

**Shadow Report of the Yemeni NGOs CEDAW Coalition on:**

# **The Implementation of CEDAW in Yemen**

**Presented to the 77th Session of the CEDAW Committee  
Scheduled on 26 - 5 November 2020**

**4 October 2020**



This document was prepared by Sisters Arab Forum for Human Rights and its authors with support from the Karama network for the 77th Session of the Committee on the Elimination of Discrimination against Women.

Front cover image © Nisma Alkumaim, used with permission.

4 October 2020

# Prelude

In March 2020, Sisters Arab Forum for Human Rights (SAF) invited NGOs to participate in preparing a CEDAW Shadow Report on Yemen to present to the 77th session of the CEDAW Committee, through which the seventh and eighth Combined National Report will be reviewed. Forty organizations responded to the call and the work began on collection and analysis of data and analysis from 2008 to September 2020.

SAF organized a training course between August 3-6 2020, in partnership with Karama and Operation 1325, with 59 NGOs participating from various governorates and abroad with the aim of introducing CEDAW and the methodology for preparing the report. A drafting committee was formed to prepare the final report, which was approved by 61 participants representing NGOs, listed below. SAF played the coordinating role for the preparatory process.

The absence of updated data or access posed a major challenge in the preparatory process, however, we put everything we reached and verified its validity to more accurately reflect the reality of discrimination, marginalization and exclusion of women and girls.

I hope that we have succeeded, we wish a better life for women and girls in a society where justice, security and peace prevail for all.

Amal Al-Basha



Chairwoman,  
Sisters' Arab Forum for Human Rights

## Contents

### **General Recommendation No. 30: Women in Conflict 5**

#### **Articles (1,2,3 4): Discrimination 7**

<i>Discrimination in Legislation</i>	7
<i>Enforced Constitution</i>	7
<i>Draft Constitution</i>	7
<i>Positive Discrimination</i>	8

#### **Articles (5, 6 & GR 35): Social Norms, Human Trafficking & Violence against Women 9**

<i>Social Norms</i>	9
<i>Human Trafficking</i>	10
<i>Violence against Women</i>	10
<i>Legislative Authority</i>	12

#### **Articles (7, 8): Women in Power & Decision-making 13**

<i>Executive Authority</i>	13
<i>Women National Committee</i>	14
<i>Judicial Authority</i>	14
<i>Political Parties</i>	14
<i>Trade Unions and NGOs</i>	15
<i>Diplomacy and International Organizations</i>	16
<i>Education</i>	16

#### **Articles (10, 12): Education & Health 17**

<i>Health</i>	17
<i>Labor</i>	18

#### **Articles (11, 13, 14): Labor, Economic & Social Entitlement & Rural Women 19**

<i>Economic &amp; Social Benefits</i>	20
<i>Rural Women</i>	21

#### **Articles (9, 15, 16): Nationality, Legal Capacity & Family Relations 22**

#### **List of Yemeni NGOs Prepared the CEDAW Shadow Report 24**

# General

## Recommendation No. 30:

### Women in Conflict

- Since the outbreak of the war on March 26 2015, all parties to the conflict have committed violations of international human rights law and international humanitarian law. The total number of dead and wounded is around a quarter of a million people, among them an estimated 20,000 civilians - including women and children. These casualties have resulted from air strikes, artillery, sniping, mines, the collapse of the health system and spread of disease, the dire humanitarian situation and blockade.<sup>1</sup> Statistics indicate that 112,000 people were killed and wounded as a result of direct armed confrontations, 7,825 civilians were killed, including 933 women killed and 1,395 injured.<sup>2</sup>
- Yemen is experiencing the worst humanitarian disaster in the world, affecting health, education, nutrition, water, electricity, fuel, etc. and disproportionately affecting women and girls. Currently 24.1 million people are in need of assistance, including 18.2 million women and children.<sup>3</sup>
- Women lack protection from gender-based violence - especially sexual violence - detention, arrest, repression of protest, kidnapping, torture and ill-treatment, threats of rape, and the absence of a fair trial. Women face restrictions and the arbitrary exercise and abuse of power during mobility, and are not allowed to stay in hotels except with 'permission', this happens in the areas under the control of the legitimate government, Aden and Taiz in particular. Women who search for forcibly disappeared relatives often experience violence.
- Women human rights defenders are exposed to violence and cybercrime with incitement, defamation, bullying and death threats.
- Displaced and refugee women are not sufficiently protected, especially in displacement camps, and they are exposed to violence, harassment, rape or threat of it.<sup>4</sup>
- Conflict and forced eviction led to the displacement of millions of Yemenis, internally and externally. Yemen ranks 4th globally for the number of displaced persons, which amounts to 3.5 million

1 <https://www.amnesty.org/en/latest/news/2015/09/yemen-the-forgotten-war/>

2 <https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2020-09-09-report.pdf>

3 Periodic Report of the United Nations Office for Humanitarian Aid (OCHA) 2020.

4 Report of the High Commissioner for Human Rights 2018.



displaced internally (IDPs)<sup>5</sup>, 83% of whom are women and children - 53% women and girls. In the diaspora, the number of residents in Egypt alone is 1 million.<sup>6</sup>

- Women have been dramatically underrepresented in the various rounds of negotiations – zero Yemeni women participated in the Gulf Initiative, zero in the Riyadh Agreement between the government and the Southern Transitional Council, and just handful women were involved at the Geneva, Kuwait, Pale and Stockholm Negotiations. Meanwhile, the delegations refused to meet with civil society representatives at the Kuwait negotiations or have civil society present in the same negotiations venue.
- Women are also underrepresented at the consultations organized by the UN Special Envoy. The Women's Technical Advisory Group's voice is not heard due to the silence policy imposed, the representation lacks TORs, diversification and rotation.
- The government adopted a National Action Plan for 1325 in November 2019; however, the representation of NGOs in the drafting was limited and restricted to a Southern NGOs only. The NAP lacked the required resources and implementation indicators.
- Committees were formed to deal with land and deported employees in the civil, security and military in the southern governorates and a National Committee to Monitor Allegations of Human Rights Violations, with the exception of the latter, the representation of women ranged from 0% to 10%, with no committees led by women.

