



**Joint Submission to UN Committee
on The Elimination of Discrimination
Against Women**

Review of 7th and 8th Periodic Reports
of Yemen 80th session
(18 October – 12 November 2021)



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Joint submission prepared by the Peace Track Initiative (PTI)¹ and drawing also from information from a group of Yemeni women-led organisations: members of the Women Solidarity Network² in Yemen including Food for Humanity³, the Mothers of Abductees⁴, AWAM Development Foundation,⁵ Wogood for Human Security Foundation⁶, To Be Foundation for Rights and Freedoms⁷, Sam Initiative⁸, the Women Alliance for Peace⁹, the Southern Feminist Movement,¹⁰ Social Services Association¹¹, and Taiz Women for Life Initiative¹². The preparation of this report was supported by the Women's International League for Peace and Freedom (WILPF).

1 PTI was founded by Yemeni women inside and outside Yemen who came together in 2015 to support the peace process in Yemen. See <https://www.peacetrackinitiative.org/>

2 The Women Solidarity Network started in 2013 as a group on Facebook called "Our Constitution", to support women's rights in the draft constitution. See <https://www.womensolidaritynetwork.org>

3 Food For Humanity is a civil society organisation (CSO) that aims to alleviate poverty. It was started in 2015 and was one of the first women-led CSOs in Yemen during the war to work in areas most affected by famine and lack of humanitarian assistance. See <https://twitter.com/Food4Humanity>

4 Abductees' Mothers Association is a Yemeni-based NGO formed of female relatives of abductees and forcibly disappeared detainees, along with female human rights activists. See <http://ama-ye.org/>

5 Awam Foundation for Development and Culture was established in 2008 and works towards sustainable development in Yemen. It focuses on three main programmes: democracy, women's political empowerment, and human rights. See <http://awamfoundation-ye.org/ar>

6 Wogood is a local CSO established in 2012 to advance development and human rights and create opportunities for community participation, specifically for women and youth. See <http://wogod.org/>

7 To Be Foundation for Rights and Freedoms was founded in 2011 by a group of human rights defenders in Aden to build a society based on justice, equality and the rule of law, focusing on raising awareness of human rights and women's rights. See <http://www.tobeonline.org/>

8 Sam For Peace Initiative is a community initiative working to create peace and enhance human rights for all . See [Facebook link](#).

9 Women Alliance for Peace in Yemen works on women's rights, women's protection, peace and development and focuses on supporting women survivors of arbitrary detention. See <https://www.facebook.com/Womens.yemen>

10 Southern Feminist Movement is an independent social, political and feminist organisation that seeks to activate the role of southern women as partners in building the society. See [Facebook link](#)

11 The Social Services Association is a CSO established in 2004 and seeks to develop society by providing preventive, curative services, development services, social justice, and educational services. See <https://www.facebook.com/SSA.ADEN>

12 Founded in 2018, the Taiz Women for Life team is a local initiative comprising women leaders and aimed at enhancing the role of Yemeni women in the peace, security, stability and transitional processes. See https://www.facebook.com/TaizWomen/?ref=page_internal

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Background

Yemen has been spiralling into conflict for seven years. It is described as the world's largest humanitarian crisis. The outbreak of COVID-19 and other diseases, as well as natural disasters, have devastated the already limited infrastructure and led to increased difficulties in accessing basic services such as health, education, and shelter. Women and girls are disproportionately affected by the situation and at higher risk of gender-based violence, and displaced, migrant and refugee women and other women in marginalised situations as well as women human rights defenders (WHRDs), are even more vulnerable.

In spite of global calls for a ceasefire, new battle fronts have opened and hostilities have increased. Arms continue to flow to all parties to the conflict, including from states parties to the Arms Trade Treaty ignoring calls of the HRC's Group of Eminent Experts (GEE) to cease arms transfers. Women civil society groups, including the members of the Women's Solidarity Network, have been working relentlessly to fill the gap left by authorities and international organisations to reach remote and frontline areas. Information about how they do so is provided in an Annex to this submission.

This submission is made to the CEDAW Committee as it considers the 7th and 8th periodic reports of Yemen. Since the Committee's last review of Yemen in 2008, there has been a disappointing lack of implementation of most of the Committee's recommendations and a severe deterioration in women's rights.

