

## YEMEN<sup>1</sup>

### OVERVIEW OF MUSLIM FAMILY LAWS & PRACTICES (Updated as at 8 AUGUST 2022)

Family Law Matter	Description				
	Legislative Framework	Case Law	Policy	Procedure	Practice
<p><b>Equality of spouses in marriage</b></p> <p><i>Is there a Constitutional provision on equality and are there exceptions? Are there specific laws that recognise marriage as a partnership of equals i.e. are family laws and/or other laws relating to marriage and family relations codified or uncoded? If codified, what are the titles of all the applicable laws? If codified, do these laws apply to all citizens irrespective of religion? If not, do these laws apply to all Muslims or are there different codified laws for different sects within Islam? If uncoded, or if codified laws do</i></p>	<p>The Constitution of the Republic of Yemen provides that Shariah is the source of all legislation.<sup>2</sup> The Constitution includes several articles that guarantee the equality of all citizens, and in particular the equality between women and men before the law:</p> <p>Article 24 of the Yemeni Constitution guarantees equal opportunities for all citizens in the fields of political, economic, social and cultural activities.<sup>3</sup></p> <p>Article 25 of the Constitution declares that Yemeni society is</p>		<p>The Government of Yemen in its 2007 and 2014 reports to the CEDAW Committee acknowledged the need to amend discriminatory provisions of the YPSL to harmonize it with CEDAW commitments.<sup>10</sup></p> <p>The outcomes of the 2014 National Dialogue</p>		<p>Yemen ranked 179 of the 189 countries on the UNDP Human Development Index (very low) and 162 out of 162 countries on the Gender Inequality Index.<sup>12</sup></p> <p>The OECD Social Institutional and Gender Index (SIGI) 2019, which measures discrimination against women in social institutions, classifies Yemen as a country of very high levels of gender discrimination, with a score of 64% overall and 90% in terms of discrimination in</p>

<sup>1</sup> This table was originally formulated as part of a 2016-2017 Musawah project to map Muslim Family Laws globally led by Zainah Anwar and coordinated by Lead Researcher Sharmila Sharma, with substantive support from Salma Waheedi and students at the International Human Rights Clinic, Harvard Law School. For this Yemen country table, we would also like to thank Kierra Jones and Divya Srinivasan from Harvard Law School, and Ali Al-Agri for their inputs in its original preparation. This table was last updated in 8 August 2022 as part of the Campaign for Justice in Muslim Family Laws, we would like to thank Salma Waheedi for the recent update.

<sup>2</sup> Constitution of the Republic of Yemen (1991), as amended, Article 3, [https://www.constituteproject.org/constitution/Yemen\\_2015.pdf?lang=en](https://www.constituteproject.org/constitution/Yemen_2015.pdf?lang=en).

<sup>3</sup> Constitution of the Republic of Yemen (1991), as amended, Article 24.

<sup>10</sup> Yemen State Party Report to CEDAW, U.N. Doc. CEDAW/C/YEM /7-8 (2014), Table 45, pp. 94-98; Yemen State Party Report to CEDAW, U.N. Doc. CEDAW/C/YEM /6 (2007), Table 33, pp. 72-74, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>12</sup> Yemen – Human Development Index, UNDP, 15 December 2020, <https://hdr.undp.org/data-center/specific-country-data#/countries/YEM>.

<p><i>not sufficiently address a particular issue, how is the issue addressed e.g. what Muslim school of law is applicable? Do these laws explicitly state gender-stereotypical roles between husbands and wives e.g. the husband is the head of the household or the wife is the primary caregiver?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 54-55 GR29</p>	<p>based on social solidarity, which in turn is based on justice, freedom and equality according to the law.<sup>4</sup></p> <p>Article 31 of the Constitution states that women as sisters of men, and they have rights and duties, which are guaranteed and assigned by Shariah and stipulated by law.<sup>5</sup></p> <p>Article 41 of the Constitution states that every Yemeni is equal in rights and duties.<sup>6</sup></p> <p>The Yemeni Personal Status Law, No. 20 of 1991 (YPSL), is the main law that governs matters of marriage and family relations of the predominantly Muslim population of Yemen.<sup>7</sup> The YPSL outlines extensive provisions that govern marriage, divorce, financial</p>		<p>Conference asserted the need to lift barriers to freedom and the rights of women, particularly those related to the mistaken interpretation of the purposes of the Shariah.<sup>11</sup></p>	<p>the family, pointing to inherent inequalities in the law, including in the legal framework of household responsibilities.<sup>13</sup></p>
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<sup>4</sup> Constitution of the Republic of Yemen (1991), as amended, Article 25.

<sup>5</sup> Constitution of the Republic of Yemen (1991), as amended, Article 31.

<sup>6</sup> Constitution of the Republic of Yemen (1991), as amended, Article 41.

