concluding observations of the committee on the elimination of discrimination against women: Yemen,” CEDAW/C/YEM/CO/6, July 9, 2008, <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.YEM.CO.6.pdf> (accessed August 5, 2014), para. 360.

¹⁷ UN Human Rights Council, “Report of the Working Group on the Universal Periodic Review: Yemen,” A/HRC/12/13, June 5, 2009, <http://www.refworld.org/publisher,UNHRC,COUNTRYREP,YEM,4a9cd98d,o.html> (accessed August 7, 2014), para. 91.

The Constitution

Yemen's 1994 constitution stated in article 41 that “Citizens are all equal in rights and duties.”¹⁸ However, the constitution qualified this equality in article 31 by referring to women as “sisters of men” who “have rights and duties, which are guaranteed and assigned by *Sharia* [Islamic law] and stipulated by law.”¹⁹ Article 31 effectively undermined article 41's purported guarantee of gender equality.

President Ali Abdullah Saleh left office in February 2012, under an exit accord brokered by the Gulf Cooperation Council (GCC) and backed in most aspects by the UN Security Council, the United States, and European Union member states. Under a UN-facilitated “Implementing Mechanism” that served as a transition blueprint, the government committed to convene a National Dialogue Conference to address grievances by groups including Houthi rebels from the north and the Southern Movement, a coalition of groups seeking greater autonomy or secession for the former South Yemen.

The 565-member conference ran from March 2013 to January 2014, and brought together many segments of Yemeni society, including women and youth. The conference aimed to help lay a framework for the country's future, including principles for a new constitution, a restructured government and national elections.²⁰

The National Dialogue Conference's state-building working group recommended that, “The state guarantees equality and equal opportunities to all [male and female] citizens in the political, economic and social spheres, and shall issue the laws necessary to achieve this goal.” The

¹⁸ Constitution of the Republic of Yemen, 1994 as amended by referendum in 2001 (in English) at http://www.yemen-nic.info/english_site/yemen/dostor.php (accessed September 11, 2013).

¹⁹ *Sharia*, literally, the “way” or “path,” refers to a set of standards governing all aspects of life, derived primarily from the Quran, the central religious text of Islam, and the hadiths, a collection of sayings and descriptions of the sunna, or exemplary and normative conduct, of the Prophet Muhammad.

²⁰ Human Rights Watch wrote to the Rights and Freedoms Working Group in the National Dialogue Conference with recommendations on women's rights issues in September 2013 see Human Rights Watch news, “Yemen: Protect Women's Rights in Constitution,” September 17, 2013, <http://www.hrw.org/news/2013/09/17/yemen-protect-women-s-rights-constitution>.

working group also recommended that, “All citizens are equal before the law, in both rights and obligations, without distinction based on sex, race, origin, color, religion, sect, creed, opinion or social and economic status.”²¹

According to President Abdu Rabu Mansour Hadi, who took office in February 2012, the conference’s recommendations are binding on the new government—they were agreed on by consensus and therefore must be implemented. Hadi has said that the new constitution will enshrine the conference’s recommendations, and that he will nominate members of the constituent assembly whom he trusts to implement those recommendations.²²

Personal Status Law

Yemen’s Personal Status Law contains provisions that discriminate against women in relation to marriage, divorce, custody of children, and inheritance.²³

Marriage

Under current Yemeni law, a woman is not entitled to enter into marriage on the basis of her own free will, but can do so only with the agreement of her male guardian. Although article 10 of the Personal Status Law states that a marriage is invalid if either spouse was coerced into it, this is undermined in practice by article 23, which requires that only previously married women express their consent to a marriage.²⁴ The silence of a woman who has not previously married, a “virgin,” is deemed to signify her consent.²⁵ In addition, article 7 does not require the

21 Final Report of the State Building Working, December 24, 2013, at http://www.ndc.ye/ndcdoc/State_Building_Report-26Dec2013.doc (accessed November 25, 2014).

22 “Yemen: Start Moving on National Dialogue Proposals,” Human Rights Watch news release, February 10, 2014, <http://www.hrw.org/news/2014/02/09/yemen-start-moving-national-dialogue-proposals>.

23 Law No 20. of 1992 regarding Personal Status (hereafter Personal Status Law), as amended by Law No. 27 of 1998, Law No. 24 in 1999 and Law No. 34 of 2003 (in Arabic) at http://www.yemen-nic.info/db/laws_ye/detail.php?ID=11351 (accessed September 11, 2013).

24 Personal Status Law in article states: “Any contract that is based on the coercion of the husband or wife shall not be valid.”

25 Ibid. Article 23 states “It is required that a woman give her consent. The consent of a virgin shall be her silence; while the consent of a previously married woman must be expressed.”



Khadeej Shuai Saeed, 13, was married to her 20-year-old husband in October 2012 in al-Sherefa al-Junoubiya village, near Haradh city. There is no law in Yemen specifying the minimum age of marriage. Over 50% of Yemeni girls are married by age 15. 2012.

presence of the bride to seal the marriage contract. As a result, articles 23 and 7 lead to a situation in which the male guardian is often the one to decide if a girl or woman is to marry.