Articles 1-3: Definition of Discrimination, legislative measures and policies

Yemen's Constitution does not define discrimination, although it does identify equality and equity as guiding principles (Articles 24 and 25). Citizens are all equal in general rights and duties (Article 41). However, the Constitution states that Islamic Sharia is the basis for developing legislation (Article 3), and further elaborates that women's and men's rights and responsibilities are in accordance with Sharia law and national laws (Article 31).¹

Following the 2011 uprising, a new draft constitution that stipulates equal citizenship and defines discrimination was prepared in 2015. However, the conflict escalated before revisions could be made or a referendum could be held to adopt it. The Gulf Cooperation Council Initiative (GCC) and its implementation mechanism² do not mention ending discrimination against women, although the implementation mechanism called for inclusion of women in the National Dialogue Conference (NDC)³ and for the adoption of laws and policies to strengthen the protection of women's rights.

¹ Prior to unification, the Constitution of South Yemen emphasized the equality of all citizens regardless of sex and so the 1991 text represented a setback for women from the South.

² The GCC Initiative and its implementation mechanism was signed in Riyadh on 23 November 2011 as a result of the UN support for negotiations between the Yemeni government and the opposition. [The agreement in English can be accessed at https://www.peaceagreements.org/viewmasterdocument/1401](https://www.peaceagreements.org/viewmasterdocument/1401) and the implementation mechanism at https://peacemaker.un.org/sites/peacemaker.un.org/files/YE_111205_Agreement%20on%20the%20implementation%20mechanism%20for%20the%20transition.pdf

³ The NDC was created within the GCC Initiative and its implementation mechanism agreement as a forum to solve the country's political problems. The results of the NDC are meant to form the basis for a new constitution.

During the transitional period that followed the 2011 uprising, the NDC set out a new social contract for the new modern state of Yemen. The process of discussion led to the formulation of 1,800 outcomes, including on rights and freedoms⁴. At least 135 outcomes were dedicated to women's rights.

Due to the on-going nature of the conflict, and to divisions within parliament between the internationally-recognised government and the Houthis, there has been a complete freeze on developing or amending legislation in parliament. Consequently, there has been no progress in adopting a law to combat violence against women or to amend existing discriminatory laws and provisions.

Some discriminatory laws that have been affecting women by limiting their mobility and access to services are:

- **The Penal Code (1994)** which states that the diyah (blood-money) one should pay for the unintentional killing or culpable homicide of a woman is half of that of men (Article 40). PTI documented a case where a woman seeking to obtain car insurance from a government authority was given a policy granting her half the compensation given to a man on the basis of Article 40 of the Code. The Penal Code is also lenient towards men who kill their female relatives due to infidelity justified by "honour" and only impose a one-year prison term or payment of a penalty (Article 232). Similarly, it criminalises women simply for being with a man who is not her relative (Article 273). Although the law criminalises sexual violence (Article 270) and prohibits sexual harassment (Articles 270-274), the Penal Code limits the definition of rape to intercourse without consent (Article 269). The penalty for rape is up to seven years in prison for an individual rapist, between 2-10 years for gang rape or if the rapist is a social worker, care giver, aid worker or any other position whose responsibility is to protect, and 3-15 years for raping a child aged 14 years and under (Article 269). Any sentence of less than three years is categorised as a crime which is not grave. As such, in many cases rape does not constitute a grave crime under the Penal Code. The Code also does not cover sexual harassment at work, and it does not criminalise marital rape. With regard to abortion, the Code makes no exception for rape survivors.

Further, the Penal Code has gaps in terms of clearly criminalising violations including enforced disappearances, hate speech towards women, planting mines, indiscriminate attacks, illegal weapons ownership, or torture in a comprehensive way in line with international standards. Torture is criminalised in the Military Penal Code that applies to military personnel, which as such creates a gap for torture perpetrated by non-state armed groups. Moreover, the Penal Code does not criminalise the recruitment and use in hostilities of children under the age of 18 despite a specific recommendation made by the CRC in 2014 in this regard⁵, and the GEE having reported child recruitment on the rise by all parties to the conflict. The GEE has further noted credible reports that Houthis are recruiting girls (ages 13-17) to be used as spies, recruiters of other children, guards, medics and members of the Zainabiat (a women's security division created by the Houthis), and that some of these girls recruited by the Houthis endured abuse themselves including sexual violence and/or forced child marriage linked to their recruitment.⁶

- **The Personal Status Law (No.20 of 1992 and amendments)**, which is based on Sharia law and male guardianship rules restricts women's rights. The Law requires women to obtain a male guardian's

