



Convention on the Elimination of All Forms of Discrimination against Women

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Summary record of the 833rd meeting

Held at Headquarters, New York, on Tuesday, 1 July 2008, at 3 p.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Sixth periodic report of Yemen (continued)
(CEDAW/C/YEM/6; CEDAW/C/YEM/Q/6
and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Yemen took places at the Committee table.*

Articles 7 to 9 (continued)

2. Ms. Kaid (Yemen), responding to a number of questions put at the previous meeting, said that the Women's National Committee worked closely with a number of parliamentary committees and government departments on a range of human rights issues, since effective cooperation and dialogue at all levels was essential to ensure that the specific needs of women were addressed in a comprehensive manner. The Committee also sought funding from the Government for various projects designed to promote the advancement of women.

3. At the political level, the ruling party (the General People's Congress (GPC)) had been a leading light in efforts to promote and protect women's rights. Indeed, the Secretary-General of that party and four of its prominent officials were women. Furthermore, most of the female candidates who had stood at the recent local elections were members of GPC. Although there were currently only two female parliamentarians, it was hoped that their number would increase before long. Democratic societies, by their very nature, allowed for the expression of differing views. There were no obstacles to the freedom of the press in Yemen, but defamation was a crime and, as such, women who had been victims of defamation could bring their cases before the courts.

4. At the legislative level, some of the draft amendments proposed by the Women's National Committee had been approved by Parliament — including one permitting male and female diplomats to work in the same diplomatic mission — while others were still pending. A parliamentary committee specializing in legal affairs would discuss the amendments and might perhaps invite representatives of the National Committee to participate in its discussions. The provisions of the Labour Code

providing for the establishment of nurseries in the workplace continued to be largely ignored by employers. That situation was partly attributable to a lack of awareness among women of their rights and was being addressed, *inter alia*, through the introduction of awareness-raising campaigns.

5. The proposed amendment to the laws covering the Foreign Service was designed to increase the number of women serving in diplomatic missions abroad and in the Ministry of Foreign Affairs by means of a quota system. As for the issue of citizenship, dual nationality was permitted under Yemeni law. While the current legislation on nationality did not prevent a Yemeni woman who was married to a non-Yemeni man from passing on her nationality to her children in certain circumstances, more needed to be done to ensure that the proposed amendments to that legislation, which were currently before Parliament, were adopted. Non-Muslim men who wished to marry Yemeni women must convert to Islam before entering into a marriage contract; failure to do so invalidated the marriage.

Articles 10 to 14

6. Ms. Dairiam stressed that education was crucial to ensure women's full participation in development efforts. According to the report, the gender gap in the education sector was attributable, *inter alia*, to crowded classrooms, a lack of female teachers and an insufficient number of girls' schools. Early marriage also contributed to the high dropout rate among girls. Unfortunately, the situation did not appear to have improved in the six years since the submission of the State party's fifth periodic report. She would be grateful for additional information on the measures taken to overcome those obstacles and on the outcome of those measures. It would be particularly useful to know more about the budgetary funds allocated to improve infrastructure.

7. Ms. Zou Xiaoqiao said that the report described a number of strategies designed to increase school enrolment rates among girls. Those strategies did not, however, seem to have borne fruit and she therefore enquired as to the obstacles preventing their successful implementation.

8. Since Yemeni boys and girls tended to attend separate schools, the State party should indicate whether all pupils, regardless of gender, followed the

same curriculum. It appeared from the report that significantly more financial resources were allocated to boys' schools than to girls' schools. She wondered whether the Government was aware of that anomaly and, if so, whether it had taken or planned to take any measures to redress the balance. Lastly, it was clear that most educational institutions, including universities, catered primarily to the needs of male students. It would be interesting to know whether any studies had been carried out to determine the effects of that phenomenon on the employability of women entering the workforce.

9. **Ms. Schöpp-Schilling** expressed her full support for the conversion of the State party's national machinery for the advancement of women into a fully fledged ministry. Since Governments were the signatories of the Convention and thus ultimately responsible for the implementation of its provisions, elevating the Women's National Committee to ministerial status would ensure that the Yemeni Government was held accountable for efforts to promote the advancement of women in the country.

10. In its concluding comments on the State party's fifth periodic report, the Committee had expressed concern about the gender gap in the education sector. Although there had been some progress in the intervening years, much remained to be done. She wondered whether the Government fully understood the concept of structural discrimination and its obligation to eradicate it. The adoption, pursuant to article 4, paragraph 1, of the Convention, of temporary special measures aimed at accelerating de facto equality between men and women would allow the authorities to allocate additional funding to girls' schools.

