

Legislative and legal procedures in Yemen are moving toward the elimination of discrimination on the base of sex. Yemen is adopting numerous policies to ensure the improvement of the status of women and that women are empowered to exercise all their constitutional and legal rights. The constitution has emphasized the principle of equality in rights and duties among all members of society without distinction between men and women. The constitution says: "All citizens are equal in public rights and duties¹" and that "the state guarantees the equality of opportunities for all citizens, politically, economically, socially and culturally. Laws are issued to implement this²". It says further: "the state protects motherhood and childhood and promotes children and youth³."

In application of the provisions of the International Convention on Civil and Political Rights and the Convention on Economic, Social and Cultural Rights and the Agreement on the Eradication of All Forms of Discrimination Against Women (CEDAW), ratified by Yemen on 30 May 1984; also based on the decision taken by the Council of Ministers in December 2004 to authorize the signing of the voluntary protocol attached to the (CEDAW) agreement and in application of constitutional texts: laws have affirmed the principle of equality in rights between men and women and before the law. Article nr (2) of the law nr (1) for the year 1991 on the juridical authority says: "Parties in litigation are equal before the courts, whatever their status and situation." The law on civil service⁴ states: "Appointment to a post is based on the equality of opportunities and rights for all citizens without discrimination". The labor law⁵ confirms that work is a natural right of every citizen and a duty of every capable person on the basis of equal conditions, opportunities, guarantees and rights without any discrimination because of sex, age, race, color, creed or language. The state regulates the right to work through progressive development of the national economy. Article (42) of the same law affirms the equality of women in all labor conditions, rights and duties.

The law on general elections and plebiscites says: "The right to vote is guaranteed for every citizen who

completed the age of (18) solar years, with the exception of naturalized persons who have not completed the time span prescribed by law since obtaining Yemeni citizenship⁶. This legislation guarantees the equality of women and men to participate in political life without distinction. The internal report⁷ said that all references contained in the constitution in the form of (citizens) mean also female citizens. The constitution does not distinguish between males and females in the various rights. The report made an exception of article nr (21) of the constitution which mentions both women and men and says "women are the sisters of men and have the rights and duties guarantee and required by Shari'a and specified by law". The report points out that this text does not conform to other constitutional provisions that affirm equality in rights without discrimination in the general term (citizens) that includes both women and men. At the same time the report emphasized that Yemeni legislators have reversed the principle of equality in rights between women and men in many current laws in the country.

This chapter discusses the most important rights of women mentioned in constitutional and legal texts and in the (CEDAW) agreement. It also explains policies and measures being taken to put these rights into effect as well as challenges and obstacles confronting the process.

¹ Article nr (41) of the constitution

² Article nr (24) of the constitution

³ Article nr (30) of the constitution

⁴ Paragraph C of article nr (12) of the law nr (19) for the year 1999 on civil service

⁵ Article nr (5) of Labor law nr (5) for the year 1995, amended by law nr (25) for the year 1997

⁶ Article nr (3) of the law on general elections and plebiscites nr (41) for the year 1992, amended by law nr (42) for the year 1992 to add an article to the provisional regulations. Amended again by law nr (27) for the year 1996, and by law nr (27) for the year 1999. Subsequently, the new law nr (13) on general elections and plebiscites was enacted in 2001

⁷ First internal report of Yemeni NGO's on the level of implementation of the (CEDAW) agreement, issued by the Al Shaqua'eq Arab Forum in August 2002

FIRST: Right to Nationality

The right to have a nationality that cannot be waived or withdrawn is regarded as a social principle anchored by the constitution. It is a fundamental right enjoyed by women and men alike. A woman retains her Yemeni nationality even if she marries a foreign Muslim and acquires his nationality and documents this wish at the time of marriage or during the married life⁸. She is entitled to regain her nationality if the marriage is terminated and she wishes to do so⁹. If a Yemeni man acquires a foreign nationality, after obtaining the relevant authorization, his wife does not lose her Yemeni nationality unless she declares a wish to acquire her husband's new nationality by dependency¹⁰.

Subsequently, the nationality law underwent a new development for the purpose of granting Yemeni nationality to the children of a Yemeni woman married to a foreigner. Law nr (24) was enacted in 2003 to add article nr (10) -repeated-, but the text of the article made this measure conditional to the cessation of support for the children by their father as a result of his death, insanity, absence or abandonment of common residence with them for at least one year. These children are treated as Yemenis in every respect as long as they live under the guardianship of their mother and until they reach the age of majority. A child who reaches majority has the right to choose between acquiring Yemeni nationality or that of his father. The article's text has clearly laid several conditions for granting these children their mother's nationality and, consequently, many voices are demanding the completion of this development by affirming unambiguously the equality of Yemeni mothers with Yemeni their fathers in their right to pass on their nationality to their children at the time of birth. The National Women's Committee, which is exerting efforts to revise all discriminatory laws, has proposed a text to remedy this discrimination. It says: "Yemeni nationality is acquired by any person born to a father and mother of this nationality" (see annexes). Another aspect of discrimination in the law is granting Yemeni nationality to a non-Yemeni husband, wife and the children. A Yemeni man married to a foreign woman can bestow his nationality on his non-Yemeni wife, whereas the foreign husband of a Yemeni woman cannot acquire Yemeni nationality according to article nr (14), paragraph (A) of the law.

SECOND: The right to Education

The constitution says that "education is a right of all citizens, guaranteed by the state in accordance with the law which requires the establishment of various schools, cultural and educational institutions. Education at the basic level is compulsory and the state undertakes to eradicate illiteracy and expand technical and vocational education. The state pays special attention to the young, protects them from delinquency, ensures their religious, intellectual and physical education; and provides them with all appropriate conditions to develop their capacities in all areas"¹¹. Education Law nr (45) for the year 1992 conforms to the provisions of the constitution and emphasizes the equality of opportunities and the diversity of branches of education and affirms that it is free and compulsory in the basic stage.

In the framework of plans and programmes approved by the state in line with these texts, the second five year plan (2001-2005) and the national strategy for the development of basic education in Yemen (2003-2015) have confirmed the state's commitment to ensure basic education for all children at the age of compulsory schooling, to expand and improve it in the later phases. The strategy emphasized also the objective of reforming and developing education. The strategic vision for Yemen (2005-2025) has set a goal of generalizing basic education and restructuring its system to enable it to stay abreast of the scientific and technical revolution and respond to Yemen's future needs. The strategic vision confirmed the equality of both sexes in their rights to benefit from learning opportunities provided by educational institutions. The strategy for the reduction of poverty (2003-2005) confirms that the sector of basic education has been given priority and opens the door for all to enroll in schools, with special emphasis on raising the rate of girls' schooling. The strategy called for increasing the share of education from state expenditures by around (10%) annually and drew attention to the need to complete the process of educational reform, to ensure girls' enrollment in schools, particularly in rural areas and eliminate the education gap between boys and girls.

By adopting these programmes and procedures, Yemen is working hard to achieve as much as pos-

⁸ Article nr (10) of law nr (6) for the year 1990, amended by the nationality law nr (24) for the year 2003.

⁹ Article nr (14) of law nr (6) for the year 1990, amended by the nationality law nr (24) for the year 2003.

¹⁰ Op. cit., Article nr (12).

¹¹ Article nr (54) of the constitution.

sible the international goal of ensuring basic education for all by 2015. Yemen is trying to provide the necessary support and facilities to achieve tangible progress in the field of education and to make it compulsory in effect. Special attention is being given to rural areas with emphasis on girls' education, increasing the number of female teachers, improving

the conditions of teachers and rehabilitating school buildings there. However, these laws and policies calling for equality of the two sexes in education have not improved the reality of low female enrollment in the educational process. The following table shows the width of education gap between boys and girls in favor of the former:

Table nr (1) showing education indicators by sex and schooling stages

Education indicators	2001/2002	2002/2003
Basic education	3518118	3702571
Male	2223298	2297691
Female	1294820	1404880
Rate of males from total	63.2%	62.1%
Rate of females from total	36.8%	37.9%
Secondary education	513065	539925
Male	369643	381680
Female	143422	158245
Rate of males from total	72.05%	70.69%
Rate of females from total	28.0%	29.3%
Vocational Education	5429	9533
Vocational training centers	3490	3246
Males	96.5%	100%
Females	3.5%	-

Source: Statistical year book 2003

We notice in table nr (1) a number of trends that can be summed up as follows.

In basic education the rate of female students of the total number in 2002/2003 was (37.9%), compared to (62.7%) for male students, scoring a slight improvement of (1.1%) over the year before when the females' rate was (26.8%) and the boys' rate (63.2%). this notwithstanding, it should be noted that a high rate of females estimated at (45.5) in the age groups (6-14) years are not enrolled in schools compared to a lower rate of (23%) for males. This increases the number of illiterate females, especially in rural areas where their school enrollment rate is as low as (38.1%) of those enrolled in basic education drop out before reaching the ninth class. In secondary education, the rate of male students in 2002/2003 was (70.69%) compared to (29.31%) for girls. In 2001/2002 the rates were (72.05%) for males and (27.95%) for females. There was a small increase in the female

enrollment rate in secondary schools in 2002/2003 that amounted to (1.3%) over the previous year.