4 National Dialogue Conference Outcomes Document (2014), <https://www.peaceagreements.org/masterdocument/1400>

5 CRC/C/OPAC/YEM/CO/1, 26 February 2014, paragraphs 31 and 32.

6 <https://www.ohchr.org/Documents/HRBodies/HRCouncil/GEE-Yemen/2020-09-09-report.pdf> para 73-75

permission to get married (Article 14); it does not give women the right to consent to a marriage (Article 7); and requires women to be obedient to their husbands (Article 40). This impacts women's mobility and their ability to work, and does not protect women from marital rape. Moreover, the man can divorce his wife with words, without requirements to file with the court (Article 58), while the woman is required to provide reasons for the annulment of the marriage (Article 47-55) or opt for a "Khul'e" divorce with consent of the husband (Article 72). In case of a divorce, the law gives guardianship rights to the father while it considers the mother as a physical custodian for the purpose of caring for the children (Article 158). The law also sets women's inheritance at half the value of that of the men's (Article 309). PTI found that, in some instances, women were not able to obtain passports or permission from their husbands to travel, including for the purpose of seeking medical treatment for themselves or their children. PTI also documented cases of Yemeni women living abroad who resorted to the Yemeni embassies to renew their passports and were not able to do so without their male guardians' permission.

- **The Nationality Law No. 25** was amended in 2010 to grant women the right to pass their nationality to their children born after the law was amended, as well as to their foreign husbands after meeting certain conditions. The law also included conditions for granting nationality to children born from a Yemeni mother and foreign father prior to the 2010 amendment if the request was made within three years of the implementation of the amendment.
- **The Safe Motherhood Law (2014)** was passed without the draft article setting the safe age of marriage at 18 years, despite this having been agreed by consensus as an NDC outcome.

Reconciliation and reparation

The government developed a draft Transitional Justice Law in 2013 that focused on reconciliation and reparation, and identified specific crimes against humanity, including rape. It recognised women and children as vulnerable groups. However, there were concerns about how human rights abuses had been documented – for example, PTI raised concerns that government efforts to document injured persons in Taiz had neglected to document injured women. In the end, disagreements among members of parliament led to the failure of the law being adopted.

In 2013, the NDC issued 31 confidence-building measures that included reparation and compensation of the Southerners and the Houthis. President Hadi issued decree number 191 to establish the Reparation Fund for this purpose. It was supposed to address issues related to mass land claims in the South, and reparation for injured persons and forced retirees. Qatar committed to support the fund with 350 million dollars. Media reports indicate that it paid half of the amount to the State of Yemen⁷. However, the fund did not function or provide the compensations that it was supposed to provide to victims.

Mass land claims

In 2013, President Hadi formed a committee to document and verify mass land claims. This committee received 2,350 claims in Aden. It is not clear how many of these were claimed by women or how accessible the work and services of this committee was made to women and whether guardianship rules affected their accessibility. Additionally, it is not clear how women will be compensated: whether they have equal provisions or if they are subjected to the current discriminatory inheritance legal provisions.

⁷ <https://presidenthadi-gov-ye.info/ar/archives/15381>

PTI documented cases of Southern women whose lands and properties were confiscated, particularly in Aden. The cases documented link to unresolved grievances arising from previous conflicts related to mass land confiscations that have occurred in the South of Yemen since 1990. Additional land confiscations were also reportedly carried out by Southern non-state armed groups as they took control of Aden. Women calling to reclaim their lands and properties were not compensated and continue to demonstrate and call for their rights.

Interruptions of disbursement of Civil Servants' Salaries

The war has devastated the economy. One of the biggest challenges has been disbursing salaries to civil servants. Today, some 50% of the civil servants still do not receive their salaries and when they do, they don't receive them in full. The problem is largely caused by lack of liquidity and governance. It has become highly politicised and used as a bargaining chip in peace negotiations.

There are 1.2 million civil servants in Yemen, constituting 31% of the Yemeni workforce.⁸ The interruptions in salaries have happened in parallel to inflation of food prices and currency deterioration.

The impact of the interruption of salaries and salary reductions has affected families in terms of access to basic services. Many women have found their resources depleted. As a result of changes in their economic situation, they have resorted to working in the private sector which they find as pay less for longer hours, and some women resorted to providing domestic services which are not governed by contracts, thus, putting the women in a vulnerable situation. Almost all women consulted with the issue of salary cuts reported psychological pressure due to accumulated debts. The women highlighted that divorce cases have increased and domestic violence has escalated. They noted that many families are isolating themselves from the community as they can no longer afford to socialise. Additionally, many women noted the impact of chronic illnesses, either affecting themselves or family members, as a result of malnutrition and food deprivation.

Challenges facing the National Commission of Inquiry

The President of Yemen established a National Commission of Inquiry (NCOI) in 2015 to investigate alleged human rights violations and abuses committed since 2011.⁹ The mandate of the NCOI was renewed by presidential decree for two years in August 2019 and technically their mandate ended in August 2021. In September 2021, Judges for Judiciary Reforms issued an open letter calling on the President to renew the NCOI mandate.¹⁰

It was only with the publication of its 7th report that the NCOI started to include a section on women's rights. In its 9th report, NCOI documented five cases of violations against women including arbitrary detention, forced disappearance, physical beating, and the death of a woman following an unlawful raid on her home all perpetrated by Houthis.

