



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Pre-session working group

Fortieth and forty-first sessions

16-20 July 2007

List of issues and questions with regard to the consideration of periodic reports

Yemen

Introduction

The pre-session working group examined the sixth periodic report of Yemen (CEDAW/C/YEM/6).

General

1. Please provide information about the process of preparing the sixth periodic report of Yemen. The information should indicate which governmental and non-governmental institutions were involved, the nature and extent of their participation, and whether the report was adopted by the Council of Ministers and presented to the House of Representatives.

Legislative and institutional framework

2. Please provide information about the role and functions of the Women's National Committee as well as information about its budget and human resources in relation to its mandate and level of responsibility.

3. Please describe how the relationship between the Women's National Committee and the Supreme Council for Women enhances the effectiveness of the national machinery for women.

4. The report indicates that a committee composed of the Minister of Legal Affairs, the Minister of Human Rights and the Chairperson of the Women's National Committee has been tasked with a review of numerous discriminatory laws (see paras. 1.2 and 1.3 of the report). Please provide information about the provisions that are subject to the review and the expected time line for completion of the work of this committee.

5. It has been reported that 27 proposed legislative amendments have been forwarded from the Cabinet to the Ministry of Legal Affairs (see para. 1.5 of the report). Please indicate how many of these amendments are directly related to the Government's obligation under the Convention and describe the content of these relevant amendments.

6. According to the report (para. 1.4), women may seek justice directly or indirectly. Please explain the concept of indirect access of women to justice in accordance with articles 51 and 153 of the Constitution and provide data and information about complaints filed by women who have faced discrimination based on sex and whether there have been any court decisions that have referred to the Convention.

Violence against women

7. In its previous concluding comments,¹ the Committee noted with concern the lack of information and systematic data on all forms of violence against women. Please describe any ad hoc and regular data collection efforts, indicate whether a population-based survey on violence against women has been conducted, and provide available data, and trends over time, of different forms of violence against women.

8. According to the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/2003/75/Add.1, paras. 858, 870 and 871), forms of domestic violence including marital rape are accommodated by the Personal Status Act, and there is no specific legislation on domestic violence. What plan does the Government have to address this issue, including women's access to justice and services, in order to fulfil its obligations under the Convention and the Committee's general recommendation 19?

Trafficking in women and girls

9. The report does not provide information on trafficking in women and girls. Please provide such information, including data on the number of girls and women trafficked into, through and from Yemen, and the number of perpetrators charged and convicted, and sentences imposed.

10. The Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62/Add.1) jointly with the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78/Add.2) brought to the attention of the Government through an allegation letter, information received concerning the situation of large numbers of children, almost exclusively boys, trafficked from Yemen to Saudi Arabia. Please provide information on this current situation as well as on any programmes that have been designed to prevent trafficking in children, especially girls.

Stereotypes and education

11. In its previous concluding comments, the Committee urged the State party to take measures, including awareness-raising activities, to change stereotypical

¹ See *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 38 (A/57/38)*, part three, para. 398.

attitudes and negative cultural norms about the responsibilities and roles of women and men.² Please provide information about any awareness-raising activities undertaken to change gender stereotypes, including the revisions of school textbooks and curricula (see paras. 5.7 and 10.5 of the report) and measures taken to change the “negative traditions and cultural heritage” that impede rural women’s access to justice (see para. 15.7 of the report).

12. Kindly provide details about the Basic Education Strategy (2003 to 2015) that is mentioned in paragraphs 2.2 and 10.1 of the report, including programmes and plans designed and implemented to reduce female illiteracy, as well as information on the status of the draft principles for illiteracy eradication. What is the role of the Illiteracy Eradication and Adult Education Organization (see para. 10.11 of the report)?

13. What has been achieved in terms of increasing the enrolment of girls in primary schools and closing the gender gap in education, especially in rural areas? What has been the impact of the nutrition project funded by the World Food Programme and the abolishment of tuition fees for girls from grades one through six (see para. 10.3)?

