



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions in relation to the combined seventh and eighth periodic reports of Yemen*

General context

1. In December 2018, the consultations between the internationally recognized Government and the Houthis resulted in the Stockholm Agreement, aimed at ending the hostilities around the Red Sea city of Hudaydah and alleviating the humanitarian crisis. However, the crisis continues to worsen, with more than 24 million women and men in need of humanitarian assistance or protection and the existing vulnerabilities of women and girls being further exacerbated. Please provide information on any strategies adopted by the State party to address the impact of the armed conflict and of the deteriorating humanitarian situation on the extent to which women and girls are able to enjoy their rights. Please also provide information on the measures taken to allow humanitarian access and direct increased international support and resources to the south of the State party, in cooperation with the international community and, on the basis of the Riyadh Agreement, the southern transitional council.

2. The internationally recognized Government does not exercise effective control over parts of the territory of the State party. Please indicate how it promotes the implementation of the Convention through peace negotiations with the Houthis and other armed groups, with a view to ensuring that women and girls throughout the State party, including in those areas that are under the effective control of non-State actors, are able to enjoy their rights under the Convention, including equal access to education, employment, health care and other basic services.

Women and peace and security

3. In line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, please provide data, disaggregated by age, ethnicity, religion, disability and location (urban or rural), on the participation of women in peace processes, including through the National Dialogue Conference, and indicate the measures taken to ensure their equal, free and meaningful participation. Please provide information on:

(a) The measures taken to guarantee the participation of women in political, economic and transitional justice processes, in conformity with Security Council

* Adopted by the pre-sessional working group on 6 March 2020.



resolution 1325 (2000) on women and peace and security, as well as resolution 2216 (2015), in which the Council called for, among other things, the restoration of State institutions and the prosecution of perpetrators of crimes against civilians, children, women and civilian facilities;

(b) The human, technical and financial resources allocated to the implementation of Security Council resolution 1325 (2000);

(c) The measures taken to ensure the representation of women from the north of the State party and, under the Riyadh Agreement, from the south in ongoing peace processes;

(d) The measures taken to end impunity for perpetrators of conflict-related gender-based violence against women, in particular sexual violence in conflict, including rape.

Constitutional and legislative framework

4. According to the Group of Eminent International and Regional Experts, a first draft of a new constitution released in January 2015 includes provisions ensuring equal rights for women and men, repealing parts of the Personal Status Act, defining a minimum age of marriage and establishing a minimum quota of 30 per cent for the representation of women in the Government. Please indicate:

(a) The current status of the draft constitution and whether a timetable has been established for holding a referendum on it and any subsequent adoption;

(b) Any steps taken to review any language in the draft constitution that might leave room for regressive interpretation that would result in discrimination against women and to ensure the supremacy of the eventual constitution over sharia law;

(c) Whether all forms of discrimination on the grounds of sex and gender, including direct and indirect discrimination, as well as intersecting forms of discrimination, in both the public and private spheres, in line with article 1 of the Convention, are defined and prohibited in the draft constitution.

5. Please inform the Committee about steps that the State party has taken to review its legislation to amend or repeal any discriminatory provisions, including male guardianship laws, and to ensure that customary law and Islamic law are in compliance with the Convention and are not discriminatory towards women and girls, including in relation to marriage, divorce, weight of testimony as evidence, property, inheritance, child custody and access to land.

Access to justice

6. According to the Group of Eminent International and Regional Experts, the criminal justice system response to gender-based violence against women has collapsed since the outbreak of the conflict. According to the Group, in 2018–2019, the law enforcement agencies of the Government and the de facto authorities refused to investigate and prosecute cases of gender-based violence against women. Instead, discriminatory customs and laws have reportedly re-emerged, further undermining the protection and accountability mechanisms. Please provide information on:

(a) Remedies available to appeal against a decision taken by a traditional justice mechanism if that decision is incompatible with the Convention, and whether there is legislation in place to ensure that prosecution is given priority over mediation in cases of gender-based violence against women;

(b) Measures taken by the State party to ensure that women have access to legal aid and legal representation to claim their rights in court proceedings;

(c) Support services, including psychosocial counselling, available to women seeking access to justice;

(d) Gender-sensitive investigation and interrogation methods applied by the judiciary, the police and other law enforcement authorities to prevent the revictimization of women who are victims of gender-based violence.