During interviews by PTI with NCOI representatives, it emerged that women survivors of violence and their families were experiencing difficulties in accessing the justice system after the NCOI's referral of their cases to the prosecution. Additionally, the NCOI does not have a system in place to make referrals to services, such as legal aid, shelters, protection services or grants, for people who have experienced

8 The statistics included in this paragraph are collected from a key informant interview with the Former Civil Servant Minister. There was no gender disaggregated data.

9 <https://www.nciye.org/>

10 <https://sahafaa.net/show7580673.html>

gender-based violence. Nor does it have systems for protecting witnesses.

The NCOI faces challenges in gaining the cooperation of parties to the conflict in general. It has noted delayed responses to their inquiries including from the government and the Joint Incidents Assessment Team (JIAT) and that it has not been granted access by the Houthis to territories under their control. Moreover, the government does not allocate resources to the NCOI, which means it is reliant on international funding.

The NCOI indicated that their staff have received gender-sensitiveness training and that a gender consultant is developing their gender strategy. However, PTI is concerned that the strategy is being developed without consulting with women, including women survivors of violence.

Recommendations

- Amend the discriminatory domestic laws against women, including articles 14, 7 and 40 of the Personal Status Law; articles 40, 232 and 273 of the Penal Code; and Nationality Law, especially with regard to male guardianship and control over women, to bring them into conformity with the CEDAW
- Ensure a new constitution that guarantees gender equality, non-discrimination, and self-determination.
- Set the minimum age of marriage to 18 years and ban child marriage.
- Disburse without delay and in full public servants' salaries and pensions.
- Revive women's state institutions, including the Women National Committee and the Supreme Committee for Women's Affairs and ensure that they are allocated sustainable financial resources.
- Renew the NCOI mandate with a view to add national reconciliation to their mandate, ensuring they fully involve survivors in their design, implementation, monitoring and evaluation. Additionally, develop a gender-responsive service referral system where cases presented to the NCOI can be referred to appropriate response services, and witnesses are provided with protective measures.
- Ensure that violations of IHL and IHRL violations and abuses are criminalised including but not limited to child recruitment, arbitrary detention and enforced disappearances, torture, and sexual and gender-based violence. In this regard, implement the recommendations of the CRC relating to child recruitment;¹¹
- Expand and accelerate Demobilisation, Disarmament, and Reintegration programmes ensuring that they are gender responsive, comprehensive e.g. that they cover transitional safety allowances, food, clothes, shelter, legal and medical services, education, training, employment and tools, and that women and girls have full access to these programmes.

Sexual and Gender-based violence

In September 2021, the GEE reported to the HRC that for a third year in a row, it was not granted permission to visit Yemen or coalition countries, and saw only limited cooperation from parties in responding to its lists of questions.

It also condemned the use of gender-based violence by parties to the conflict, including "rape and other forms of sexual violence, cruel treatment and torture, and committing outrages upon personal dignity;"¹² and the abuse of the justice system to reinforce traditional gender roles. Previous reports by the GEE have

¹¹ CRC/C/OPAC/YEM/CO/1, 26 February 2014, paragraphs 31 and 32.

¹² See, for example, UN Document A/HRC/48/20, A/HRC/45/6, 1028 September 20210, fourth Report of the Group of Eminent International and regional experts on Yemen, paragraphs 55, 68 and 73; see also, UN document A/HRC/45/6.

highlighted sexual and gender-based violence in the context of the conflict.¹³

There are currently only four shelters for women survivors of violence in Yemen, run by the Women's Union. They are heavily reliant on UN funding. WHRDs who resorted to these services have been concerned to note restrictions at the shelters, including imposition of a conservative dress code, a request by the shelter administration to remove a WHRD's phone and questions about why a WHRD who went to a shelter was not covering her face with a veil. Additionally, the WHRD survivors of arbitrary detention, torture and rape reported to PTI that they are not eligible to access this accommodation as the shelters do not provide the service to released prisoners.

WHRD are targeted and later stigmatised for their activities. PTI documented 11 cases of WHRDs who, since their release from arbitrary detention in 2019, were abused by male guardians within their families. PTI supported relocation of released WHRDs to safety, some of whom were at risk of being killed by their male family members who accused them of bringing shame to the family for the stigma of having been detained. Among the cases of WHRDs that PTI documented, two were victims of trafficking in host countries that they have attempted to relocate to in an attempt to cross to the EU. One of them was sexually abused and beaten by traffickers. Additionally, PTI documented cases of violence against LGBTQ+ persons and minority women.