<sup>7</sup> Yemen State Party Report to CEDAW, U.N. Doc. CEDAW/C/YEM/7-8 (2014), para. 16.1, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>; Yemeni Personal Status Law (1992), <https://www.mohamah.net/law/النصوص-و-مواد-قانون-الاحوال-الشخصية-اليمني>

<sup>11</sup> Replies of Yemen to the list of issues and questions in relation to its combined seventh and eighth periodic reports, CEDAW/C/YEM/RQ/7-8, July 14, 2020, para. 23 (citing decision 163 of the working group on rights and freedoms, National Dialogue of 2014). See also Charles Schmitz, “Yemen National Dialogue,” Middle East Institute, 10 March 2014, <https://www.mei.edu/publications/yemens-national-dialogue>.

<sup>13</sup> Yemen – Social Institutional and Gender Index, OECD Development Centre, 2019, <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/YE.pdf>. For more information on SIGI categories, see 2019 Categories, Social Institutional and Gender Index, OECD Development Centre, 2019, <https://www.genderindex.org/2019-categories>.

	<p>maintenance, custody of children, and inheritances. The YPSL specifies that for relevant matters not covered in the law, the strongest evidence in Shariah shall govern, without specifying a particular school of jurisprudence.<sup>8</sup></p> <p>Despite the equality guarantees under the Constitution, the YPSL provides for a marital framework based on ‘reciprocal’ or ‘complementary’ rights (as opposed to ‘equal’ rights) between the two spouses, whereby in return for maintenance and protection from her husband, a wife is expected to obey the husband.<sup>9</sup></p> <p>Article 40 of the YPSL 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.</p> <p>Article 41 identifies five key rights for the wife that a husband is obligated to provide</p>				
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<sup>8</sup> Yemeni Personal Status Law (1992), as amended, Article 349, <https://www.mohamah.net/law/النصوص-و-مواد-قانون-الاحوال-الشخصية-اليمن>

<sup>9</sup> Yemeni Personal Status Law (1992), as amended, Articles 6, 40-41, 152.

	<p>appropriate housing, finance support, equal treatment in case the husband is married to more than one wife, avoiding control of the wife's own properties, and avoiding any physical or emotional harm to the wife.</p> <p>Article 152 provides that a woman loses her right to financial maintenance if she refuses to move to her husband's home, leaves the home without a valid cause, works outside the home without her husband's consent, or refuses to travel or relocate with her husband without an excuse.</p>				
<p><b>Minimum and equal legal age for marriage</b></p> <p><i>Is there a minimum age of marriage? Are there exceptions to the minimum age (e.g. min. age at 18, with exceptions to 16)? Is there an absolute minimum age without exceptions? Is there equality in the minimum age of marriage? Does the minimum age of marriage match the age of</i></p>	<p>There is no minimum age of marriage.<sup>14</sup> The YPSL permits contracting marriage of a minor, subject only to the requirement that consummation of a marriage occurs upon a girl reaching 15 years of age or having the physical ability to consummate a marriage.<sup>15</sup></p>	<p>There have been instances of reported cases where a court has invalidated a marriage contract due to the very young age of the bride or her explicit objection, such as the 2020 case of a 12-year old in Sanaa, whose mother petitioned the</p>	<p>The outcomes of the 2014 National Dialogue Conference included a decision by the working group on rights and freedoms to set the minimum marriage age at 18 and to institute</p>	<p>Yemen has one of the highest rates of child marriage in the world. A UNICEF study in 2017 found that 32% of Yemeni women aged 20–24 was married before age 18 and 9% were married before age 15.<sup>22</sup> Another 2017 report by the U.N.'s Office for Coordination of Humanitarian Affairs</p>	

<sup>14</sup> A previously-mandated minimum age of 15 was removed by a 1999 amendment to the YPSL.

<sup>15</sup> Yemeni Personal Status Law (1992), as amended, Article 15.

<sup>22</sup> Yemen Country Brief – UNICEF Regional Study on Child Marriage in the Middle East and North Africa, UNICEF and ICRW, 2017, <https://www.unicef.org/mena/media/1821/file/%20MENA-CMReport-YemenBrief.pdf.pdf>

<p><i>majority? Is there a minimum age verification process before the marriage is concluded?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(2) Paras. 36-39 GR21</p>		<p>court to annul a marriage that her father had concluded with a 30-year old prison mate.<sup>16</sup> Successful court cases are not common, however, due to social barriers, practical obstacles to a child accessing courts and having her testimony perceived as credible, and the structural breakdown of the court system following the war in many provinces.<sup>17</sup> Currently, Yemen has no central functioning authority that enforces children's rights; and courts, prosecutors and police no longer carry out their duties</p>	<p>punishments for violations.<sup>19</sup> A draft Child Rights Law that establishes a minimum legal marriage age of 18 was proposed to the Yemeni Cabinet in 2014, but has not been passed to date,<sup>20</sup> despite successive assertions by the Government of Yemen of placing importance on the implementation of national dialogue outcomes.<sup>21</sup></p>	<p>(OCHA) found that 52% of all Yemeni women and girls had gotten married before the age of 18.<sup>23</sup></p> <ul style="list-style-type: none"> <li>○ The prevalence of child marriage been significantly exacerbated under the military conflict in Yemen and its socioeconomic impact, including displacement and economic insecurity, according to recent studies.<sup>24</sup></li> </ul>
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<sup>16</sup> “War in Yemen forces more girls into child marriage,” *Deutsche Welle*, 11 May 2020, <https://www.dw.com/en/child-marriage-on-the-rise-in-yemen/a-53390598>.