<sup>5</sup> <https://refugeesmigrants.un.org/more-3-million-displaced-yemen-%E2%80%93-joint-un-agency-report>

<sup>6</sup> Sameh Shoukry, Minister of Foreign Affairs of Egypt, his speech at the Donors Conference in Riyadh 2020.

## Recommendations

- 
- The UN Security Council should pressure the international and regional players to stop igniting and fueling the war. It must lead the way to a ceasefire and the establishment of a lasting, comprehensive and just peace
- Members of the international community must refrain from selling and supplying weapons to the parties of the conflict, in line with the Arms Trade Agreement
- Refer Yemen's situation to the UN Security Council on crimes amounting to crimes against humanity and war crimes
- Combating impunity for violations of women's human rights and GBV - especially sexual violence - at the legislative, security and judicial structures
- Ratify the Convention on the Prevention of Enforced Disappearance, the Rome Statute establishing the International Criminal Court and the Optional Protocol to the Convention against Torture
- The government must issue a gender-sensitive transitional justice law
- Enacting a national refugee law to protect refugees in accordance with the UN Refugee Convention
- Ensure the participation of women in peace talks be at a minimum of 30% in the main and subsidiary delegations and committees
- The UN Special Envoy and international actors must demonstrate a stronger and supportive role for women by inviting civil society representatives to attend negotiations as observers with the expansion and rotation of the Women Technical Advisory Group members
- The Eminent International and Regional Experts Group to Monitor Human Rights Violations should be strengthened and its mandate extended
- Ensure women activists to make women's voices heard at international fora by facilitating procedures for obtaining visas

# Articles (1,2,3 4): Discrimination

## *Discrimination in Legislation*

- Legislation abounds with discrimination against women, accompanied by poor implementation of existing law, lack of accountability, fragility of the judiciary and law enforcement authorities, and an endemic culture of impunity and social stereotyping that draws strict limits on women's roles in the public and private spheres. All constitute obstacles to women's enjoyment of rights, with Yemen ranked on the list of the worst countries for women to live in.

## *Enforced Constitution*

- The enforceable constitution did not criminalize discrimination, rather, it enshrined it. The constitution contains explicit and specific discriminatory text using masculine language, as well as general, loose and contradictory provisions to legitimize discrimination in current and subsequent legislation.<sup>7</sup> Article (3) of the constitution states that "Islamic law is the source of all legislation." It is an amended article from the Unity Constitution of 1990, which stipulates that Sharia is a main source of legislation, to allow the presentation of strict interpretations of rights, and limiting equality in public rights and duties, excluding it from the private sphere.<sup>8</sup> From the general text, the constitution

7 Basha, Amal, Equality Discourse in Yemeni Constitutions, 2014, pp 25

<https://www.humanrights.dk/publications/gender-equality-discourse-yemini-constitutions>

8 Article 41, Amended Constitution in 2001.

moves to the special text to perpetuate discrimination in Article (31): "Women are sisters of men, and their rights are according to Sharia and as stipulated by the law." The special text precedes the general text in interpretation and implementation, while women are addressed as sisters, not as citizens.<sup>9</sup>

- The constitution is written in explicitly gendered, masculine language. For example Article 107 specifies the conditions for a candidate for the post of President: (d) "be of good character, practices his Islamic duties and have no dishonorable criminal record and if so, he has been reprieved" and (e) "not to be married to a foreign woman". This explicitly gendered framing saw a debate take place on whether women were entitled to run, which ultimately meant that women's candidacy was rejected in the 2006 presidential elections.

## *Draft Constitution*

- The draft constitution represented a revolution in women's rights, as it affirmed gender equality and non-discrimination, adopted a quota for women of at least 30% and prohibited marriage under the age of 18 for both sexes. This was secured thanks to it being drafted after the completion of the National Dialogue Conference (NDC), in which women participated in critical mass to make a difference by including the principles of equal citizenship,<sup>10</sup> with 4 women compared to 14 men appointed in the constitution drafting committee.

9 Basha, pp.25

10 Draft Constitution of New Yemen 2015.

- Article 57 states that citizens are equal in rights, freedoms, and “public” duties without discrimination, etc. which excludes equality in the private space.<sup>11</sup> However, the most threatening is Article (135) which codifies all rights and freedoms according to Islamic jurisdiction by stating that “all rights and freedoms are guaranteed and shall not conflict with the Islamic Sharia”, this text is open to strict interpretations.<sup>12</sup>

### *Positive Discrimination*

- Yemen witnessed positive discrimination in favor of women in the 2013-2014 NDC, where women’s participation’s reached 29%, with women assuming leadership positions, chairing the conference and various committees. Women participants succeeded in including their priority issues, such as securing a minimum quota of 30% for women in all authorities, preventing marriage of both sexes before 18 years, and ensuring equality and non-discrimination in the NDC document. However, its implementation is still ink on paper. Three governments have subsequently been formed in which the quota for women was not observed, and no woman has ever been appointed to the position of advisor to the President or governor, while dozens of men have been appointed.<sup>13</sup>
- The Civil Service Law reserved 5% of jobs for people with disabilities, but the implementation of this provision is still far from being achieved, and discrimination against women also continues.<sup>14</sup> In practice appointments made without respect to the needs of the civil service, or to years of service, career progression, qualifications and the required experiences, but rather they are made on the basis of nepotism, loyalty, favoritism, quotas and regionalism.

### **Recommendations**

- Harmonizing the draft constitution and national legislation with CEDAW and amending Article (57) by deleting the word “public” and deleting Article (135)
- Spreading legal awareness among women by all means, in urban and rural areas
- Training and activating the role of the House of Representatives and the National Authority to monitor the outcomes of the NDC and the Constitution Drafting Committee on human rights and gender-based violence
- Commitment to implementing the outcomes of the NDC through the representing women of no less than 30% in all appointed and elected authorities without delay or procrastination, representing the North by 50%, the South by 50% and the youth by 20%. Acting without prejudice to the standards of the civil service when appointing to relevant positions
- Implementing quotas for people with disabilities and modifying buildings, roads and public services to ensure inclusivity
- 

11 Ibid

12 Ibid Article No 408.

13 National Dialogue Document, Chapter Four, State-Building, pp 94

14 Civil Service Law No. (19), Article (24)



# Articles (5, 6 & GR 35): Social Norms, Human Trafficking & Violence against Women

## *Social Norms*

- Child marriage, forced marriage, honor killings and female genital mutilation (FGM) are common under many cultural and religious grounds, and there is no legal protection for victims. Child marriage is one of the most dangerous and harmful practices, with 9 percent of girls married before the age of 15 years, and 32 percent before the age of 18 years. These figures increase in areas that host large numbers of displaced persons, such as Al-Hudaydah, Hajjah and Ibb, where approximately 72.5 percent of girls are married before the age of 18, and 44.5 percent before the age of 15 due to the escalation of the armed conflict.<sup>15</sup> Circumcision and early marriage are emerging as defensive mechanisms for protection in armed conflict. ‘Honor killings’ committed by a husband, father, and children can see the penalty for conviction reduced to a maximum of one year in prison or a fine.<sup>16</sup> The prevalence of FGM reached 19 percent in five governorates,<sup>17</sup> and it is not criminalized.