Acid attacks against women have reportedly increased in Yemen since 2015.¹⁴ In January 2016, PTI documented the case of Qaeda affiliated members threatening to throw acid on 18-year-old young activist "HN"s face for not wearing niqab (face veil).¹⁵ The use of acid attacks is also used as punishment by husbands against their wives.¹⁶

Article 6: Trafficking

In 2013, the Government drafted a law to fight trafficking and established an anti-trafficking authority. It was submitted to parliament but the escalation of the war hindered its progress. Consequently there is no law that criminalises all forms of human trafficking. The Penal Code only criminalises slavery with imprisonment for 5 years (248), prostitution (277-281) and rape (269).

Boys and girls, especially from marginalised groups, "muhamasheen", are trafficked in Yemen and are forced to work as beggars in the street or to be recruited as fighters.

Further examples of trafficking are provided in an Annex to this report.

Recommendations

- Criminalise honour crimes and take immediate steps to eradicate honour crimes and address negative gender stereotypes.
- Hold perpetrators of sexual and gender-based violence to account and end impunity for such crimes.
- Immediately develop gender-sensitive transitional justice mechanisms for all survivors of sexual and gender-based violence, including by establishing reparation programmes to ensure that current

¹³ See, for example, UN Document A/HRC/45/6, September 2020, third Report of the Group of Eminent International and regional experts on Yemen.

¹⁴ <https://al-akhbar.com/Yemen/13220>

¹⁵ From an interview with a woman living in Aden

¹⁶ <https://www.newindianexpress.com/world/2021/feb/04/disfigured-by-acid-the-face-of-violence-against-yemens-women-2259467.html>

and future grievances are addressed and that victims of all war violations and abuses and land confiscation are included, while ensuring that women are compensated under equal provisions for their losses.

- Put in place mechanisms to protect women including WHRDs and political activists, including those from religious minorities and LGBTIQ+ persons so that they can carry out their legitimate activities without fear of intimidation or retaliation, and improve their access to sustainable protection measures including services for shelter, relocation, social security and legal aid.
- Ensure the adoption of a comprehensive law that addresses all forms of human trafficking.
- Cooperate fully with the GEE of the HRC.

Article 4, Temporary special measures and Articles 7-8, Participation

The NDC outcomes included recommendations for increasing women's representation in all appointed and elected public institutions, organisations, and political parties to no less than 30%. It also introduced quotas for different groups including for youth 20%, Southerners 50%, and marginalised groups (muhamasheen) 10% and 10% for persons with disabilities in civil servant positions. During the transitional period 2011-2014, this quota became a ceiling rather than a floor and the no less than 30% aspired for was not achieved. Women were able to secure 28% representation as NDC members, 24% as part of the preparatory committee, 9% in the federalisation committee, 23% in the constitution-drafting committee, and 28% as part of the monitoring committee for NDC outcomes implementation.

Due to the war, women's participation further deteriorated. The NDC outcomes were not integrated into national laws and are still not respected by the government or political parties and entities. One example of this is the all-male government formed in December 2020, which runs counter to, among other things, the recommendations from the NDC as well as Yemen's support of several relevant UPR recommendations.¹⁷ Similarly, all appointments in the Shoura Council since January 2021 were all men.

The **NAP1325** only reflects one specific NDC outcome related to women's participation, stating that it should be no less than 30% in elected positions. It ignored other NDC outcomes that called for women's participation in elected and non-elected positions and in all state and public positions by no less than 30%. It committed to the 30% quota solely in relation to the peace negotiations, and then only to pledging to "improve" representation of women in the observation committees of ceasefire, releasing detainees, recovery, disarmament, humanitarian relief and aid efforts, and prevention of conflict, as well as women in decision-making positions concerning the legislature, executive, and judicial authority levels, army and security forces.

The participation of Yemeni women in peace processes has also been extremely limited, with only 3 women out of a delegation of 28 in Kuwait (2016), reducing to only 1 woman out of 24 in Stockholm (2018). Additionally, delegations to the peace consultations regarding prisoners' exchange had zero women, excluding important groups such as the Mothers of Abductees Association. To mitigate the

¹⁷ Yemen supported several UPR recommendations to ensure women's participation in political and public life. See, for example, Recommendation 124.69 "Promote and protect the equal rights of women, stimulating female leadership, including by guaranteeing a 30 per cent participation rate of women in political consultations and peace talks, in line with Sustainable Development Goal 5 and the presidential statement of the Security Council dated 15 June 2017 (S/PRST/2017/7) (Netherlands). UN doc. A/HRC/41/9, April 2019.

limited participation of women, the UN Office of the Special Envoy established the Women's Technical Advisory Group (WTAG). However, the WTAG faced challenges, with members reporting that they were not consulted on the peace drafts or agendas, and that meetings with the UN Envoy remained a courtesy rather than a truly consultative exercise. Members who attended Stockholm peace consultations informed PTI that they were not allowed to contribute to the peace consultation process, nor to the opening or closing ceremonies; and that no official meetings with the national delegations were organised with them.

