Concluding comments of the Committee on the Elimination of Discrimination against Women: Yemen

Initial, second and third periodic reports

199. The Committee considered the initial, second and third periodic reports of Yemen (CEDAW/C/5/Add.61, CEDAW/C/13/Add.24 and Amend.1 and CEDAW/C/YEM/3) at its 225th and 228th meetings, on 29 January and 2 February (see CEDAW/C/SR.225 and 228).

200. In introducing the reports, the representative apologized for the fact that her colleagues from the Yemeni capital could not introduce the reports, because they were occupied with the preparations for the first elections in the country since the reunification on 22 May 1990. The elections, which would be free and in which all citizens had the equal right to participate, marked an end to the transition period the country was undergoing as a result of the incorporation of the former Democratic Yemen and Yemen Arab Republic.

201. The representative referred to the historical backwardness affecting women's status in Yemen. Women's struggle for human dignity and self-determination went back thousands of years; only after the revolutions in the two parts of the country had women's role in motivating Yemeni society and restoring its civilization been realized.

202. The Constitution of Yemen guaranteed equal rights and duties to all, without distinguishing between men and women. Since the ratification of the Convention, the Government had made available all the possible means to implement it and to achieve de facto equality. The constitutional rights had been embodied in other laws, especially those concerning political participation, employment and education, to establish firmly equality for women and to eliminate discrimination against them. Legislation provided special provisions to protect women in pregnancy and maternity.

203. The efforts of the Government had not been limited to legislation but had been expanded to translate various rights into reality through regulations in all areas of women's life: the judiciary, the civil service, general elections and social security. The Government had established meaningful programmes, funded by international organizations or foreign assistance, based on the creation of appropriate mechanisms and special projects to increase opportunities for the
education and employment of women and to improve their health. A special concern had been training and education, including making women aware of their legal rights. Making the Convention known, especially among young generations, was a priority for the Government.

204. The representative said that participation in the civil service was free of gender discrimination. Political participation had also been made equal but social and regional differences, as well as the small number of educated and employed women, led to a lower participation of women in both political life and decision-making. The representative noted that Yemeni women had played a prominent role in international forums.

205. The representative gave a detailed explanation of parts of the labour legislation. She referred to the special provisions concerning the working hours of pregnant or nursing women, and to the long maternity leave of 60 days, a special entitlement to leave in the event of the death of a husband and the retirement age. Nurseries and kindergartens had been established to increase women's access to the labour market and, thus, ensure their full participation in the development process. Nevertheless, the problem of early marriage, which resulted in uncompleted education and illiteracy, as well as social and religious limitations and controls, still hindered women's participation.

206. Reference was made to the special problems of rural women, whose participation in agricultural development was very high because of the migration of many men to urban areas.

207. A detailed description concerning family laws, codified in the new Personal Statute Law 20 of 1992, was given. The representative said that polygamy occurred under certain conditions. The minimum age for marriage was 15 years and a woman was free to dispose of her dowry as she wished. Details concerning the annulment of marriage, as well as the right to receive compensation, were given. With regard to the granting of custody, a mother's eligibility had to be proved. Poor morals did not prevent a woman from being granted custody until a child was 5 years old. Custody was granted for up to 9 years for boys and for up to 12 years for girls.

208. The representative said that the distribution of information, the mobilization of public opinion and the development of women's legal awareness were high priorities of the Government. She outlined the means at the Government's disposal for disseminating the Convention.

209. She concluded by saying that many social, economic and political difficulties had prevented the full implementation of the Convention, even though the Government had done its best to overcome them. She said that despite numerous laws, which guaranteed women social, political, economic and educational rights,
certain traditions and values of a negative nature still affected attitudes towards women and impeded their real participation. Those problems could not be solved in a short period of time.

General observations

210. Members said that the reports of Yemen, especially the third periodic report, were comprehensive and frank, clearly defining the progress made as well as the obstacles, which provided a good agenda for the Government in future. The reports were regarded as giving hope and encouragement. In addition, the efforts of the Government in submitting and representing its reports deserved a special tribute, since the country was going through serious political changes on account of unification. Moreover, Yemeni women were to be congratulated on certain laws that had been enacted and applied in order to enable them to participate equally in the development of their country. Women seemed to be an integral part of society, and their achievements had to be especially praised when considering the social pressures under which they lived.