National human rights institution

7. In its third national report submitted to the Working Group on the Universal Periodic Review, the State party reported having adopted measures aimed at establishing an independent national human rights institution, including the issuance of Prime Ministerial Decree No. 35 of 2015 on the drafting of a bill to establish such an institution (A/HRC/WG.6/32/YEM/1, para. 31). Please provide information on:

(a) The steps taken to accelerate the establishment of a national human rights institution that would be in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and have a mandate to promote and protect women's rights;

(b) The mandate, authority and results of the work of the National Commission of Inquiry (*ibid.*, para. 23) in relation to violations of women's rights;

(c) The mandate, authority, visibility, human, technical and financial resources and current activities of the Women's National Committee;

(d) The mechanisms in place to ensure that women's organizations are involved in the planning, implementation and evaluation of gender legislation, policies and programmes.

National machinery for the advancement of women

8. In its third national report submitted to the Working Group on the Universal Periodic Review, the State party reported having restructured and built the expertise of the Ministry of Human Rights and developed cooperation between governmental institutions in monitoring and considering complaints about human rights violations (*ibid.*, para. 37). Please indicate the number, nature and outcome of complaints received in relation to violations of women's rights. Please describe measures that the State party is taking to ensure that the Women's National Committee, which is headquartered in Sana'a under Houthi control and has branches in areas controlled by the Government, can become operational again.

Temporary special measures

9. Please indicate whether the proposed amendment to Act No. 66 of 1991 on political parties and organizations, in which it was stipulated that at least 15 per cent of nominees must be women, is being reviewed to raise the quota to at least 30 per cent, in line with the outcome of the National Dialogue Conference held in 2014. Please indicate the time frame for the adoption of the amendment. Please provide information on any other temporary special measures envisaged to accelerate the achievement of de facto equality between women and men in all areas covered by the Convention, in particular education, employment and the participation of women in political and public life.

Stereotypes and harmful practices

10. Please provide detailed information on the measures taken to eliminate anti-gender discourse and discriminatory stereotypes concerning the roles and responsibilities of women and men in the family and in society. Please provide information about awareness-raising and other measures taken by the State party to eliminate such stereotypes, as well as harmful practices, in particular crimes committed in the name of so-called “honour”. In particular, please provide information on:

(a) Any progress made in amending the Safe Motherhood Act of 2014 to prohibit female genital mutilation;

(b) Any progress made in adopting the bill on child rights to prohibit child marriage and set the age of marriage at 18 years for women and men;

(c) Awareness-raising and other measures taken to eliminate harmful practices such as female genital mutilation and child and/or forced marriage, in collaboration with religious and community leaders, and to ensure that child brides receive State support to leave the marriage or union, as well as protection and financial compensation.

Gender-based violence against women

11. According to information received by the Committee, gender-based violence, including rape and other forms of sexual violence, against women, especially against internally displaced, refugee, asylum-seeking and migrant women and girls, committed by parties to the conflict has escalated, in particular in the north of the State party. Please provide information on the measures taken:

(a) To criminalize rape in all circumstances, including marital rape, and amend the Criminal Code to define rape based on absence of consent, introduce strict prison sentences for killings committed in the name of so-called “honour” and repeal all provisions that are discriminatory towards women;

(b) To combat the stigmatization of women who are victims of sexual violence and eliminate traditional, religious and cultural norms that impede access to justice for survivors of conflict-related sexual violence;

(c) To provide data on the number of convictions and acquittals in cases of sexual and gender-based violence, disaggregated by sex, age, ethnicity, disability, location (urban or rural) and relationship between the perpetrator and the victim, information on any compensation paid to women who are victims of such violence and information on the number of cases of gender-based violence against women that were reported to authorities but never prosecuted, as well as on the measures taken to ensure the registration of such cases;

(d) To specifically criminalize domestic violence, prosecute all cases of domestic violence, including against marginalized groups of women such as lesbian, bisexual and transgender women and intersex persons, and increase the number and capacity of shelters for survivors of gender-based violence;

(e) To enable women to file complaints about gender-based violence by lifting restrictions on non-governmental organizations and protecting female lawyers from harassment and ensuring their physical access to courts so that they can represent women who are victims of such violence in court proceedings;

(f) To establish special sections in police stations to receive, register and investigate women's complaints about gender-based violence in a gender-sensitive manner.

