

INTERNATIONAL WOMEN'S DAY 2012:
WOMEN IN PROTESTS IN THE MIDDLE EAST
YEMEN CAMPAIGN ACTION

As Yemen enters a transition phase, long-standing violations of women's human rights must be addressed. Women in Yemen face systemic discrimination and endemic violence, with devastating consequences for their lives. Their rights are routinely violated because Yemeni laws as well as tribal and customary practices treat them as second class citizens. Women face discrimination in matters of marriage, divorce, inheritance, and child custody, and the state fails to take adequate measures to prevent, investigate and punish domestic violence.

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Your Excellency

I am writing to you in the lead-up to International Women's Day on 8 March and, more broadly, at this critical time of transition for Yemen to call on you to seek an end to discrimination and violence against women in the country and, as a first step towards this, to announce the Yemeni Government's intention to review discriminatory provisions in law in consultation with women's rights groups.

Women have played a central role in the protests in Yemen and this was recognized when the Nobel Peace Prize was awarded to Tawakkol Karman, as one of three women to jointly receive the award in October. Women activists, however, have been harassed, arrested and in some cases beaten for their participation in protests. Some have also been threatened via their family, with male relatives told to assert control and curtail their activism.

As Yemen enters a transition phase, we urge you to address long-standing violations of women's human rights. Women in Yemen face systemic discrimination and endemic violence, with devastating consequences for their lives. Their rights are routinely violated because Yemeni laws as well as tribal and customary practices treat them as second-class citizens. Women face discrimination in matters of marriage, divorce, inheritance, and child custody, and the state fails to take adequate measures to prevent, investigate and punish domestic violence.

The National Women's Committee and non-governmental organizations have identified 27 discriminatory provisions in Yemeni law that require amendment to ensure conformity with Yemen's international obligations, a number of which have been identified in an Amnesty International document published in November 2009 entitled *Yemen's dark side: Discrimination and violence against women*. For instance the Personal Status Law (Law No. 20 of 1992, as amended in 1997 and 1999), contains numerous discriminatory provisions that severely constrain women's lives relating to marriage, divorce, custody of children and inheritance and puts them at risk of abuse. Article 40, for example, specifies that a wife must obey her husband and cannot leave the home without his permission. If she disobeys him or goes out without his agreement, he is entitled to make her return to the matrimonial home.

We call on you to do what you is in your power to take effective measures to address discriminatory laws and practices, protect the right of women to equality with men and to be free from all forms of discrimination, and address the underlying social and cultural attitudes that discriminate against women.

In particular, we are calling on the Yemeni authorities to:

- bring all laws, practices, policies and procedures into full conformity with international human rights law and standards;
- ensure that women have equality with men in law and practice, including under family law;
- exercise due diligence by protecting women and girls against human rights abuses within the family, in particular forced marriages and physical and psychological abuse, and ensure that violence in the family is addressed and those responsible are held to account;
- repeal or reform laws on "immoral" behaviour to ensure that such laws conform to international standards and do not impact in a discriminatory way on women;

- ensure that law enforcement officials, public officials and members of the judiciary receive training in gender-sensitive approaches to violence and other violations of women's rights, and that women who are subjected to violence are not re-victimized because of gender-insensitive law enforcement practices;
- take steps to recruit and train women police officers, prosecutors, interrogators and judges in sufficient numbers so that women officers are present whenever women are arrested and detained or interviewed by the police or members of the judiciary.

Furthermore, we understand that a minimum age of marriage law is currently still pending discussion in Parliament. In this regard, we call you on you to ensure that in all cases, forced marriages are prohibited. In the case of the marriage of a child under 18, the state must establish that the consent is meaningful. In order to establish that a child's full and free consent is credible, it must be clear that the child is of an age that is consistent with her or his full comprehension of the consequences and obligations of marriage. In all cases both parties to the marriage must be entering into it freely without any undue influence or coercion, including the threat or violence or financial incentive. No parent or guardian can substitute their understanding and consent for the child's. For children who do marry before the age of 18, they should never be subjected to discrimination based on their marital status, so, for example, girls should not be forced to withdraw from school.

We thank you in advance for your attention to this matter.

Yours sincerely