Vocational education began to gain importance recently, namely after the establishment of a special ministry for this type of education in 2001 and the increase of funding for the construction of new centers, schools and institutes specializing in vocational training. This branch of education, however, is still in its early stages and passing through the process of acquiring the necessary infrastructure, such as centers, schools, supplies, teacher training and other preliminaries. Table nr (1) reveals the great difference between girls' education indicators and those of boys in the different educational stages. This highlights the continuing need for comprehensive executive policies and measures to achieve or approach the objective of raising the level of girls' education and closing the gap between males and females. The gap between males and females in the rates of enrollment in technical and vocational education is still large in

favor of males, as this type of education is almost limited to males. A quick review of enrollment figures for both sexes reveals that the number of students in vocational education in 2002/2003, namely (9533) students of both sexes, was higher than for 2001/2002 with (5429) students of both sexes. Still, the number of female students in 2001/2002 and 2002/2003 was still limited, namely (645) and (1629) respectively. The gap between male and female students is even more visible in the numbers of students enrolled in technical and vocational schools and centers, of which

there are (16) in Yemen. Male students enrolled in 2002/2003 numbered (3246), or (100%) male. The rate of females in the year before was (3.5%). This trend is reinforced by the concentration of vocational training centers and schools in a limited geographic area, usually in governorates' capitals. The state needs to adopt and implement more effective policies by increasing the construction of new schools in all governorates and districts, while paying special attention to rural areas to give girls the possibility of joining this type of education.

Table nr (2) showing the distribution of schools by sex and educational level (2000-2001)

School levels	Sex				Girls' schools	Boys' schools
	Female	Male	Mixed	Total		
Basic schools	536	1,029	8,728	10,293	5%	10%
Secondary schools	38	122	133	293	13%	42%
Total basic & secondary schools	285	300	2,570	3,155	9%	10%
Total schools	859	1,451	11,431	13,741	6%	10%

Source: general report on results of the education survey 2002/2003

The gap education between females and males is exemplified in the number and percentage of girls' schools in the basic and secondary stages. We notice in table nr (2) that girls' schools make up only (6%) of all schools in Yemen for all educational levels and that girls' schools for basic education represent no more than (5%) of the total number. Boys' schools make up (10%), while the remainder or (85%) are mixed schools, most of whose students are males. This trend is naturally reflected in the distribution of secondary schools for both genders.

The rates are (13%) for females and (42%) for males and the remaining (45%) are mixed for males and females with male majorities too. Furthermore, ten governorates in Yemen do not have girls' schools for secondary education, while ten others do have such schools¹².

In the area of university education, the first report on the achievements of the strategy for the reduction of poverty in 2003 indicated a decline in the number of students accepted in government universities in the academic year 2002/2003 to (40,678) from (53,927) the year before. The rate of female students enrolled was (25%). In academic year 2003/2004 the number of accepted students declined again to (33,066) male and female students and the rate of females rose to (26%), representing a slight increase of (1%) over the

previous year. The decline in the number of admitted students was the result of a decision taken by the Higher Council for Universities to find equilibrium between capacity and the rate of acceptance.

The gap between the two sexes in society is clearly visible in the rate of illiteracy among females compared to males. The absolute rate of illiterates¹³ (10 years and older) is (62.7%) of all people in that group with an uneven distribution among the sexes: (82.8%) of females and (43%) of males. The rate is even higher in the countryside and reaches around (90.5%). The distribution between urban and rural areas is (40.5%) and (70.8%) respectively. There are (722) literacy centers in all governorates of the Republic, (234) in cities or (33%) of the total and (488) centers in rural areas or (67%) of all centers. Male and female persons studying in these centers are distributed as follows: (6,554) males, or (14%), (38,716) females, or (87%).

It is worth noting here that expenditure on basic education has undergone a continuous increase in the period 1990-2000 at an average rate of (30.45%) to reach a share of (73.78) of all allocations for education. Government expenditures on basic education reached an average rate of (13.72%) of total state expenditures

¹² The education survey report did not mention the governorate of Rimah.

¹³ Second five year plan (2011-2005), p. 247.

.Most funds spent on basic education go to current expenses that make up an average rate of (90.85%) of the total. Most current expenses are salaries and wages that consumed an average rate of (87.41%) of all current expenses in the period 1990-2000.

Despite the state's efforts to raise the enrollment rate of girls in public education, there exist factors that continue to hinder the accomplishment of equality in opportunities for boys and girls to get an education. Some of these are the lack of essential facilities in schools, especially separate toilets for female students; the long distance between school and home and difficulties of transportation; and the scarcity of qualified female teachers, especially in rural areas. Numerous families cannot afford to pay the expenses for educating their male and female children, so many of them deprive their daughters from continuing their schooling. There is also the family's desire to put the daughter to work in the field, at home, tending cattle and procuring water. There are also various cultural and social factors that play an important role in minimizing girls' chances to go to school, such as the traditional perception of females as wives and home makers. People of this opinion believe that girls do not need an education and they are not aware of Islam's commandments making education compulsory for women too. There is also the preference of marrying a girl at a young age rather than sending her to school, the family's feeling that there is no benefit and material reward from educating a girl and the refusal by some of the idea of employing women in government posts. Several studies have established a cause and effect relationship between low enrollment rates for girls in schools and the absence of a strategy to manifest the relationship between education and the capability to meet social necessities. They referred also to the lack of elements that complement the role of education, such as the contribution of the various media, the task of family and mosque or the contribution expected from political parties. There is also the role of reasonable and wise dialogue and respect for rights of others. One factor remains to be mentioned, that is the prevalence of mixed schools and this encourages parents to refrain from sending their daughters to school.

THIRD: The Right to Political Participation and Decision Making

The right to participate in political life and decision making is an important indicator that reflects the degree of success accomplished in efforts to empower women and guarantee their active participation in achieving development and progress in our

country. The degree to which this right is exercised is revealed by a brief review of indicators on women's participation in certain fields, mainly nominations and elections, membership in political parties and associations, participation in organizations of civic society, occupying public office and judiciary posts.

On nominations and elections, article nr (4) of the constitution says: "The people is the owner and source of authority and exercises it directly through plebiscites and general elections and indirectly through legislative, executive and judiciary institutions and elected local councils". Article nr (7) of the law on elections is one of the legal provisions that guarantee women's participation. It says: "the Higher Elections Committee takes the necessary steps to encourage women to exercise their electoral rights and forms women's committees responsible for registering female voters in elections records and verifying their identities when they vote in specified voting centers within each electoral district". This text is designed as a legal instrument to encourage and strengthen women's participation in political life and guarantee their equality with men in this right, as stated in article nr (7) of the (CEDAW) agreement. Consequently, women's committees were formed during the registration and recording phase of the parliamentary and local elections. They carried out the functions of registering women voters and establishing their electoral lists; and supervised their voting. This measure encouraged women to come forward and take part in the electoral process, from registration to casting the vote.

Following are tables with indicators on women's participation in the parliamentary and local elections.

Table nr (3) showing the numbers of registered voters of both sexes in parliamentary elections (1993- 1997- 2003)

Elections year	Women		Men		Total voters
	Number	Rate	Number	Rate	
1993	478,790	18%	2,209,944	82%	2,688,734
1997	1,273,073	27%	3,364,628	73%	4,636,701
2003	3,415,114	42.5%	4,682,048	58%	8,097,162

Source: Ministry of Planning and International Cooperation, Central Office of Statistics, statistical year book 2003

Table nr (4) showing the number of candidates of both sexes in parliamentary elections (1993-1997-2003)

Elections year	Female candidates	Male candidates	Total candidates	Parliament members		
				Female	Male	Total
1993	42	3,181	3,223	2	299	301
1997	23	3,791	3,814	2	299	301
2003	11	518	1,529	1	300	301

Source: Statistical year book 2003

Despite all obligations emanating from national legislation and international agreements ratified by Yemen and national efforts to encourage women to enter elected councils, women's presence in these bodies remains below the aspired level and international commitments. Table nr (3) shows that the number of registered female voters in the 2003 elections was (3.4) million women, compared to (1.3) million in the 1997 elections, representing a rise in women's participation in registration and recording from (27%) to (42.2%) of the total number of registered voters. This notwithstanding, the rate of women who cast

votes in the 2003 elections did not exceed (44.4%) of the total number of those registered. The number of female candidates continued to drop from (42) in the 1993 elections to (19) in the 1997 elections and then to (11) women candidates in 2003. This decline in the number of women candidates was followed by a decrease in the number of seats occupied by women in elected and representative councils. In the electoral terms of 1993 and 1997 two seats were occupied by women. In 2003 only one woman obtained a seat. This confirms that political parties continue to regard women as voters rather than candidates.

Table nr (5) shows the number of candidates of both sexes in the local elections of 2003¹⁴

Number of candidates(1)			Members of local councils(2)		
Women	Men	Total	Women	Men	Total
120	23,772	23,892	36	7,279	7,315

The same picture emerges when we analyze the figures of local elections in 2003. The number of women registered in voters' records for local elections was (1,715,238), or one third of the total number of voters. (133) women presented their candidacy for local councils, compared to (29,368) male candidates, all competing to occupy (7,315) seats. Women won

(36) seats compared to (7,279) for men. Three women won the post of secretary general of district local councils.