When a woman's guardian refuses to consent to her marrying a husband of her choice, she may petition a court to grant her such permission, but this may be refused.²⁶ If a woman marries without the permission of her male guardian, the guardian is entitled under the law to file for an annulment of her marriage.²⁷ Human Rights Watch has previously reported cases where a woman who married against her parents' will was later charged with adultery and imprisoned.²⁸

Polygamy is recognized in Yemen. Under Yemeni law, a man may marry up to four wives if he is able to treat them all equitably, has sufficient financial means, and the woman he is about to marry is aware that he is already married. Where the 1992 law required the husband to prove "lawful benefit" to marry more than one wife, the 1998 reform of the Personal Status Law revoked this protection for the first wife.²⁹ In addition, the man previously needed to inform his existing wife or wives of his intention to marry another woman. This obligation was removed in the 1998 revision of the law.³⁰

The right to marriage based on the "full and free consent" of both spouses is recognized in the Universal Declaration of Human Rights, the ICCPR and the ICESCR.³¹ The Convention on the Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, to which Yemen is party, further specifies that both spouses must give their full and free consent "in person ... as prescribed by law."³² Under CEDAW, women have the same right as

²⁶ Ibid., article 18.

²⁷ Ibid., article 16(1)(b).

²⁸ Human Rights Watch, World Report 2010 (New York: Human Rights Watch, 2010), Yemen chapter, <http://www.hrw.org/en/node/87738>.

²⁹ Personal Status Law, article 12.

³⁰ Ibid.

³¹ Universal Declaration of Human Rights, adopted December 10, 1948, G.A. Res. 217A (III), U.N. Doc. A/810 at 71 (1948), article 16; ICPR, article 23; and ICESCR, article 10 (1).

³² Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, adopted by the UN General Assembly

men to enter into marriage and "the same right freely to choose a spouse and to enter into marriage only with their free and full consent."³³ The Personal Status Law on its face is contrary to the Universal Declaration and violates these international treaties.

Yemen is also violating international law with respect to child marriage, as explained in the section below on Early and Child Marriage.

Divorce

Yemeni law allows a man to unilaterally divorce his wife by pronouncing his repudiation of the marriage three times, a traditional practice under *Sharia* known as *ta-laq*.³⁴ A woman seeking to divorce her husband, however, must apply to the courts and may do so only in limited circumstances, such as when her husband fails to provide for the family financially, if he has sufficient means to do so.³⁵ If a woman wishes to divorce her husband for other reasons, she may file for *khul'*, or no-fault divorce, under which she is required to pay back her dowry and forgo claims to the temporary financial support provided to women in other divorce cases.³⁶

Article 16 of CEDAW obligates states to take appropriate measures to ensure that women and men have "the same rights and responsibilities during marriage and at its dissolution."³⁷ The CEDAW Committee has stated that governments "should eliminate any procedural requirement of payments to obtain a divorce that does not apply equally to husbands and wives."³⁸ The Personal Status Law's provisions on divorce are currently at odds with CEDAW's requirements.

³³ On November 7, 1962, by resolution 1763 (XVII), at seventeenth session, Supplement No. 17 (A/5217), came into force on December 9, 1964, http://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVI-3&chapter=16&lang=en#9 (accessed September 11, 2013). Yemen acceded to the convention on February 9, 1987.

³⁴ CEDAW, article 16(1).

³⁵ Personal Status Law, article 59.

³⁶ Ibid., articles 51-53.

³⁷ Ibid., articles 72 and 36.

³⁸ CEDAW, article 16(1)(c)..

³⁹ CEDAW Committee, General Recommendation No. 29 on Article 16 Economic consequences of marriage, family relations and their dissolution, para. 41.

Care of Children

Yemen's law relating to care of children in the event of divorce and guardianship fall short of its international human rights obligations as they fail to apply fully the "best interests of the child" test fully and discriminate against women. In the event of a divorce, women are usually granted care of their children until their children reach a certain age (9 for boys and 12 for girls).³⁹ After the children reach this age, children may choose with which parent they wish to live.⁴⁰

Guardianship, however, remains with the father during marriage and after dissolution, regardless of whether he has direct care of the children or not. As such, the father remains the legal guardian, is responsible for financial support of the child, and can make all decisions regarding the child's upbringing.⁴¹

During the care period, a woman faces relatively onerous restrictions, and the child or children may be removed from her care if she cannot meet certain conditions. Men do not face equivalent restrictions or risk losing care of their children. For example, the mother (but in practice, not the father) may lose responsibility for caring for the children if a court determines that she is not bringing them up under the appropriate standards and, in some circumstances, if she remarries.⁴² A woman may not deny the father visitation rights, while a father can deny a mother's visitation rights.⁴³

Inheritance

Women have the right to inherit from their father, mother, husband or children and, under certain conditions,

³⁹ Personal Status Law, articles 139, 141.

⁴⁰ Ibid., article 148.

⁴¹ Ibid., article 146; see also UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf> (accessed August 4, 2014), p. 2.

⁴² Article 143 reads: "Custody is transferred from one guardian to the next due to one of the following (insanity and similar repellents such as leprosy; blindness; negligence; depravity; the relinquishment of the child's safekeeping, and marriage, unless to a spouse of the child's blood relations)." Ibid., article 143.