211. Structural difficulties, customary traditions and cultural patterns had impeded efforts to improve women's situation quickly. A clear commitment of the Government to promoting women's issues could, however, be recognized. The establishment of national machinery was acknowledged especially; however, considering its functions, its workload seemed to be too heavy, especially as it sometimes acted as a family tribunal. Therefore, the effective coordination of the work of the national machinery as well as the creation of specific institutions for action on family disputes was requested. Clarification was sought on the Shariah and how it was applied. The representative stated that it was a main source of legislation in Yemen.

212. Members urged the Government to pay special attention to education, also in rural areas. They cautioned against the Government's preference, mentioned in the second periodic report, to encourage marriage and the establishment of families as it prevented youngsters, especially girls, from completing even their basic education.

213. The Committee was reminded that Yemen was one of the least developed countries in the world and, therefore, faced serious economic difficulties in achieving its policy goals. The Committee appealed to Governments, non-governmental organizations and United Nations bodies to extend their assistance to women's organizations in Yemen in order to promote further the advancement of women and thereby the development of the country. It was essential to maintain the momentum as the foundation for real changes had already been laid.
214. Before answering the questions raised by the Committee, the representative made a clarification to the effect that the initial and second periodic reports had been prepared, prior to the unification, by Democratic Yemen, which had ratified the Convention. The third periodic report covered the unified Republic of Yemen, which explained why it might seem to be contradictory to previous reports, as it reflected the new legislation adopted for the unified Republic.

215. Members requested clarification on the country’s new Constitution and asked specifically whether it had been worded to include the concept of discrimination based on sex. The representative said that the Constitution guaranteed equality of rights to all citizens and referred to article 27, which explicitly stipulated that discrimination based on sex was prohibited.

216. The Committee noted with appreciation that Yemen had not made any substantial reservations to the Convention. The only one that had been made concerned the system for the settlement of disputes, on which many other countries had made reservations. Nevertheless, members asked whether the Government could consider withdrawing its reservation.

Questions related to specific articles

Article 2

217. Members asked whether the stipulations in article 48 of the Civil Service Law, protecting pregnant and nursing women, might not actually be discriminatory in their nature, as they negatively affected women’s employment opportunities. They also asked if the same regulation applied to both public and private posts. The representative replied that men and women were equal in the labour market and that protective measures for women, also in dangerous workplaces, showed that women enjoyed their full rights in that field.

218. Referring to the right of a woman to have a maximum of 40 days’ special leave in the event of her husband’s death, it was asked whether men were entitled to the same right when they were bereaved. According to the representative, even new legislation did not mention men in that connection, because of old customs. A widow could not remarry until three months had elapsed after her husband’s death. Members asked for an explanation why the period of such leave was so long. The representative replied that under the new law, the period was three months.

Article 4

219. The representative said that the Government had created mechanisms and special projects to encourage women’s equality in all sectors of the economy, society and family, as well as to promote the awareness of women’s rights. The Committee wished to know what proportion of young girls were included in those special projects, especially in those providing information on the Convention. In addition, information on the impact of those projects was requested and on whether
the new awareness was reflected in the demands of women in the relevant areas of their work, as well as in private and public life.

Article 5

220. Asked about how the Yemeni Council for Mother and Child Welfare enforced policies for mothers and children, the representative said that maternity child-care centres had been established, as well as centres for monitoring health conditions and distributing contraceptives.

221. Concerning domestic and sexual violence against women, members asked what kind of information was available on the subject, what the incidence of such violence was and what measures the Government was taking in the form of legislation, public information campaigns and education to eliminate violence. Members asked whether the Government worked in cooperation with women's organizations in providing shelter homes or other protection for victims. The representative regretted that no statistics were available on violence, but he agreed that Yemen, like other societies, faced such a phenomenon. The Government was aware that violence could take various forms, both physical and psychological. Referring to the latter, he mentioned forcing a girl to marry at young age or preventing her from obtaining an education. He referred to government campaigns to raise awareness among women. Moreover, if a woman wanted to file a lawsuit against violence, she had the right to claim damages.