¹⁴ This table was compiled by referring to statistics listed in (1) the study of Dr. Nabeel Abdul Hafiz "Women and Political Parties"; Al Shaqa'eq Arab Forum for Human Rights and (2) Statistical Year book 2003

This confirms that there are reasons that continue to hinder women's access to legislative power and centers of decision making and most of these are social factors. The most important of these is the predominance of traditional attitudes that do not accept women's work in politics or that they change the traditional allocation of roles between man and woman.

This is also related to the educational gap between males and females. Despite the importance of these causes, some women's organizations believe that customs, traditions and inherited cultural values are being used as pretexts to keep women from playing their legitimate role and deprive them of many guaranteed rights. This is being done by invoking the need to respect the social reality and calling upon women to await the gradual maturing of enlightened thinking as a result of historical interaction and socio-economic development. Women's organizations are requesting the government to follow alternative paths through which the

political rights of women can be consolidated, even in the shadow of the hostile social reality. Such alternative paths are quota systems and the role of political parties in strengthening women's participation¹⁵.

A similar image emerges when we analyze women's engagement in the work of political parties as shown in the next table. Women's participation in this area is still low and the rate of female representation in the higher leadership circles of political parties listed below does not exceed (9%) of the total number of their leading members. Women's representation in the lower leadership circles is not higher than (5%), a slide that reflects the interest accorded women by political parties. This confirms the negative attitude of political parties and organizations toward the candidacy of women. Only six women were candidates in the parliamentary elections of 2003, compared to (18 and 11) for the two previous rounds in 1993 and 1997.

Table nr (6) showing women's representation in leadership circles of parties

Political Party	Leadership	Men	Women	Total	Women in Percent
General People's Congress	Permanent Committee	665	35	700	5%
Yemeni Reform Alliance	Consultative Council	153	7	160	4%
Yemeni Socialist Party	Central Committee	257	13	270	5%
Nasserite Unionist Organization	Central Committee	70	4	74	5%
Total		1,145	59	1,204	5%

Source: National Women's Committee, national report on women's situation in Yemen 2003

A field study conducted by the Al shaqa'eq Arab Forum for Human Rights on women and political parties in Yemen¹⁶ uncovered a number of indicators on the subject, mainly the great decline in women's engagement in party activities and the prevalence of a derogatory opinion of women in the parties, which is a projection of the same depreciative attitude in society. Another indicator was restricting women's participation in higher party quarters to discussing women's issues only. A third indicator was that party meetings are held during qat chewing gatherings, which are usually attended by men only, thus excluding active participation by women. As a result, political leaders and organizations working in women's issues presented many proposals to strengthen women's participation in political life in general and party leadership circles at all levels in particular, including the application of the quotas system in executive and elected councils.

The situation is not very different in respect to women's participation in organizations of civic society. This participation is very low and is closely related to the shortness of civic society's history in Yemen and its limited experience, despite the high number of its organizations. By the end of 2003 there were (4,306) organizations of civic society in Yemen. A survey on associations conducted by the Ministry of Social Affairs and Labor in 2001¹⁷ showed that the rate of males in the membership of public associations was (83.7%), compared to (16.3%) for females. Female membership in the administrative bodies of these

¹⁵ National Women's Committee: Political Participation of Women Between Socio-Economic Obstacles and the Duplicity of the Democratic Project, by abdulkader Al Banna'a, 2003

¹⁶ Nabeel Abdul Hafiz: "Women and Political Parties", Al Shaqa'eq Arab Forum for Human Rights, 2003

¹⁷ National Women's Committee, national report on the situation of women in Yemen for 2002, prepared by Mohamed Abdul Hamid

associations does not exceed (13%). Women's share in the administrations of supervision and inspection committees is (11%) only. Another study on the situation of women in non-governmental women's associations¹⁸ reveals that the number of such associations is still low in comparison to the total number of organizations in Yemen's young civic society and that they limit their attention to traditional activities. The study says that these women's associations' concern is mainly to render services and seek publicity, while their performance in the area of defending rights is very limited. Furthermore, their activities are restricted to cities and urban areas to the exclusion of the countryside. They do not participate in any coordination or networking among NGO's to increase their efficiency, democratic practices are alien to them and their outlook and performance are characterized by elitism.

Information and data on the level and nature of women's access to public posts are very limited. Government reports indicate that the rate of women from the total number of employees in the state's administrative apparatus does not exceed (2.76%)¹⁹ and that only (97) women have obtained the level of director general out of (1000) such posts²⁰. Despite the scarcity of data in this area, we can refer here to available information on women's representation in some governmental services. An analysis detailing the distribution of holders of posts at the higher administrative levels in the offices of the President of the Republic and the Prime Minister reveals the limited presence of women at all service levels of these two government authorities. There are three women in these two offices at the level of ministerial under-secretary, compared to (52) men at the same level. Six women and (64) men are at the level of assistant under-secretary, seventeen women and (116) men carry the title of director general, one woman and (20) men hold posts of deputy minister in the Presidency of the Republic. There are only (2) women in the Consultative Council which is composed of (111) members and one woman and (300) men in the Chamber of Deputies. Only one woman was appointed to the government that was formed after the parliamentary elections of 2003. She was given the post of Minister of Human Rights²¹.

Women have occupied several posts in the diplomatic service and there are now (103) women there. Two of them are at the level of ambassador, compared to (90) male ambassadors. Two women and (133) men hold the post of legation minister, (7) women and (108) men are counselors, (3) women and (106) men are at the level of first secretary, (4) women and (65)

men are second secretaries, (2) women and (43) men are third secretaries, one woman and (21) men are diplomatic attachés and (83) women and (337) men are administrative attachés²².

As to the juridical branch, law nr (1) on judicial authority for 1990 gave women the right to occupy posts in the courts and public prosecution. Belonging to the male gender is not listed among the conditions for occupying posts in the judicial services; these conditions are general in nature and apply to both sexes. Yemen is one of the few countries in the Arab homeland and the only country in the Arabian Peninsula where women enjoy this right. The most recent personnel restructuring of the judicial services that was approved by Presidential decision nr (230) of 30 December 2004 contained many important measures to strengthen women's participation in Yemen's system of justice. Thirty five women were appointed as judges and members of the prosecution as shown below:

Women's participation in the judicial restructuring, December 2004

AREA	Number
Members of appeals branches	5
Members of the technical office in the general prosecution	2
Chairwomen of courts of first instance	4
Head of prosecution at courts of first Instance	1
Judges of courts of first instance	7
Members of prosecution at appeals courts	11
Prosecutors	5
Total	35

Source: Ministry of Justice

¹⁸ Dr. Fouad Al Salahi: "Women in Non-Governmental Women's Associations", the Yemeni example, 1998.

¹⁹ National Women's Committee, report on the situation of women in Yemen 2003.

²⁰ 20 National strategy for women's development (2003-2005)

²¹ op. cit.

²² Central Office of Statistics, "Men and Women in the Republic of Yemen - a Statistical Picture, 2001, p.233.

According to sources in the Ministry of Justice, the number of women in the judicial authority is (65) judges and members of the prosecution²³.

Nevertheless, the absence of women remains obvious in a number of juridical services, particularly the Higher Council of justice, the Supreme Court and the Judicial Inspection Authority. There is an official trend to encourage female graduates of the Sharia'a and law colleges to enroll in the Higher Academy of Justice which has remained until now an exclusive domain of male college graduates. The reason, as some people believe, is the discriminatory attitude against women in the process of accepting students and not the presence of legal obstacles for women to enroll. It is worth noting that despite the rise in the number of females graduating from Sharia'a and law colleges, only a few of them (53) were able to work as lawyers, compared to (650) males²⁴.

FOURTH: The Right to Work

Article (29) of the constitution says: "Work is a right, an honor and a necessity to develop society and every citizen has the right to practice the work he chooses within the bounds of law. No work may be imposed compulsorily except according to the law and to perform a public service for a fair wage. The law regulates professional syndical work and the relationship between worker and employer." Further to the constitution, there are a number of laws that regulate the procedures of work and employment in the Republic of Yemen²⁵. The law on labor says: "Work is a natural right of every citizen and an obligation of every capable person, according to certain conditions and guarantees on the base of equal rights without discrimination because of sex, age, race, color, creed or language. The state regulates as much as possible the right to obtain work through progressive planning of the national economy"²⁶. Women are equal to men in all work conditions, rights and duties without any discrimination so as to ensure equality between the two genders in employment, promotion, wages, training, habilitation and social securities²⁷.

Constitutional and legal texts conform to article nr (11) of paragraph (D) of the agreement to eradicate all forms of discrimination against women (CEDAW) which affirmed the right to equality in wages, benefits and treatment in respect to work of equal value. National laws regulating labor affairs take into consideration the obstacles that hinder the work of women and give them special rights to help them overcome the difficulties of finding employment, to remain in their jobs and guarantee them a greater participation

in the labor force. The law on civil service specified in articles (44, 48) that a pregnant employee's daily attendance may not exceed (4) hours in her sixth month. A nursing mother may not work more than (5) hours until her baby completes six months of age. She may not be requested to work overtime. Article nr (46) states: "It is forbidden to employ women in hard, dangerous industries and occupations and in such work that pauses health and social hazards... Women may not be put to work at night except in the month of Ramadhan and only in tasks specified by ministerial decisions". Article nr (45) of the labor law says: "A pregnant employee is entitled to a maternity leave with full pay for a period of (60) days and an employed woman may under no circumstances be put to work during the maternity leave". A pregnant working woman is granted (20) additional days of leave above and beyond the days mentioned in the first paragraph of the article.

