



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of Discrimination
against Women**
Eightieth session

Summary record of the 1826th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 27 October 2021, at 3 p.m.

Chair: Ms. Acosta Vargas

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The meeting was called to order at 3 p.m.

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

Combined seventh and eighth periodic reports of Yemen (continued)
([CEDAW/C/YEM/7-8](#); [CEDAW/C/YEM/Q/7-8](#) and [CEDAW/C/YEM/RQ/7-8](#))

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

Articles 10–14 (continued)

2. **Mr. Qasem** (Yemen) said that women were entitled to equal pay for equal work pursuant to article 67 of the Labour Code. Article 45 of the Code entitled female employees to 70 days of maternity leave with full pay. Their employers were responsible for paying their salaries during that period. The National Commission for Women had discussed possible amendments to articles of the Personal Status Act, particularly article 40, with a view to guaranteeing the right to employment. A bill concerning the amendments would be submitted to the parliament.

3. **Ms. Stott Despoja** said she wished to know whether the State envisaged sharing with the employer part of the costs of paying a woman's salary during maternity leave. Noting the obstacles that stood in the way of adopting legislation, including the convening of the parliament, she asked whether the State was planning any measures in the interim to fill legislative gaps, particularly with a view to criminalizing sexual harassment in the workplace. The fact that equal pay was guaranteed by law did not prevent the existence of gender pay gaps, which arose as a consequence of gender inequalities in employment and opportunities for career advancement, the feminization of occupations and other forms of discrimination. She therefore urged the State party to assess, monitor and remedy the gender pay gap.

4. **Mr. Ebrahim** (Yemen) confirmed that, notwithstanding the lack of any discriminatory provisions in the Constitution or domestic legislation, traditional or customary discriminatory practices persisted. The Government had been endeavouring for years to abolish stereotypes by means of educational and awareness-raising activities that highlighted the principle of equality between men and women with a view to transmitting such values to the younger generations.

5. The ongoing hostilities in the country impeded progress in adopting amendments to the existing legislation. However, the Government was seeking to remedy all forms of discrimination by promoting action at the grass-roots level.

6. **Ms. Toé-Bouda** said that the crisis in the State party had led to shortages of drugs, equipment and staff in the health-care system, and the lack of drinking water had led to an increase in diseases such as cholera and dengue. As a result of the coronavirus disease (COVID-19) pandemic and cholera epidemic, only 20 per cent of health-care services could be devoted to maternal and child health. Some 2 million women were at risk of famine and 1.1 million mothers suffered from severe malnutrition, entailing anaemia, infant mortality and foetal anomalies.

7. She wished to know what steps were being taken to restore a free and effective health-care system that would guarantee unimpeded access for women and girls to health-care services, including psychological support. She asked whether the national body responsible for humanitarian assistance provided adequate health-care services for women and girls, especially to combat COVID-19, and possessed sufficient resources for the purpose.

8. She wished to know whether the State party planned to legalize abortion in cases of incest, rape, serious foetal anomalies and risks to the mother's health. Would abortion be decriminalized in all circumstances? She was interested in hearing about any measures to raise awareness of the need for family planning. Were contraceptive methods available free of charge?

9. As article 32 of the Constitution required the State and society to participate in the provision of education, health and social services, she asked what steps were taken to promote women's effective participation in relevant decision-making.

10. **Ms. Basamad** (Yemen) said that the Supreme National Emergency Committee for COVID-19 was chaired by the Deputy Prime Minister and its members included women who played a key role in monitoring and assessing the measures taken and in ensuring that the quarantine centres complied with international norms. Vaccines were widely distributed, an oxygen plant had been established and previously closed clinics had been reopened. Awareness-raising activities had been organized for women and children, leaflets had been distributed and a hotline was available to all. The quality of the reproductive health services, unfortunately, had declined since the outbreak of the hostilities. The Government was taking vigorous action to remedy the situation, but the rising demographic trend rendered the task even more difficult.