Article 7

222. When asked about the low participation of women in public service, reflected in the fact that only 10 of the 301 members of the Council of Deputies were women, the representative stated that illiteracy, other occupations of women within the household and the fact that over 70 per cent of Yemeni women lived in rural areas were the causes. Concerning government measures to facilitate women's access to administration and to encourage their participation in public life, he said that the Government encouraged women in all areas of life, especially by improving education.

Article 8

223. In the third periodic report, as well as in the statement of the representative, it was mentioned that women had held important positions in international forums. The Committee asked whether it would be possible to have some statistical data. The representative observed that Yemen had many female diplomats, some in high positions.

Article 9

224. The Committee pointed out that the law concerning Yemeni nationality seemed to be in contradiction of the Convention. Since no reservation had been
made under article 9, they asked the Government to examine its position and to alter it. The representative indicated that the question did not appear clear and that he saw no contradiction between the Convention and the Yemeni law concerned.

**Article 10**

225. Reference was made to the education of girls in rural areas. In the third periodic report it had been mentioned that problems included the unavailability of special schools for girls and a lack of qualified female teachers. Asked why girls had to be trained in special schools and by female teachers, the representative said that when girls reached the secondary-school stage, they were usually separated from boys.

226. Members asked how the Government proposed to remove obstacles, including the definition of sex roles, and to encourage the access of girls to education on the basis of their own motives. The representative answered that the Government was building schools in villages to enable girls to attend, but that it could not force parents to send their girls to school. Many traditions and customs affected women negatively in the development process and changes needed time. The Constitution guaranteed education to both sexes on the same basis.

227. In reply to a question on the proportion of girls leaving school without completing primary education, the representative said that no statistics were available as the country was in a transitional stage. Only the forthcoming elections would put an end to that period, when the elected Parliament would elect the President and the Prime Minister and Yemen would thus complete its unification process. He underlined the difficult economic situation in the country. He hoped that more statistics could be included in the next periodic report.

228. Asked about the number of women who were illiterate, the representative said that he had no statistics but that he presumed the percentage was very high, perhaps even 95 per cent. Concerning government literacy programmes, he said that they could not be carried out throughout the year because of the costs. Despite the limited duration of the programmes, some positive results could be seen. Referring to the low number of students in technical and vocational education and girls' participation in that field of education, he said that no percentages could be given, as he had no statistics. He observed that women could register in those schools, but that they were usually enrolled only in sewing and handicraft institutions and did not participate in other areas.

**Article 11**

229. Concerning the unemployment rate in Yemen, the representative said that he had no exact information, but that he presumed it to be high, especially after the Gulf War, when about 1 million workers had returned to Yemen, together with
refugees from neighbouring countries. He could not give a percentage for the number of unemployed women, but thought it to be even higher than that of men. He observed that education programmes and the merging of the public sector because of the unification were expensive and that the war had badly affected the economic situation.

230. A question was asked about the low participation rate of women in the labour market and about government measures to encourage women's economic activities. The representative replied that the Government had tried, through better education, to increase women's role in development.

**Article 12**

231. Referring to the expansion of immunization services, members asked whether the rural areas also benefited from such services. The representative replied that the State made no distinction between different areas of the country; health services were for the entire country.

232. Asked about the actual maternal mortality rate, what the major causes for female mortality were and whether traditional birth attendance practices still existed, the representative declared that he had no statistics, but that there were several reasons for maternal mortality, such as the lack of awareness of health conditions, sickness in general and malnutrition.

233. The Committee asked whether family planning methods had proved effective and whether the Government devoted sufficient time, effort and resources to encouraging family planning and birth spacing, as the high birth rate constituted a serious health risk for women. Members asked whether the services were used and what means were available and used for family planning. The representative said that the issue was of serious concern to the Government, which had tried to affect public opinion through various campaigns and general education. He noted that some good results could be seen from the previous years in spite of the fact that the final decision had to be made by people themselves and that the Government could not compel them to adopt a certain behaviour. The reason for the high fertility rate was the custom of the country. Many felt that religion prohibited the use of contraceptives, and usually fathers wanted to have at least one son.

