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

Fourth and fifth periodic reports

370. The Committee considered the fourth and fifth periodic reports of Yemen (CEDAW/C/YEM/4 and CEDAW/C/YEM/5) at its 580th and 581st meetings, on 14 August 2002 (see CEDAW/C/SR.580 and 581).

(a) Introduction by the State party

371. In introducing the reports, the representative of Yemen emphasized the great progress made in the country since its unification in 1990 through an approach that allowed for democratic participation and freedom of expression as well as the full participation of civil society. The representative informed the Committee that, from the moment Yemen acceded to the Convention in 1984, many policies had been introduced in order to enhance the status of women, particularly in legal reforms. The Constitution of Yemen granted rights to all citizens, without distinguishing them on the basis of sex. Many proposals had been made by the National Women's Council with respect to legislative changes, including the elimination of a provision in the Penal Code which gave a husband the right to kill his wife in cases of adultery. A Social Care Law had been introduced which allowed single women and widows to make full use of social care programmes. In order to improve their standard of living, women received a monthly stipend. Furthermore, a revision of the Nationality Law to grant widowed and divorced women the right to give their nationality to their foreign-born children was under consideration.

372. The representative informed the Committee that prostitution and trafficking in women were prohibited under the Islamic law — Sharia — which provided the basis for all legislation in the country. She noted that, despite the fact that the current electoral law granted women and men the same rights to vote, to be nominated for office and to be elected, many traditions, especially in the rural areas, where 75 per cent of the population lived, limited women's political participation. It was pointed out that, no more than 15 per cent of women participated in political parties. However, some progress had been made recently. In the 2001 local elections, for example, 125 women were nominated, of whom 35 elected. Women's participation in the Government had increased and there was now one female minister and several female deputy ministers. Women's participation in trade unions continued to be limited as women did not understand the significance of such work.

373. The representative informed the Committee that the National Women's Council, which had been established after the Fourth World Conference on Women in order to set policies and strategies for the development of women in the fields including education and health and on such issues as violence against women, had been expanded in March 2002. The National Women's Council,

headed by the Prime Minister, worked in close cooperation with non-governmental organizations and executives from departments active in the field of women's development. In addition, there were other non-governmental mechanisms working for the advancement of women. Most of them concentrated their work in urban areas, despite the fact that the urgent need for development was in rural areas.

374. The representative stressed that the education gap between boys and girls continued to be very wide, with only 34 per cent of girls attending primary school. Many girls, especially in the rural areas, dropped out of school in order to help their families in the fields. Girls were also withdrawn from schools because most were co-educational and parents opposed the mixing of the sexes in schools. The representative also stated that, owing to the persistence of stereotypical gender roles, girls did not usually attend vocational or technical training courses. She noted that it was important to change girls' perception of that type of training as it was very important for the promotion of development in the country.

375. The representative informed the Committee that life expectancy was 64 years for women and 60 years for men. Fertility rate continued to be very high: 5.8 in the cities and 7.4 in the rural areas. Less than 20 per cent of women used family planning services. Maternal and infant mortality was high due, inter alia, to the fact that women were reluctant to visit health-care centres as most doctors were male. The representative also stated that female genital mutilation is not a common practice in Yemen, and it is limited to the coastal area of Yemen. The Minister of Health had prohibited female genital mutilation in government hospitals, and an awareness-raising campaign on the dangers of female genital mutilation had also been launched.

376. The representative stated that Yemen had a per capita income of \$300 a year and 23 per cent of the population lived below the poverty line. In order to combat poverty, different mechanisms and programmes, including the Social Fund for Development and the Fund for Microcredit, had been established, aimed at providing income for poor women. The representative indicated that the work of women in agriculture was not valued and considered as part of a woman's reproductive role, with food being grown for family needs rather than for market purposes. In order to assist rural women who worked hard and had limited access to health-care services and education, a division catering specifically to their needs had been set up in the Ministry of Agriculture. She added that it was hoped that the situation of rural women would improve through the implementation of the 2002-2005 strategy to combat poverty.