One aspect of injustice against women is belittling the value of their economic contribution, especially their unpaid work in agriculture and house keeping. Denying women financial reward for their work in many sectors leads to the continuation of their inferior status in family and society.

Source: *National Women's Committee, report on the situation of women in Yemen, 2003.*

What should be noted here is that the actual status of women in the areas of labor and economic participation is still very weak despite the existence of these legal texts and their conformity with the contents of article nr (11) of the (CEDAW) agreement that require securing women's rights to work and to equality with men in employment opportunities and free choice of work. Equality in wages, promotions, job security and all work conditions are other entitle-

²³ Source: Interview with the Minister of Justice, 26 September newspaper, issue 1170 of 13 January 2005. It was revealed in the interview that (4) women judges were promoted to the level of court chairperson, (5) women to prosecutors, one woman judge to chief prosecutor. Other women occupy the following posts: (8) appeals judges, 12 judges of first instance and the others work in the general prosecution.

²⁴ National Women's Committee, report on the situation of women in Yemen, 2003.

²⁵ Laws that regulate work and employment in the Republic of Yemen are: Labor Law nr (5) for the year 1995 and its amendments, law on civil service nr (19) for the year 1991, law on securities and pensions nr (25) for the year 1999 and its amendments in 2000.

²⁶ Article nr (95) of law nr (5) for the year 1995 on labor, amended by law nr (25) for the year 1997.

²⁷ Article nr (43) of law nr (5) for the year 1995 on labor, amended by law nr (25) for the year 1997.

ments of women that also include their right to protection in their maternal and childbearing functions, their right to health care and social security, especially retirement, old age and unemployment; and naturally to paid annual leave. The low participation of woman in labor and economic activity is demonstrated in the distribution of working people (15 years and above)²⁸. Of the total number of working Yemenis of both sexes amounting to (3,621,679) persons there are (2,731,659) males and (890,110) females. Females (15 years and above) account for (76%) and (50%) of the economically active populations, but the majority of women are still outside the labor force with a share of only (23%). Approximately two thirds of women's work remains in the category of unpaid labor. A study conducted by the International Labor Organization (ILO) says that (62%) of women's work in the category of unpaid labor and (14%) in paid labor, while (24%) is in self-employment. Some comments pointed out that these figures do not reflect the real size of the invisible economic contribution of women which is disregarded in national accounts and statistics. Data of the National Women's Committee estimated that the invisible contribution of housewives and women working without pay accounted for (58%) of the grand domestic product in 1998.

A main characteristic of women's labor in Yemen is its concentration on traditional occupation, so (85%) of the total female labor force work in agriculture, fishing and forestry. This rate is as high as (94%) in rural areas compared to (77%) in urban areas. Women's share in modern occupations is still very low, amounting to (3.7%) in conversion industries, (3.5%) in teaching, (1.86%) in public administration and (1.64%) in retail commerce. Women's shares in other professions are less than (1%) in every case. In rural areas (91%) work in agriculture and (3.3%) in simple crafts and artifacts. The rate of employed women on rural areas is (2.3%) of all working women. In urban areas, (42%) of working women are employed in professions, (14.8%) as assistants and artisans, (12%) in office jobs, (11.28%) in simple occupations, (7.6%) in services and commerce, (7.4%) in agriculture, (40%) in assembly line jobs and (1.22%) are legislators and directors. The distribution in terms of pay and wages is: (74%) work without wage, (9.8%) work in return for wages and (14.6%) are self-employed. The rate of females working in the family without pay is (81.9%) in rural areas where only (13%) of working women are paid a wage. In urban areas the rate of paid working women is (73%), compared to (8.25%) without pay.

Table nr (7) showing distribution of working persons (15 years and above), by sex and education level for 2000

	Sex	Illiterate	Literate	Basic school	Training school	Second school	Technical school	Second Diploma & higher	Total	Average Growth
Total	Male	36.9	29.1	15.1	1.2	9.6	1.0	7.1	100	2.1
	Female	83.3	8.2	2.3	0.5	2.1	0.4	3.2	100	8.9
	Total	48.3	24.0	11.9	1.0	7.8	0.8	6.2	100	3.5

Source: *Second five year plan, p.268.*

On the relationship between women's work and the level of education, it was revealed in 2000 that from all working females (83.3%) were illiterate, (8.2%) could read and write, (2.3%) completed basic education and (2.1%) completed secondary education. (0.5%) went to training schools, (0.4%) completed technical schools, (3.2%) had secondary education diplomas and higher. According to table nr (7), the growth rate of working females was (8.9%) and that of males (2.1%). The average wages paid²⁹ to females and males varied across all economic occupations, as females' wages averaged a rate of (77.1%) of wages paid to males. The discrepancy in wages is clear in

jobs of operating machinery, on the assembly line and agriculture with a rate of (74.7%). In sales and services it is (75.4%). The gap in wages becomes smaller in technical, scientific and administrative/clerical jobs and make up (89.3%), (86.3%), and (83.7%) respectively. The low rate of female participation in economic activities in comparison to men is a sign of the weak engagement of women in the national economy for reasons that prevent accommodating women in the labor market. The most important factors that limit

²⁸ Survey of the labor force 1999.

²⁹ Book "Men and Women in the Republic of Yemen" A Statistical Picture 2001 – P.168.

women's participation in non-traditional economic activities are social traditions and attitudes, the low educational level of women compared to men and the marriage of girls at an early age, which prevents them from entering the labor market, especially after

the birth of children and the subsequent increase in maternal and house keeping burdens. Another factor is that women lack opportunities to obtain loans and the skills needed in the labor market.

Table nr (8) showing the distribution of personnel in basic and secondary schools by current type of work for 2002-2003

Sex	Job title											
	Principal	Deputy Principal	Secretary	Overseer	Lab/shop Attendant	Store clerk	Library clerk	Social worker	Teacher	Guard	Laborer	Total
Male	9,572	7,255	2,034	1,938	485	790	631	838	135,371	2,537	1,708	163,059
Female	606	1,301	971	673	351	172	388	726	36,025	36	1,374	42,623

Source: general report on the results of the periodic education survey.

As concerns women's participation in the work force employed in basic and secondary schools, table nr (8) shows that women make up (6%) of the total number of school principals, compared to (94%) for males. The rate of male to female teachers is (79%) to (21%)³⁰ respectively. The rate for deputy principals is approximately (85%) for males and (15%) for females. The number of females working as laborers in basic and secondary schools accounts for a rate of (21%) of the total, compared to (79%) for males. In the stage of secondary education the rate of working females is (22%) of the total compared to (78%) for males. The rates for secondary school principals is (8%) for women and (92%) for men. In mixed schools the rate of male principals is (91%) to (9%) for females. The rates for teachers are (80%) for males and (20%) for females and for all workers (80%) for males and (20%) for females.

FIFTH: The Right to health

Several legislative and legal texts have guaranteed the right to health care and services for all citizens without discrimination between men and women. Article nr (55) of the constitution of the Republic of Yemen says: "Health care is a right of every citizen and the state guarantees this right by constructing and the expansion different kinds of hospitals and health institutions. The law regulates the medical profession, expanding free health services and the creation of health awareness among citizens." The government adopted a number of programmes designed to improve the health sector in general, with special focus on some basic topics that include

the provision of health services in governmental health facilities, especially in rural areas, so as to cover (80%-90%) of health care requirements in those parts. Another concern is paying greater attention to the principle of effective partnership between the governmental, voluntary and private sectors in the field of public health and the need to spread awareness in the importance of public health. This is to be done through school curricula and audio visual media with particular emphasis on the gravity of contagious diseases and the dangers of AIDS.

Indicators of the first achievements report of the strategy for poverty reduction in 2003 reveal that the rate of geographic coverage by health services in 2003 was (58.2%) of Yemen's area. The coverage rate for urban areas is (80%) and for rural areas (35.2%). The overall level of these services did not exceed (50%) of the people, (80%) in urban areas and (25%) in the countryside, despite the increase in health expenditures from a rate of (1.41%) of GDP in 2002 to (1.8%) in 2003. Official statistics show that life expectancy³¹ at birth for both sexes is (62.9) years, (63.9) years for females and (62) years for males. The overall fertility rate reached (6.2) per woman, or (4.5) for urban women and (6.7) for rural women.

³⁰ Central office of statistics, labor force survey 1999.

³¹ Statistical year book 2003, P.8

Table nr (9) showing rates of married women currently using family planning

Kind of family Planning method	Urban	Rural	Total
Any means	40.9	17.1	23.1
Any modern means	27.0	9.2	13.4
Pills	12.2	4.5	6.3
Loop	5.8	1.7	3.4
Injections	1.2	1.4	
Other modern means	4.9	1.7	2.3

Source: General report on results of the periodic educational. Survey 2002-2003.