11. Unless such measures were adopted, she did not see how it would be possible for Yemen to achieve the second Millennium Development Goal of ensuring universal primary education by 2015. In that connection, she drew attention to two publications issued by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the United Nations Children's Fund (UNICEF), which detailed the links between the Millennium Development Goals and the rights enshrined in the various human rights treaties, and stressed that the Convention provided the legal human rights basis for the achievement of those Goals.

12. **Ms. Patten** said that the data on women's employment in the State party spoke for itself: on average, women accounted for 22.8 per cent of the workforce, but that figure was lower in urban areas. Unfortunately, the report did not describe any measures designed to eliminate discrimination against women in the labour market, and the situation on the ground contrasted sharply with the legislative provisions set out in the Labour Code. She therefore wondered whether the Government fully understood its obligations under article 11 of the Convention, and stressed that the aim of the latter was to achieve equality of results.

13. One of the goals set out in the third five-year plan for socio-economic development (2006-2010) was to increase women's participation in the labour market by 5 per cent per year. It would be interesting to know how that aim was to be achieved and whether the 5 per cent increase applied to both the private and public sectors. She also enquired as to the mechanisms in place to ensure the proper enforcement of the Labour Code. The State party should indicate whether any sanctions for non-compliance had been introduced and whether a labour inspectorate had been established.

14. According to the report, public and private companies with more than 50 female employees were required, by law, to provide childcare facilities. It would be useful to know whether the ministerial decree defining the conditions for such facilities had been promulgated. Lastly, she wondered whether the view expressed by some religious preachers that a woman's place was in the home influenced attitudes towards women in the workplace. Had there been any cases of violence or sexual harassment and did the Labour Code prohibit such practices?

15. **Ms. Kaid** (Yemen) said that the gender gap in the educational system had narrowed significantly in recent years, owing in particular to a dramatic increase in the enrolment of girls in basic educational facilities. Nevertheless, secondary school and university dropout rates remained high as a result of early marriages and the persistence of traditional attitudes. Both the State and international organizations, including UNICEF and the World Food Programme, had taken steps to promote girls' education, including through the provision of food and school supplies.

16. Boys and girls followed the same basic curriculum, although extracurricular activities were

sometimes tailored specifically to one gender or the other. The population of Yemen was diffuse and it was thus difficult and costly to build a school in every settlement. However, further thought could be given to providing transportation for female students. Education was the cornerstone of development, not to mention a basic human right, and the Government was committed to doing its utmost to ensure the achievement of the second Millennium Development Goal. To that end, gender-sensitive budgeting in the education sector would be a priority in the coming years.

17. Turning to the Labour Code, she pointed out that there were two separate codes for the civil service and private sectors. There was some reluctance in the private sector to provide job opportunities to women, possibly due to the maternity-related benefits to which women were entitled. Nevertheless, the Women's National Committee had called upon the Government to encourage the private sector to employ women, as unemployment affected both genders. As for the civil service, the State was committed to fulfilling a quota of 8 per cent for female employment in both the health and education sectors. In rural areas, the Supreme Council for Women had proposed a minimum 30 per cent quota for female employment. Increased investment and economic recovery would improve employment prospects for both men and women.

18. With regard to religious preachers who thought that women should not take the limited job opportunities available to men, the Women's National Committee did not support their views and called for preachers to encourage women to work. Women had been educated and trained and were entitled to work as a basic human right; furthermore, widows and divorcees were obliged to work, as they had no one to support them.

19. **Ms. Arocha Domínguez** acknowledged the Government strategies adopted and progress made in improving women's health, but noted that the periodic report and responses to the list of issues did not indicate rapid or significant enough changes. Furthermore, the information sources used were not entirely reliable. For instance, information on maternal mortality had been compiled through a questionnaire, and the questionnaire format had its limitations. Certain statistics covered only the period up to 2005. She wondered how data collection might be integrated into the strategies in order to objectively evaluate the progress made.

20. The report provided limited information on the subject of HIV/AIDS. While women only accounted for a third of AIDS victims, annual infection rates were roughly the same for men and women. The possible link between the spread of the pandemic in Yemen and the influx of refugees from the Horn of Africa into the country should be examined more closely.

21. **Ms. Pimentel** stressed the fact that female genital mutilation should be considered an offence to the physical integrity of the body, in accordance with the Committee's general recommendation 19 on violence against women (1992), which defined gender-based violence as "violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty". She also suggested that the draft law for the prohibition of genital mutilation proposed by the Supreme Council for Motherhood and Childhood should be strongly informed by Committee general recommendation 14 on female circumcision.