377. The representative noted that laws related to social status still discriminated against women, although most were taken from Sharia, which contained positive provisions for women, such as the right to inheritance and to manage money. However, the National Women's Council, assisted by civil society organizations, was working to bring about law reform. The representative assured the Committee that the National Women's Council considered the Convention as well as the Beijing Platform for Action as basic tools for improving the status of women, and had convened a symposium on the Convention and would shortly be publishing a simplified version of the treaty.

(b) Concluding comments of the Committee

Introduction

378. The Committee expresses its appreciation to the State party for submitting its fourth and fifth periodic reports which are in accordance with the Committee's guidelines for the preparation of periodic reports and which were prepared in cooperation with civil society. The Committee also expresses appreciation for the written replies to the issues raised by the pre-session working group.

379. The Committee commends the State party for its delegation, headed by the Deputy to the President of the National Women's Committee, and appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee, which provided additional information on the implementation of the Convention in Yemen.

Positive aspects

380. The Committee welcomes the State party's commitment to implementing the provisions of the Convention as reflected in a range of policies, plans and programmes.

381. The Committee welcomes the establishment of the National Women's Committee as the national machinery for the advancement of women and gender equality. It notes with appreciation the National Women's Committee's ongoing review of discriminatory legislation.

382. The Committee commends the appointment of a woman as Minister of State for Human Rights and the appointment of women as judges and prosecutors and to the foreign service.

383. The Committee welcomes the State party's ongoing cooperation with women's organizations in efforts to implement the Convention effectively.

Principal areas of concern and recommendations

384. The Committee is concerned at the existence of many discriminatory legal provisions which contradict the Constitution and the Convention.

385. The Committee recalls the State party's obligation to implement the provisions of the Convention, particularly to ensure that article 1 of the Convention is fully reflected in the Constitution or other legislation. The Committee also urges the State party to engage in and continue the process of comprehensive legislative review and reform to ensure that all laws are in harmony with the Constitution and the Convention.

386. While acknowledging the statement made by the State party that education is a cornerstone for development and a key element in the improvement of the status of women and the achievement of equality between women and men, the Committee notes with concern the high levels of illiteracy among women and girls, particularly in rural areas, and the high rate at which girls drop out of school.

387. The Committee calls upon the State party to strengthen its efforts to eradicate female illiteracy, especially among girls, particularly in rural areas, and

to take general as well as temporary special measures to ensure primary and secondary education for girls and lower the high dropout rate among girls. The Committee recommends the introduction of measures to create an environment that increases the enrolment and retention rates of girls in schools at all levels through increased training and employment of women teachers, addressing parents' concerns related to co-education and the setting of precise targets and timetables to measure progress.

388. The Committee notes with concern that the persistence of patriarchal stereotypes and discriminatory traditional cultural and social norms, particularly those relating to the role and responsibilities of women, impedes progress in the implementation of the Convention and the full enjoyment of women's human rights.

389. The Committee urges the State party to take measures to change stereotypical attitudes and negative cultural norms about the responsibilities and roles of women and men and to design and implement awareness-raising programmes directed at all levels of society.

390. The Committee expresses concern that several provisions of the Penal Code discriminate against women. It notes in particular article 232, which provides that a husband or other male relative who kills his wife in relation to adultery is not charged with murder.

391. The Committee urges the Government to eliminate any discriminatory penal provisions, and in particular article 232 as proposed by the National Women's Committee, in line with the Convention and to ensure that homicides committed against women by their husbands or male relatives are prosecuted and punished in the same way as other murders.

392. Noting the link between women's subordination in the family and their ability to participate fully at all levels of society, the Committee is concerned about discriminatory provisions in the Law of Personal Status, which permits polygamy and sets differential standards for women and men in marriage and family life. The Committee is also concerned that the 1999 amendment to the Law of Personal Status has led to further discrimination against women in the family by denying women the right to equality in marriage and divorce.

