



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

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

Summary record of the 581st meeting

Held at Headquarters, New York, on Wednesday, 14 August 2002, at 3 p.m.

Chairperson: Ms. Abaka

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The meeting was called to order at 3.10 p.m.

Consideration of reports submitted by States Parties under article 18 of the Convention (*continued*)
(CEDAW/C/YEM/4 and 5; CEDAW/PSWG/2002/EXC/CRP.1/Add.11; CEDAW/PSWG/2002/EXC/CRP.2/Add.2)

Fourth and fifth periodic reports of Yemen
(*continued*)

1. *At the invitation of the Chairperson, Ms. Kaid (Yemen) took a place at the Committee table.*

Articles 15 to 16

2. **Ms. Kwaku**, noting that Yemen's Personal Status Law provided for the marriage of girls as young as 15 years, asked the delegation to clarify the provision that a marriage contract could not be concluded for a minor except "for a very clear interest" (CEDAW/C/YEM/4, para. 205). Since, pursuant to the same Law, a husband could not take home the bride unless she was "fit and prepared for sexual intercourse", she wondered who determined whether a girl was ready, and if any medical test was carried out. The delegation should provide statistics on the percentage of girls married at age 15 or younger, as well as details of any penal measures against the parents. It should also describe the incidence in Yemen of vesico-vaginal fistulae (VVF), given the numbers of early marriages. The delegation should also describe any programmes to ensure that young women were able to continue their education after marriage and childbearing.

3. The Government should seriously reconsider its decision not to amend the legal provision which gave a husband total control over his wife. Patriarchal societies often used religion to perpetuate discriminatory practices which were in fact cultural in origin.

4. **Ms. Livingstone Raday** welcomed the Government's desire to improve female literacy and enhance women's participation in society, while questioning the feasibility of attaining those goals. She understood that there was a widening literacy gap between girls and boys, with 76 per cent of women and 33 per cent of men currently illiterate, compared to 56 per cent of girls and 18 per cent of boys. A related cause for concern was the closure by court order of the Empirical Research and Women's Study Centre in

1999, in view of the importance to legal reform initiatives of research on women's issues.

5. If women and girls were oppressed within the family, they would not be able to fulfil their potential in education and the workplace. There were direct correlations between early marriage, the requirement of obedience to the husband, polygamy, the extremely high birth rate and poverty.

6. The provision that a virgin's consent was "in her silence" not only constituted a problematic start to a conjugal union; it also allowed families to pressure young girls into marriage. Although the delegation had asserted that rape did not exist in Yemen, *The Yemen Observer* had apparently reported in May 2000 that a man had been sentenced to 20 years' imprisonment for repeatedly raping his daughter, and that the girl had been sentenced to five years. She failed to understand what crime the victim could have committed.

7. The fact that women were not entitled to an equal share of the matrimonial property or to maintenance after the "waiting period" (*'iddah*) only contributed to the feminization of poverty. Polygamy was also economically problematic, since a larger number of children depended on only one wage earner.

8. Since the early retirement age was likely only to contribute to poverty among older women, she wondered whether the Government had considered making 55 an optional retirement age. Women who needed to do so should be allowed to continue to work in order to support themselves and their families.

9. **Ms. Goonesekere** said that a high incidence of child labour combined with high fertility and low literacy was characteristic of many developing countries. Discrimination against women should be viewed primarily as a development issue; countries that did not address the problem urgently could not hope to achieve sustainable growth. It was in that context that the Committee had voiced its concerns. Best practices showed that, if girls attended school, they would not be exploited in the labour force; as adults, they would become active partners for economic development.

10. She urged the Government to reconsider the age of majority as a matter of urgency. A 15-year-old boy was not sufficiently mature to be given contractual capacity, whether in a marital or economic context.

11. Unlike many legal systems in their early years, Islamic law had long recognized that a woman should

be able to divorce on grounds of cruelty. Indeed, there were a number of positive religious and other traditions that could be used to initiate reform of the Penal Code and the Nationality Law, inter alia.

12. **Ms. Corti** welcomed the special attention accorded to elderly persons, while noting their particular vulnerability to poverty. According to the report, some 300 elderly persons in Sana'a, Ta'iz, Hodeida and Aden had benefited from special assistance, including housing and food. She wondered how beneficiaries were chosen.

13. Raising various outstanding issues, she said that the problem of the high birth rate could not be solved without a national family planning policy. As far as she had understood, women were exempt from the death penalty during pregnancy and for some time after delivery. The delegation should therefore clarify whether the death penalty was still in force in Yemen. She wondered also what provisions had been made in the five-year health plan to combat cancer among women.