According to data for 2003, the rate of married women using contraception methods reached (23.1%), compared to (10%) in 1992. The rate of mothers obtaining health care during pregnancy was (61%) in urban areas and (27%) in rural areas. Of all women who caught a venereal disease, (61%) consulted a physician and (39%) did not. There are (2,615) qualified midwives and (438) centers for motherhood and childhood. The Yemeni health survey shows that (54.9%) of all married women did not receive health care during pregnancy and that (16.1%) of pregnant women delivered in a hospital compared to (77.2%) who delivered at home. Most of these deliveries are assisted by relatives. The maternal mortality rate was (365) for every (100,000) deliveries³². The development of the health situation is influenced by many factors, mainly the educational level of people. Educated women benefit from available health services more than illiterate women. The rate of women who take iron supplements is (24%) and those who take vitamins (29.4%). The rate of women who have received at least one dose of tetanus vaccine was less (31.5%). This rate was (25%) among illiterate women and (65%) among those who have completed their secondary education. The rate for women taking iron supplement tablets climbs from (20%) among illiterate women to (52%) among women who have at least the diploma of secondary education. A slight increase in health expenditures occurred in 2003 by about (0.4%) over 2002, rising from (1.4%) to (1.8%) of GDP of the previous year. There are still several obstacles standing in the way to the achievement of equality between the two sexes in the enjoyment of health rights, including the limited outreach of health services, especially in rural areas, where women suffer more from the lack of such; the large deficit in the number of people working in the health sector and male domination of most posts, as the share of women does not exceed (28%) of all posts. There

are, furthermore, the influences of social and cultural traditions and values that limit women's enjoyment of health rights and the inability to pay the high cost of health services; especially if we consider the high percentage of women under the absolute poverty line. Government spending on health services is very low and reached (7) US dollars per person per year in 2001, far below the estimates of the World Health Organization (WHO) that considers (34) US dollars per person per year as the minimum acceptable level of expenditure on health.

SIXTH: The Right to Social Security

Article nr (56) of the constitution says: "The State guarantees the availability of social securities to all citizens in cases of sickness, invalidity, unemployment or loss of the provider. It guarantees the same to the families of martyrs in particular, in accordance with the law." Article nr (6) of law nr (31) for the year 1996 on social welfare made the right to receive continuous assistance conditional to the fulfillment of the provisions contained in article nr (12) of the same law. People entitled to such assistance are orphans, a woman without breadwinner, persons with permanent total invalidity, persons with partial permanent invalidity and the poor and destitute. Article nr (19), paragraph (4) of the Presidential decision on law nr (25) for the year 1991 on securities and pensions has affirmed a woman's entitlements to a retirement pension if she has reached the age of (55) years and completed (10) years of service. Article nr (51), paragraph (A) of the Presidential decision on law nr (26) for the year 1991 on social securities affirms "a woman's right to a retirement pension if she is (55) years old and has (15) years of service". These legislative texts

³² Yemeni health survey 2003

were accompanied by efforts to develop the mechanisms of social protection and social security, such as the establishment of the national foundation for small loans that operate according to the method of

groups. By the end of December 2003, the number of groups reached (4,957), all women.

The law on social welfare increased the categories of families covered by social welfare (orphans, the

Table nr (9) showing the number of beneficiaries from assistance provided through the social welfare fund, by sex, 2000-2003

Beneficiaries	2000	2001	2002	2003
Male	233,761	232,557	226,412	272,633
Female	218,091	218,119	212,270	264,711
Total	451,852	450,676	438,682	537,344

Source: Statistical year book 2003

poor and destitute; women without breadwinners, families of permanent absentees, families of missing persons, prisoners and the invalid). The law defined the woman without a breadwinner as any woman whose husband has died or divorced her or she did not get married or who is older than (30) years and incapable of work or has not steady income and no legal provider capable of supporting her. We see in table nr (9) that the total number of persons who benefited from the social welfare programme was (537,344) beneficiaries, of whom (264,711) were women or (49%). The number of insured persons in 2003 was (62,625), (57,571) men and (5,054) women, at the rate of (92%) for males and (98%) for females.

SEVENTH: Combating Violence Against Women

The phenomenon of violence against females represents a fundamental obstacle to women's advancement and acquisition of equality with men. This phenomenon attracts worldwide attention in order to determine its causes and propose means to put an end to it. The International Declaration on the Eradication of Violence Directed at Women (1993) defines violence against women as "any act of violence based on the gender that leads to or may lead to physical or corporal or psychological harm or suffering to the woman. This includes threats to commit such acts, coercion and arbitrary deprivation of liberty, regardless of whether this happens in public or private life". Despite the comprehensive international definition of the concept of violence, a field study³³ conducted by the National Women's Committee has shown that Yemeni women have a very narrow comprehension of the concept of vio-

lence, which was limited to domestic family violence and did not extend to other forms of political and cultural violence except rarely. The study says that the rate of families who performed circumcision on their daughters in the coastal areas was (22%) of the total population. Many efforts are underway to confront this phenomenon and put an end to it. The Ministry of Health issued decision nr (1/3) for the year 2001 imposing a complete ban on performing female circumcision by any persons working in public and private health services and threatened any violator with legal procedures. Despite the importance of this decision, its effect remains limited since most female circumcisions are performed outside public or private health facilities, a reality that was confirmed in a study conducted by the Ministry of Health on this phenomenon. It pointed out that (89%) of the cases studied involved circumcisions performed by individuals who do not belong to health institutions (traditional midwives 44%, female hairdressers 45%)³⁴.

There are various forms of violence practiced against women, including beating and corporal harm, deprivation of education, denial of the right to participate in taking decisions, early marriage, prevention from going to work, disregarding a girl's opinion concerning her marriage, seizure of labor wages, deprivation from inheritance, divorce without justification, the husband marrying another wife without sufficient grounds, hard labor, discriminatory treatment and other forms of violence that were born by erroneous habits, traditions and ignorance of

³³ Dr. Adel Al Sharji "Phenomena of Violence Against Women in Yemeni Society", a working paper presented to the first conference on combating violence against women, 2004

³⁴ Directorate of reproductive health and family planning, Ministry of Health "Female circumcision: Results of a Study on Selected Areas in Yemen", 2001

woman's role in society. The suffering is extensive and afflicts numerous groups of females such as refugee women. A field study on violence against female refugees in Yemen revealed a high recurrence of certain forms of violence, like insults, curses, humiliation and sexual harassment. The study attributed the reasons of this violence to a number of factors, mainly the absence of any punishment for the culprits and the deep-rooted belief in woman's inferiority. The study presents a number of proposals to combat violence against women refugees, such as the strengthening of joint efforts by international organizations, notably UNHCR, and the Yemeni government to formulate and implement laws that can guarantee the safety of refugees. Other proposals deal with the integration of refugees in Yemeni society, meeting their basic needs and providing the essential social services required for the life of refugees in general and female refugees in particular³⁵.

Although laws have accorded women legal protection from forms of violence practiced against them, the extensive prevalence of illiteracy among women is considered a major impediment to the exercise of their constitutionally and legally guaranteed rights. Despite the various forms of violence to which women are subjected, there are still no statistics or comprehensive and accurate official reports that uncover the real size of the phenomenon and that can be relied upon. There are several reasons for that, namely the social traditions and barriers that do not allow a woman, except rarely, to report instances of family or social violence inflicted on her. The Yemeni family health survey 2003 sheds light on some aspects of this phenomenon. It confirms the diversity of forms of violence to which a wife is exposed and says that (5%) of wives were beaten during the two years that preceded the survey. The husband commits (56%) of these beatings and the rest is credible to the father, brother or others. The rate of beaten women who went to the police is estimated at (5%) and more than one third of beaten women did not raise any complaint.

One of the initiatives taken to coordinate the efforts of organizations of civic society and government authorities to confront this phenomenon was the establishment of the Yemeni Network to Oppose Violence Against Women (SHAIMA'A) which incorporated (12) civic society organizations and the national women's committee under the sponsorship of the British organization (OXFAM). Although the establishment of the network was announced in May 2003, the actual implementation of the anti-violence programme had already begun in 2001. The programme aims in general at formulating policies to oppose

violence against women by holding meetings to rally support for action against violence and enlighten policemen and judges about the results of committing violence against women. Another objective is to set up a monitoring and information unit on this phenomenon and to produce and diffuse advocacy and information materials on the subject. Studies are to be conducted on the symptoms and forms of violence committed against women in Yemeni society. One of the most important results of the partnership between the organizations of civic society and government authorities was the holding of the first national conference on combating violence against women in March 2004 under the patronage of the Prime Minister with wide participation by state institutions and concerned international, regional and local organizations. Conference recommendations³⁶ emphasized the need to re-consider discriminatory laws, to incriminate legally any form of discrimination and violence against women; and to punish those who violate the rights of women. The conference also recommended the establishment of mechanisms to expose the phenomenon of domestic violence and to extend psychological and legal assistance to the victims of violence. It recommended furthermore strengthening the advocacy role of religious clergymen and mosque preachers in denouncing the phenomenon which contravenes the Islamic shari'a in word and purpose. The conference labeled the marginalization of women and their exclusion from the centers of decision making as a societal violence that ought to be remedied through the quotas system.