⁴³ Ibid., article 145.

other family members. However, women will generally receive a smaller share of inheritance than a man. Usually, a woman will receive half of the share that a man would receive if he were in the same relationship to the deceased.⁴⁴ For example, while an only daughter can receive half of her father's wealth, an only son can receive the entirety of his wealth.⁴⁵

Beyond the formal inequality in inheritance rights, in practice, women, particularly in rural areas, are consistently not given the inheritance due them. In an attempt to protect family assets, wealthy families sometimes forbid their daughters to marry outside the family. Women who have married into a different tribe, for example, may be prevented from inheriting property in order to keep the property under tribal ownership.⁴⁶

Nationality Rights

Yemen's nationality law discriminates against women by only prescribing ways for men to transmit citizenship to a spouse, not women. Article 11 of the Nationality Law allows a woman who marries a Yemeni man to obtain Yemeni nationality four years after the date of the marriage if she has submitted a citizenship application to the Ministry of Interior, and if the ministry does not contest it.⁴⁷ The law does not specify how a foreign man married to a Yemeni woman might obtain nationality. According to women's rights activist and legal expert, Ghaidaa al-Absi, the only option for non-Yemeni husbands who want to live in Yemen is to apply for residency permits.⁴⁸

⁴⁴ UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf> (accessed August 4, 2014), p. 2.

⁴⁵ Personal Status Law, articles 309(2), 316.

⁴⁶ Japan International Cooperation Agency (JICA), "Yemen: Country Gender Profile", March 23, 2009, http://www.jica.go.jp/english/our_work/thematic_issues/gender/background/pdf/e09yem.pdf (accessed August 5, 2014), p. 24.

⁴⁷ Law No. 6 of 1990 regarding Yemeni Nationality, amended by Law No. 24 of 2003 (in Arabic) at http://www.yemen-nic.info/db/laws_ye/detail.php?ID=11266 (accessed September 11, 2013) and (in English) at <http://www.yemenembassy.org/consulate/nationality.htm> (accessed September 11, 2013).

⁴⁸ Human Rights Watch email correspondence with Ghaidaa al-Absi, women's rights expert, Sanaa, August 31, 2014.

In addition, although there is no such specification under the law, authorities customarily require women to have the authorization of their male guardian (usually their husband or father) in order to obtain an identity card or passport.⁴⁹

Political Participation

Yemen was the first country in the Arabian peninsula to enfranchise women and to allow them to stand for elected office (1967 in the southern People's Democratic Republic of Yemen and 1970 in the northern Yemen Arab Republic).⁵⁰ Although women in unified Yemen have full and equal suffrage with men, they are practically excluded from political life.

Political parties typically do not support female candidates. Historically, the Islah party has not supported the idea of women's candidacy, while other parties have expressed support for the idea in principle but, in practice, have not given female candidates adequate support.⁵¹ In 2012, the US-based organization Freedom House reported that the number of women running for and elected to office at the national level had declined with each electoral cycle, despite rising levels of women's literacy, civic engagement, and political activism.⁵² Currently, there is only one woman (out of 301 members) in the lower house of parliament and only two (out of 111 members) in the upper house.⁵³

⁴⁹ Freedom House, "Yemen," 2012, <http://www.freedomhouse.org/report/countries-crossroads/2012/yemen-o#.U-T0gl2SzQo> (accessed August 4, 2014).

⁵⁰ UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014," 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 82.

⁵¹ Islah is the country's largest Islamist party. Freedom House, "Yemen," 2012, <http://www.freedomhouse.org/report/countries-crossroads/2012/yemen-o#.U-T0gl2SzQo> (accessed August 4, 2014).

⁵² Freedom House, "Yemen," 2012, <http://www.freedomhouse.org/report/countries-crossroads/2012/yemen-o#.U-T0gl2SzQo> (accessed August 4, 2014).

⁵³ UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf> (accessed August 4, 2014), p. 3.

In 2008, the CEDAW Committee expressed alarm at the low representation of women in Yemeni politics, and the government of Yemen committed to take special measures to increase women's participation in political and public life.⁵⁴

The legal system is also strikingly lacking in women. In 2007, there were only 32 female judges out of some 1,200 judges in the country. These women all became judges in South Yemen before the unification in 1990. In unified Yemen, women have only been able to enroll in the High Judicial Institute, which allows them to pursue a career as a judge, since 2007.⁵⁵

While women are barely represented in the political or legal fields in Yemen, a number of women's rights groups are working outside the system to empower women. These Yemeni nongovernmental organizations have been active in advocating for reform of the Personal Status Law, raising awareness on gender-based violence, and increasing women's access to and involvement in the public sphere. In October 2011, Yemeni civil society activist Tawakkol Karman was awarded the Nobel Peace Prize in recognition of her "non-violent struggle for the safety of women and for women's rights to full participation in peace-building work."⁵⁶

Under international law, the Yemeni government is responsible for adopting measures to specifically address social and cultural impediments to women's full participation in political life, even where their rights are legally and constitutionally protected. Taking measures aimed at accelerating de facto equality between men and women should not be considered discrimination, in accordance with CEDAW's article 4.⁵⁷

⁵⁴ CEDAW Committee, "Concluding observations of the committee on the elimination of discrimination against women: Yemen," CEDAW/C/YEM/CO/6, July 9, 2008, <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.YEM.CO.6.pdf> (accessed August 5, 2014), paras. 357, 371-372.

⁵⁵ UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf> (accessed August 4, 2014), p. 3.

⁵⁶ Ibid.



Hooria Mashhour, Yemen's former minister for human rights, at the ministry in Sanaa. While in office, she was one of only three women in the cabinet. 2012.

In January 2014, the Yemeni government adopted a 30 percent representation quota for women in public office and leadership positions. Women's groups in Yemen supported the decision, which followed recommendations of the National Dialogue Conference's state building and good governance working groups.⁵⁸ The new government formed in November included only 5 women out of 35 ministers.