Trafficking and exploitation of prostitution

12. Please provide information on the measures taken to strengthen the early identification of women and girls who are victims of trafficking through gender-sensitive screening at border points and in camps for internally displaced persons and refer them to the appropriate services, including medical, psychosocial and rehabilitation services. Please also provide information on the support services and alternative income-generating opportunities available to women and girls who are exploited in prostitution, including rehabilitation and exit programmes for women and girls in prostitution. Please indicate the measures taken by the State party to decriminalize women and girls in prostitution and to protect them from stigmatization, gender-based violence and abuse.

Participation in political and public life

13. The State party reports a very low level of representation of women in decision-making positions in political and public life (CEDAW/C/YEM/7-8, sect. 7.2). Please provide information on measures taken:

(a) To ensure the strict application of a minimum quota of 30 per cent for the representation of women in political and public life, including in decision-making positions, in accordance with the outcome of the National Dialogue Conference held in 2014;

(b) To include women in peace negotiations, including by implementing a minimum quota of 30 per cent for the representation of women in delegations and in relevant committees, and to ensure their participation in the development of a national action plan for the implementation of Security Council resolution 1325 (2000);

(c) To raise awareness among political, military and community leaders about the importance of the effective participation of women in the conduct of public affairs for a democratic society and sustainable development.

Nationality

14. Under article 3 of Act No. 25 of 2010 amending Act No. 6 of 1990 on Yemeni nationality, Yemeni nationality is granted to any child of a Yemeni mother or father married to a foreigner (ibid., sect. 9.1). Please provide information on the measures taken:

(a) To amend article 11 of Act No. 6 of 1990 (as amended in 2010), with a view to ensuring that Yemeni women enjoy the same rights as Yemeni men in terms of transmitting their nationality to a foreign spouse;

(b) To provide training on the effective implementation of Act No. 25 of 2010 to the judiciary and law enforcement officers at the national and local levels, including in rural areas;

(c) To repeal the customary practice that requires women to obtain the authorization of their male guardian (usually their husband or father) to apply for an identity card or passport;

(d) To provide personal identification documents to women and girls, in particular those belonging to marginalized ethnic groups, women with disabilities and older women, in order for them to have access to basic services.

Education

15. According to information received by the Committee, cultural and financial barriers and a shortage of female teachers prevent girls from gaining access to education. Please provide information on:

(a) Whether education on women's rights and gender equality forms part of school curricula and whether such topics are addressed in the national strategy for the development of basic and secondary education, the school healthcare strategy, the national higher education strategy and the national strategy for technical education and vocational training;

(b) Measures taken to recruit female teachers, implement a policy to reduce school fees and address the root causes of girls dropping out of school, including sexual violence at and on the way to and from school, attacks on schools, girls' unequal burden of domestic and care responsibilities and child and/or forced marriage;

(c) Measures taken to address the serious protection concerns that have resulted in the closure of schools owing to the armed conflict, prevent and criminalize the recruitment of children by armed groups and call for a halt to air raids on all civilian targets, such as schools;

(d) Measures taken to accommodate significant numbers of pupils, in particular girls, from internally displaced, refugee and migrant communities.

Employment

16. Please provide information on measures taken by the State party to enforce the principle of equal remuneration for work of equal value and to reduce the higher unemployment rates among women as compared with men. Please indicate the measures taken to combat child labour, which disproportionately affects girls.

17. In its third national report submitted to the Working Group on the Universal Periodic Review, the State party reported having taken measures to increase the representation of women in the workforce ([A/HRC/WG.6/32/YEM/1](#), paras. 54–56). Please provide information on the impact of those and similar measures, including temporary special measures in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures. Please also provide data on the participation of women in the labour force, disaggregated by sector (public, private, formal and informal).