14. **Ms. Kaid** (Yemen) said that the Personal Status Law stipulated that a girl could enter into marriage if she was ready, but not before she reached 15 years of age. Efforts were being made to raise the age of marriage to 18 years, although there was strong opposition from Parliament. More detailed statistics on the age of marriage were not readily available. It was to be hoped that the average age of marriage of 20 for women and 22 for men would rise as a result of improved school enrolment.

15. There were currently 800 cases of HIV/AIDS among foreign nationals in Yemen. Awareness-raising programmes for women had thus been launched. Preventive measures were also being implemented to address the problem of sexual relations outside wedlock. Medical and psychological support was provided to persons suffering from HIV/AIDS.

16. Girls who married and became pregnant at an early age were being encouraged to continue their studies and participate in literacy programmes.

17. Her country did its utmost to promote the education of women, in the belief that education was the basis of the empowerment of women. Regarding article 40 of the Personal Status Law, a wife's need of her husband's consent in order to leave the house was based on cultural practice. Marriage was based on

mutual respect; women had a responsibility to their husbands and should respect them. However, women did attend universities and visited their families and friends, but it was a moral issue that they should inform their husbands of their whereabouts at all times. But she agreed that there were discrepancies between customs and Shariah principles. The Shariah bestowed many rights on women.

18. Regarding inheritance, the obligation to spend money to maintain the household was solely the husband's. Yemen was one of many Muslim societies in which many women held high positions outside the home and earned vast amounts of money. However, to do so women needed to be educated, even if that meant going abroad. The country was implementing programmes with the cooperation of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and other international agencies and enjoyed a productive partnership for the reduction of illiteracy with the Islamic Educational, Scientific and Cultural Organization (ISESCO).

19. While higher education for women was a matter of choice, she conceded that marriage placed educational limitations on wives, especially when they became pregnant. Also, earlier marriage increased the couple's child-bearing rate. She was aware that there were many incidents of adultery in her country, but despite very thorough research could discover no reference to the incest case mentioned by Ms. Livingstone Raday. A woman was entitled to be granted a divorce from a man who abused her or whom she hated. The religious principle of the three-month waiting period (*'iddah*) to which she was then subjected before she could remarry was intended to ensure that she was not expecting her former husband's child. Islamic law also permitted a man whose wife was barren or seriously ill to take a second wife.

20. On the subject of nationality, the authorities had duly responded to the Committee's concerns. Yemeni law made provision for dual nationality, and she trusted that progress would be made on the issue of the denial of Yemeni nationality to the children of a Yemeni woman married to a foreigner, a situation that also prevailed in neighbouring countries with similar laws.

21. Responding to the question concerning older persons, she explained that Islam considered it shameful for a family to abandon its elderly members. Older people were free to live in independent homes,

but families felt obliged to care for them. The authorities did provide homes and shelters for older persons who had no one to care for them, but that occurred in larger cities, for institutionalization of an older person carried a greater stigma in villages, where, owing to greater family solidarity, the need seldom arose, although the facility was available. The Social Development Fund and numerous charitable organizations assisted older persons in obtaining housing and food, but the numbers were low.

22. For religious reasons, the death penalty still existed in Yemen. On the subject of women suffering from breast or uterine cancer, she referred Committee members to the country's fifth periodic report (CEDAW/C/YEM/5, p. 69). Owing to the prevalence of breastfeeding, reputed to ward off breast cancer, the incidence of that form of cancer was rare in Yemen. In any event, there were numerous programmes that raised awareness of early symptoms of female cancers. Centres for the treatment of cancer, including chemotherapy, were being increasingly set up and, while the treatment was very expensive, the State provides assistance for the needy. Radiology had previously not been provided but the Ministry of Public Health, with the assistance of the Canadian International Development Agency, was currently constructing a radiology unit.

23. **The Chairperson** commended the delegation on its participation in the dialogue with the Committee. The Committee's concluding comments should be widely disseminated at all levels of Government and society, so that the entire society could play a part in ensuring that the provisions of the Convention were fully implemented and that Yemeni women enjoyed equality with men. She welcomed the delegation's promise to ratify as soon as possible the Optional Protocol to the Convention, and the amendment to article 20, paragraph 1. She hoped that the country's sixth periodic report would reflect genuine improvement in the situation not only of women in Yemen, but also of its men, for improvement of women's situation would benefit the entire society and boost the country's overall development.

The meeting rose at 4.05 p.m.