11. Women occupied key positions in the health sector, including family planning services, and participated in awareness-raising campaigns concerning diseases such as tuberculosis, malaria and cholera. The international community provided support for action to address issues such as child malnutrition, reproductive health services and protection of women and children. Studies of problems such as female genital mutilation had been undertaken and support for women living with human immunodeficiency virus (HIV) had been provided.

12. **Mr. Qasem** (Yemen) said that the Supreme Council for Motherhood and Childhood, which was run by the Council of Ministers, had adopted a number of measures aimed at guaranteeing respect for the rights of women and children in all areas.

13. **Ms. Saleh** (Yemen) said that the National Commission for Women had developed public health strategies in cooperation with the Ministry of Health, and had participated in decision-making regarding free childbirth facilities in hospitals and improvement of all health-care services. It had held training courses and awareness-raising events on the right to health and on premarital screening. It had also undertaken studies and organized awareness-raising programmes on HIV/AIDS in a number of governorates. Abortion was prohibited by domestic legislation except in cases where a medical examination revealed congenital malformations or delivery complications. However, abortion was not permissible in cases of rape because it contravened the Islamic sharia.

14. **Ms. Ameline** noted that the State party had relaunched its social protection policy, notwithstanding the impact of the conflict on its infrastructure and financial resources. She wished to know whether the provisions relating to pensions and health-care insurance could be reactivated, particularly on behalf of the most vulnerable groups, such as widows and heads of household.

15. The Committee had been informed of a number of microfinancing projects for sustainable development and solar energy. Given the vital importance of water supply and sanitation projects in the State party, women could play a key role in the rehabilitation of such basic sectors of the economy. She would appreciate further information about plans to expedite the granting of credit facilities for reconstruction based on national solidarity.

16. **Mr. Ebrahim** (Yemen) said that the Government was determined to continue paying pensions, even in the current dire economic situation. The Ministry of Social Affairs and Labour implemented a social protection programme for older persons and the poor and needy. However, increased humanitarian assistance was required. The recent international donors conference had pledged only about 50 per cent of the required support. A special microcredit project without any interest charges was currently being implemented on behalf of women.

17. **Ms. Reddock** said that many of the issues facing rural and disadvantaged groups of women had been exacerbated by the conflict in the State party. Rural women had already faced challenges of water and sanitation, isolation from humanitarian aid, impoverishment, and weak health and education services prior to the conflict, and their labour situation had greatly deteriorated under the harsh wartime conditions. As the gender mainstreaming framework focused on rural women and girls, she wished to know more about the proposed infrastructural, economic, health and educational programmes for rural women and their

households, and asked when they were likely to be implemented. She wished to hear, in particular, about support for rural women's agricultural production, which was important for food security. What levels of humanitarian assistance were currently provided to rural women?

18. The Committee had received reports of arbitrary detention of women and girls, most of whom were awaiting trial on possibly fictitious charges, such as adultery, prostitution and providing intelligence to parties to the conflict. The Committee was particularly concerned that women could be imprisoned for crimes committed against them. For instance, women who were raped could be charged with prostitution. Moreover, women often failed to attend court because of the stigma attached to them.

19. She wished to know whether a woman's testimony was still worth only half that of a man. As detained women could allegedly experience sexual assault and other forms of abuse, she would appreciate further details of the mechanisms to protect women and their children in places of detention. She would also be grateful for information on plans to review the number of women currently detained, and to release those being held beyond their official term of imprisonment or who had been arbitrarily detained on fictitious charges. Were there plans to create shelters for women released from prison who were not accepted by their families owing to the stigma attached to imprisonment?

20. She would welcome an update on the implementation of the national disability strategy and the recommendation contained in the National Dialogue Conference outcome document on establishing a national authority for persons with disabilities. She wished to know whether the particular needs of women and girls with disabilities were covered under the proposed strategy and whether laws and practices that ensured equality and access to reasonable accommodation, inclusive education, employment and health care were being implemented or considered for implementation.