⁵⁷ CEDAW, art. 4, states:

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.

⁵⁸ Faisal Darem, "Yemen opens the door wider to women in office," Al-Shorfa, March 4, 2014, http://al-shorfa.com/en_GB/articles/meii/features/2014/03/04/feature-02 (accessed August 15, 2014).



Students listening to their teacher at al-Mostaqbel School in Hodaida governorate. The school organizes its classes into two shifts to provide the maximum number of children with schooling. Around 50% of the local population here has no access to education and illiteracy rates are at approximately 65% for males and 73% for females. 2007.

Education

Women and girls in Yemen do not have equitable access to education. The country is still far from achieving gender parity in primary and secondary education.⁵⁹ Yemen falls behind other Arab countries, having the largest gap between net primary school attendance rates for girls

and boys in the region.⁶⁰ The United Nations children's organization, UNICEF, referred to the gender gap between boys and girls in basic education in Yemen as "alarming," and noted that girls were "extremely marginalized."⁶¹ While Yemen had been making strides in closing the gender gap before 2011, this progress quickly deteriorated

⁵⁹ UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 25.

⁶⁰ SIGI, "Yemen", 2012, <http://genderindex.org/country/yemen> (accessed August 6, 2014).

⁶¹ UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 189, 190.

due to the poor security situation and difficulty for students to access school.⁶²

According to a 2013 UNICEF survey, girls in Yemen are half as likely to enroll in school as boys, and less likely to complete basic, secondary and post-secondary education.⁶³ Many girls drop out of school at or before grade six (around age 12), while many boys continue beyond this point.⁶⁴ The Yemeni Ministry of Education reported in 2014 that 29 percent of girls and 12 percent of boys were out of school at the primary school level (6-11 years), and that 45 percent of girls and 22 percent of boys were out of school by the lower-secondary level (12-14 years).⁶⁵ Human Rights Watch has documented that early and child marriage is a leading contributor in girls dropping out of school.⁶⁶

Very few women continue on to post-secondary education. Only about 6 percent of the women identified in the fourth Demographic and Health Survey (DHS) of 2013 had continued their education post-secondary school.⁶⁷ In addition, most schools have no, or very few, female teachers. The

majority of schools surveyed by UNICEF—71 percent—did not have any female teachers.⁶⁸

Women in Yemen have a lower literacy rate than men. According to the 2013 Global Gender Gap, only 49 percent of women in Yemen are literate, while 82 percent of men are literate.⁶⁹ In 2008, the CEDAW Committee noted with concern the high level of illiteracy among women and the high dropout rate of girls from school.⁷⁰

Education often strengthens a woman's position in a marriage. Women who attended school are less likely to live in a polygamous marriage or to have a large age gap between them and their spouse.⁷¹ Educated women are half as likely to get married before the age of 18 than women with no education. Rates of teenage pregnancies are much higher for girls who never attended school.⁷² Women who attended school are also more likely to receive antenatal care and to have an institutional delivery.⁷³

Education of women also has a measurable impact on children. Children of mothers who attended basic schooling are significantly more likely to have had their birth registered, less likely to be underweight, more likely to receive care from an appropriate provider in case of illness or to receive antibiotics as treatment, more likely

⁶² Ibid., p. 189.

⁶³ UNICEF, "Yemen Baseline Survey Report," July 2013, p. 132.

⁶⁴ UNICEF, "Yemen Baseline Survey Report," July 2013, 24, 24; see also UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf> (accessed August 4, 2014), p. 3.

⁶⁵ UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 25.

⁶⁶ Human Rights Watch, "How Come You Allow Little Girls to Get Married?," Child Marriage in Yemen, Dec. 8, 2011 at <https://www.hrw.org/reports/2011/12/07/how-come-you-allow-little-girls-get-married>.

⁶⁷ MoPHP, "Yemen National Health and Demographic Survey 2013," May 2014, p. 8.

⁶⁸ UNICEF, "Yemen Baseline Survey Report," July 2013, 25; see also, UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 190.

⁶⁹ World Economic Forum, "Global Gender Gap Report 2013: Country Profile: Yemen," 2013, <http://reports.weforum.org/global-gender-gap-report-2013/#section=country-profiles-yemen> (accessed August 5, 2014).

⁷⁰ CEDAW Committee, "Concluding observations of the committee on the elimination of discrimination against women: Yemen," CEDAW/C/YEM/CO/6, July 9, 2008, <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.YEM.CO.6.pdf> (accessed August 5, 2014), para. 373.

⁷¹ UNICEF, "Yemen Baseline Survey Report," July 2013, p. 104.

⁷² Ibid., p. 33.