15 UNICEF Report, 2019.

16 Crime and Penalties Law, Article 232.

17 Survey conducted by Ministry of Health and Central Statistical Organization, 2013.

- The media has played a weak role in combating harmful practices and does not treat it as a priority. The volume of material allocated to women in the official press represents 1.9 percent of all its materials,<sup>18</sup> while the coverage of women on television reached 9.7 percent compared to 90.3 percent for men.<sup>19</sup>

## **Recommendations**

- Retaining the age of marriage at 18 in the draft constitution, and amending it in the Personal Status Law
- Circumcision of girls has to be legally prohibited, criminalized and enforced
- Commitment to documenting marriage by official authorities
- Issuing ID cards and birth certificates to protect girls from early marriage
- Intensifying campaigns to raise awareness of FGM and early marriage and their harmful effects
- Conducting research on FGM, child marriage and honor crimes
- Giving girls’ education priority to protect them from early marriage and domestic violence
- Abolish Article 232 of the Law on Crimes and Penalties for ‘Honor Crimes’ and increase the punishment for these crimes

18 Moheeb Zoe, Women Image in Yemeni Public Journalism, Unpublished M.A. thesis 2017.

19 Women Presence in Yemeni Media Studies & Economic Media Center, 2017.

## *Human Trafficking*

- Human trafficking has emerged as a serious issue, as well as more than 1,000 cases of organ trafficking being reported between 2009 and 2014, with surgeries are being performed abroad. There is no concrete effort to combat the crime or prosecute perpetrators.<sup>20</sup>
- The practice of forced prostitution has become more prominent, with girls lured into prostitution through social media. They are kidnapped while parents refrain from reporting for fear of stigma. Authorities fail to conduct serious investigations to uncover their fate and hold perpetrators accountable.<sup>21</sup>
- Slavery exists in Yemen despite the fact that the country is a party to the Convention Against Slavery and national law criminalizes it. There are people suffering from the burden of slavery in the governorates of Al Hudaydah, Hajjah and Saada, where (190) cases of slavery have been monitored. The sales and documentation are done in the courts. There are children of families held as slaves who are not enrolled in education, they officially have no fathers, so they are attributed to their mothers and do not possess birth certificates or identity cards.<sup>22</sup>

## **Recommendations**

- Issue a law criminalizing and punishing human trafficking, and activating international protection mechanisms
- The government establish rehabilitation and care centers for survivors of human trafficking

<sup>20</sup> US State Department Report on Human Trafficking in Yemen, 2017.

<sup>21</sup> Ibid.

<sup>22</sup> Asma Khalifeh, The Forgotten: Slave Trade in Yemen, 10/27/2017.

<https://www.ida2at.com/the-forgotten-slavery-trade-in-yemen/>

- Implementing the law criminalizing slavery and establishing strict penalties for anyone who refuses to free those held as slaves, or those involved
- Conducting field research to reveal the prevalence of slavery and its treatment
- Issuing identification documents for victims of slavery
- The government must establish support and rehabilitation centers for victims of slavery and enroll them in literacy and formal education programs
- Activating the role of the media in exposing the crimes of human trafficking, slavery and forced prostitution

## *Violence against Women*

- All forms of violence against women and girls are widespread, in different regions and social classes, at all levels in both the family and public sphere. Violence is exacerbated during armed conflict, manifested by rape, murder, abduction, enforced disappearance, detention, torture, forced prostitution, begging, child, forced and touristic marriage, honor crimes, FGM and conflict-related sexual violence.
- Protection and justice for survivors are lacking due to illiteracy, poverty, weak legal awareness, scarcity of social, psychological and legal services, shelter and a referral system in an environment that perpetuates violence and a culture of impunity - by silence or justification, compounded with the absence of law to protect women from domestic violence in particular. Legal enforcement institutions lack rehabilitation and training, which makes women victims of violence reluctant to report.
- Politically active women, those in media, the arts, and women's civil society activists are exposed to systematic smear campaigns, defamation, bullying, and accusations of apostasy by the conflict parties, extremist religious groups, and 'electronic armies'.

Some of them are exposed to fatal danger by weapons, displacement from homes, and arson attacks on their homes and offices.

- During the popular protests, nearly 80 cases of violence against women protesting in the sit-in squares were reported, including beatings and demolition of women's tents, killings during security raids on the squares and by snipers, kidnapping, and immoral, defamatory and expiatory campaigns.<sup>23</sup>
- Southern women participated at the NCD were accused of treason, their pictures were published in the streets as traitors by some opposing elements within the Peaceful Southern Movement.<sup>24</sup>
- The graves of the family of an activist were destroyed, and she was threatened with death, torture and crucifixion, and incitement against them through mosques and the issuance of religious fatwas and threats of liquidation by terrorist groups for participation at the UNHRC and exposing violations in the conflict<sup>25</sup>.
- Sexual harassment is widespread in the streets, reaching 90 percent in 9 governorates.<sup>26</sup>
- Marginalized women in the minority black community are subjected to severe discrimination, violence and exclusion, as the rate of violence rose to 36 percent in 2017. Not a single marginalized woman participated in the NDC. There is no legislation to criminalize discrimination against the marginalized persons, despite the fact that social discrimination and exclusion are systemic and blatant.
- Women and girls with disabilities also suffer from marginalization, lack of protection and empowerment.