PTI supported an independent women's delegation to participate in the signing ceremony of the Riyadh Peace Agreement in 2019. The delegation met with different national stakeholders. They submitted officially a list of 30 women leaders' nominees and advocated for their inclusion in the government to be formed as a result of the agreement. Also, the peace committees formed as a result of the Stockholm peace agreement, including committees for prisoners' exchange in Taiz and in Hodiada, contained no women.

Recommendations

- Prioritise drafting and passing a law to protect women in any upcoming peace agreement.
- Make the representation quotas as contained in the NDC outcomes legally binding and implement without delay a minimum quota of 30% of women in the public and political spheres in accordance with the outcomes of the NDC, including in diplomatic and other high-level governmental positions.
- Within the 30% minimum quota, ensure that women from diverse backgrounds are equitably represented, including 50% for women from the South (including those with self-determination demands) and 20% for young women, 10 % from muhamasheen and 10% women with disabilities as per NDC outcomes.
- Effectively implement the minimum 30% quota in transitional period political processes, as well as in the current and future governments, Shoura Council, Parliament, and all state institutions
- Revise the NAP1325 in order to reflect all of the NDC outcomes within it, provide it with adequate and sustainable resources, and ensure full involvement of civil society and the meaningful participation of women in its implementation, future review and renewal.

Article 10: Education

Schools are either damaged or used for military use in areas both under the government and Houthi control, preventing many children from access to education. The UN has verified the military use of 34 schools and 30 of which were attributed to the Houthis.¹⁸ For example, on 8 April 2019, an arms storage unit exploded near a girls school in Sawan, Sana'a causing the deaths of seven girls and injury to more than 100 students from nearby schools.¹⁹ Families prioritise boys' education over girls'. Yemen was already suffering from high dropout rates among girls before the war but these rates have further increased.²⁰ PTI has documented the use of six girls' schools in Taiz by pro-government armed groups in areas under the government control. The schools were either completely or partially used by militants. Many girl students reported that they were harassed and were removed from schools by their guardians. Additionally, Taiz Women for Life Initiative have reported that due to the siege of Taiz, road closures

18 https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S_2021_437_E.pdf

19 <https://www.womensolidaritynetwork.org/news-statements-en/statement-of-condemnation-the-attack-on-the-girls-students-of-al-rai-school-in-sawan-sanaa>

20 https://www.unicef.org/mena/media/6691/file/Yemen%20Country%20Report%20on%20OOSC_EN.pdf%20.pdf page 40-41

and planting of mines by Houthis have affected access to education. They documented cases of girls dropping out from university to avoid the dangerous journey and the high cost of transportation. Women have also reported increased threats and harassment by armed groups at checkpoints.

Parents may have concerns about sending daughters to school due to security issues, a lack of female teachers or if the school is a long distance from home. Lack of separate toilet or wash facilities is a major cause of girls dropping out of school. Girls who are out of school face a higher risk of early marriage and domestic violence. Given economic challenges, boys and girls are both at risk of being held back from school and sent to work. Access to education is harder for children in marginalized situations such as muhamasheen children, children with disabilities and children living in IDP camps.

Recommendations

- Disaggregate data by sex, ethnicity, religion and any relevant conflict-related variables when discussing low attendance rates in order to address underlying discrimination.
- Comply with Yemen's obligations under IHL and IHRL including by refraining from attacking schools, and strengthening measures to ensure demilitarisation of schools.
- Take measures to ensure female students, including IDPs, can access educational institutions and ensure removal of the presence of armed groups in educational facilities.
- Develop a re-entry to education policy for women and girls who have dropped out of school/higher education institutions due to conflict.
- Provide educational scholarships to women in marginalised situations including women affected by conflict and internally displaced women, while developing policies to advance their education, and standards to ensure its effectiveness, especially for conflict-affected communities.
- Allocate specific budgets to rebuild schools affected by conflict and disburse without delay and in full salaries of teachers.