234. Concerning the incidence of AIDS and whether the Government took educational and preventive measures, the representative noted that some AIDS cases existed, but that government resources were limited. It tried to raise public awareness and conducted health campaigns to provide information about HIV.

235. Asked about the age of retirement for women (10 years lower than that for men), the representative considered that that kind of regulation was quite universal and was not discriminatory but actually favourable for women.
Article 13

236. As bank loans could be obtained on the condition that the borrower was a government employee or employed by a public institution, the Committee viewed that condition as a serious obstacle for women to borrow from banks. Asked whether the same conditions applied in rural areas and whether loans could be requested for the purpose of financing a business, the representative said that State loans could be granted for agriculture, housing or factory construction but were for a limited amount. The intention of the condition relating to public office was to guarantee that the loan would be paid back.

Article 14

237. Asked whether women in rural areas had the same access to health-care services, including information, counselling, ante- and post-natal services, and about the living conditions in rural areas, especially with regard to transportation, communication and sanitation facilities, the representative replied that women had the same access - sometimes even better - to health-care services as men. The Government's resources were limited however in the provision of health-care centres to villages. Regarding rural living conditions, he mentioned that the Government was trying to provide a telephone network to every village or to at least every district.

238. With regard to the reason for the lack of schools in rural areas, the representative said that the Government was trying to have a primary school in each village or at least in each district. Distances were often far and arduous for young children.

239. In his reply to the question why only women were designated to carry water to homes, as that practice created a serious health risk for them, the representative referred to the high sense of responsibility of Yemeni women. Sometimes drinking water had to be carried over long distances. Yemeni women had an attitude that that was just a fact of life. Sometimes men did participate in carrying water.

240. Asked about the equal right to own and inherit land, the representative stated that the Shariah stipulated that men inherited twice as much as women. The Government could not change that. However, if a woman inherited property from her father, she had equal rights to that property. Based on experience in other countries, the Committee proposed further options, in accordance with the Shariah, for parents to treat all their children equally. As a will was not allowed under the Shariah, parents could give a gift during their lifetime so that all children would inherit equally. The representative replied that a written explanation was required if parents wanted to donate a portion of their property to a daughter or a son. No answer was provided to a question about the percentage of women that owned land.
241. The Committee requested information on government measures to improve the status of women in rural areas. The representative answered that the Government was providing education, including literacy programmes and training, for example in handicrafts.

**Article 15**

242. With regard to women's legal capacity in court proceedings, the representative said that women could file lawsuits in courts and institute proceedings themselves. They could also become judges. He said that women could be effective in defending their rights and thus obtaining equality.

**Article 16**

243. The Committee requested clarification on polygamy in Yemen as well as on the most important recent changes in family laws. The representative said that, after the unification, the Government had had to rethink its policy on polygamy. Polygamy was permitted under certain conditions. The representative referred to the Shariah as the main source of law that the Government had to obey. The Government could only impose conditions on polygamy; it did not encourage it. It was noticeable that, as their economic situation improved, parents more often wanted to provide a good education for their children. As awareness increased, polygamy became less prevalent and among young people especially the phenomenon was decreasing. Education therefore played a major role. The task was not easy, especially in Yemen, as the illiteracy rate was so high.

**Concluding observations**

244. The Committee drew the attention of non-governmental organizations and Governments to the serious financial constraints under which two United Nations bodies, the United Nations Development Fund for Women (UNIFEM) and the International Fund for Agricultural Development (IFAD), had to operate. Many developing countries had had good experiences of their work in promoting women's equality, especially at the grass-roots level. Experts and others present were requested to pressurize their Governments to increase their contributions to the two United Nations organizations.

245. The Committee underlined the necessity for statistics, especially gender-disaggregated data, to provide a full picture of the de facto situation of women in the country as a basis for planning. The Government of Yemen was urged to give a high priority to education, especially among young women. The Committee suggested that the Government should include a women's dimension in its requests for foreign assistance programmes in particular, in view of the fact that
programmes with a women’s dimension existed. Furthermore, the right of illiterate persons to participate should not be undermined.

246. The Committee expressed its hope that the Government would, in the light of the reforms that had already started in the country, examine its cultural and historical traditions with a view to achieving the full equality of men and women. It was pointed out that economic, social and cultural development always depended on progress in respect of women’s rights.