22. According to a report provided by a women's non-governmental organization, women were not allowed to opt for Caesarean section delivery or to obtain access to contraceptives without spousal consent. Further clarification would be appreciated on that matter. More information should also be provided on any special strategies to provide health care and housing for older and disabled women.

23. **Ms. Kaid** (Yemen) said that the Women's National Committee recognized that maternal mortality rates, at 366 deaths per 100,000 births at the current time, were very high. Despite State efforts, the health sector received only 4 per cent of the national budget. The private sector, which should also participate in providing health services, was at fault since poor women would not be able to access any services that it provided. The Ministry of Health did not have modern means of collecting statistics, and most of the statistics cited in the report did in fact date back to 2005. Nevertheless, figures were currently being updated. While questionnaires did not cover the entire population, they were conducted in various regions of the country and therefore closely approximated the realities of the current situation.

24. Although HIV/AIDS infection was very limited and rarely reported, all cases required medical and

psychological support. The Government plan to combat HIV/AIDS took the disease very seriously, and screening new arrivals into the country upon entry had been considered as an option. Most of the cases reported since the 2000 periodic report were immigrants from the Horn of Africa, and some were Yemenis, but very few were Yemeni women.

25. Female genital mutilation was mainly a problem in the five coastal governorates closest to Africa. It was very limited overall in Yemen. Her Government opposed female genital mutilation and had a plan to reduce its incidence by 30 per cent by 2012 through awareness-raising campaigns. Female genital mutilation was prohibited in Government health centres, and that prohibition also extended to its practice in private homes.

26. Pregnant women did indeed require spousal consent in order to opt for a Caesarean section delivery. Regarding male consent for contraception, she pointed out that family planning decisions were usually made by both partners together, in light of their shared responsibility. Poverty made it difficult to support larger families. Due to female employment and higher education levels, urban families had an average of four children, whereas rural families averaged twice as many.

27. **Ms. Shugaa Addin** (Yemen) said that a survey on mothers and children was carried out every five years and that the next one would be in 2009. Limited information was available on HIV/AIDS infection rates in Yemen, and what little data existed had been obtained by chance. There was probably a link between incidence of the disease and immigration from the Horn of Africa; however, some cases had been discovered through airport screenings and the individuals had been deported. Government programmes for disabled and elderly women were indeed offered, providing new hope to post-menopausal women.

28. **Ms. Simms** expressed concern at the situation of rural women, who shouldered the main load in agricultural production. They had more children than their urban counterparts because male domination and lack of access to services coerced them to both work hard and bear many children. Moreover, women were still marginalized and victimized by practices such as honour killings. Because men were more valued in society, a woman would be dealt with far more

severely for killing a man on the grounds that he had committed adultery.

29. While it was true that transporting girls to school from the remote areas in which they lived was a good idea, it was the content of the education being provided that mattered most; a shift towards an empowering education to achieve emancipation from patriarchy was urgently needed. Female students chose domestic activities at school because the patriarchal education they were receiving encouraged them to do so.

30. The continued subjugation of rural women indicated that the Convention was not being implemented. The Women's National Committee should demand that the Government give special attention to their needs, in the form of roads, schools and services provided in their localities. Rural women should not have to seek such basic services in urban centres; rather, the infrastructure should come to them. A developing economy relied on agricultural production, and in Yemen agricultural production relied on women to a great extent.

31. **Ms. Tan** said that it was commendable that the Government of Yemen had implemented six projects and activities for rural women between 2000 and 2005 and asked how many rural women had benefited from those projects and whether any assessment had been carried out of the results. With respect to agricultural credit, 1,873 Yemeni women had benefited from loans from the Agriculture Credit Bank totalling 186,920 rials, which did not seem to be a significant sum of money. It would therefore be interesting to know what other loans were available to Yemeni women and how many women owned agricultural land.

32. **Ms. Patten** asked how much data was available on informal women workers, whose activities were often hidden behind their public role of homemaker. Clarification should be provided on the measures taken by the Government to quantify the domestic and agricultural work of women and to include women in formal employment and the social protection system. It would also be interesting to know what measures were being envisaged to increase rural women's access to land and credit and to include them in the decision-making process. Additional information should be provided on the extent to which rural women had access to law courts and were aware of their legal rights.

33. **Ms. Kaid** (Yemen) said that rural women worked very hard and were responsible for most agricultural output. Women in rural areas lived in very different conditions from women in urban areas; they often had to walk a great distance to bake their family's bread or to collect water, and many of them lacked food, housing and access to basic education. One of the main aims of the five-year Plan for Development (2006-2010) was to improve infrastructure in rural areas by building roads, clinics and a water supply system with a view to enabling girls to attend school. Projects and activities for rural women were being run by highly competent women who had held key posts in Government and would undoubtedly improve the living conditions of rural women.