Article 12: Health

The government is unable to provide an adequate COVID-19 response. The health system is facing many challenges: a lack of equipment and medical supplies, shortage of fuel and cuts in electricity, problems in paying health workers' salaries. In 2020, the Doctors and Nurses Union announced that 63 doctors have died due to contracting the virus.²¹ Many hospitals and clinics have shut due to the pandemic, impacting women and girls from accessing health services, especially pregnant women. In March 2021, OXFAM warned that evidence was "mounting that a second wave of COVID-19 is already underway in Yemen with a 22-fold increase in recorded cases in recent weeks."²²

Additionally, in besieged Taiz women were not able to access health services due to the closure of roads imposed by Houthis. Taiz Women for Life found that access to a hospital in Taiz which used to take about 15 minutes, is now a journey of several hours.

The right to abortion is only allowed by a doctor in cases of high risk to the mother's life (Articles 239 and 240 of the Penal Code). The lack of criminalisation of marital rape contributes to the increase in

21 See <https://www.middleeastmonitor.com/20201003-63-doctors-die-of-covid-19-in-yemen/>

22 <https://www.oxfam.org/en/press-releases/yemen-tipping-point-covid-19-second-wave-hits-amid-renewed-fighting-and-famine-fears>

unwanted pregnancies.²³ It is estimated that two million women and girls of childbearing age could be at risk due to the loss of reproductive services.²⁴ Some 48,000 women could die from complications of pregnancy and childbirth. Women and girls face serious threats to their reproductive health. According to the UNFPA, only 20% of the health system is providing maternal and child health services.²⁵ It is estimated that a woman dies of pregnancy- or childbirth-related complications every two hours in Yemen.²⁶ In January 2021 the Houthi-run Ministry of Health and Population restricted the use of birth control for women in areas under their control by conditioning the sale of birth control to the permission of a male guardian.²⁷ This measure is putting millions of women at even higher risk of unwanted and high-risk pregnancies.

According to the IOM, nearly 11 000 people live with HIV in Yemen.²⁸ According to UNAIDS, the gender ratio of HIV-infected men to women has evened out quickly from 4:1 before 1999 and reaching 1:1 in 2000.²⁹ Law No. 30 (2009) protects society from contracting HIV infection and the rights of people living with HIV. However, the law is not implemented and people with HIV cannot access services, especially health services, because of social stigma and the limited number of functional health facilities. There are only five treatment centres. In 2012, WHO conducted a gender analysis on women's access to HIV services in Yemen and found that gender norms prevent women from accessing services of HIV and a general lack of trust in health workers in terms of keeping confidentiality,³⁰ in addition to social stigma.³¹

The Government rarely offers grants for civilians who are injured to access healthcare as a result of the conflict. PTI documented a case of a woman in Taiz who died from mine explosion injuries waiting for a grant to help her travel to Egypt to receive better health services.

Recommendations

- Facilitate timely access of civilians to medical services outside Yemen.
- Ensure injured women and survivors of arbitrary detention, torture, and sexual and gender-based violence can access appropriate support for themselves and their families, including through the giving of grants
- Increase women's access to primary health care services, especially in besieged and rural areas, including reproductive health care, free obstetric care and means of family planning. Increase health care awareness campaigns including information on the spread of sexually transmitted diseases and HIV/AIDS, prevention of unwanted pregnancies through family planning and sex education.
- Expand the grounds on which abortion is permitted in order to include, in particular, cases of rape and prepare guidelines on post-abortion care. Ensure free access to safe abortion services in rape cases.

23 Abortion Without Consent Article (239): "Whoever deliberately aborts a woman without her consent shall be punished with the blood money of the embryo at first with half tenth of the blood money if her embryo is aborted while creation or dies inside her abdomen."; Abortion by Consent. Article (240): "If the abortion is done with the consent of the woman, the perpetrator is punished with blood money of the embryo or full blood money according to the circumstances and the woman in this case is not entitled to anything of that or blood money. If the mother dies, the perpetrator is punished by paying blood money for the fault and in case of abortion by the woman herself, she bears blood money or that according to circumstances. There is no punishment if a specialist doctor determines that the abortion is necessary for the preservation of the life of the mother." Available at https://www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=83557&p_country=YEM&p_count=90&p_classification=01.04&p_classcount=2

24 UN News (2020). Life and death for Yemen's women and girls, as funding evaporates. <https://news.un.org/en/story/2020/05/1065122>

25 See <https://news.un.org/en/story/2021/03/1088352>

26 <https://www.unicef.org/yemen/press-releases/one-woman-and-six-newborns-die-every-two-hours-complications-during-pregnancy-or>

27 <https://twitter.com/Alsakaniali/status/1354614648004358147>

28 <https://www.aa.com.tr/en/health/around-11-000-people-in-yemen-live-with-hiv-un/2205669>

29 <https://academic.oup.com/heapol/article/22/1/60/675084>

30 https://apps.who.int/iris/bitstream/handle/10665/119964/EMRPUB_2012_876.pdf?sequence=1&isAllowed=y

