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03 August 2004

YEM42832.E

Yemen: The status of women in Yemen; whether women threatened with domestic violence have access to state or other protection (2001 - July 2004)

Research Directorate, Immigration and Refugee Board, Ottawa

Status of Women

Legal Status

Several sources indicated that in general Yemeni women legally enjoy rights equal to those of their male counterparts (Freedom House 17 July 2003; UN 8 Jan. 2004; *Country Reports 2003* 25 Feb. 2004, sec. 5). In practice, however, these rights are often not respected due to cultural traditions (ibid.; Freedom House 17 July 2003; AP 27 Apr. 2004). In some cases, Yemeni law allows for leniency when dealing with perpetrators of violent assault or murder against women who are accused of "honour" crimes (Freedom House 17 Jul. 2003; *Country Reports 2003* 25 Feb. 2004, sec. 5); in 1997, there were 400 cases of women being killed for honour crimes (*National Geographic News* 12 Feb. 2002; UNICEF 7 Mar. 2000).

In addition, sources reported that the law makes no provision "to protect women from underage, forced, and polygamous marriage" (HRW 2002), discriminates against women in matters of divorce, and prevents women from leaving their household without their husband's consent (*Country Reports 2003*, 25 Feb. 2004, sec. 5; M2 Communications 15 Aug. 2002). According to *Country Reports 2003*, some Yemeni girls marry as young as 12, and women are legally obligated to obey their husbands, who may divorce them without legal justification, although the women are not entitled to the same right (ibid.). Human Rights Watch indicated that by the end of 2002, a proposal to protect women from under-age, forced, and polygamous marriage had yet to be passed by parliament (HRW 2002).

Female Genital Mutilation

Several sources indicated that female genital mutilation (FGM) continues to affect women in Yemen, where between 20 and 23 per cent of women have undergone the procedure (WIN News 1 Oct. 2003; United States 1 June 2001; M2 Communications 15 Aug. 2002). A report by the Office of the Senior Coordinator for International Women's Issues indicates that despite the absence of a law forbidding FGM in Yemen, a 9 January 2001 ministerial decree prohibits the procedure from taking place in all health care institutions (United States 1 June 2001). However, the report mentioned that approximately 95 percent of FGM procedures are carried out in homes (ibid.). The report also indicated the absence of any information on groups that supported or protected women from FGM (ibid.).

Current Status of Women

According to Radhia Shimsher, a female politician in Aden, "Yemen is a country of tribal views and traditional attitudes. Women are seen by men as something backward" (AFP 26 Apr. 2003). Some sources indicated progress with regard to the status of women in Yemen, with signs of increased freedom of

association, support for women's rights, and a greater political (*Country Reports 2003* 25 Feb. 2004, sec. 5; UN 8 Jan. 2004) and judicial presence (for example, there are 47 women judges in Yemen) (*ibid.*). The new Yemeni Minister of Human Rights, appointed in 2003, is a woman named Amat al-Aleem Alsoswa (*ibid.*; *Christian Science Monitor* 18 Sept. 2003). While a signatory of the United Nations (UN) Women's Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (Hughes Aug.-Sept. 2002), according to *Amnesty International Report 2003*, Yemen has not signed the Optional Protocol to the CEDAW, however, the Yemeni Ministry of Human Rights is apparently planning to eventually ratify the Optional Protocol (UN 8 Jan. 2004). Several non-governmental organizations (NGOs) have assisted women with their careers, published studies on women and children, worked on improving health and education, and provided vocational training to women (*Country Reports 2003* 25 Feb. 2004, Sec. 5).

Despite these changes, there was only one woman in the country's 301-seat legislature, and none in the supreme court (*ibid.*, sec. 3). Save the Children's State of the World's Mothers 2003 report, which analyses and identifies the best to worst countries in which to be a mother, and provides indicators on health, education, political status and children's status, gave Yemen a rank of 111th out of 117 countries (US Newswire 6 May 2003). In 2004, the country fell to 112th out of 119 countries, tied with Chad and Sierra Leone (Save the Children 4 May 2004).

For further information on the general status of women in Yemen, please consult the Fifth Periodic Report of State Parties for Yemen, published 15 February 2002 by CEDAW at <http://ods-dds-ny.un.org/doc/UNDOC/GEN/N02/254/13/IMG/N0225413.pdf?OpenElement>.