21. The Committee was particularly concerned about reports that women human rights defenders, non-governmental organization (NGO) activists and journalists were targeted for their work on women's rights. They faced gender-based violence, threats, and stigmatization and were subjected to arbitrary arrest. She wished to know what mechanisms were being put in place to ensure the implementation of article 42 of the Constitution, which guaranteed the right of every citizen to participate in political, social and economic life and freedom of expression within the limits of the law, and to protect women human rights defenders, journalists and members of NGOs. She would also like to know when measures would be taken to prevent human rights violations by the police and security forces and not just to investigate and prosecute violations after the fact.

22. The country's many internally displaced women and girls were stripped of their dignity, stability and freedom, which made them more vulnerable to sexual assaults and exploitation. She would be interested to hear what mechanisms were in place to support impoverished women heads of household who had been internally displaced and whose situation had been aggravated by the COVID-19 pandemic. She also wished to know when the discriminatory laws that restricted women's mobility without a male companion would be repealed.

23. She would like to know what protections and support were in place during the conflict for the country's approximately 3.5 million Muhamasheen, who were a particularly vulnerable racialized group that faced harassment and stigmatization, and many of whom did not have birth certificates, which impeded their access to education and other services. The delegation might comment on the State party's plans to address the social marginalization, stigmatization and racism experienced by that group.

24. In the light of reports that slavery still existed in Yemen and that slave status was passed on from one generation to another, with a specific effect on women and girls, who were often sexually abused by their owners, she wished to know what measures were in place to enforce the ban on slavery in line with Yemeni law and the Slavery Convention. Lastly, she would like to know whether any thought had been given to introducing a nationwide project to ensure access to birth certificates for all enslaved, marginalized and rural women and girls in Yemen retroactively and in the future.

25. **Mr. Ebrahim** (Yemen) said that the strategy for the development of rural women and the agricultural sector strategy 2011–2015 both contained measures aimed at empowering rural women. The Social Fund for Development also provided support to rural women, as did the Amal microfinance project. Progress had been achieved in the past through rural production projects for women, but unfortunately such efforts had been hampered by the war.

26. Women with disabilities and Muhamasheen women had been involved in the consultations that had taken place in the context of the National Dialogue Conference, giving rise to a number of specific recommendations. For example, the outcome document provided for the implementation of a project to create job opportunities for persons with special needs and ensure their participation in public life. It was true that the war had hindered access to basic public services for men and women alike. Efforts were being made to remove those obstacles in areas under the control of the State and to find safe ways for people to have access to public services. The Government liaised with international partners to explore ways of providing support in that area.

27. The reports concerning the abduction and detention of women in Yemen were true; Houthi militias subjected women to horrific ordeals, including enforced disappearance, rape and torture. The Government had reported the crimes committed by militias against women to the United Nations Security Council. There were now some 500 women being held in militia prisons under false pretences. The Houthi militias targeted women by claiming that they had provided intelligence to other parties to the conflict or were engaged in prostitution. According to the latest figures, more than 1,000 women had had such charges levelled against them. The Government cooperated closely with the International Committee of the Red Cross and other international organizations to gain access to the places of detention run by the militias.

28. There was no guardianship of women under Yemeni law, although the practice sometimes persisted as a result of cultural traditions. Efforts were being made to eliminate such harmful practices through various awareness-raising programmes. Unfortunately, the arrival of the Houthis had undone much of the progress that had been made in that regard, as they imposed strict social rules on women and enforced a dress code, for example.

29. With regard to the investigation and prosecution of violations, the National Commission of Inquiry had referred more than 3,000 files pertaining to violations to the courts, and others had been referred by the Ministry of Human Rights. Such offences were not subject to a statute of limitations.