<sup>17</sup> Information received from Yemeni Advocate, August 2021.

<sup>19</sup> Replies of Yemen to the list of issues and questions in relation to its combined seventh and eighth periodic reports, CEDAW/C/YEM/RQ/7-8, July 14, 2020, para. 23.

<sup>20</sup> Yemen: End Child Marriage – Enact Law Establishing Minimum Age; Punish Violators, Human Rights Watch, 27 April 2014, <https://www.hrw.org/news/2014/04/27/yemen-end-child-marriage>.

<sup>21</sup> Replies of Yemen to the list of issues and questions in relation to its combined seventh and eighth periodic reports, CEDAW/C/YEM/RQ/7-8, July 14, 2020, para. 24.

<sup>23</sup> Sarah Ferguson, “Helping Girls Escape Early Marriage in Yemen,” UNICEF USA, 26 June 2020, <https://www.unicefusa.org/stories/helping-girls-escape-early-marriage-yemen/37409>.

<sup>24</sup> See, for example, Kara Hunersen, Bothaina Attal, et. al., “Child Marriage in Yemen: A Mixed Methods Study in Ongoing Conflict and Displacement,” *Journal of Refugee Studies*, 34:4, December 2021, available at <https://academic.oup.com/jrs/article/34/4/4551/6126388>; Families Increasingly Resort to Child Marriage as Yemen's Conflict Grinds On, UNFPA, 16 December 2016, <https://www.unfpa.org/news/families-increasingly-resort-child-marriage-yemen's-conflict-grinds>.

		in most regions of the country, particularly in rural areas where child marriage is more common. <sup>18</sup>			
<p><b>Women’s consent to marriage</b></p> <p><i>Is a marriage valid without the woman’s consent? Is the practice of forcing women to marry against their will (ijbar) prohibited? Is there a standard marriage contract? If so, what are its broad provisions and is there anything particular in the contract that ought to be highlighted on the basis that it advances women’s rights or otherwise? Is it mandatory to register a marriage?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(b) Paras. 15-16 GR21 Paras. 25-26, 33-34 GR29</p>	<p>Consent of both the prospective bride and groom are required for a marriage contract to be valid. Article 10 of the YPSL prohibits forced marriage, stating that a marriage contract is invalid if either spouse is coerced into the marriage, and article 23 requires consent of a woman to her marriage.<sup>25</sup></p> <p>However, the law does not explicitly require the presence of the bride at the time of concluding the marriage contract. Article 23 of the YPSL also provides that the silence of a virgin indicates consent while the consent of a previously married woman must be expressed.<sup>26</sup></p>			<p>Registration of marriage with the appropriate court is required.<sup>27</sup> The website of the Ministry of Justice provides a standardized marriage contract and guidelines for marriage registration procedures.<sup>28</sup></p>	<p>Forced marriage in Yemen intersects overwhelmingly with child marriage, and advocates report that young girls often remain uninformed of the plans to marry them off until the time of concluding the marriage contract, as with several recently reported cases in the media.<sup>29</sup></p> <p>Many adult women experience forced marriage, despite the legal prohibition, as a result of male guardians exercising their wide authority to contract marriages under the law, at times concluding marriage contracts without informing the bride.<sup>30</sup> The UNDP has listed forced marriage as a</p>

<sup>18</sup> “War in Yemen forces more girls into child marriage,” *Deutsche Welle*, 11 May 2020, <https://www.dw.com/en/child-marriage-on-the-rise-in-yemen/a-53390598>.

<sup>25</sup> Yemeni Personal Status Law (1992), as amended, Articles 10, 23.

<sup>26</sup> Yemeni Personal Status Law (1992), as amended, Article 23.

<sup>27</sup> Yemeni Personal Status Law (1992), as amended, Article 14.

<sup>28</sup> Yemen National Information Center, Ministry of Justice Services, <https://yemen-nic.info/ministations/detail.php?ID=10098>.

<sup>29</sup> “War in Yemen forces more girls into child marriage,” *Deutsche Welle*, 11 May 2020, <https://www.dw.com/en/child-marriage-on-the-rise-in-yemen/a-53390598>; Information received from Yemeni Advocates, July 2021 and August 2021.