⁷³ Ibid., p. xiv.

to be enrolled in school (and to achieve better in school) and less likely to be engaged in child labor.⁷⁴

Employment and Access to Economic Opportunities

While Yemeni law does not prohibit women from working, in practice a number of social and cultural barriers make it difficult for them to seek employment outside the home. First, as mentioned above, women lag behind men with regards to education.⁷⁵ Second, the Personal Status Law requires a woman to seek permission from her husband before leaving her house. While the 1992 law had an exception allowing a woman to leave her home for work, the exception was amended in 1998, specifying that the work must have been agreed to by her husband and must not contradict *Sharia*.⁷⁶ Finally, the emphasis placed on women having traditional roles and their primary responsibility for child rearing is used to deny them access to employment opportunities.⁷⁷

The labor force participation rate of women in Yemen is very low. In 2008, the CEDAW committee expressed concern about the gender disparity in the labor market. The committee found that, of women working, most were employed in the agricultural sector where they were often not paid.⁷⁸ In 2013, the World Economic Forum reported

that the female unemployment rate was 41 percent, while men's unemployment rate was 12 percent.⁷⁹

Girls are more likely to be engaged in child labor than boys. Forty percent of girls between the ages of 5-11 work—compared to 29 percent of boys—and half of girls aged 12-14 work—compared to 27 percent of boys. Girl child laborers are less likely to be at school than boy child laborers.⁸⁰

III. VIOLENCE AGAINST WOMEN

Yemen has no law designed specifically to protect women from gender-based violence, only the general protection provided in the Penal Code that criminalizes infliction of physical harm.

According to a 2003 national Family Health Survey, 5 percent of women reported that they had been beaten during the two years preceding the survey, with more than half of them – 56 percent – reporting that they had been beaten exclusively by their husbands. Only 5 percent of the women who had been beaten had contacted the police.⁸¹

International and regional human rights treaties oblige the authorities to act with due diligence to combat violence against women. For example, the CEDAW Committee has identified violence against women as a form of discrimination, and declared that governments have an obligation to prevent, investigate, prosecute, and punish all acts of gender-based violence.⁸² In 2008, the CEDAW Committee raised concerns regarding the lack of legislation against domestic and sexual violence towards women and girls in Yemen, the lack of access to means of protection, including shelters, and the difficulty for women to file complaints for acts of violence committed against them.⁸³ It also recommended that Yemen implement a comprehensive law on gender equality, and take steps to confront early marriage and female genital mutilation.⁸⁴ Yemen has yet to act on the committee's recommendations.

⁷⁴ UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 191.

⁷⁵ UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf> (accessed August 4, 2014), p. 4.

⁷⁶ Personal Status Law, article 40.

⁷⁷ UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf), (accessed August 4, 2014), pp. 81-82.

⁷⁸ CEDAW, "Concluding observations of the committee on the elimination of discrimination against women: Yemen," CEDAW/C/YEM/CO/6, July 9, 2008, <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.YEM.CO.6.pdf> (accessed August 5, 2014), para. 375.

⁷⁹ World Economic Forum, "Global Gender Gap Report 2013: Country Profile: Yemen," 2013, <http://reports.weforum.org/global-gender-gap-report-2013/#section=country-profiles-yemen> (accessed August 5, 2014).

⁸⁰ UNICEF, "Yemen Baseline Survey Report," July 2013, p. 132.

Penal Code

The CEDAW Committee urged Yemen to repeal discriminatory articles in the Penal Code.⁸⁵ Article 232, for example, allows for reduced and lenient sentences for men convicted of so-called "honor killing." It provides that a man who murders or injures his wife or her partner in the act of committing adultery should receive a maximum prison sentence of one year or a fine.⁸⁶ The same article applies to any man who catches his mother, daughter or sister committing adultery. In other circumstances under Yemeni law, the crime of murder is punishable by death. In Yemen, murder falls under *qisas* (retribution in kind), which provides the murdered victim's family the right to pardon, seek financial compensation or demand execution of the convicted offender. Where a family member has killed a female relative in the name of honor, he can be pardoned by his family. The state can still sentence him to 10 years' imprisonment but only in cases where it is deemed a threat to public order or "corruption on earth." "Honor killings" in such instances do not meet this criterion and thus the offender can be exempted. Human Rights Watch opposes the death penalty in all circumstances because of its inherent cruelty, but the extremely lenient sentences imposed for "honor" crimes conveys a message that killing in the name of "honor" is permissible.

Other current legal provisions that criminalize *zina* (sexual intercourse outside of marriage) and "immoral acts" have a discriminatory impact on women.⁸⁷ For example,

July 9, 2008, <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.YEM.CO.6.pdf> (accessed August 5, 2014), paras. 365-366.

⁸⁵ Ibid, para. 368.

⁸⁶ Law No. 12 of 1994 regarding crimes and punishments (hereafter Penal Code), as amended by law no.16 of 1995 and Law No. 24 of 2006, article 232 (in Arabic) at http://www.yemen-nic.info/db/laws_ye/detail.php?ID=11424 (accessed September 11, 2013).

⁸⁷ Article 12 lists *zina* as one of the crimes that would fall within the classification of *hudood* (hadd singular) crimes that are crimes as prescribed under *Sharia* law. Article 263 provides that where *zina* is committed by an unmarried man or woman they are to be punished by a maximum of 100 lashes and a court may also on the basis of *ta'zir* (discretion) sentence them to a maximum of one year in prison; if the person was married when committing *zina*, it is punishable by stoning to death.

under “immoral acts,” a woman can be prosecuted for the offense of *khilwa* if found in the company of a man who is not her relative. Such provisions undermine women’s rights, including to equal protection under the law.⁸⁸ Criminalizing consensual sex between adults also increases women’s vulnerability to rape and other sexual abuse as women are likely to be deterred from reporting such crimes, fearing their own prosecution for *zina* or “immoral acts.”

The National Dialogue Conference’s Rights and Freedom Working Group, in recommendation 63, suggested that, “A special agency be formed to protect women and children from social and domestic violence.” However, much more is needed. The government should enact a law that defines and criminalizes domestic violence, and establishes mechanisms for protection and enforcement. In addition, all forms of violence against women and girls should be criminalized and all laws that facilitate violence against women should be repealed or amended.