30. Slavery had been abolished by presidential decree in 1962 and was subject to criminal penalties. Any cases of slavery brought to the attention of the authorities were referred to the courts and the perpetrators were duly punished. There had been some cases in areas under the control of Houthi militias.

31. **Ms. Saleh** (Yemen) said that the Government had decided to mainstream gender in the national budget and mainstream rural women in all development projects. Training and capacity-building sessions had been provided for many rural women to engage in income-generating projects in the areas of agriculture, forestry and fisheries. Efforts had also been made to increase the level of education of rural women, including the introduction of incentives for them to pursue further education.

32. Under the Personal Status Code, each governorate had a centre that issued birth certificates to both Yemeni and non-Yemeni newborns. Children were only admitted to school on presentation of a birth certificate and a vaccination card.

33. **Mr. Qasem** (Yemen) said that the consultative committee of the Ministry of Legal Affairs and Human Rights included representatives of marginalized groups, including the Muhamasheen, who were also authorized to form their own NGOs. There was no discrimination against the Muhamasheen under Yemeni law; they were Yemeni citizens and as such subject to the same laws and obligations as any other Yemeni citizens.

34. There were specific new legal provisions on the treatment of women in detention, including health care and other measures for pregnant detainees. It was not indicated on the birth certificates of babies born to women in detention that the place of birth was a prison.

35. **Ms. Basamad** (Yemen) said that in 2021 the Ministry of Labour and Social Affairs had organized a workshop for members of the Muhamasheen community in cooperation with the Ministry of Legal Affairs and Human Rights. A union had been established to represent the Muhamasheen, who enjoyed the same rights as all other Yemenis.

36. The majority of women in prison were over the age of 27, and inmates were grouped together by age category. Female inmates received all the necessary services, including primary and complementary health care. National and international organizations conducted prison visits. Projects were also run to restore relations and re-establish communication between prisoners and their families if they refused to stay in contact with their imprisoned relative. Upon release from prison, most women returned to their family homes. In 2021, a psychosocial support programme for women in prison had been launched. National and international organizations also implemented a range of programmes to support women's empowerment and prepare them for income-generating activities upon release. In 2021, guards working in women's prisons had received special training in Jordan.

37. **Ms. Reddock** said that she would welcome confirmation that all of the atrocities against women were committed by the Houthi militias rather than in State prisons. The Committee understood that birth certificates were generally available, but it was concerned that certain particularly vulnerable groups, such as the Muhamasheen, often did not have birth certificates, which were a prerequisite for enrolment in school and access to health care. Ensuring the issuance of birth certificates to all individuals, particularly women and girls, could therefore be a very easy way to address poverty and marginalization. The Committee also recognized that slavery had been officially abolished in Yemen, but it had received reports that it was still practised and there was clearly still work to be done in that area. When it came to human rights, it was all very well to have laws in place, but what was really needed was general awareness of those laws.

38. **Ms. Al-Rammah** said she wondered whether it was true that women who had served their sentences could not leave prison unless a guardian agreed to receive them. If such an agreement was indeed required, could the Yemeni authorities not follow the example of the countries in the region that had taken steps to ensure that women were released when they had served their sentences?

39. **Mr. Ebrahim** (Yemen) said that the Government was eager to ensure that everyone in Yemen was issued a birth certificate, but families in rural areas sometimes did not report births.

40. There were some cases of slavery in Hajjah, a governorate that, regrettably, was under the control of Houthi militias. Ninety-five per cent of all the violations of women's rights that occurred in Yemen occurred in areas controlled by the Houthis. The Government, on the other hand, had undertaken to put an end to human rights violations in Yemeni territory and displayed considerable openness, including by inviting outside observers to visit the country's places of detention. The Government also made every effort to fulfil its human rights reporting obligations. In 2019, for example, the country's report on its efforts to protect and promote human rights had been considered by the Human Rights Council's Working Group on the Universal Periodic Review.