<sup>30</sup> Information received from Yemeni advocates, July 2021 and August 2021.

				significant concern in Yemen. <sup>31</sup>
<p><b>Women’s capacity to enter into marriage</b></p> <p><i>Is consent of a marital guardian (wali) required? If so, can a woman choose her own wali? Can a woman go before a court or other competent authority to seek permission to marry if her wali refuses to consent to her marriage? Can a woman negotiate her marital rights prior to marriage and can these rights be changed during marriage? If so, who can change these rights and under what circumstances e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(a), 16(1)(b) Paras. 15-16 GR21 Para. 34 GR29</p>	<p>A woman’s capacity to enter marriage is at all times constrained by the requirement of approval by a woman’s male guardian (<i>wali</i>).<sup>32</sup> Article 16 of the YPSL specifies the order of guardianship as follows: a woman’s father, grandfather, son, brothers, sons of brothers, uncles, sons of uncles, uncles of her father, then their sons.<sup>33</sup></p> <p>A Judge may serve as a woman’s guardian in marriage if her guardian is absent, lacks mental capacity, or has unreasonably opposed the marriage (known as <i>adl</i> cases).<sup>34</sup> However, the law requires that a woman provides evidence of the claim of her guardian’s incapacity or unreasonable objection to marriage (<i>adhl</i>).<sup>35</sup> Article 19 of the YPSL permits the guardian</p>	<p>Yemeni courts have been reportedly receiving an increasing number of <i>adhl</i> petitions, in which women seek judicial authorization for marriage. A number of these cases have succeeded, but with significant difficulty, such as a 2015 case which was rejected by the lower court due to the lack of “compatibility” of the prospective husband, but later succeeded in appeal in 2016, after the woman submitted extensive documents to prove the groom’s lineage and social reputation.<sup>37</sup></p>		<p>Guardian control over women’s marriage decisions continues to present an obstacle to many women’s ability to choose their spouse; while it is legally possible to bring an <i>adhl</i> case in front of a judge to seek authorization, this is often untenable both due to obstacles related to the court system itself (e.g. bias of judges, long court procedures, and the breakdown of court systems in many areas in Yemen), as well as severe social pressures that prohibit a woman from challenging her own father or guardian, and often punishes violently her for attempting to do so.<sup>39</sup></p>

<sup>31</sup> Yemen: In Depth, UNDP, <https://www.undp.org/yemen/depth>.

<sup>32</sup> Yemeni Personal Status Law (1992), as amended, Article 16.

<sup>33</sup> Yemeni Personal Status Law (1992), as amended, Article 16.

<sup>34</sup> Yemeni Personal Status Law (1992), as amended, Article 17.

<sup>35</sup> Yemeni Personal Status Law (1992), as amended, Article 18.

<sup>37</sup> Fairouz Al-Jaradi, “Suwar min Jinayat al-Qanun al-Yamani ‘ala al-mar’aa fi qadiyat wilayat al-zawaj,” *Al-Madaniyya*, 12 October, 2020, [https://almadaniyamag.com/ar/2020/10/12/guardianship\\_in\\_marriage/](https://almadaniyamag.com/ar/2020/10/12/guardianship_in_marriage/).

<sup>39</sup> Suhair Al-Samman, “Qanun al-wilaya fi al-Yaman sayf musallat ‘ala riqab al-nisa’a,” *Assafir*, 6 April 2021, <https://assafirarabi.com/ar/36966/2021/04/06/-قانون-الولاية-في-اليمن->; <https://assafirarabi.com/ar/36966/2021/04/06/-قانون-الولاية-في-اليمن->; <https://assafirarabi.com/ar/36966/2021/04/06/-قانون-الولاية-في-اليمن->; information received from Yemeni Advocates, August 2021.

	a period of one month to study and confirm the prospective husband's eligibility before consenting to the marriage. <sup>36</sup>	Many cases either do not progress or fail due to social pressures on the women to withdraw their cases, instances of violence or threats of violence against women (including a 2018 case where a woman was murdered in court by her brother for bringing an <i>adh</i> case), or refusal by the judges, who often accept the arguments of the guardian. <sup>38</sup>			
<p><b>Polygamous marriages</b></p> <p><i>Does the law prohibit polygamy or impose strict conditions on such practice? Is the permission of the court required for a polygamous marriage? Is the permission of an existing wife required for a polygamous marriage? Is it necessary to inform an existing wife of the polygamous marriage? Are temporary marriages such as traveler's marriages (misyar)</i></p>	<p>Article 12 of the YPSL allows a man to have up to 4 wives, provided he is able to treat them equally, and does not require the consent of current wives, but only notification to both new and current wives.<sup>40</sup></p> <p>Article 41 of the PSL provides that a man may not house two wives in the same residence without the consent of both wives and that the wives may</p>				<p>According to Yemen's 2013 Demographic and Health Survey, 6% of marriages in Yemen are polygamous, with higher percentages of polygamy reported in older age brackets; for example 11% of married women aged 45-49 reported having co-wives, as compared with 3% of women aged 20-24.</p>

<sup>36</sup> Yemeni Personal Status Law (1992), as amended, Article 19.

<sup>38</sup> Suhair Al-Samman, "Qanun al-wilaya fi al-Yaman sayf musallat 'ala riqab al-nisa'a," *Assafir*, 6 April 2021, <https://assafirarabi.com/ar/36966/2021/04/06/-القانون-الولايةفي-اليمن-السيف-مسلطه-على-رق>

<sup>40</sup> Yemeni Personal Status Law (1992), as amended, Article 12.