EIGHTH: Responsibilities of Advancement of Rural Women

Demographic surveys confirm that Yemeni society is still largely rural with more than (77%) of its population living in the countryside. The majority of Yemenis (75%) work exclusively in agriculture. Women work mainly in agriculture and this sector employs (85.8%) of all working females. This rate is higher in rural areas where it reaches (94%), compared to (7.7%) of working women in urban areas. Rural women continue to work in traditional activities within the family at a rate of (73%), while (74.2%) of men work outside the family. Additionally, there are common traits and aspects in all characteristics that distinguish rural

³⁵ Dr. Abdul Hakim Al Sharji "Violence Against Female Refugees: A Field Study", Yemeni Studies, issue nr (71), October- December 2003, p.p.119-118.

³⁶ Declaration and recommendations of the first national conference on combating violence against women, March 2004.

women. The rate of illiteracy among women is as high as (71%). Working housewives in rural areas account for (18.5%) of the total, compared to (2.8%) in urban areas. High illiteracy rates are directly related to the high rate of women who work only as housewives (80.9%). This is also linked to the continuing practice of early marriage for girls (15-19) years of age who continue to have children until the age of 940-45) years. The illiteracy of women is also related to their continuing ignorance of changes in their favor so their subservience to men and their social status of inferiority remain unchanged. They lack opportunities of choice to renew their energies and to diversify their roles, or they do not benefit from such choices. This leaves negative effects on development programmes and contributes to their failure, such as family planning and its integration into the development process. Family structures and the composition of society have great influence on the level of women's political and social activities. The results of one field study conducted by the National Women's Committee on the conditions of rural woman and social issues of gender revealed that the problem of girls dropping out of school is a result of social and cultural factors, in addition to economic and institutional justifications. Early marriage of girls deprives them from continuing their education, though a relative improvement has been noted in societal acceptance of stronger female participation in elections and other areas. Development is the most important entry point toward empowering women to become active in the public domains, economically, politically and socially. The results of the field study stressed that rural women's attention to her reproductive health and family planning is not related to the quality or absence of health services, but rather to the family's ignorance of the importance of seeking medical help at the appropriate time. Health education is reaching rural women very slowly. The same study indicated that the needs and problems of rural women are not homogenous; they are rather diversified in their priorities and differ from one governorate to another, symmetrically to the differences between them in modernization and development³⁷.

Some policies aim at improving the living standard of rural women within the environment they live in. The number of small construction projects and very small loans implemented by the Social Development Fund in 2003 reached a total of (18) at a cost (1.1) million dollars. The rate of female beneficiaries from these projects was (69.9%). Other projects were implemented in the framework of efforts to strengthen the capacities of rural women in the area of food processing and domestic husbandry of sheep.

The national programme for the development of society and productive families organized training courses benefiting (2846) women, mostly from poor families. Organizations of civic society participated in training activities for a number of rural women in the establishment of commercial projects, computer skills, sewing and organizing exhibitions to market the products.

The general directorate for development of rural women in the Ministry of Agriculture and irrigation is one of the main governmental bodies concerned with the coordination of development efforts on behalf of rural women. It is assisted in this endeavor by the directorates of women affairs in the offices of the Ministry of Agriculture in all governorates. The institutional structure of the general directorate for the development of rural women has been completed with the help of the Dutch government. This included the provision of qualified female staff and the necessary equipment and supplies. The directorate focused its activities during the past period on social issues of gender, the role of women in society, integration of women's activities into governmental plans and projects, developing technical skills and capacities in administration and accounting. Other capacity building activities include teaching English language, computer literacy and Internet. The training also covered the preparation of projects and evaluation of programmes planned by the female engineers and instructors of the general directorate for the development of rural women and the district directorates in the governorates' offices. The Dutch government extended support to the project for the exchange of experiences and expertise with some Arab and European countries.

There are future projects planned for implementation in 2005-2006. They focus on building the capacities of rural women with financing from the European Union. These projects aim generally at developing capacities of women at the central level in the governorates, with financing from IGAD. A programme will be implemented in cooperation with the college of agriculture at the University of Aden to train a number of female agricultural instructors to the diploma level. This is accompanied by other programmes financed by USAID in the framework of the agricultural support project for Yemen. This will include advocacy activities and programmes on harvesting water and developing the animal resources of the country. These programmes will cover the governorates of Umran, Sa'ada, Hujjah, Al Jaouf and Ma'arib. The Ministry of

³⁷ Dr. Fouad Al Salahi: The Situation of Rural Women and Social Issues of Gender, National Women's Committee, 2002

Agriculture will implement various projects in rural areas women in particular. Among these are projects of rain water agriculture and animal husbandry with financing from the World Bank. Another project is the encouragement of domestic husbandry of sheep with financing from the Fund for the Encouragement of Agricultural and Fisheries Production.

NINTH: The Right to Form a Family

The validity of a marriage contract, like all other contracts, depends on the acceptance of both parties. The guardianship of a father or a brother does not give him the right to force a girl to marry a man she does not want. Every contract based on coercing the husband or wife into marriage is null and void according to article (10) of the civil status law nr (20) for the year 1992 which gives both the right to choose the spouse. The law demands that both parties accept the contract, and both have the right to include in it conditions that the other party must respect, provided that these are legitimate according to Shari'a and logic. Furthermore, a woman is favored over the man by her right to determine her dowry, to receive it and dispense of it as she pleases. She also has the right to be paid alimony. The law was amended in 1998 and abolished the minimum age of marriage and stated that a marriage contract signed by the legal guardian of a young girl is valid provided that there is a proven interest in concluding the contract.

There are now suggestions to make the minimum age for marriage (18) years for males and females. Article nr (12) of the law has put restrictions on polygamy and specified that a man may have as many as (4) wives, provided that there is a proven interest in the matter and that the husband is financially capable of supporting more than one wife. Another condition is that the husband must inform the woman he wants to marry that he is already married. He must also inform his wife that he intends to marry another woman. But this law was amended in 1998 and allowed polygamy for men who can marry up to (4) wives with easier conditions. The amendment abolished the wife's right to be informed of her husband's wish to marry another woman. The internal report of the Al Shaqa'eq Forum in 2003 regarded the new law as a fallback from the recognition of women's rights. The national women's committee, acting in the framework of energetic efforts to rectify discriminatory laws, proposed amendments requiring the husband "to inform his wife or wives living under his guardianship that he intends to marry again. If he conceals his new marriage, the first wife

or any other actual wife has the right to request a divorce or an annulment of her marriage contract by reason of lesion".

As concerns the rights of children, if the marriage contract is terminated, the law has guaranteed them the right to be taken into custody, which is defined in article nr (138) of the amended law as: "Custody is keeping the young who is not independent in taking decisions for himself, rearing and protecting him from whatever kills or hurts, in a manner that does not contradict the right of his guardian. Custody is a right of the young and may not be relinquished, but it ceases when there are forbidding reasons and is resumed when these are no more". Article nr (139) of the amended law says: "the period of custody is (9) years for the male child and (12) years for the female child, unless the judge decides otherwise in the interest of the child in custody", while taking into consideration the text of article nr (148) which will be mentioned a little later. Article nr (141) says that "the mother has preference in having custody of her child, provided that her capability to do so is proven. If she renounces her right to custody, the custody is not terminated unless another person takes the child, otherwise she is obliged to continue the custody because the right of the child ...etc." Article nr (148) states "when a child, male or female, becomes mature enough to reason for himself, he is given the choice to stay with his father or mother if these two are not in agreement, taking the interest of the child into consideration at the same time. If the custodians, other than the father or mother, are not in agreement, the judge decides what is in the best interest of the child, after consulting the child on the matter".

A marriage is terminated by annulment, divorce or death. Both spouses have the right to request annulment if he or she finds a repulsive blemish in the spouse, regardless of whether the blemish existed before the marriage or occurred after it. This right is voided if the blemish is accepted. The law has granted more rights to protect women. A wife has the right to request an annulment if her husband who is unable to support her becomes intimidating, or if he refuses to earn a living though he is able to, or if he is unable to earn a living and refuses to divorce. A wife is also entitled to annulment if her husband is sentenced to prison for no less than three years, or if her husband is absent for more than one year in unknown whereabouts or outside the country and does not support her. If he supports her, she is entitled to annulment after an absence of two years. If a man is married to more than one woman and is unable to support all his wives, the judge obliges him to retain the wives he can support and to divorce the others. If he refuses,

the judge annuls the marriage of the wife who presented the request. The same right applies when a wife³⁸ requests an annulment by reason of repulsion if her husband is addicted to alcohol or drugs. Although the law recognizes women's eligibility in civic affairs to sign commercial contracts and manage their money, the law on civil status stipulated only a woman's acceptance of marriage but not her personal presence at the signing of the contract³⁹, and it did not give her the right to conclude her marriage contract. It charged a male relative with signing the contract on her behalf.