23 Memory of Torture against Revolutionaries in Yemen" a report issued by the Sisters Arab Forum in December 2013 and presented at ACT Annual Regional Conference in Cairo 2014.

24 Ibid, pp. 5

25 The Drafting Committee has the name of the victim

26 Report issued by Wjoood Foundation for Human Security, Yemen, 2018.

- In demonstrations women are subjected to violence by the (Zainabiyat) security of Ansar Allah. During the sit-in at the Squares in Sana'a & Taiz, the Security Women Committees belonging to the Islah Party committed violence against women in 2011.
- The mothers of the kidnapped are exposed to violence during protests in the areas controlled by the legitimate government in the southern regions.
- Women and girls who have experienced sexual violence have been imprisoned on charges of prostitution, solicitation, indecent acts and homosexuality as criminalized by the law, while male perpetrators are free, and rape cases are adapted as adultery due to the lack of witnesses.<sup>27</sup>
- Women were investigated by Ansar Allah on charges of collaborating with "aggression" or aiding "Al Qaeda". In Abyan and Mukalla, in southern Yemen, two woman were beheaded by Al Qaeda on charges of practicing sorcery and other charges.

### Recommendations

- Passing a law to protect women and girls from violence in general and domestic violence, and in armed conflicts
- Amending the Crimes and Penalties Law by abolishing Article 232 relating to 'honor crimes' and enacting severe penalties for such crimes
- A comprehensive definition of the crime of rape and incest should be incorporated
- Establishing shelters and psychological support, providing safe spaces, and free legal aid for survivors in all governorates, and activating the role of the Ministry of Justice in providing free legal aid to women and the needy
- Provide accountability mechanisms, prevention, protection and redress programs, and establish emergency units, and increase recruitment of women police officers

27 The 7th & 8th CEDAW National Report 2012.

- Providing forensic service in all governorates with the provision of DNA testing free of charge for cases of sexual violence
- Establishing family courts to settle family disputes
- Establishing a database to monitor prevalence of violence at national level
- Expanding the scope of studies on GBV and impact
- Launching campaigns through media to change perceptions and end stereotypes on women
- Supporting women's NGOs and networks in activating the 1325 NAP
- Training of law enforcement on human rights and GBV
- Establishing precautionary detention centers for women with qualified women police officers, and establishing special annexes to receive those who have been abused
- Transferring the women's prisons from the perimeter of the central prisons of men in various governorates
- Regularly updated data of the Ministry of Interior nationwide on prisons
- Providing institutional and technical support, training for NGOs on GBV
- Ratify Optional Protocols of CEDAW & the Convention on Combating Torture
- Establishing an independent national human rights institution according to Paris Principles and the outcomes of the NDC
- Establishing an Ombudswomen Office for GBV and discrimination

---

# Articles (7, 8): Women in Power & Decision-making

## *Legislative Authority*

- There are no women in the elected House of Representatives, composed of 301 members, since the last elections held in 2003. At that time only one woman was elected, but she passed away in 2015. Since then, women have been entirely absent from the oldest assembly in Yemen's history. Since 2006 women's representation in local councils is less than 1 percent.
- Women candidates are routinely subjected to violence, threats and unethical campaigns
- The Shura Council consists of 111 members, and originally only two women were appointed to it. As a result of the outcomes of the NDC to expand the Shura Council membership, Ansar Allah appointed 3 women, while Hadi's government never appointed a woman, only men. Not a single woman chairs the two chambers' committees. Parliament has been divided since the outbreak of the war, part of it is loyal to Ansar Allah, and the other part is loyal to Hadi's government.
- The Higher Committee for Elections saw just one female judge appointed, compared to 8 male judges, however pressure of women's organizations led to the appointment of another woman judge.

## **Recommendations**

- Adopting a women's quota of no less than 30% in the electoral system, the Shura Council and the Electoral Commission, in compliance with the NDC outcomes
- Amending the Political Parties and Organizations Law by imposing the quota in the lists of party nominations and structures,
- Adopting proportional representation in the Election Law,
- Addressing GBV against women candidates to the parliamentary and local councils

## *Executive Authority*

- The appointment of women ministers has ranged from zero to three, in addition to a minister of state in all government formations. Currently, there are two women in the legitimate government, although their number has increased to three in the portfolios of culture, media and legal affairs after the dialogue conference, while women have held the portfolios of social affairs, labor and human rights since 2003. Ansar Allah in Sana'a formed the National Salvation Government, appointing the Minister of Human Rights and the Minister of State.



- Women did participate in preparing for the NDC. In the Liaison Committee, two women were appointed out of 8 members, and in the Technical Committee to prepare for the conference, 6 women were appointed out of a total of 25 members. The number of women participating in the NDC reached 166 out of the strength of 565 members, or 29 percent. The large representation of women affected the outcomes of the dialogue, ensuring the adoption of a women's quota of not less than 30 percent, and setting a legal marriage age of 18.
- After the dialogue conference, a Regional Division Committee was formed of 24 members, with two female members, or 9 percent. This revealed the absence of political will in the first test to implement the outcomes of the NDC that represented national will and consensus.

#### *Women National Committee*

- The National Committee for Women (WNC) has been hindered as a mechanism concerned with formulating gender-related policies at national level, after Ansar Allah took control of Sana'a and appointed a chairperson affiliated to them. On the other hand, the Hadi government did not activate the WNC in the temporary capital, Aden, by not allocating effective financial or human resources. Rather, the Ministry of Social Affairs and Labor was assigned to deal with the women's file.

#### **Recommendations**

- Taking legal measures to enable women to exercise their political rights and participate in public life
- Activating the WNC and providing it with qualified and leading cadres, allocating the necessary financial resources, supporting its branches, and supporting women's departments in various sectors
- Building the capacity of women leaders involved in political work

- Addressing GBV that hinders women's participation in political life

#### *Judicial Authority*

- Women's representation in the judiciary does not exceed 1.7 percent of the total number of judges.<sup>28</sup> A woman was appointed to the Supreme Judicial Council, and one woman was appointed to the faculty of the Higher Judicial Institute for 12 men, while the number of enrolled women in the institute reached 36 female students from a total of 300 students, or 12 percent of the students. Feminist NGOs launched a campaign to enroll girls at the Higher Judicial Institute, and since 2007, the Institute began accepting them yet in very low numbers.
- Women judges are appointed in courts related to the reproductive role of women, such as personal status and juvenile delinquency. They are rarely appointed in criminal courts due to a legal dispute that women are not permitted to deal with criminal cases. Women are underrepresented at the appeal courts, Supreme Court and constitutional court division. The appointments shows differences between the sexes with the increase in appointment of women to the Public Prosecution Office.