<p><i>recognised? Is it necessary to register a polygamous marriage? Can a woman stipulate in the marriage contract that her intended husband cannot enter into a polygamous marriage?</i></p> <p><u>Applicable CEDAW Provision</u> Para. 14 GR21 Para. 34 GR29</p>	<p>withdraw their consent to co-habitation at any time.<sup>41</sup></p> <p>A wife in a polygamous marriage may seek divorce only if it is shown that the husband is unable to provide financially, or provide a home, for each wife.<sup>42</sup></p> <p>Temporary marriages are not recognized in Yemen.<sup>43</sup></p>				44
<p><b>Divorce rights</b></p> <p><i>Is there equal right to divorce between women and men? Can the husband divorce without reason and without having to go to court? What are the main forms of divorce? Can all forms of divorce be sought only through the courts? Are the grounds for divorce the same for the husband and wife? Is unilateral divorce by repudiation (talāq) prohibited? If unilateral divorce is not prohibited, what is the procedure</i></p>	<p>The YPSL provides for three different mechanisms for divorce: unilateral repudiation (<i>talaq</i>); judicial divorce (<i>faskh</i>); and redemptive divorce (<i>khul</i>).<sup>45</sup></p> <p>A husband may unilaterally divorce his wife without reason, through verbally pronouncing the divorce declaration, whereas a woman may only obtain a divorce by resorting to court.<sup>46</sup> A husband may delegate his unilateral right to</p>	<p>While it is possible legally to obtain a divorce in court, this is often complicated by many women's inability to access courts, especially in rural and remote areas and areas where the military conflict is ongoing; moreover, women's chances of securing a divorce in courts is arbitrary and</p>		<p>Divorce must be registered with the appropriate court, and there is a required divorce form to be filed. Forms and procedures are available at the website of the Ministry of</p>	<p>In the absence of equal rights to divorce, Yemeni advocates point to severe difficulties that women face in obtaining a divorce, finding themselves often subject to court delays and attempts at extortion and pressures by their husbands, including pressures to forego their financial rights or custody of their children in exchange for their freedom.<sup>52</sup></p>

<sup>41</sup> Yemeni Personal Status Law (1992), as amended, Article 41.

<sup>42</sup> Yemeni Personal Status Law (1992), as amended, Article 53.

<sup>43</sup> Yemeni Personal Status Law (1992), as amended, Article 6; Yemen State party report, U.N. Doc. CEDAW/C/YEM /7-8 (2014), para. 16.1.1, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

<sup>44</sup> Ministry of Public Health and Population, Central Statistical Organisation, Pan Arab Program for Family Health and ICF International, "Yemen Demographic and Health Survey 2013", Table 4.2, p. 39, <http://dhsprogram.com/pubs/pdf/FR296/FR296.pdf>

<sup>45</sup> Yemeni Personal Status Law (1992), as amended, Articles 34-99.

<sup>46</sup> Yemeni Personal Status Law (1992), as amended, Articles 58-59.

<sup>52</sup> Information received from Yemeni Advocate, August 2021.

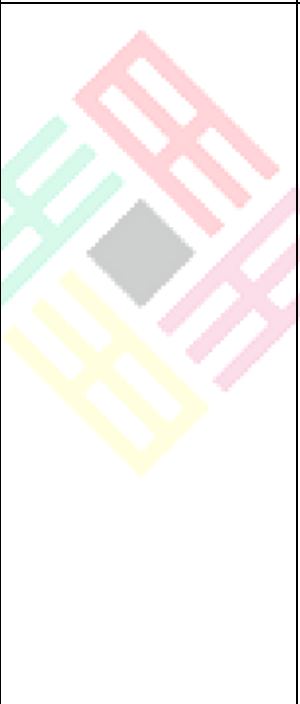
<p><i>i.e. is the presence of the spouse to be divorced required, are witnesses required, does the spouse seeking divorce need to go to court, is the divorced spouse informed of the divorce? Is the unilateral right to divorce delegated to the wife? If so, is it by law or through the marriage contract? Is it mandatory to register a divorce?</i></p> <p><u>Applicable CEDAW Provision</u> Article 16(1)(c) Paras. 17-18 GR21 Paras. 34, 39-40 GR29</p>	<p>divorce to his wife (<i>isma</i>) through a stipulation in the marriage contract,<sup>47</sup> thus permitting her to pronounce divorce upon herself.</p> <p>A wife may seek judicial divorce by petitioning a court, for certain enumerated grounds. Valid grounds for seeking judicial divorce a husband's serious disease, refusal to financially support his family, absence for more than six months, addiction to alcohol or drugs, converting to a different religion, or marrying multiples wives without treating them equally. A woman may also obtain judicial divorce for the reason of contempt of her husband, but only if the couple first undergoes a mediation process. If the mediation process fails, the wife must return the marriage dower (<i>mahr</i>) to the husband in order to obtain a divorce.<sup>48</sup></p> <p>A woman may seek redemptive</p>	<p>dependent on an individual judge's sympathy.<sup>50</sup></p>		<p>Justice.<sup>51</sup></p>	
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<sup>47</sup> Yemeni Personal Status Law (1992), as amended, Article 60.