National Governmental and Non-Governmental Efforts for the Advancement of Women

Since the accomplishment of Yemen's unity, a number of national governmental mechanisms have emerged with the purpose of preparing national plans and programmes to improve the conditions of women. The Higher Council for Women, which was established by Prime Ministerial decision nr (68) for the year 2000, is the highest national institution concerned with women's affairs. It was reconstituted by a Presidential decision in 2003 and its presidency was entrusted to the Prime Minister. Its membership includes a number of ministers, representatives of several government authorities, the chairwoman of the National Women's Committee and her deputy; the committee's coordinators in the governorates and (6) outstanding female personalities. The National Women's Committee is the executive branch of the Higher Council for Women. It was founded by Prime Ministerial decision nr (17) for the year 1996 as a technical, consultative panel connected directly to the Prime Minister's office. It was reconstituted and enlarged in 2000 and its membership engulfed various government institutions and many organizations concerned with women's issues within Yemen's civic society. The committee became the main national mechanism dealing with social issues of gender. In the years it has been active, the committee was able to implement many strategic programmes and plans⁴⁰, so it succeeded in holding the first and second national women's conferences in March of 1997 and 2003. The national strategy for women's development is one of the major accomplishments of the committee. The strategy was adopted by the second national women's conference in March 2003; then approved by the Council of Ministers in September 2003. What distinguishes the strategy is its reliance on of the social gender methods for analyzing women's conditions

and incorporating existing gaps between men and women in areas of development. The strategy defines priorities for the improvement of women's conditions and proposes specific actions and measures to narrow existing gaps. The strategy covers four basic issues of high priority, namely:

- Supporting Yemen's commitment to implement the agreement on the elimination of all forms of discrimination against women and the Beijing action programme.

- Treating the problem of women's poverty in the framework of the general effort to reduce poverty.

- Increasing women's participation in the centers of decision making.

- Supporting capacity building of the National Women's Committee and governmental and non-governmental institutions working for the improvement of women's conditions.

The committee pays special attention to analyzing the health situation of women and female children in particular. It held the first conference on girls' health on 1 January 2002, then the second conference in April 2004. The two gatherings established a future vision on combating female circumcision by changing policies, enacting laws prohibiting this phenomenon, punishing those who practice it and strengthening advocacy work to alert society to its dangers and illegality in Islamic Shari'a. The project of revising national laws is one of the most prominent efforts of the National Women's Committee to eliminate aspects of discrimination in some national laws in conformity with Islamic Shari'a, constitutional principles and international agreements that Yemen has signed and ratified, especially the (CEDAW) agreement. This project has passed through two stages which we will treat in some detail for their importance:

In the first stage the revision covered (57) laws containing some form of discrimination against women or legal gaps that leave room for discretionary interpretation and differences in implementation, mainly the law on personal status, the law on crimes and penalties, the nationality law, the law on labor and the law on the prisons system. The revision process was concluded by submitting (20) proposals for amendments. Five amendments and additions were

³⁸ Articles (41 & 43) of civil status law nr (20) for the year 1992 and its amendments in article (50,51,52,53).

³⁹ Civil status law nr (20) for the year 1992 and its amendments. Article nr (23) stipulates a woman's acceptance. A virgin's acceptance is her silence; the acceptance of a non-virgin is in speech. Article nr (10) specifies that any contract based on coercing the husband or the wife is null and void.

⁴⁰ The Reality of Yemeni Women's Development and the Institutional Mechanisms Concerned with their Advancement- Houriya Shuhour.

accepted after consultations and discussions with members of the Chamber of Deputies, and presidential decisions were issued to enact and implement them. These texts are;

- Article nr (25) of the law on civil status and the civil record nr (23) for the year 1991. The amendment confirmed a mother's right to report the birth of her child. Before the amendment, this right was limited to the father and his male relatives.

- Article nr (5) –repeated- of the law on labor for the year 1995. The amendment added a text which says: "An employer who employs (50) female workers or more in one location has the obligation to build a place for the care of the employees' children in accordance with specifications and conditions to be determined by the concerned minister.

- Article nr (27) of the law on the prisons system was amended, prohibiting the deprivation of an imprisoned pregnant or nursing mother from food for whatever reason, due to the effects on the unborn baby or the nursing child.

- Article nr (47) of the law on personal status nr (20) for the year 1992 was amended to establish equality between men and women in the right to terminate a marital status because of diseases and defects that impede marital relationships. The former text enumerated only the defects of the wife, not those of the husband.

- Article nr (100 –repeated- was added to the law on nationality nr (96) for the year 1999. It granted the children of a divorced or widowed Yemeni woman the right to treatment as Yemenis in every respect, as long as they are under the custody of their mother and until they are entitled to choose either Yemeni citizenship or that of their father.

The second stage witnessed a comprehensive revision of (42) national laws and, as a result, (12) amendments and supplements were added to the (15) amendments that were not approved in the first stage. The main amendments proposed in the second stage are:

- Another amendment in article nr (10) of the law on nationality to extend the right of obtaining Yemeni nationality to the children of any Yemeni woman married to a foreigner, and not limiting it to the children of divorced or widowed women.

- Article nr (242) of the law on crimes and penalties that reduces a man's penalty if he kills his wife or one of his female relatives and the man who was committing adultery with them. This article was amended to apply equally to a woman.

- Article nr (42) of the law on crimes and penalties was amended to make the amount of blood money paid for a woman's life equal to that of a man.

- Article nr (15) of the law on personal status to specify a minimum age for marriage that conforms to Yemen's commitments to international agreements, particularly the convention on the rights of the child that specified the age of majority as (18) years.

- Article nr (71) of the same law was amended to protect women in cases of arbitrary divorce and compensate them materially for the damages they suffer as a result of unjustified, arbitrary divorce.

The results of the revision process were studied in numerous workshops and discussion panels with the participation of concerned specialists to improve the proposals and put them in their final form before submitting them to the Council of Ministers for referral to the Chamber of Deputies.

In addition to the two former institutions, a Higher Council for Motherhood and childhood was established by Presidential decision nr (321) for the year 1999 to replace the Yemeni Council for the Care of Motherhood and childhood that had been formed by Presidential decision nr (53) for the year 1991. The Higher Council for motherhood and Childhood is chaired by the Prime Minister and its membership includes a number of ministries and representatives of governmental and non-governmental institutions concerned with the issues of motherhood and childhood. The functions and activities of the council are detailed in the chapter on the rights of the child.

It is worth noting here that there are several other national mechanisms that represent an important tributary to the effort for improving the status of women and expanding their participation in public life. One of these is the Union of Yemeni Women which was established in 1990 after integrating national institutions that were working on behalf of women in both parts of Yemen, under the new name of Union of Yemeni Women. It is one of the most important women's organizations working for the economic, social and cultural advancement of Yemeni women and their empowerment with knowledge to play an effective role in the process of comprehensive development. The Union encourages women to nominate themselves as candidates and seek participation in state authorities, in the formulation of laws dealing with women and the improvement of existing laws and rules designed to secure women's rights and to protect and defend the family. Although the basic charter of the Union stresses the need to hold periodic elections for posts in all its branches, the first elections were held only at the end of 2003. The Union was able at the time to hold elections at the branch level in all governorates of the Republic. Then came the culmination of the effort with the holding of the Union's general congress in September

2003 that elected a new leadership composed of (13) women. The Union is represented by (20) branches in all governorates, in addition to a special branch on the inland of Sukatra; in deference to the particularity of the island and its geographic remoteness. The union has also (68) centers in all governorates. The Union has set a number of objectives and strategic trends which it will attempt to achieve during the next five years, mainly: Attempt to empower Yemeni women and secure all the rights they are entitled to according to the constitution and national, regional and international laws. Work for the integration of social issues of gender into national plans and strategies, especially the strategy for the reduction of poverty; and monitor their implementation. Participate in reducing the qualitative gap in education and contribute to the effort of integrating women of marginalized groups and with special needs into the other components of society and include them in their development activities. Develop the institutional structure of the union and create cooperation and coordination networks with women's organizations at the national, regional and international levels.

The Union has extended its activities into several areas, mainly: eradication of illiteracy and adult education, training and qualifying women in computer skills, domestic industries and handicrafts. The Union implemented the urban women's project which aimed at upgrading their leadership and empowerment capacities and it held numerous training workshops in accounting and institution building. In the framework of the project to combat violence against women, the Union held many meetings and workshops in the period 2002-2003 to raise awareness in the problems and implications of violence against women, social issues and gender, human rights, reproductive health and political participation. The Union also implemented development projects with the purpose of strengthening the institutional structure of its branches in some governorates. Twenty centers were established in the framework of the third financing project of the Dutch aid programme. The Union works with the social development fund in providing small, easy loans to empower poor women through income generating small projects.

Despite all the efforts exerted by the Union, it continues to encounter some difficulties, mainly the weak mechanisms of interaction between the executive office, the branches and the centers; the scarcity of female volunteers working in the union, thus impeding the development and geographic expansion of services and the improvement of their quality. The Union is also afflicted by problems of overlapping responsibilities and duties among the

members of the administrative committee, who have not succeeded in obtaining partial secondment from their official functions. This leads to poor institutional performance indicators in a number of areas. Additionally, the Union faces technical difficulties, a scarcity of material resources and technical supplies and qualified expertise in the field of training and rehabilitation.

Furthermore, the union lacks a futuristic vision of where it is headed. It is focusing attention at the central level on strengthening its institutional structure and obtaining full secondment of the members of administrative units so they can work exclusively for the union. Other priorities are increasing self-financing possibilities and the number of projects to be adopted, revising laws and statutes dealing with women and the family and strengthening relationships between the union and the various media establishments.