393. The Committee urges the State party to review existing legislation and amend discriminatory provisions affecting women's rights within the family in order to bring them into harmony with the Constitution and the Convention. The Committee urges the State party to ensure that laws, policies and programmes with regard to the family affirm and incorporate the principle of equality and partnership between women and men and the full realization of women's human rights. The Committee also encourages the State party to obtain information on comparative jurisprudence, where the link between Islamic law has been codified in legislative reforms and Court decisions.

394. The Committee is concerned about the high rate of early marriages, which creates a serious health risk for girls and prevents them from completing their education.

395. The Committee urges the State party to take measures to raise the minimum age of marriage for girls, in line with article 1 of the Convention on the Rights of the Child, which defines a child as being below the age of 18, and the provision on child marriage in article 16, paragraph 2, of the Convention on the Elimination of All Forms of Discrimination against Women. The Committee urges the State

party to develop awareness campaigns on the negative implications of early marriage on the health and education of girls.

396. The Committee notes with concern the high maternal mortality rates.

397. The Committee recommends that the State party take urgent measures to develop health programmes aimed at reducing the maternal mortality rate and to make contraceptives affordable and accessible.

398. The Committee is concerned about all forms of violence against women, including domestic violence, sexual violence and female genital mutilation, and notes with concern the lack of information and systematic data on these matters.

399. The Committee recommends that the State party conduct research into the extent of violence against women and girls and collect data on all forms of violence, including violence committed within the family. With regard to the practice of female genital mutilation, the Committee calls on the State party to enhance its activities to eradicate this harmful, traditional practice, especially through awareness-raising campaigns. In the light of its general recommendation 19, the Committee calls upon the State party to ensure that all forms of violence against women are prosecuted and punished adequately and that victims have immediate access to redress and protection. The Committee requests the State party to ensure the full sensitization of law enforcement officials, the judiciary and the public on all forms of violence against women and girls.

400. In view of the fact that rural women constitute the majority of women in Yemen, the Committee notes with concern that the traditional division of labour in agricultural production disadvantages women and that, for cultural and social reasons, women do not control the means of production and face difficulties in obtaining loans. The Committee is concerned that rural women have little or no access to health-care services.

401. The Committee urges the State party to take special measures to support the integration of rural women in all sectoral policies and programmes and to eliminate discriminatory practices through awareness-raising and educational programmes targeted at women and men. The Committee also recommends the State party to take urgent measures to increase rural women's access to health-care services.

402. While welcoming the State party's plans to ensure women's participation in the upcoming electoral registration process, the Committee is concerned about the low rate of registration of women as voters and their low representation on electoral lists and in political decision-making bodies.

403. The Committee requests the State party to take measures to increase the political representation of women as voters and as candidates at all levels. It also calls upon the State party to explore the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention, such as quotas, in order to increase women's access to decision-making positions. The Committee also suggests that the State party offer support and training programmes to women leaders and candidates to future elections and carry out awareness-raising programmes on the importance of women's participation in political decision-making aimed at both women and men and throughout the society.

404. While acknowledging the economic difficulties faced by the State party, the Committee notes the close connection between the success of development policies and the promotion of gender equality. The Committee considers that the

combined effects of high illiteracy rates among women and girls, the high rate of school dropouts and early marriage of girls, the high rate of child labour among girls and the low level of women's political participation negatively impact on the implementation of national development policies.

405. The Committee encourages the State party to ensure that measures to achieve the goal of gender equality are fully integrated into all national development policies and programmes in line with the provisions of the Convention and welcomes the National Women's Committee's plan to increase awareness of the human rights of women within the public at large.

406. The Committee urges the State party to sign and ratify the Optional Protocol to the Convention and invites the State party to accept the amendment to article 20, paragraph 1, of the Convention, concerning the meeting time of the Committee.

407. Taking account of the gender dimension of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first special session), the special session on children (the twenty-seventh special session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of these documents relating to relevant articles of the Convention in its next periodic report.

408. The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention. It also requests that the report address the general recommendations of the Committee and provide information on the impact of legislation, policies and programmes to implement the Convention.

409. The Committee requests the wide dissemination in Yemen of the present concluding comments in order to make the people of Yemen, and particularly government administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and the future steps required in that regard. It also requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century".