Participation in political and public life and representation at the international level

14. In its previous concluding comments, the Committee expressed concern about the low representation of women on electoral lists and in political decision-making bodies.³ The report indicates in table 7, that there has been a decrease in the number of women candidates and in the number of women elected to the House of Representatives. The report also indicates (see para. 4.1) that political parties responded tentatively to a proposal of the women’s movement to increase the number of women in the top and middle leadership of political parties and to improve their chances in the September 2006 elections. Please indicate whether accusations of women’s immorality played a role in deterring them from participating meaningfully and achieving the recommended quotas.

15. Kindly clarify the role and function of the Coordination Committee (see the introductory paragraph to the chapter on article 7) and of the General Department for Women established in 2005.

16. What is the status of the proposal of the Women’s National Committee to amend legislation covering the Foreign Service (see para. 8.2 of the report)? Please provide the number of women appointed to posts of responsibility in the public administration, as compared to men, in light of the Committee’s general recommendation 23.

Nationality and the right of residency

17. Is the Government contemplating any further amendment to legislation on citizenship that would allow a Yemeni woman who is married to a non-Yemeni man to pass on her nationality to her children (see para. 9.1 to 9.3 of the report)?

² Ibid., para. 389.

³ Ibid., para. 402.

18. What is the status of the proposal to amend article 14 of Executive Charter 47 (1991) on residency permits of non-Yemeni spouses of Yemeni women (see para. 9.4 of the report)?

Employment

19. The report indicates in paragraph 10.2 that, despite the obligation in the amended labour code (2003) to either establish nurseries at the workplace or cover the expense of children's pre-school, "there is hardly any interest in this issue". What is being done or contemplated to ensure that the relevant provisions in the labour code are fully implemented?

20. The report lists a number of challenges faced by women in employment as well as the measures that have been or are currently being taken to address them (see paras. 11.5 and 11.6 of the report). What have been the results of these measures?

Health

21. Please provide further information about the measures taken to reduce maternal and infant mortality, including through the Population Working Program (2001-2005) as well as the safe motherhood project that has been proposed to the House of Representatives by the Ministry of Health, and the impact of such measures over time.

22. What is the content and current status of the proposed legislation on female genital mutilation (see para. 12.14 of the report)? Please indicate whether this proposal would make female genital mutilation illegal, and is there a timeline for adoption of such legislation?

Disabled women

23. Paragraphs 3.1 and 3.2 of the report indicate that the Government does not have sufficient data and accurate statistics regarding disabled women and that available funding is not able to reach this target group. What is being done or contemplated to improve data collection in this area and to improve the capacity of the Disability Care Fund and the Social Fund for Development to reach disabled women in both rural and urban areas?

Marriage and family relations

24. In its previous concluding comments,⁴ the Committee urged the Government to eliminate any discriminatory penal provisions, and in particular article 232 of the Penal Code, which provides that a husband or other male relative who kills his wife in relation to adultery is not charged with murder. Please provide clear information as to the status of law reform efforts in penal matters, in particular with regard to article 232 of the Penal Code.

25. In its previous concluding comments,⁵ the Committee was concerned about discriminatory provisions in the Law on Personal Status which permits polygamy and sets differential standards for women and men in marriage and family life.

⁴ Ibid., para. 391.

⁵ Ibid., para. 392.

Similarly, the Human Rights Committee, in its concluding observations on the fourth periodic report of Yemen (CCPR/CO/84/YEM, para. 9) was concerned about the persistence of polygamy, and the existence of rules discriminating against women in matters of marriage, divorce, testimony and inheritance. What efforts are being made by the Government to address these issues according to its obligations under the Convention?

26. Please provide information about so-called “tourist marriages” or “temporary marriages” (see para. 6.2 of the report), which have become common within the past three years. This information should include the legal status of such unions and the rights conferred on the women and offspring of these marriages as well as information about any changes that may have been introduced into the Personal Status Law as a result of suggestions put forward by the Committee of Islamic jurists/legislators.

27. According to the report, early marriages contribute to the unacceptably high rates of maternal mortality and the low literacy rates among women and girls. Please indicate if the Government is contemplating setting the minimum age of marriage for girls to 18 years in order to comply with article 1 of the Convention on the Rights of the Child, article 16 of the Convention on the Elimination of All Forms of Discrimination against Women, and the Committee’s general recommendation No. 21, and, if so, whether a timetable has been established for enacting such a law.

Optional Protocol

28. Please indicate whether any measures or actions have been undertaken to ratify the Optional Protocol.