Recent years have witnessed the emergence of several mechanisms and programmes that are being implemented in a number of non-governmental associations concerned with women's issues, mainly: Association of Care for the Yemeni Family, Women's Forum for Studies and Training, Social Association for the Integration of Women in Development, Center for Information and Habilitation for human rights, "Al Tahaddi" Association for the Welfare of Disabled Females, Social Association of Productive Families, National Association for the Health of Woman and Child, Al Shaqa'eq Arab Forum, Center for Support of Women's Causes, Gathering of the Al Afeef Girls and many more organizations and associations working in the domain of women. Despite all governmental and non-governmental efforts to improve the conditions of Yemeni women, their situation requires more attention, clearer policies and effective application of existing laws. Many factors continue to overlap and leave their imprint on the level of progress achieved and its disparity between one area and another. Part of this are the effects of stabilization and structural adaptation policies designed to correct persistent economic ailments, such as pressures to restrict public spending on vital services related to basic rights, especially in the fields of health and education. There are also the influences of cultural attitudes that have implanted the derogatory look at women. Legal frameworks still need to be revised to achieve equality between men and women and to remedy the legislative failure to confront certain forms and symptoms of violence against women. There is need for effective contributions by institutions of education and social guidance, by the media and press to help non-governmental and governmental efforts to

spread awareness in the rights of women, to combat traditions and concepts that condemn women to eternal inferiority before men and to oppose the stereotyped negative images of women that have been perpetuated over long periods of time.

From this review of women's rights and other revelations of this report, it is safe to say that the following actions must be taken to overcome the obstacles hindering efforts to improve the situation of women in Yemeni society:

1. Achieving greater harmony in the legislative structure to eliminate the acts of discrimination, especially in respect to the law on personal status.
2. Enacting effective laws to ensure legal protection for women from practices of violence against them.
3. Introducing the concept of social gender into policies and strategies adopted by the state.
4. Launching joint campaigns to end traditional practices that harm women, especially female circumcision and early marriage.
5. Preparing effective educational and motivational programmes for journalists and media personnel to help the press and media correct prevalent erroneous concepts, confront the stereo-typed image of women and present positive images and concepts of women in all domains life.
6. Revising school curricula to purge them of all ideas that reinforce discrimination against women, enriching the curricula with concepts and subjects that reinforce the ideals of equality and renunciation of violence. At the same time, more effective measures must be taken to qualify teachers to perform their role in educating and rearing the young in the spirit of human rights and the ideals of equality.
7. Taking appropriate action to limit the negative effects of stabilization and structural adaptation policies on the poorest inhabitants, particularly women.
8. Allocating a ratio of seats in representative institutions to women as a form of positive, temporary discrimination, until the time when conditions encourage women to compete with men and storm the domains of public service.
9. Paying attention to building the capacity of women and empowering them in all areas, especially participation in public life and decision making. representative.

Annex with selected legal texts from the project document on revising the contents of some laws related to women's rights-second stage 2004, prepared by the National Women's Committee for the purpose of changing these texts to conform to Islamic Shari'a and international conventions and agreements on human rights. The objective of publishing these proposed texts of some articles is to draw attention to discriminatory texts against women and to call on all persons concerned with the issues of human rights to push hard for their adoption.

Title of law	N° of article	Text in force	Text proposed by Committee	Remarks
Nationality law n° (6), 1990	Article n°(3) Para (1)	A person who is born to a Yemeni father acquires the nationality.	A person born to a father or a mother of Yemeni nationality acquires this nationality.	
Passports law nr(7), 1990	Article n° (6)	It states that passports are issued to every person who has reached age sixteen and bears the nationality of the Republic of Yemen. It says that minors are added to the passport of either parent. Article nr (8) of executive chart nr(2), 1994 says that the wife is added to the passport of her husband at her request and with his consent.		The team preparing the document recommends canceling the segment on adding the wife to her husbands' passport since the law gives every Yemeni who has reached 16 years of age the right to own a passport.
Law on rights of children nr (45), 2002	Article nr(2)	A child is every person who has not completed the age of 18 years, unless he has reached majority before that.	A child is every person who has not completed the age of 18 years.	Majority, according to laws in force, is reached at the age of 15 years, hence a child will reach majority before the age of 18.

Title of law	N° of article	Text in force	Text proposed by Committee	Remarks
	New article to be added to the law on rights of children	M/()A-Female circumcision is totally prohibited in homes and all units of the Ministry of health, whether public or central hospitals. All staff in the medical sector, doctors, nurses and private clinics are prohibited from performing this operation. B- The circumcision operation is subject to the provisions of the law on crimes and penalties that prohibits injuring the human body		
Law nr (2), 1999 and amendments on the diplomatic and consular corps and its amendments		Two spouses employed by the ministry may not be appointed in one representative mission or in two representative missions. If one of the two spouses is appointed to a representative mission, the other spouse can request an open leave without pay for the duration of the other spouse's work in the mission.	Both spouses employed by the ministry may be appointed to a representative mission, provided that both are paid the lower housing subsidy and social assistance. This is conditional on the fulfillment by both of the seniority requirements in appointment. If either spouse refuses so he/she is paid a salary and retains his (her) right to promotion and seniority.	
Law on personal status nr (20), 1992 amended by laws nr (27),1998 and nr (24), 1999	Article nr(7), conditions of marriage	1- Marriage is to be concluded in one and the same gathering. 2- Declaration of intention to marry legally by the husband before the legal guardian of the wife, provided the husband is authorized, a male non-mahram, who pronounces the declaration himself or by authorization or through a legal representative. 3- Acceptance of marriage to a husband who is authorized, non-mahram before him or his legal representative or by way of authorization. 4- Identifying the spouses at the time of concluding the marriage by name or pointing or the like, in a manner to distinguish the spouses from other persons. 5- Declaration of intention and acceptance must be wholesome and congruent and not implying a specification of a time span. Every condition is void if it is not related to a legitimate objective of either	1- Marriage is to be concluded in one and the same gathering. 2- Declaration of intention to marry legally by the husband before the legal guardian of the wife, provided the husband is authorized, a male non-mahram, who pronounces the declaration himself or by authorization or through a legal representative. 3- Acceptance of marriage to a husband who is authorized, non-mahram before him or his legal representative or by way of authorization. 4- Identifying the spouses at the time of concluding the marriage by name or pointing or the like, in a manner to distinguish the spouses from other persons. 5- Declaration of intention and acceptance must be wholesome and congruent and not implying a specification of a time span. Every condition is void if it is not related to a legitimate objective	

Title of law	N° of article	Text in force	Text proposed by Committee	Remarks
		<p>spouse or contravenes the purpose of the contract.</p> <p>6- Both spouses must be free of any traits that prohibit marriage at the time of its conclusion, as specified in article nr (8) of this law.</p>	<p>of either spouse or contravenes the purpose of the contract.</p> <p>6- Both spouses must be free of any traits that prohibit marriage at the time of its conclusion, as specified in article nr (8) of this law. They must be free of any contagious or hereditary diseases.</p> <p>7- Added)-The clerk preparing the contract must ascertain the acceptance of the wife to be</p>	
	Article nr (139)	Deals with custody since the law in force states that the period of custody is nine years for males and twelve years for females, unless the judge rules otherwise in the interest of the child in custody.	The custody continues until the boy And the girl complete the age of 18 years and until the girl gets married, unless the judge rules otherwise in the interest in the child in custody.	Parity in the age of 18 Years.
			<p>Rewriting the text on arbitrary divorce on the grounds that if a husband divorces his wife and the judge discovers that the husband has acted arbitrarily in divorcing her without a reasonable cause and that the wife will suffer from need and poverty as a result, he condemns the husband, in accordance to his means and the degree of his abusiveness, to pay a fair compensation commensurate with the husband's means and the wife's situation and her living conditions, provided it does not exceed the amount of one year's alimony in the range paid to women of her status; in addition to Iddat expenses. The judge may order the payment in one sum or in monthly installments, according to the situation.</p>	Proposed payment of an adequate compensation commensurate with the standard of living of the husband.
		Paragraph (M), adding a text to protect a woman and her children when divorced.	A divorced woman who is custodian of a child may live with her child independently in the family residence if the divorcing husband does not provide her with another adequate housing. If the custody is terminated or the divorced woman gets married, the divorcing husband may recuperate his housing.	

Title of law	N° of article	Text in force	Text proposed by Committee	Remarks
Presidential decision enacting law nr (12), 1994 on crimes and penalties and amendments	Article nr (232)	If a husband kills his wife and the man committing adultery with her in the act of adultery, or if he attacks her in a manner leading to her death or disability, he is not to be incriminated but sent to prison for not more than one year or ordered to pay a fine. The same applies to whoever surprises in a crime of adultery an immediate female relative, ancestral or descendant or sibling.	If a husband kills his wife and the man committing adultery with her or If a wife kills her husband and the woman he is committing adultery with during the act of adultery, or if he attacks her or if she attacks him in a manner leading to death or disability, there is no incriminating act there, but the husband or wife who committed the act is sent to prison for no more than one year or ordered to pay a fine. The same rule applies to whoever surprises in a crime of adultery an immediate relative, ancestral or descendant or sibling.	The punishment to be canceled and Al Shari'a applied.
	Article nr (420)	States that the blood money of a woman is one half that of a man. Her inheritance is equal to a man's inheritance to the amount of one third of a man's blood money. What remains is divided in half.		This article was among the previous provisions whose amendment was requested, but the ministerial committee and some members of the Chamber of Deputies suggested to refer the matter to the Shari'a Ifta'a Authority for a decision. This authority has not looked into the matter yet.