#### **Recommendations**

- Appointing female judges in the Supreme Judicial Council and in all levels of courts, the Constitutional Division, and the Higher Judicial Institute, with a quota of not less than 30%
- Appointing female judges in the courts in a manner consistent with the standard of competence and ability while raising their capacity and qualification

<sup>28</sup> <https://www.unescwa.org/sites/www.unescwa.org/files/publications/files/women-judiciary-gender-justice-arab-countries-arabic.pdf> pp. 8

### *Political Parties*

- The representation of women in political parties, both ruling and opposition, is minimal, but there have been developments in some parties. In the Yemeni Socialist Party, the number of women in the political bureau reached 3 out of 29 members, or just over 10 percent. In the Unionist Popular Organization of Nassirates, the number of women in the Central Committee reached 27 out of 90 members, or just under 30 percent, and in the General Secretariat two out of 16 members, or 12.5 percent. As for the rest of the parties, there is no update.<sup>29</sup>
- New parties have emerged since 2011, including the Watan Party and the Arab Hope Party (formerly the Arab Spring) which is the first party founded by women and holding leadership positions for more than 40 percent, as well as being headed by a woman.<sup>30</sup>

### *Trade Unions and NGOs*

- NGOs grew until their number exceeded 11,000 after 2011, and the role of women-led organizations and networks emerged in awareness-raising and advocacy, they have succeeded in placing women's issues at the center of the political agenda. During the popular protests, NGOs and feminist coalitions participated in the mobilization and organized awareness activities during the negotiations between the then Saleh regime and the opposition.
- Feminist organizations and networks play a notable role in calling for peace and the effective participation of women in negotiations, highlighting the needs, concerns and protection of women and girls to be included in a comprehensive peace agreement, if and when it is reached.
- Organizations face challenges of obtaining or renewing licenses in the north and

south, with the restriction placed on their activities and the freezing of accounts for some NGOs.<sup>31</sup> Support is directed to humanitarian relief with limited support for community projects/initiatives. International organizations compete by direct implementation of projects instead of partnering with local women's organizations. There is a weakness in the institution-building of organizations and coordination between them.

- The politicization and containing of NGOs has led to undermining CSOs, which is a greatest challenge.
- Peace advocacy NGOs have emerged in the diaspora, but they are restricted due to the imposition of permits and restrictions on obtaining visas, which have been barriers to women's voices reaching international fora, with some rare exceptions.
- The role of women in professional unions is still limited, which no longer has a role in light of political disputes and the sharp division in society, which led to the emergence of regional unions detached from the original ones, which has weakened their impact.

### **Recommendations**

- Enabling women's organizations and coalitions to carry out activities and removing all forms of restrictions
- Political parties and forces must stop interfering in trade unions and NGOs and ensure their autonomy
- Rehabilitation and training of NGOs and building institutional capacities
- Creating effective partnership and coordination among women's organizations and alliances, the government, the local authority and international organizations
- Providing support to women's organizations and networks and raising their capabilities and influence, especially local women's peace initiatives

<sup>29</sup> The Data is fixed according to the 7th & 8th CEDAW National Report.

<sup>30</sup> <http://sahafahnet.com/show544863.html>

<sup>31</sup> Statement by President of Wogood For Human Security Foundation on freezing its account in Sanaa.

- Facilitate visas for women human rights defenders to attend and participate in international fora, for example the Human Rights Council, the Commission on the Status of Women, the European Parliament, etc.

### *Diplomacy and International Organizations*

- Women's representation in Yemen's diplomatic corps is low, the number of female ambassadors are 2 from the south and 1 from the north, compared to 50 male ambassadors. Women are more present in administrative levels rather than leadership. Women's representation in the Ministry of Foreign Affairs reached 13.3 percent for the year 2012, and women are almost unrepresented in the positions of consul, military, medical or commercial attache, with few exceptions.<sup>32</sup>
- Yemeni representation at international organizations and permanent delegations to Yemen is disproportionately male. Yemen is represented by a woman in the Regional Office of the Food and Agriculture Organization (FAO) by virtue of her position as Ambassador to Italy. In addition to the appointment of a woman in the AISECO in Morocco, while women were not appointed in the permanent delegations and special missions in international and regional organizations such as the League of Arab States, the Arab Parliament, or the Organization of the Islamic Conference.

### **Recommendations**

- Increasing women's representation in decision-making positions in the diplomatic and consular roles and in various permanent delegations by at least 30%, in compliance with the NDC
- End the policy of discrimination in appointments based on favoritism, partisanship and regionality

<sup>32</sup> Men and Women for 2018, Central Statistical Organization, pp. 254.

# Articles (10, 12): Education & Health

## *Education*

- There are clear enrollment gap for girls in education compared to boys, with 78 percent of boys in education, compared to 69 percent for girls.<sup>33</sup> In primary education, 42.7 percent of students enrolled are females, compared to 57.3 percent for males in 2010,<sup>34</sup> while enrollment in secondary education for the same year was 36.8 percent for females compared to 63.2 percent for males. In rural areas, the percentage of girls in primary education reached 76 percent and secondary education 41 percent.<sup>35</sup> The proportion of females in university education reached 30 percent, compared to 69 percent of male students<sup>36</sup> during the period 2016-2018.<sup>37</sup>
- The dropout rate is 70 percent for girls and more than 60 percent boys' in the age group 6 -14, and more than 20 percent for the age group 15-24.<sup>38</sup> Drop outs are caused by poverty, early marriage, displacement, the attitude towards girls' education, lack of girl schools - especially in rural areas, lack of bathrooms and fences, the war, and the spread of COVID-19.
- The gap in the illiteracy rate between males and females reaches 40 percent for males compared to 60 percent for females, and it was distributed by 40 percent in urban areas and 74 percent in rural areas.