Domestic Violence

Extent of Violence Against Women

Several sources highlighted the problem of violence against women in Yemen (AI 2003; HRW 2002; M2 Communications 15 Aug. 2002; IPR Middle East News 10 Mar. 2003; Oxfam n.d.; UN 12 Dec. 2003) which, in the estimation of some, is considered widespread (DPA 8 Mar. 2001; *Country Reports 2003* 25 Feb. 2004, Sec. 5) and persistent (M2 Communications 30 Jul. 2002). Statistics on domestic violence are reportedly difficult to obtain, but according to Hooria Kaid, Deputy to the President of the National Women's Council, as at August 2002, domestic violence was not widespread, but it did take place (*ibid.* 15 Aug. 2002). However, according to a Yemeni researcher who studied violence against women, approximately 67 per cent of women are mistreated by their husbands, 30 per cent by their brothers, and 17 per cent by their parents, although these figures could not be corroborated (*Yemen Times* 8-14 Oct. 2001).

Legal Protection

According to *Country Reports 2003*, while Yemeni laws theoretically protect women who are victims of violence, they are rarely put into practice (25 Feb. 2004, Sec. 5). The report also indicated that the punishment of up to 15 years' imprisonment for rape was rarely enforced (*Country Reports 2003* 25 Feb. 2004, Sec. 5). According to *Country Reports 2003*, sexual harassment is not prohibited by Yemeni law (*ibid.*). A UN report highlighted a lack of legislation criminalizing domestic and sexual violence (12 Dec. 2003).

Police Protection

Country Reports 2003 maintained that domestic violence, though common, was rarely reported to the police because victims are instead expected to report such incidents to a male relative, who should offer them the necessary protection (25 Feb. 2004, Sec. 5). However, women victims of violence also tend to cover up the crimes committed against them, fearing retribution from the assailant if the crimes are reported (*Yemen Times* 17-21 July 2000). According to a *Yemen Times* article, even doctors rarely report a case of assault (*ibid.*). When cases of assault are reported to the police, they often do not receive priority attention, especially when the abuse was committed by a family member (*ibid.*).

A professor of psychology at Sana'a University conducted a study in 1999 on the reactions of police officers to assaults on women (*ibid.*). The professor found that some police officers were passive, while others feigned concern but ended up sexually abusing the victim instead of protecting her (*ibid.*). The professor felt that the lack of domestic violence legislation left much to a police officer's discretion (*ibid.*).

A report by the Republic of Yemen Supreme Council for Women Affairs presented the opinion that services for protection and security of women victims of violence in Yemen were "inadequate and unsuitable" (Yemen n.d.). Another report, this one by the UN, took a similar stance, arguing that measures to combat domestic violence were insufficient and that the state should provide improved protection for victims (12 Dec.

2003).

Governmental Protection

A 27 June 2004 article by Agence France Presse (AFP) discussed the conditions of women in Yemen jails. According to Human Rights Minister Amat Alsoswa, "most of the women who are in prison do not want to leave the prison because they feel it is a safer place [than home]" (AFP 27 June 2004; see also *Yemen Times* n.d.). The AFP article maintains that families can be unforgiving in the case of a female relative who is accused of what the family considers to be sexual impropriety, and many families do not believe a woman who says she was raped or sexually assaulted (27 June 2004). According to one source, "[i]n the case of an honor crime, it doesn't concern the law, the community or anything else. It's a family affair.... [The] family 'might beat her, they might kill her, they might do anything to her'..." (ibid.). One Yemeni researcher called upon the government to enact harsher sanctions against those responsible for violence against women (*Yemen Times* 8-14 Oct. 2001).

Non-Governmental Activities

According to *Country Reports 2003*, there existed a small shelter in Aden for women victims of violence, as well as telephone hotlines serving Aden and Sana'a, although the report did not indicate whether these services were run by the government or by an NGO (25 Feb. 2004, sec. 5).

Amnesty International indicated in its 2003 report that Yemen had a very active women's movement which was continuing a campaign for women's rights and an end to violence against women, for example, by using a grant by the United Nations Development Fund for Women (UNIFEM) to pressure parliament to support domestic violence legislation (M2 Communications 4 Mar. 2003). The Amnesty International report mentioned a May 2003 training workshop on ending family violence held in Aden and hosted by the Yemen Women's Association, Oxfam, and the World Bank (AI 2003).

In September 2003, the Civic Democratic Initiatives Support Foundation hosted a workshop to examine amendments to discriminatory legislation, and to plan initiatives to end violence against women (ibid.). The same month saw a visit by Amnesty International to Yemen where the NGO met with local NGOs concerning the campaign to end violence against women (ibid.). Also in 2003, NGOs hosted several conferences to bring the issue of violence against women into the public spotlight (*Country Reports 2003* 25 Feb. 2004, sec. 5). Sisters Arabic Forum for Human Rights was one such NGO (ibid., sec. 4), and together with the Human Rights Information and Training Center, it discussed the treatment of women by police and in prison (HRW 2002).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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