Legally Mandated Obedience to a Husband

Provisions in the Personal Status Law create conditions that can facilitate marital rape and domestic violence.

Article 40 of the Personal Status Law, for example, as revised in 1998, requires a woman to be obedient to her husband.⁸⁹ Article 40 does not permit a woman to leave the matrimonial home without her husband’s permission except in very narrow circumstances. The provision requires that women allow their husbands to have sexual relations whenever they require. While the 1992 law specified that women were only required to have sexual relations with their husbands when no one else was present, the 1998

⁸⁸ Chapter 3 of the Penal Code refers to scandalous acts in breach of modesty, which is defined under article 273 as “a scandalous act in breach of modesty are all acts contrary to public decency or modesty, nudity, revealing intentionally their genitals or indicating a breach of modesty and contrary to etiquette.” For instance, article 275 states in cases of scandalous acts with a female that they could be imprisoned up to one year or a fine if the act was committed without the female’s consent but if she consented then the two of them could be sentenced to a maximum of six months or a fine not exceeding 1,000 riyals (US\$5).

⁸⁹ Personal Status Law, article 40.



A female prisoner looks through prison bars at al-Mansoura prison in Aden city. Most of the inmates are between 14 and 20 and many have been incarcerated on charges of adultery. 2007.



"Salma," 16, ran away from home to escape domestic abuse only to be forced into prostitution by a woman who took her in from the streets. The authorities arrested and jailed her but then turned her over to a safe house that looks after girls following arrest or imprisonment. 2007.

amendments took this requirement out.⁹⁰ Similar provi-

90 Personal Status Law, article 40. The original article from 1992 read:

The husband has a claim of obedience on the wife in areas that realize the family welfare, in particular the following:

- (1) Move with him to the marital abode, provided she has not included a condition in the contract that allows her to remain in her home and her family's home, in which case she must enable him to live with her and have access to her.
- (2) Enable him to have appropriate access to her for legitimate intercourse in the presence of no other person.
- (3) Comply with his order and perform her work in the marital abode like other wives.
- (4) Refrain from leaving the marital abode except with his permission. The husband may not forbid his wife from going out for a legal or customarily accepted extenuation that entails no infringement of honor or her duties toward him, in particular going out to set her

sions have been revoked across an increasing number of countries.⁹¹ Marital rape is not criminalized.⁹²

financial affairs in order or perform her job; it shall be considered a legal extenuation for a woman to attend to her aged parents when they have no other person to attend to them except her.

The 1998 amendment changed article 40(2) and it now reads:

Enable him to have appropriate access to her for legitimate intercourse.

91 UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 103.

92 Personal Status Law, article 40.

Early and Child Marriage

A particular source of violence against women stems from the practice of child marriage. Currently, Yemeni law sets no minimum age of marriage. Yemen had previously set the minimum age for marriage at 15 for both genders. However, a 1999 amendment to the Personal Status Law repealed the minimum age for girls to marry. The law now allows a girl under the age of 15 to be married with the consent of her guardian. While the law purports to protect girls by prohibiting sexual intercourse until a girl reaches puberty, this minimal safeguard is ineffective. Human Rights Watch has documented cases in which pre-pubescent girls have been subjected to marital rape.⁹³

A marriage to a minor male is still invalid.⁹⁴ In 2009, Yemen's parliament passed a bill that raised the minimum age of marriage to 17, but conservative members of parliament argued the legislation violated *Sharia*. The bill was never signed into law.⁹⁵

Yemen is one of the few countries in the Middle East and North Africa without a minimum age for marriage. Many other countries in the region that recognize *Sharia* as a source of law, including Algeria, Egypt, Iraq, Jordan, Libya, Morocco, Oman, Tunisia, and the United Arab Emirates, have set the minimum marriage age at 18, with some countries allowing exceptions in narrow circumstances.

Yemen has high rates of child marriage, even by regional standards, including for girls 15 or under.⁹⁶ It is difficult to get accurate numbers on rates of early marriage, but a 2013 UNICEF survey showed that about one in five women (19 percent) between 15-49 years old had been married by the time they were 15 years old.⁹⁷ Girls and young women belonging to poor households, and those from rural areas, are more likely to be married early.⁹⁸ Early marriage of girls, sometimes to much older men, may impact rates of domestic violence, expose girls to marital rape, and often cause girls to become pregnant early, leading to high rates of maternal and infant mortality.⁹⁹

Several international conventions to which Yemen is party explicitly prohibit child marriage or have been interpreted to prohibit child marriage, and obligate governments to take measures to eliminate the practice. The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage requires governments to set a minimum age for marriage, and both the CEDAW Committee and the Committee on the Rights of the Child have recommended a minimum age of 18 for marriage.¹⁰⁰ In 2008, the CEDAW Committee called the Personal Status Law amendments that allowed minor girls to marry a "serious violation" of Yemen's international obligations.¹⁰¹

96 UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 226.

97 UNICEF and The Republic of Yemen, "Situation Analysis of Children in Yemen 2014", 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 228. UNICEF, "Yemen Baseline Survey Report," July 2013, p. 96.

98 UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, <http://www.unicef.org/gender/files/Yemen-Gender-Eqaulity-Profile-2011.pdf> (accessed August 4, 2014), p. 2.