33 Previous Source. Note the data was not updated since 2014 due to the war.

34 Previous Source. Page 52.

35 Previous Source. Page 52.

36 Previous Source. Page 60 – 65.

37 Previous Source. Page 63.

38 Central Statistical Organization, UNFPA Yemen, Page 60, 64, 65.

The impact of conflict and suspension of salaries resulted in the high rate of illiteracy, with many teachers leaving the profession, and thousands of schools damaged due to bombing, either totally or partially destroyed, and some school buildings used as military barracks, warehouses, detention centers or shelters for IDPs.

## **Recommendations**

- Reconstructing and rehabilitating destroyed schools, emptying them of weapons, armed men and displaced persons, and providing them with alternatives
- Increasing the recruitment and rehabilitation of female teachers, building schools for girls in rural areas, and shelter centers for the displaced
- Developing a strategic plan to amend curricula to change the stereotypical concept of gender roles and to neutralize them from political and sectarian conflict
- Restructuring education and paying remunerative salaries of male and female teachers
- Creating school environment to accommodate girls with disabilities
- Providing equal opportunities for young women to obtain educational scholarships abroad and the necessity of handing over financial dues to female students on scholarships



## Health

- Maternal mortality in Yemen the highest in the world. In total there are 148 deaths per 100,000 live births. The rate increases in rural areas to 164 deaths per 100,000, compared to 97 in urban areas.<sup>39</sup>
- Health services are either non-existent or poor, and do not meet urgent needs. The health system suffers from wear and tear in the simplest basic components, the displacement of medical staff and most hospitals going out of service - more than half of 3,506 health facilities are not working, with just 6 beds available for every 1,000 people.<sup>40</sup>
- Infant, child and maternal mortality rates are high, due to early marriage, repeated pregnancy, poverty and illiteracy among women, limited access to healthcare and family planning services - especially in rural areas, conflict areas and IDPs camps and mother and child centers have also been forced to closed.
- Older women lack shelters throughout the country, and people injured or disabled by the war do not receive medical care.<sup>41</sup>
- The number of people infected with HIV/AIDS increased to about 4,805 cases until 2016, 64.5 percent of whom are men, and 33.2% women, and there is poor diagnosis and lack of reporting.<sup>42</sup> Diseases are spreading including cholera, dengue and *celery fever* (Chikungunya), which have claimed the lives of thousands.

39 Men and Women in Yemen, Ibid.

40 Doctors Without Borders “Complicated Pregnancy”, Death of Mothers and Children in Yemen without Medical Care, November 2018 - February 2020.

41 Previous Report, Men and Women in Yemen (statistical profile), 2018.

42 Previous Source

- The first cases of COVID-19 appeared in April 2020, and the total number of cases was 2,013, with 1,213 recoveries and 583 deaths<sup>43</sup> which is alarmingly high, accounting for 29% of cases, so efforts must be redoubled.<sup>44</sup>

## Recommendations

- All parties to the conflict must respect international humanitarian law, ceasing targeting of the health sector
- Increasing the public budget allocations for health and delivering salaries regularly
- Restoring hospitals, health centers and units, and providing specialized medical staff, medical and preventive supplies
- Creating well-equipped health centers and units in rural centers and villages
- The international community should provide services to women in conflict areas and IDPs facing malnutrition and famine
- Raise awareness through various media and support campaigns to combat chronic and emerging diseases
- All studies should adopt gender and age perspective
- The Ministry of Social Affairs and Labor should establish shelter and care centers for older women throughout the country
- Opening Sana’a airport and all domestic airports to facilitate response to humanitarian and health cases

43 <https://reliefweb.int/report/yemen/yemen-covid-19-preparedness-and-response-snapshot-12-september-2020>

44 <https://twitter.com/ysneccovid19?lang=ar>



# Articles (11, 13, 14): Labor, Economic & Social Entitlement & Rural Women

## *Labor*

- Women's participation at the workforce was 6 percent, compared to 65.4 percent for men. Women's in the workforce are distributed with 28.3 percent in urban areas and 71.7 percent in rural. Female employment is 4.5 percent compared to 57.3 percent males, and unemployment rates for women reached 26 percent, compared to 12.3 percent for men in 2014.<sup>45</sup>
- The largest employment segments for women in work are agriculture, followed by primary education and then secondary education. The percentage of women in the informal sector was 83 percent, compared to 81% for males in 2014. In 2015, male employment decreased by 11 percent & female by 28 percent. Women engage in the labor market to support their families.<sup>46</sup> Currently 21 percent of households are headed by girls under the age of 18.<sup>47</sup>
- There is a gender pay gap, with the average income for men of approximately \$65 compared to the average income for women of \$50. In addition, 54.2 percent of rural women work without pay.<sup>48</sup>

45 Labor Force Survey Report 2013-2014, Central Statistical Organization.

46 Damage and Needs Assessments in Yemen - The impact of the crisis on employment and the labor market, International Labor Organization, January 2016.

47 [https://www.unfpa.org/sites/default/files/resource-pdf/English\\_-\\_2019\\_UNFPA\\_Response\\_brochure\\_-\\_final\\_for\\_Web-compressed.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/English_-_2019_UNFPA_Response_brochure_-_final_for_Web-compressed.pdf)

48 Men and Women in Yemen (statistical profile)

- There were 882,000 boys employed in child labor, compared to 732,000 girls, according to the last survey in 2010. The work of minors is concentrated in private homes.<sup>49</sup>
- There is no law criminalizing sexual harassment in the workplace.
- Wives must obtain the consent of their husbands in order to work, and husbands are allowed to prevent them if it violates Islamic law.<sup>50</sup>
- Women in the marginalized black minority work on seasonal contracts as cleaners, working day and night, although the Labor Law prohibits women from working at night except in specific jobs. They have been working for years while they do not enjoy vacations or pensions. The government refuses to include them in the civil service.<sup>51</sup>
- Domestic workers work as forced labor without specified working hours, vacations or minimum wages, are subject to sexual harassment and violence, and are not covered by labor law protection.<sup>52</sup>

2018, Central Statistical Organization, UNFPA Yemen.

49 Results of the National Survey on Child Labor 2010. The Central Bureau of Statistics and the International Labor Organization.