<sup>48</sup> Yemeni Personal Status Law (1992), as amended, Articles 46-55.

<sup>50</sup> Yemen – Social Institutional and Gender Index, OECD Development Centre, 2019, <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/YE.pdf>; Information received from Yemeni Advocate, August 2021.

<sup>51</sup> Yemen National Information Center, Ministry of Justice Services, <https://yemen-nic.info/ministations/detail.php?ID=10098>.

	<p>divorce (<i>khul'</i>) by paying back the dower (<i>mahr</i>) back to the husband and forgoing all her financial rights. A <i>khul'</i> divorce requires the agreement of the husband, and there is no provision in the law to authorize a judge to rule for <i>khul'</i> without the husband's consent.<sup>49</sup></p>				
<p><b>Women's financial rights after divorce</b></p> <p><i>Is there a legal concept of matrimonial assets? Is there equal division of marital property upon dissolution of the marriage? Is the woman's role as wife and mother recognised as contribution to the acquisition of assets? What spousal maintenance are available to the wife after a divorce? Is she entitled to maintenance during the waiting period after the divorce (iddah)? Is she entitled to a consolatory gift or compensation upon divorce (mut'ah)? Who is responsible for the financial maintenance of children following a divorce? Can the couple agree to the division of assets acquired during marriage in the marriage contract? Can this</i></p>	<p>Generally, upon divorce, a woman may be entitled to financial maintenance during the waiting period after the divorce (<i>iddah</i>), generally measured at three months or three menstrual cycles.<sup>53</sup></p> <p>The YPSL does not recognize the concept of joint matrimonial assets.</p>				<p>Limited financial rights after divorce is often an obstacle that prevents women from exiting abusive or violent marriages. In addition, women are often pressured to forfeit all their financial rights in order to obtain a divorces; and the requirement that a woman pays back her dowry in exchange for a <i>khul'</i> divorce is often burdensome for women, taking into account that it is not uncommon for a woman's father or family to take possession of her dowry at the time of marriage.<sup>54</sup></p>

<sup>49</sup> Yemeni Personal Status Law (1992), as amended, Article 72-74.

<sup>53</sup> Yemeni Personal Status Law (1992), as amended, Article 151.

<sup>54</sup> Information received from Yemeni advocates, July 2021 and August 2021.

<p><i>stipulation be amended? If so, by who and on what basis e.g. mutual consent?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(c), 16(1)(h) Paras. 30-33 GR21 Paras. 34-35, 43-48 GR29</p>					
<p><b>Custody of Children</b></p> <p><i>Do parents have equal rights over the custody of their children? If no, who has priority right over the custody of the child? Is custody decided based on the best interest of the child? Do mothers automatically lose custody upon remarriage or if she is deemed disobedient or when the child reaches a designated age when custody goes to father?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>A mother has priority right over the custody of her children until they reach a certain age, which is 9 years for a son and 12 years for a daughter, unless otherwise determined by a judge based on the interests of the child.<sup>55</sup> Once a child reaches an age of independence, he or she may then choose to live with either his mother or father, or another person to whom the judge awards custody.<sup>56</sup> A divorced custodian is entitled to receiving financial support from the husband, responsible financial provider, or from the child's own wealth for the duration of the custody.<sup>57</sup></p>				<p>According to Human Rights Watch, custodian mothers are placed under onerous conditions because any misstep mistake on her part with regard to her children can result in her losing custody over her children. For instance, if a woman remarries or is deemed to not raise her children under the "appropriate standards" she can lose custody. Men do not face the similar restrictive conditions.<sup>61</sup> Yemeni advocates point to instances of husbands using the threat of depriving a mother of the custody of her children to gain financial advantages in the divorce</p>

<sup>55</sup> Yemeni Personal Status Law (1992), as amended, Article 139.

<sup>56</sup> Yemeni Personal Status Law (1992), as amended, Article 148.

<sup>57</sup> Yemeni Personal Status Law (1992), as amended, Article 146.

<sup>61</sup> Submission on Yemen to the CEDAW Committee for the 62<sup>nd</sup> Session, Human Rights Watch, 2015, pp. 2-3, [https://www.hrw.org/sites/default/files/related\\_material/2015\\_HRW%20CEDAW%20Submission\\_Yemen.pdf](https://www.hrw.org/sites/default/files/related_material/2015_HRW%20CEDAW%20Submission_Yemen.pdf)

	<p>In order to obtain custody of her children, a woman must prove to be qualified, physically and mentally able to care for a child; be Muslim; and must not undertake employment outside the house, unless she is able to provide care for her child otherwise.<sup>58</sup> A woman's immorality may not bar her from custody until a child reaches 5 years of age.<sup>59</sup></p> <p>A mother loses custody of her child if she for reasons of incompetence, insanity, serious disability or illness, or if she marries a man who is not a blood relative of her children.<sup>60</sup> A man does not lose custody if he remarries.</p>				process. <sup>62</sup>
<p><b>Guardianship of Children</b></p> <p><i>Do parents have equal rights over the guardianship of their children? If no, who has priority right over the guardianship of the child? Is guardianship decided based on the best interest of the child?</i></p>	<p>Guardianship of children is separate from custody. The Yemeni Child Law, No. 45 of 2002, specifies that a father has priority rights over the guardianship of his children.<sup>63</sup></p>				