Health

18. According to information received by the Committee, maternal and neonatal mortality rates in the State party are among the highest in the Arab region. In addition, women have only limited access to sexual and reproductive health services, especially in rural areas, owing to the lack of facilities and the social stigma attached to family planning. The lack of vaccines and medicine, insufficient numbers of female doctors, malnutrition, the high prevalence of communicable diseases and epidemic outbreaks are having an adverse impact on the health of women in the State party. Please provide information on measures taken:

(a) To implement, and allocate adequate resources to, the national reproductive health strategy, the national health strategy for the period 2010–2025 and the current five-year plan on health development and poverty reduction;

(b) To increase vaccination coverage against preventable diseases, ensure adequate medical supplies and increase the number of female health-care professionals, especially in rural areas;

(c) To increase access by women to sexual and reproductive health services, especially in rural areas, including through mobile health interventions and community-based maternal and neonatal care;

(d) To counter negative campaigns by Islamic leaders that are stigmatizing women who seek family planning, ensure access to affordable and modern contraceptives and introduce mandatory age-appropriate sexuality education at all levels of education in order to prevent unwanted pregnancies and the spread of sexually transmitted infections;

(e) To educate all health-care professionals that women have the right to seek health care, including obstetric care, without their husband's authorization, regardless of their age;

(f) To eradicate the stigmatization of and discrimination against women living with HIV/AIDS and ensure that women and girls have adequate access to relevant prevention and treatment services in the State party, especially in rural and conflict-affected areas.

Economic empowerment of women and social benefits

19. Please provide data, disaggregated by age, ethnicity, religion, disability and location (urban or rural), on poverty among widows and households headed by women, as well as on the income-generating opportunities and social benefits provided to them.

Rural women

20. Please provide information on measures taken by the State party:

(a) To enhance access by rural women, including those living in conflict-affected areas, to education, income-generating opportunities, health-care services and social security benefits;

(b) To increase the representation of rural women in elected and appointed political positions, together with their participation in decision-making processes relating to local development programmes and laws and policies affecting them;

(c) To promote the critical contribution of rural women to food security, including by providing them with access to land, agricultural loans and credit and adequate technology to engage in small-scale farming and other entrepreneurial activities.

Disadvantaged groups of women

Internally displaced, refugee, returnee and migrant women

21. Please provide information on:

(a) The measures adopted, including by seeking humanitarian assistance from the international community and the United Nations, to address the specific needs of refugee, returnee, internally displaced and migrant women, in particular migrant

women from Ethiopia and Somalia, protect them from intersecting forms of discrimination and ensure that they have access to housing, education and adequate health care, without fear of being detained on account of their irregular status;

(b) The measures taken to address the particular risk faced by refugee, returnee, internally displaced and migrant women and girls of being subjected to sexual violence such as rape, including by public officials, sexual exploitation, domestic violence and harmful practices, including female genital mutilation and child and/or forced marriage.

Women in detention

22. Please provide data, disaggregated by age, ethnicity, nationality, religion and disability, on the numbers of women and girls in detention, the grounds on which they have been deprived of liberty and the sentences imposed on them. Please also provide information on:

(a) The mechanisms in place to monitor prisons and other places of deprivation of liberty to detect gender-based violence, such as sexual violence, torture and enforced disappearance, against women in detention, including women human rights defenders and activists, as well as on measures to hold perpetrators accountable;

(b) Provide alternatives to detention, in particular for women detained for administrative offences such as prostitution and irregular migration status;

(c) The measures taken to release women political prisoners, including women human rights defenders, from detention;

(d) The number of and conditions in facilities in which women and girls are deprived of their liberty and whether such facilities are in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

Marriage and family relations

23. In its third national report submitted to the Working Group on the Universal Periodic Review, the State party indicates that the bill setting the minimum age of marriage at 18 years for women and men and criminalizing child marriage has never been adopted (A/HRC/WG.6/32/YEM/1, para. 62). With reference to joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2019) on harmful practices, in which child marriage is defined as any marriage where at least one of the parties is under 18 years of age, please provide information on the measures taken:

(a) To accelerate the adoption of the bill amending the Personal Status Act and criminalizing child marriage;

(b) To raise awareness among the general public, religious and traditional leaders and parents of the criminal nature and harmful effects on women and girls of child and/or forced marriage;

(c) To eradicate the harmful practice of arranging marriages to resolve disputes between families.