50 Personal Status Law, Article 4.

51 Labor Law 1995, Article 39, Chapter 3, Section "B".

52 Ibid, Article 46, Section "B".

## Recommendations

- Amending the Labor Law to address discrimination in wages and incentives, employment, training, qualification and promotion
- Enrollment of cleaning workers in the civil service and protect domestic workers from exploitation by amending the Labor Law
- Passing a law criminalizing and punishing sexual harassment everywhere

### *Economic & Social Benefits*

- Women's inheritance rights are allocated according to Islamic law, therefore daughters inherit 1/2 of the sons' share, the husband inherits 1/4 of the inheritance after the wife's death, while the wife inherits 1/8 of the inheritance upon the husband's death. There are examples of the different cases in which women inherit different shares, yet women are deprived of the inheritance. Girls are often forced to marry male relatives so that the wealth does not pass outside the family. Inheritance cases before the courts are often delayed or receive unfair rulings.<sup>53</sup>
- The number of borrowers increased in 2014 to 120,839, with female participation rate at 55 percent. Borrowing in 2018 witnessed a relative increase in the number of borrowers, with a decrease in the proportion of borrowers to 43.4 percent.<sup>54</sup> Few women are able to access banking services due to the lack of information and awareness of bank financing methods, in addition to cultural difficulties. Most women-led firms are not registered in the Chamber of Commerce. The ongoing conflict has also made financial services more expensive or unavailable.<sup>55</sup>

53 The Constitution, Article 23

54 Annual Reports of the Social Fund for Development for 2014, 2017, 2018

55 The World Bank. Yemen Policy Note No. 3: The Readiness of the Private Sector to Contribute to Reconstruction and Recovery in Yemen, 2017. The World Bank

- A Women General Department was established in the Olympic Committee, they occupy 5 out of 25 seats in the Olympic Committee, i.e. 20 percent, and 15 out of 59 seats, i.e. 25 percent, in the General Assembly. Female participation is limited to chess, judo, equestrian and basketball while they lack access to other disciplines.<sup>56</sup> Women's sports clubs are rare in most regions. Males are sent to sporting events excluding women and many have ceased participation in sport, considered a luxury during the conflict.
- Cultural activities are diminished by the war, the structural nature of society changed, and a dominating militant culture has suppressed freedoms. During the past twenty years, classes for creativity, sports, culture, music and acting were eliminated from schools, and theaters and sports halls were turned into storages. Few women have struggled to engage in theater and television, they face rejection in addition to the absence of female participation in writing, directing, singing, popular bands and cinema. There is no film industry or cinemas in any parts of Yemen. Rather, old cinemas were closed after the 1980s bombing of cinemas in Sana'a, and none have been built since then.
- There is no legal text that defines the type and color of women's clothing in society, but the extreme and militant culture has imposed black clothes covering the whole body. Strict clothing is imposed on girls at school, university and workplace in addition to prohibiting the use of nail polish, heels and colored face cover under justification of decency in some workplaces.

## Recommendations

- Encouraging enlightened readings of Shariah to achieve justice for women in inheritance, based on the experiences of Arab countries such as Tunisia in amending the Inheritance Law

56 Olympic Committee, Annual Report 2018

- Work to achieve an efficient, fair and independent judiciary system trained in human rights and gender issues
- Designing and implementing programs and facilities for women entrepreneurs and small enterprises to encourage borrowing and raise their financial literacy and investment skills
- Establishing women's sports clubs in all governorates with a comprehensive diversity of sports.
- Establishing sports and cultural programs at schools and universities
- Protecting the freedom of dress for women, taking into account the nature of work

### *Rural Women*

- Rural women face exceptional hardship, as agricultural activity has declined and 40 percent of the land has been lost due to eviction and forced displacement. More than 70 percent of the population resides in rural areas, women contribute to the domestic sector more than any other sector, but it is not monetarily estimated and not reflected in GDP, the gender gap is estimated at more than four times as many women in the unpaid family economy compare to men.<sup>57</sup>
- The targeting of hospitals in the conflict and the siege has led to acute shortage of qualified medical personnel, medicines and various medical supplies, including nurseries, and many health centers have closed, and the reluctance to receive health care during childbirth has increased the rate of deaths of mothers and premature babies causing high maternal mortality.
- Displacement, poverty, and early marriage prevented girls from schooling and dropping out; training, education and literacy activities were hampered.<sup>58</sup>
- Many rural areas lack electricity, water, paved roads, and sanitation. Currently,

about 18 million people live in need of basic services, and it is difficult to access them in the conflict-affected areas and IDP camps, which has led to the spread of epidemics and high number of deaths.<sup>59</sup> Women are forced to travel long distances to bring firewood, fodder and water in dangerous roads.<sup>60</sup>

- Rural women are underrepresented in the leadership of cooperatives and unions.

### **Recommendations**

- Spreading awareness on the importance of educating girls, increasing the number of rural schools, recruitment of women and changing social norms
- Facilitating women's access to loans and small projects, and assessing the contribution of women's unpaid work in GDP
- Providing adequate social security for women working in the family economy
- Establishing hospitals and health centers in villages with female doctors
- Supporting water, electricity, sewage, roads and communications networks

59 <http://unicef.org/>

60 <https://www.aljazeera.net/>

57 Women and Men, Previous Source, 2018.

58 Comprehensive Educational Survey, 2005/2006.

# Articles (9, 15, 16): Nationality, Legal Capacity & Family Relations

- Yemen's Nationality Law discriminates against women. The last amendment in 2010 allows a woman married to a foreigner to confer her nationality to those born since the date of the amendment, i.e. without retroactive effect, except in the case of a request to grant citizenship within 3 years from the date of the last amendment provided approval of the Minister, or after a year has passed since the submission of the request.<sup>61</sup> Those unable to submit the application within the specified period loses the right to obtain their mother's nationality. The children of a man married to a foreign woman acquire the nationality of the father upon birth, while minors are granted citizenship by dependence.
- The law does not permit the retention of the nationality of the father and the nationality of the mother together, and a woman loses her nationality if she chooses the nationality of her husband, regaining it only after divorce.
- A foreign man married to a Yemeni woman cannot obtain citizenship. Rather, he is granted a permanent residency renewable every 2 years, while a foreign-born wife is eligible for citizenship after 4 years of marriage.
- Women are not allowed to marry a foreigner without the approval of the Minister of Interior. No equivalent requirement exists for Yemeni men.
- The Evidence Law discriminates against women by not accepting their testimony in criminal courts and contracts. The law accepts testimony only of two men, or a man with two women together in crimes such as murder, rape, torture, and money and marriage contracts.<sup>62</sup>
- Article 24 of the Penal Code stipulates that 'blood money' (restitution) for a woman is half that of a man.<sup>63</sup>
- When obtaining or renewing a passport, women are required to bring a male guardian (father, brother, husband, son).
- The Personal Status Law allows for girls to marry at the age of fifteen and under.<sup>64</sup> It does not allow an adult woman to marry without either the permission of her guardian or a judge. The Law allows polygamy and divorce without informing the wife, and divorce in absentia without specifying the time for informing the wife.<sup>65</sup> A husband has the right to return to his wife within 3 months of the divorce without her knowledge.<sup>66</sup> Wives seeking a divorce face far greater obstacles and only on condition that the dowry be returned, and with the discretion of the judge in accepting the divorce case and deciding on it.<sup>67</sup>