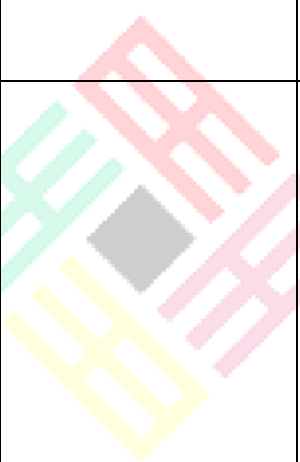
<sup>58</sup> Yemeni Personal Status Law (1992), as amended, Article 140.

<sup>59</sup> Yemeni Personal Status Law (1992), as amended, Article 141.

<sup>60</sup> Yemeni Personal Status Law (1992), as amended, Articles 141-143, [https://yemen-nic.info/db/laws\\_ye/detail.php?ID=11351](https://yemen-nic.info/db/laws_ye/detail.php?ID=11351).

<sup>62</sup> Information received from Yemeni Advocate, July 2021.

<sup>63</sup> Yemeni Child Law (2002), Article 42.

<p><u>Applicable CEDAW Provision</u> Articles 16(1)(d), 16(1)(f) Paras. 19-20 GR21</p>	<p>The Child Law further specifies that a Muslim child’s guardian must be male, Muslim, sane, capable, and known for his integrity and honesty.<sup>64</sup></p> <p>A judge may appoint an alternative guardian if the father or other close male relatives are absent or unable to undertake guardianship duties.<sup>65</sup></p>				
<p><b>Family Planning</b></p> <p><i>Do women require the consent of the husband to practise family planning, including abortions and sterilisation in law or in practice?</i></p> <p><u>Applicable CEDAW Provision</u> Articles 16(1)(e), 12 Paras. 21-23 GR21</p>	<p>Abortion is strictly prohibited and punishable by a prison, unless it is performed by a medical specialist who determines that an abortion is necessary to save a pregnant woman’s life.<sup>66</sup></p> <p>While not enumerated by law, a husband’s consent is generally required in to obtain family planning services, including contraceptives. A husband’s permission is also required before performing certain procedures, such as caesarean section to deliver a baby.<sup>67</sup> Most</p>		<p>In 2011-2015, the Ministry of Public Health issued a National Reproductive Health Strategy, which included several initiatives to improve women’s access to reproductive health and to increase awareness among women of family planning services. However, the</p>		<p>Access to reproductive health in Yemen is generally poor and has deteriorated significantly in recent years as a result of the ongoing armed conflict. Only half of Yemen’s hospitals remain functional, and only one in five of them provide maternal and child health services.<sup>70</sup> According to the United Nations Population Fund, one Yemeni woman dies every two hours during childbirth from preventable causes, and 8.1 million women and</p>

<sup>64</sup> Yemeni Child Law (2002), Article 43.

<sup>65</sup> Yemeni Child Law (2002), Articles 42-43.

<sup>66</sup> Yemeni Penal Code (1994), as amended, Articles 239-240, [https://yemen-nic.info/db/laws\\_ye/detail.php?ID=11424](https://yemen-nic.info/db/laws_ye/detail.php?ID=11424); Centre for Reproductive Rights, “The World’s Abortion Laws”, 2014, <https://www.reproductiverights.org/sites/crr.civicaactions.net/files/documents/AbortionMap2014.PDF>

<sup>67</sup> Summary record of the 833<sup>rd</sup> meeting, 41<sup>st</sup> Session, Committee on the Elimination of Discrimination against Women, 4 September 2008, CEDAW/C/SR.833

<sup>70</sup> With emergency obstetric care elusive, pregnant women in Yemen face tragic consequences, UNPF, 15 June 2022,

	recently, the Houthi regime issued two directives in 2021 further restricting access to birth control and formalizing the requirement of obtaining a husband's permission for family planning services in Houthi-controlled areas. <sup>68</sup>		outbreak of the armed conflict and its resulting human and infrastructure costs have seriously impeded the government's ability to provide reproductive health services. <sup>69</sup>		girls of childbearing age require help accessing reproductive health services, including antenatal care, safe delivery services, postnatal care, family planning and emergency obstetric and newborn care.
<p><b>Personal rights of spouses</b></p> <p><i>Does a woman need the consent of her spouse or guardian to work, choose a profession, leave the house, travel, drive, receive various health services, study, etc. on her behalf? Does a woman have the right to retain her birth name upon marriage or to choose her family name? Can a woman protect her personal rights through her marriage contract?</i></p>	<p>The YPSL restrict the personal rights of a married woman as a result of the maintenance-for-obedience legal framework provided for under the law.<sup>71</sup></p> <p>For instance, a wife is obligated to obey her husband, live with him in the same home, make herself sexually available to him, not leave the home without his consent, or travel abroad without consent unless she had stipulated otherwise in her marriage contract.<sup>72</sup></p>			<p>A woman may secure additional rights in the marriage through the inclusion of conditions in the marriage contract, provided that the husband consents to these conditions.<sup>73</sup></p>	<p>According to reports by the World Bank and civil society, Yemeni women face restrictions in their mobility and decision-making both in law and in practice.<sup>74</sup></p> <p>Yemeni advocates point to women often being unaware of their legal rights or unable to assert their rights due to structural inequalities in family relations and social</p>

<https://www.unfpa.org/news/emergency-obstetric-care-elusive-pregnant-women-yemen-face-tragic-consequences>.