99 SIGI, "Yemen," 2012, <http://genderindex.org/country/yemen> (accessed August 6, 2014).

100 CEDAW Committee, General Recommendation No. 21, Equality in Marriage and Family Relations, para. 36; and Committee on the Rights of the Child, General Comment No.4, Adolescent Health and Development in the Context of the Convention on the Rights of the Child, (Thirty-third session, 2003), para. 20.

101 CEDAW, "Concluding observations of the committee on the elimination of discrimination against women: Yemen," CEDAW/C/YEM/CO/6, July 9, 2008, <http://www2.ohchr.org/english/bodies/cedaw/docs/CEDAW.C.YEM.CO.6.pdf> (accessed August 5, 2014), para 379.

Recommendations 166 and 167 of the National Dialogue Conference called for the government to set a minimum age for marriage at 18, in accordance with international standards, and for criminal sanctions to be applied to anyone who forces a child to marry.¹⁰² On April 27, 2014, the minister of social affairs and labour and the minister of legal affairs presented a draft law to establish a minimum marriage age in an effort to implement these recommendations.¹⁰³ The Yemeni government should support this initiative.

Female Genital Mutilation

While in some governorates in Yemen the practice of female genital mutilation (FGM) is not practiced, in others up to 84 percent of women and girls are cut. Nationwide, 19 percent of all women and girls have undergone some form of FGM. Ninety-nine percent of women who are victims of FGM are mutilated within the first year of birth, with 93 percent mutilated within the first month.

The practitioners are usually uneducated older women from local villages, who were taught the procedure by their mothers or grandmothers and continue to pass it down to their daughters and granddaughters. Sometimes the procedure is also carried out by traditional birth attendants or relatives, almost always in the home of the baby. In some cases, doctors, nurses or midwives carry it out in medical facilities, in violation of a 2001 government decree that prohibits the use of public and private health facilities to carry out FGM. Practitioners rarely use any form of anesthetic, and usually do the cutting with a razor blade, scissors or a knife.

Some prominent Yemeni religious leaders who subscribe to the Shafi'i school of jurisprudence within Sunni Islam consider FGM a religious obligation, while others do not. Others in Yemen, such as those following the Hanafi and Maliki schools of thought, also Sunni, generally ei-

ther view the practice as optional or do not practice it at all. In the Zaidi Shia community, which represents roughly a third of Yemen's population, FGM is generally not practiced.

Yemeni doctors told Human Rights Watch that they have seen the procedure lead to serious medical consequences for Yemeni women and girls including fever, infection, difficulty in passing urine, swelling, pus, cysts, menstrual problems, pain and severe bleeding during intercourse and delivery, infertility and lack of an ability to get sexually aroused, as well as depression stemming from these consequences.¹⁰⁴

Because of the lack of health care in many rural areas of Yemen, particularly emergency care, FGM can lead to death or to long-term health consequences. Because of the lack of healthcare services in rural areas, where FGM is most prevalent, when baby girls are cut and bleed severely, they are unlikely to have access to life-saving care. However, the Yemeni government keeps no official data on deaths associated with FGM—hospitals have no policy of recording whether the cause of death for young girls is related to FGM—so the number of Yemeni girls who have lost their lives due to the practice remains unknown.

The debate on passing a law banning FGM was invigorated during Yemen's National Dialogue Conference. Conference members concluded that those who carry out FGM should be subject to criminal prosecution. In response to this and other National Dialogue recommendations, in April 2014, a Child Rights bill that criminalizes FGM and stipulates prison sentences and fines for offenders was submitted for ministerial review. At the time of writing, the bill was pending before the cabinet.

¹⁰² "Ending Child Marriage in Yemen," Human Rights Watch dispatches, January 22, 2014, <http://www.hrw.org/news/2014/01/22/dispatches-ending-child-marriage-yemen>.

¹⁰³ "Yemen: End Child Marriage," Human Rights Watch news release, April 27, 2014, <http://www.hrw.org/news/2014/04/27/yemen-end-child-marriage>.

¹⁰⁴ See forthcoming report: Human Rights Watch, "Killing my Daughter Haunts Me" Female Genital Mutilation in Yemen, February 2015.

IV. ACCESS TO REPRODUCTIVE HEALTH CARE

Access to health care in Yemen is generally poor.¹⁰⁵ Yemen remains predominantly rural. About two-thirds of women live in settlements outside of main urban areas and out of easy reach of the health services associated with these urban areas.¹⁰⁶

In 2008, the CEDAW Committee expressed concern about women's lack of access to healthcare services, particularly in rural areas, and the lack of access to reproductive health care and means of family planning.¹⁰⁷ UNICEF reported in 2014 that professional health facilities only reach about 64 percent of the population.¹⁰⁸

Yemen is making progress towards improving maternal health, but women still face severe health challenges. Maternal and infant mortality rates are very high for the region, and these rates are exacerbated by early marriage and high fertility rates.¹⁰⁹ According to the 2013 DHS, the maternal mortality rate (ratio of maternal deaths to live births) is estimated to be 148 maternal deaths per 100,000 live births for 2012/2013, as compared to 110 for the rest of the Middle East and North Africa region.¹¹⁰ Based on Yemen's fertility rate of 4.4 births per woman,

the lifetime risk of maternal death is 1 in 153 women.¹¹¹ Maternal mortality is the leading cause of death among women of reproductive age.¹¹²