34. It was true that such honour crimes were committed in rural areas, but no studies had been conducted and it was rare to read about such crimes in newspapers. While it was difficult to assess the scope of honour crimes, they were certainly less common in Yemen than in other countries in the region.

35. Access to credit and land was guaranteed under Islamic law, which was the source of all laws in Yemen. However, there had been some problems with women's land ownership and inheritance given that some men had developed their own practices that were not consistent with sharia law. Her delegation could not provide information on the exact number of women who owned land, but it was clear that many women enjoyed the right to inherit land and grow produce. However, it should be noted that most holdings were very small, and it was common for a whole family or tribe to work on a land holding.

36. In general, rural women worked in the informal sector for little or no pay. Women who worked for the Ministry of Agriculture were paid salaries to give agricultural advice to farmers. Women also worked in the informal sector in urban areas; however, there was a tendency for those women to become part of the formal sector as the companies for which they worked grew. To promote women's participation in the formal sector, Yemen's Chamber of Commerce had established an office for businesswomen which encouraged women to take part in trade conferences.

37. The Government was also encouraging women to take loans with advantageous conditions in order to enable them to escape the cycle of poverty. With respect to the extent to which rural women had access

to law courts and were aware of their legal rights, in Yemen even educated women were not aware of their rights. The Government was trying to rectify that situation by promoting knowledge about women's legal rights in the media.

38. **Ms. Simms** deplored the phenomenon of temporary and tourist marriages, which allowed rich Saudi Arabian men to have sexual relations with children in Yemen under the guise of marriage. Such a barbaric distortion of human development could not be incorporated into any legal framework. The legality of a practice did not make it moral. She voiced her strong objection to such marriages, which legalized immoral acts, including marital rape. She expressed concern at the sexual abuses committed against the girl child and wondered what kind of women abused girls would become.

39. **Ms. Halperin-Kaddari** said that the sixth periodic report did not provide clear data on the number of women working in the legal system; more precise data should be provided on the number of women working in the general attorney's department and as judges. Given that there were very few opportunities for women in the legal profession, she wondered whether the Government had developed an affirmative action plan to rectify that situation. With respect to child custody, clarification should be provided of which parent was granted physical and legal custody of children.

40. The current report stated that child custody and guardianship rights and duties were only granted to the mother if the father died and there was no paternal grandfather (para. 16.5). That situation was not consistent with the provisions of the Convention and additional information should be provided. Furthermore, it should be clarified whether women enjoyed equal rights to property upon the dissolution of marriage.

41. **Ms. Hayashi** said that the sixth periodic report and the delegation's responses showed the Government's commitment to implementing the Convention. However, it was clear that there were still a number of discriminatory laws and practices. With respect to honour killings in cases of adultery, it would be useful to have data on how many wives had been killed by husbands and how many husbands had been given suspended sentences or fined. Clarification

should be provided of any plans by the Government to change that legislation.

42. With respect to child marriage, she welcomed the draft bill before Parliament that proposed raising the minimum age of marriage to 18. However, the Committee's general recommendation 21 requested States Parties to specify the minimum age for marriage and also to make the registration of marriages in an official registry compulsory. It would therefore be useful to learn whether the draft bill contained provisions on the registration of marriage and whether other measures were being taken to avoid the sexual exploitation of the girl child through marriage.

43. **Ms. Tan** said that the Personal Status Law was, of course, very important with respect to article 16 of the Convention. She understood that the comprehensive changes proposed by the Women's National Committee had been reviewed by the Ministry of Legal Affairs and forwarded to the Parliament, but that the proposed amendments seemed to be meeting with resistance. She wondered where the specific problems lay and whether the Committee could do anything to help the process.

44. With regard to polygamous marriages, the reporting State should indicate what efforts the Government was taking to comply with article 16 of the Convention; whether there was an agency of the Government that monitored fulfilment of the conditions for polygamy, for example, whether a husband was providing for all his wives equally; whether there were any sanctions for failure to fulfil the conditions; and whether there were registry records and statistics on polygamous marriages and divorces. She would also be interested to know whether, if the husband died, all wives in a polygamous marriage inherited equally and their children inherited equally, regardless of whether their mother was the second, third or fourth wife. In the case of divorce the delegation should clarify how long alimony and child maintenance was paid and how readily a wife had access to the courts to enforce payment of alimony or her marital assets.