61 Nationality Law No. 25 of 2010, Article 3, Section "B".

62 Republican Decree No. 20 of 1992 on Personal Status, some articles amended by the Law No. 34 of 2003.

63 Law of Crimes and Penalties No. 12 of 1994.

64 Personal Status Law No 20, 1992. Article 15,

65 Ibid . Article 12,

66 Ibid. Article 75.

67 Ibid. Article 17.

## **Recommendations**

- Abolishing discriminatory provisions against women in all legislation including the Personal Status, Nationality, Crimes and Penalties and Evidence Laws
- Harmonizing laws with CEDAW, and issuing executive regulations
- Allowing of the right to dual nationality for women married to foreigners and for their children
- Training of the justice sector on human rights, GBV and CEDAW
- Establishing family courts in all governorates with an Alimony Fund
- Issuing age certificates and punishing those involved in marrying off children
- Adopt the Moroccan Law of Efforts & Pursuance in marriage for Yemen

✖✖



# List of Yemeni NGOs Prepared the CEDAW Shadow Report

No	Name	Organization
1	Abeer Ahmed Aborijal	Women's Voices of Peace Network
2	Abeer Mohsen	Yemeni Woman Journalist Center (YWJC)
3	Afrah Suhail	Businesswomen Council
4	Alaa Murshed	Media for Peace Network (MFP)
5	Alanood Mohammed	Jood Foundation for Sustainable Development
6	Amal AlBukhaiti	Awam Foundation for Development
7	Amal Basha	Sisters Arab Forum for Human Rights (SAF)
8	Amani Al-Ghoury	Lawyers Association to Promote the Rule of Law
9	Amat Alsalam Altharihi	Al-Bunyan Social Association
10	Amena Muhsen	Yemen Women Union/Abyan Branch
11	Anisa Tarpish	Sewing Association and Development Services
12	Anjila Al-Maamari	Center for Strategic Studies Support for Women & Children
13	Bahia Alsakkaf	Alf Ba Foundation Civil & Coexistence
14	Bahria Shamsheer	Ana Alwatan Foundation
15	Basma Nasser	Yemeni Feminist Voice
16	Bilqis Abu Osba	Awam Foundation for Development
17	Biqam Alazzani	Republic of Yemen Al-Tamauz Corporation for Yemenian Development
18	Dua Nabeel	Yemeni Women Journalists Network
19	Elham Al-Sanabany	Diwan Al-Yemen
20	Elham zaide Hadish	Yemen Society for Culture, Heritage, Stamps and Coins
21	Eman Ebrahim	Sisters Arab Forum for Human Rights (SAF)
22	Faten Sultan	The Civil Agglomeration for Taiz Youth
23	Fatima Mutahar	Yemeni Journalist Syndicate
24	Ghaidaa Abdulhameed	Civil Development Taeosh Foundation
25	Hana Moqbel	Women's Pact for Peace & Security, (Tawafuq)
26	Hind Qatran	Daoo Foundation for Rights and Development
27	Howyda Alfadhly	Sisters Arab Forum for Human Rights (SAF)
28	Huda Alsarari	Defense Establishment for Rights & Freedoms
29	Huda Awn	Eayhaa Foundation for Social Peace
30	Huwaida Al-Shaibah	Women's Voices of Peace Network
31	Lamia Yahia Al-Eryani	Yemen Peace School Organization

No	Name	Organization
32	Layla Lutf Al-Thaour	Sam for Peace & Human Rights
33	Luna Othman	Asenate Organization for Development
34	Magda Taleb	Women's Voices of Peace Network
35	Maha Awadh	Wojood Foundation for Human Security
36	Muna Haitham	Partners Foundation
37	Muna Luqman	Food4Humanity
38	Munia Thabet	Gusoor for Peace & Coexistence
39	Nabila Al-Hakimi	Media for Peace Network
40	Najla Rawiah	Youth Leadership Development Foundation (YLDF)
41	Nesmah Al-sameai	Youth of The World Together Organization
42	Noor Surib	Aden Women Forum
43	Qabool Al-Absi	Qarar Foundation for Media & Sustainable Development
44	Rabab Abdullah Abd AlGalil	Food4Humanity
45	Rabab Al-Ashwal	Abjad Center for Studies & Development
46	Raeda Al -Thubhany	Awtad Organization for Fighting Corruption
47	Rahella Omeir	Aden University
48	Rasha Abdulkafi	The Civil Agglomeration for Taiz Youth
49	Raya Abduljalil Noman	Wojood Community Initiative
50	Saadah Saeed Olayah	Adwar Organization for Youth Development
51	Salma Almasabai	Yemeni Women Union
52	Samera Al-Sameai	The Civil Agglomeration for Taiz Youth
53	Shaima Bin Othman	Women Solidarity Network
54	Shatha Hussein Al-Aghbari	Sisters Arab Forum for Human Rights (SAF)
55	Shifa Bahmish	Shahid Development Organization
56	Somaia Sultan Alatwani	Ejad Foundation for Development
57	Suha Saeed Ali	Sarah Shabab Yemen Initiative
58	Suhair Al-Samman	Yemeni Writers Union
59	Tahani Alsarari	The Observer Human Rights Organization
60	Wedad Albadwi	Cultural Media Center (CMC)
61	Yasmeen Baghreeb	Aden Development Foundation