41. The law was clear: once a sentence was served, the prisoner was free. By custom, however, the families of some newly released women refused to take them in. The Government had thus built shelters for such women. Dozens of newborn children were living with their mothers in prisons or other detention facilities in areas under the control of the Houthis.

Articles 15 and 16

42. **Ms. Bethel**, noting that a preliminary bill that would address a number of the discriminatory provisions in the State party's Personal Status Code had been prepared, said that she wished to know when the bill would be signed into law and whether the discriminatory provisions would be repealed. She also wished to know what immediate measures were being taken to allow married women with children whose husbands were missing to flee areas affected by conflict without having to show proof that the father of their

children or a guardian had consented to their flight. In that connection, she asked when the State party intended to abolish guardianship as an institution.

43. She also asked whether the State party intended – with a view to ultimately prohibiting polygamy altogether – to amend the laws that allowed a man to take up to four wives. It would be helpful to know what measures were being taken to ensure that the rights of women in polygamous marriages were respected, especially with regard to their children and their economic interests.

44. As a male guardian often decided whether a girl or woman was to marry, she wondered what measures the State party took to protect women and, in particular, girls from being forced into marriage. She also wondered what the State party did to prevent the guardian of a woman who married against his will from filing for an annulment of the marriage, as there had been reports of cases in which such women had later been charged with adultery and imprisoned.

45. Under the Personal Status Code, a man could orally repudiate his wife and thus obtain a divorce, whereas a woman seeking a divorce had to apply to the courts and could do so only in specific circumstances. She therefore wished to know how the State party planned to ensure that men and women had equal rights in matters relating to divorce. In addition, she asked what measures were taken to make sure that the best interests of the child were a primary consideration in decisions on child custody cases and how discriminatory provisions on child custody matters were addressed in the proposed amendments to the Personal Status Code. Lastly, she wished to know what plans had been made to ensure that the rules of inheritance were the same for both women and men, including in rural areas.

46. **Mr. Ebrahim** (Yemen) said that the Government had taken steps, including by raising awareness, to help women, rural women in particular, exercise their inheritance rights. The courts, too, made it possible for women to take possession of the share of a deceased person's effects that they were entitled to.

47. Marriage contracts were not drawn up without the clear consent of the woman who was entering into marriage. The right to end a marriage was not the man's alone. Women, too, could apply to the courts for a divorce.

48. Women could exercise their right to freedom of movement more easily if, as the Yemeni authorities had recommended, the Security Council took more action to pressure the Houthi militias and their Iranian backers into respecting the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

49. **Ms. Saleh** (Yemen) said that under the law, fathers had to obtain the consent of the daughters to the marriages that were being arranged for them. Long-standing cultural practices in some parts of the country, however, meant that some women and girls were not asked whether they agreed to the marriages planned for them by their families.

50. **Mr. Qasem** (Yemen) said that one of the outcomes of the National Dialogue Conference, which had been held in an attempt to push the country back from the brink of civil war, had been a decision to make 18 the minimum age for marriage. Divorced mothers had custody of their sons until they turned 9; girls, on the other hand, stayed with their mothers until they were 12. Afterwards, the children of divorced parents could decide with which parent they wished to live.

51. Sharia was the source of the rules of inheritance in Yemen. Women in the country inherited what they were entitled to under those rules. It was not necessarily a reduced share.

52. **Ms. Basamad** (Yemen) said that women prisoners were treated in accordance with the law.

53. **Mr. Ebrahim** (Yemen) said that by law, a woman who entered a polygamous marriage had to be informed that the man she was marrying was already married. The Ministry of Legal Affairs and Human Rights cooperated with civil society organizations to help ensure that polygamous marriages did not involve coercion.

54. He was aware that the primary aim of his delegation's appearance before the Committee was to improve the situation of women in Yemen. Although the war was not over and many of the achievements that the authorities had hoped to be able to celebrate were still out of reach, his Government would continue making efforts to eliminate all forms of discrimination against women.

The meeting rose at 4.20 p.m.