Antenatal coverage in Yemen is low. Only about 60 percent of pregnant women surveyed in 2013 had received antenatal care. Urban and educated women were much more likely to receive antenatal care from a trained health professional.¹¹³ The majority of Yemeni women give birth at home—only 30 percent of births captured by the survey were in health centers, and only 45 percent of births were attended by skilled personnel.¹¹⁴ According to UNICEF data, half of women give birth with only a friend or a relative present.¹¹⁵ The 2013 survey found that access to skilled attendance at delivery, one of the most critical interventions for safe motherhood was, like antenatal care, much more likely for educated women living in urban areas.¹¹⁶

Women requiring emergency obstetric care may be denied admission to the hospital if they lack the authorization of their male guardians, most often their husbands. Yemen's Ministry of Health has found that advance permission from the husband to access health care at a medical center is one of the major obstacles to treatment, including emergency treatment.¹¹⁷ These authorizations

¹¹¹ MoPHP, "Yemen National Health and Demographic Survey 2013," May 2014, p. 20.

¹¹² SIGI, "Yemen," 2012, <http://genderindex.org/country/yemen> (accessed August 6, 2014).

¹¹³ MoPHP, "Yemen National Health and Demographic Survey 2013," May 2014, p. 15.

¹¹⁴ Ibid, p. 16.

¹¹⁵ UNICEF, "Yemen Baseline Survey Report," July 2013, p. 47; World Economic Forum, "Global Gender Gap Report 2013: Country Profile: Yemen," 2013, <http://reports.weforum.org/global-gender-gap-report-2013/#section=country-profiles-yemen> (accessed August 5, 2014).

¹¹⁶ MoPHP, "Yemen National Health and Demographic Survey 2013," May 2014, p. 16. See also UNICEF, "Yemen: MENA Gender Equality Profile: Status of Girls and Women in the Middle East and North Africa," October 2011, <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf> (accessed August 4, 2014), p. 4.

¹¹⁷ The 2003 Family Health Survey found that 29.6 percent of women in urban areas, and 53.7 percent of women in rural areas noted that getting permission to access treatment was an obstacle. Other obstacles to receiving treatment include not knowing where to go to access healthcare, not having enough money, distance, lack of transportation, and unavailability of female provider. These obstacles were particularly high for women living in rural areas. MoPHP, "Yemen Family Health Survey 2003," p. 114.

are a common practice although not a legal requirement in Yemen.¹¹⁸

According to UNICEF, young women in Yemen face considerable health risks due to early marriage and teenage pregnancy. Data from 2006 indicates that the number of pregnancies for women under 20 in Yemen was significantly higher than in other countries in the region, and that far fewer teenage pregnancies were attended by skilled physicians. Women under 20 accounted for one in three maternal deaths. UNICEF expected that the situation had deteriorated since 2011, as many reproductive health service providers had vacated large areas of Yemen due to insecurity.¹¹⁹

While women have the right to use contraception, SIGI and UNICEF have reported a general lack of awareness about reproductive health, and particularly about contraception.¹²⁰ The 2013 DHS indicated that only 28 percent of ever-married women have ever used a “modern” family planning method.¹²¹ Contraceptive use increased with educational attainment, and had increased over the 16-year period for which survey data was available.¹²² There is currently little international funding being spent on reproductive health projects.¹²³

¹¹⁸ According to Arwa al-Rabi`i, the authorization forms are printed forms in the name of the hospital or medical center that state that the hospital will not be responsible for any incident that may occur due to the procedure that will be performed. It will explain the procedure and reason for admission and require the woman's guardian's signature. Human Rights Watch telephone interview with Dr. Arwa al-Rabi`i, gynecologist, Sanaa, January 27, 2011.

¹¹⁹ UNICEF and The Republic of Yemen, “Situation Analysis of Children in Yemen 2014,” 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 154.

¹²⁰ Ibid., p. 155; SIGI, “Yemen,” 2012, <http://genderindex.org/country/yemen> (accessed August 6, 2014).

¹²¹ MoPHP, “Yemen National Health and Demographic Survey 2013,” May 2014, p. 77.

¹²² According to four surveys, use of contraceptive methods had increased in Yemen from 21 percent in 1997 to 34 percent in 2013. MoPHP, “Yemen National Health and Demographic Survey 2013,” May 2014, p. 13.

¹²³ UNICEF and The Republic of Yemen, “Situation Analysis of Children in Yemen 2014”, 2014, [http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final\(1\).pdf](http://www.unicef.org/mena/MENA-Situation_Analysis_report_-_English_Final(1).pdf) (accessed August 4, 2014), p. 155.



OBLIGATING OBEDIENCE

Violations of Women's Rights in Yemen

Women played an important part in the 2011 uprising that led to the removal of Ali Abdullah Saleh from power and have contributed significantly to the process of political transition. However Yemeni laws and the future constitution will need to ensure that gender-based discrimination is rejected and women's rights are fully protected in the new Yemen.

Obligating Obedience examines key areas that Yemen should address in the transition to secure and entrench women's rights, including violence against women, child marriage and limited access to reproductive health care. Failure to resolve these issues will reverse the progress that women have achieved over the past three years, particularly through the National Dialogue Conference, and hinder respect for women's rights in the years ahead.

Human Rights Watch calls on the Yemeni government to provide leadership in this time of transition and to adopt reform measures that guarantee women's equality as part of its stated effort to promote human rights for everyone in Yemen.



A poster dictating how women should dress at the women's cafe at Sanaa University.

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