31 <https://reliefweb.int/report/yemen/yemenis-still-reject-people-living-hiv>

- Work with relevant international agencies to address the impacts of the COVID-19 pandemic on access to health services and to maintain the availability of, and equitable access to, sexual and reproductive health services.
- Expand the coverage of the National HIV/AIDS Prevention and Control Programme to ensure universal coverage for HIV - testing and free antiretroviral drugs. In doing so, pay particular attention to pregnant adolescents in rural areas, pregnant mothers with HIV and children born to mothers with HIV and seek technical assistance from, inter alia, UNAIDS, UNFPA and UNICEF.³²

Article 14: Rural Women

Internal displacement due to the conflict has caused the agricultural sector to lose nearly 50% of its workforce. The Civilian Impact Monitoring Project (CIMP) in Yemen reported a total of 348 airstrikes and 570 cases of shelling affecting farms since January 2018.³³ Additionally, the Houthis have planted mines in land and in the coastal and sea areas, which have prevented farmers and fisher people from securing their livelihoods.³⁴ The country was already facing a very serious water shortage before the conflict, which then greatly exacerbated the situation including due to the increase in arbitrary and indiscriminate pumping of groundwater and the collapse of governmental water institutions.³⁵ The conflict has greatly exacerbated difficulties in accessing water. As the burden of fetching water falls on women and girls, they have to walk long distances to reach water sources, which exposes them to multiple dangers, including landmines.

Rural communities rely heavily on women in agriculture and livestock. It has been reported that women provide 60% of labour in crop farming, 90% in livestock rearing and yet represent only 10% of wage labour. Rural women are deprived of many opportunities and rights.³⁶ They have limited rights of ownership or control of assets. Less than 1% of agricultural landowners are female. Rural women are more likely to own livestock but it is not sustainable due to shortage of animal feed and animal health supplies. In some rural areas, women and girls are often deprived of their inheritance, especially of land and real estate. Indeed, women who marry outside of their respective tribe are often prevented from inheriting in order to avoid the property being handed over to another family or tribe.³⁷ Access to formal justice systems in cases of inheritance disputes is also complicated, including for women in rural areas. A 2013 study from 2013 by Hiil³⁸ indicated that women, especially in rural areas, were more likely to seek justice from sheikhs (an Arab leader, in particular the chief or head of an Arab tribe, family, or village) rather than going to court. Yemen has received repeated recommendations from UN human rights mechanisms to ensure equality between men and women and to abolish all discriminatory provisions in matters of marriage, divorce, testimony and inheritance.³⁹

Recommendations

- Pay special attention to customary systems that govern land management, administration and

32 Based on recommendation from the Committee on the rights of the Child, CRC/C/YEM/CO/4 (CRC 2014)

33 <https://www.nrc.no/news/2020/september/yemen-900-airstrike-and-shelling-hits-on-farms-in-three-years/>

34 <https://reliefweb.int/report/yemen/yemen-houthi-landmines-kill-civilians-block-aid>

35 See PTI's and WILPF's October 2020 joint submission to the CESCR's Pre-sessional Working Group available at https://tbinter-net.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FICO%2FYEM%2F43330&Lang=en

36 See report From The Ground Up: Gender and Conflict Analysis In Yemen, page 13, available at

https://reliefweb.int/sites/reliefweb.int/files/resources/rr-yemen-gender-conflict-analysis-201016-en_0.pdf

37 See SIGI report available at <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/YE.pdf>

38 Full paper available at https://www.hiil.org/wp-content/uploads/2018/09/Hiil_Yemen_Family_report-for-publishing-07012015.pdf

39 CCPR/C/YEM/CO/5 (CCPR 2012), para. 10; E/C.12/YEM/CO/2 (CESCR 2011), para. 18; CEDAW/C/YEM/CO/6 (CEDAW 2009), para. 41; A/HRC/12/13 (UPR 2009), recommendation 2

- transfer, in particular in rural areas, and ensure that they do not discriminate against rural women.
- Raise awareness about rural women's rights to land, water and other natural resources among all relevant actors.
 - Strengthen customary and statutory institutions and mechanisms for defending or protecting women's rights to land including community paralegal services.
 - Ensure that rural women and girls have access to essential services and public goods, including safe potable water for all uses and sexual and reproductive health services.
 - Increase efforts to ensure universal access to adequate water and sanitation facilities, including in rural and remote areas. Strengthen efforts, including through international cooperation, to address the shortage of water resources, improve water management, in particular in the agricultural sector, and rationalize the use of non-renewable groundwater reserves.
 - Empower women farmers and provide them with technical and financial support.