



# EQUALITY NOW

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Secretary of the Committee on Economic, Social and Cultural Rights,  
UNOG-OHCHR  
1211 Geneva  
Switzerland  
Via post and e-mail: [cescr@ohchr.org](mailto:cescr@ohchr.org)

Re: Yemen - 46<sup>th</sup> session of the Committee (May 2011)

3 March 2011

Dear Committee members:

Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide. Equality Now's membership network is comprised of more than 35,000 individuals and organizations in 160 countries. We are writing to express our concern about the discrimination and inequality faced by Yemeni women and girls and in particular child marriage and discriminatory Personal Status laws in Yemen, which is scheduled to be discussed at the Committee's 46<sup>th</sup> session in May 2011.

Equality Now is concerned about the numerous cases of girls in Yemen who have undergone or been at risk of early and forced marriage which has left them subject to harmful physical and psychological consequences. Equality Now supports the efforts of local civil society organizations in Yemen, such as Yemen Women Union and the Arab Human Rights Foundation who have been working for years to end child marriage. As a result, we issued Women's Action 34.1 in November 2009: Yemen: *End early marriages through enactment of law enforcing a minimum age of marriage*, and Women's Action 34.2 in April 2010: Yemen: *End early marriages by enacting and enforcing a minimum age of marriage*. calling on the the President, the speaker of the house, and the Minister of Justice to live up to Yemen's obligations under international law and pass a law prohibiting early marriages and enforce such a law by making sure that violators are prosecuted and punished. (Please see the attached.)

Recently, Equality Now paid two visits to Yemen, in October and November 2010, and met with partner civil society organizations, government agencies and parliamentarians to discuss the passage of a minimum age of marriage law. We were told about a child marriage case involving an 11 year old girl, Muna, from Amran governorate who was married to a 40 year old farmer. She wants a divorce from her abusive husband and to continue her education. With the cooperation of Yemen Women Union, Equality Now is following up the case of Muna to ensure that she goes back to her school and gets a divorce. Muna is just one example of a girl forced into child marriage, which has an adverse impact on the lives of these children in so many ways.

As the Committee is aware, Yemen currently has no legal minimum age of marriage and cases of child marriages are common. The Yemeni government has failed to take any action to ban such marriages. Women's and children's rights organizations in Yemen have been working tirelessly on this issue but so far their efforts have not borne fruit. The conservative elements in the government have consistently blocked any efforts to introduce a minimum age of marriage law. A draft bill was submitted by two government agencies (National Commission for Women (NCW) and the Higher Council for Motherhood and Children) in 2009 with the backing of Yemeni women and children's rights organizations that fixed the minimum age of marriage for girls at age 17 and included penalties and punishment for those in violation. However, the bill was sent to the Parliamentary Sharia Committee for further consideration and after debating the issue the Sharia Committee came up with 15 pages of recommendations in October 2010 against a minimum age of marriage specifying among other things that early child bearing prevents breast cancer. The draft bill is still pending but further discussion has been postponed.

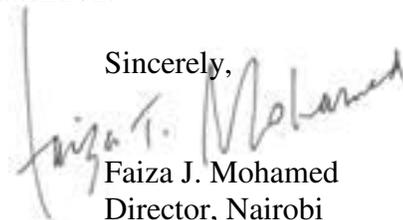
We were heartened to see that, in its list of issues to be taken up with Yemen (E/C.12/YEM/Q/2), the Committee requested that Yemen “provide information on steps taken to (a) ensure that all marriages are registered in line with article 14 of the Personal Status Act; (b) reintroduce the minimum age of marriage and raise it to 18; (c) raise awareness on the negative effects of child marriages; (d) outlaw polygamy; (e) allow the marriage of women without the consent of a guardian; and (f) prohibit and prevent forced marriages”. (para. 24)

We are also concerned about explicit legal discrimination against women and girls in Yemen. In our report, *Words and Deeds – Holding Governments Accountable in the Beijing +15 Review Process* (February 2010), highlighting a sample of discriminatory laws from around the world, we included for example Article 40 of Yemen's Personal Status Act which gives a husband the right to be “obeyed” by his wife, particularly in regard to the location of the conjugal home, intercourse and leaving the conjugal home, including for employment. We note that the Committee has requested that Yemen clarify what steps it will take to amend the law and to clarify whether marital rape has been criminalized. (para. 10, 23)

We urge the Committee to call upon the Yemeni government to live up to its obligations under international law by passing a law prohibiting early marriage so that girls are no longer forced to undergo the harmful physical and psychological effects of early marriage and motherhood. The government should effectively enforce such a law by making sure that violators are prosecuted and punished. In addition, Yemen should repeal all discriminatory laws such as Article 40 of the Personal Status Act.

Thank you very much for your kind attention.

Sincerely,



Faiza J. Mohamed  
Director, Nairobi

Enclosures