45. **Ms. Kaid** (Yemen) said that, in principle, it was the mother who kept the children in the case of divorce or death of the husband. However, there might be cases, most common in rural areas, in which the mother was financially unable to look after the children and was obliged to return to her parents' house. In

Yemen the division of property after divorce was not 50 per cent to each spouse as in some countries. Each spouse retained his or her own property and any gifts, such as jewellery, acquired in the course of marriage. The court decided the amount of alimony to be paid for the wife and children based on the earning power of the husband.

46. One of the proposed amendments to the Personal Status Law was that the duration of custody should be 15 years for both male and female children and that the divorced wife should be allowed to live in the marital accommodation for the duration of custody. A wife might be repudiated for certain diseases or for failure to meet her marital obligations; in that case as well, the judge would determine the amount of alimony.

47. Article 232 of the Penal Code was cited as allowing a mitigated sentence for a husband who killed his spouse for adultery. The Women's National Committee was urging the appeal of that law. Sharia law, which stated that adultery should be punished, did not say that a husband or wife had the right to kill his or her spouse. A spouse should be encouraged to go to the national authorities to make a complaint. She did not have statistics on murders for adultery but believed the incidence of such cases to be low. In her experience as a member of the Supreme Council for Women she had never encountered a case of a wife killed for adultery.

48. The Government acknowledged that it was necessary to carry out a study on the nature of temporary marriages. It had implemented measures to stop the practice of "tourist" marriages, and families knew that the practice was not desirable. One of the reasons that the Government opposed temporary marriages was that the women involved were left with no future because they could not find another husband.

49. The adoption of a minimum marital age was a matter of great concern to the Women's National Committee. There would be a new Parliament in the coming year, and she hoped that there would be a larger proportion of women deputies to work for passage of the amendments.

50. Polygamy in Yemen had a religious aspect. However, if her husband wished to take another wife, a woman could ask for a divorce if she did not wish to become part of a polygamous household. There were no statistics on the number of polygamous marriages, but they were certainly more common in rural areas,

where poor women had fewer choices. In the cities, women were better educated and polygamy less accepted. The husband's obligation to treat all his wives equally was stipulated by law, but there was no government department in charge of monitoring compliance.

51. **Ms. Mohammed** (Yemen) said that in 2007 the number of female judges had increased to 76 in all branches of the judiciary. As the report indicated, in 2005 women had been accepted for the first time into the Supreme Institute for Justice to train as judges; there had been four in the 2005-2006 scholastic year, five in 2006-2007 but only three in 2007-2008, despite vigorous efforts on the part of the Women's National Committee and civil society organizations to encourage women law graduates to enrol.

52. With regard to the wife's housing after a divorce, unfortunately, if a wife was forced by poverty to return to her parent's house she was also obliged to leave her children with her husband's parents. That was why the Women's National Committee was pushing so hard to get an amendment through Parliament that would make it possible for a wife to be assured of housing so that she could keep custody of her children until they were of legal age. Any assistance in that effort would be greatly appreciated.

Final questions

53. **Ms. Pimentel** said that, if the definition of marriage in the Personal Status Law could be amended so that it was conceived as a contract in which both husband and wife had reciprocal rights and duties, that in itself could inspire other important needed changes in the country's legislation.

54. **Ms. Neubauer** said that, in view of the tremendous effort that would be required to change Yemeni society sufficiently to allow for full compliance with the Convention and the urgent need for resources to implement the Beijing Platform for Action, she would appreciate information on how the Government was incorporating the financing of gender equality in its negotiations with international donors of financing for development.

55. **Ms. Kaid** (Yemen) said that, trained human resources were particularly necessary for the success of the programmes to benefit women. There had been some resistance at first to gender-sensitive budgets, but the Ministry of Finance had come to welcome the

projects proposed by the Women's National Committee and the latter's presence on budget committees. She hoped that all the United Nations organizations, such as the World Food Programme and the United Nations Children's Fund, would help by stressing the need for gender-sensitive budgets in the projects in which they were involved.

56. All the Committee's very valuable comments and recommendations would be brought to the attention of the Prime Minister and the Parliament, and press conferences would be held to publicize them. She hoped that when Yemen's next report was considered, the delegation would be able to report changes in the status of women in both law and reality.

57. **The Chairperson** said that it was indeed important for the delegation to take the Committee's concluding observations very seriously and to convey them to the Government and to Parliament, since it was clear that the Convention was still, after 24 years, perceived in Yemen as a declaration rather than a legally binding instrument. It was important for the Government to bring legislation into harmony with the Convention and to work together with non-governmental organizations to implement it. She hoped to see progress in the next report for all segments of the population. Yemen, as a least developed country, needed to mobilize all its human resources, including women, to achieve development.

The meeting rose at 5.10 p.m.