<sup>68</sup> Safia Mahdi, "Yemen: Women in Houthi Area No Longer in Control of Their Own Body," *Daraj*, 3 February 2021, <https://daraj.com/en/66573/>.

<sup>69</sup> Yemen State Party Report to CEDAW, U.N. Doc. CEDAW/C/YEM /7-8 (2014), p. 23, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>; See also, Simone Wahnschafft, "The Human Development Approach to Women's Health in Yemen," 2017, <https://kenedyinstitute.georgetown.edu/showcase/wp-content/uploads/2017/04/Academic-Paper-Submission-2017.pdf>

<sup>71</sup> Yemeni Personal Status Law (1992), as amended, Articles 40, 152.

<sup>72</sup> Yemeni Personal Status Law (1992), as amended, Article 40.

<sup>73</sup> Yemeni Personal Status Law (1992), as amended, Article 7.

<sup>74</sup> World Bank, "Republic of Yemen: The Status of Yemeni Women: From Aspiration to Opportunity", 2014, p. 2, <http://documents.worldbank.org/curated/en/640151468334820965/pdf/878200REVISED00Box0385200B00PUBLIC0.pdf>; Yemen: Submission to the UN Human Rights

<p><u>Applicable CEDAW Provision</u> Article 16(1)(g) Para. 24 GR21 Para. 34 GR29</p>	<p>By custom, a woman keeps her birth family name after marriage.</p>				<p>pressure to conform to the will of their fathers or husbands. For example, while it is possible legally for Yemeni women to insert stipulations in the marriage contract to preserve her rights, the majority of women do not do so, either due to a lack of awareness of this possibility or in response to social norms that strongly discourage this practice.<sup>75</sup></p> <p>According to Yemen's 2013 Demographic and Health Survey, only 10% of married Yemeni women were employed and 54% of married women earning cash made independent decisions on how to spend their earnings.<sup>76</sup> World Bank data indicated that female labor force participation have increased from 16% in 1990 to 26% in</p>
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Committee for the 104<sup>th</sup> Session, Amnesty International, 2012, p. 6, <http://www.refworld.org/pdfid/4f48e4382.pdf>.

<sup>75</sup> Information received from Yemeni advocates, July 2021.

<sup>76</sup> Ministry of Public Health and Population, Central Statistical Organisation, Pan Arab Program for Family Health and ICF International, "Yemen Demographic and Health Survey 2013", Tables 14.1, 14.2, 14.6, 14.7, pp. 175-176, 180-182, <http://dhsprogram.com/pubs/pdf/FR296/FR296.pdf>



					2016. <sup>77</sup>
<p><b>Inheritance rights</b></p> <p><i>Are women and men in the same degree of relationship to a deceased entitled to equal shares in the estate and to equal rank in the order of succession? Are there procedures to address any inequalities in inheritance between women and men e.g. can a will be written, can beneficiaries agree to inherit equal shares of the estate or can the children agree to forgo their inheritance in favour of their mother upon the death of their father?</i></p> <p><u>Applicable CEDAW Provision</u> Paras. 34-35 GR21 Paras. 49-53 GR29</p>	<p>Generally, inheritance rights between women and men are unequal. Articles 299-347 of the YPSL details the inheritance shares among beneficiaries, and in many instances, a woman receives half the share of a man with the same degree of relationship to the deceased.<sup>78</sup></p>	<p>While the law provides for the possibility of securing inheritance through courts, researchers and lawyers point to long delays in court procedures and the imposition of high litigation fees (1.5% of the amount in dispute) as significant obstacles that prevent women from pursuing their inheritance rights in courts.<sup>79</sup></p>			<p>Pressing concerns with respect to the inheritance of women in Yemen include stolen inheritance and coercion by male relatives of a woman to forfeit her inheritance, including through the use of violence and threats of murder.<sup>80</sup> This issue was also highlighted by the Yemeni government in its 2014 State party report to the CEDAW Committee.<sup>81</sup></p> <p>In addition, some women have been reportedly subjected to forced marriages to relatives in order to preserve family assets and keep wealth, especially land and real estate properties, within the</p>

<sup>77</sup> World Bank, "Labour force participation rate, female (% of female population ages 15+) (modelled ILO estimate)", <http://data.worldbank.org/indicator/SL.TLF.CACT.FE.ZS>

<sup>78</sup> Yemeni Personal Status Law (1992), as amended, Articles 299-348.

<sup>79</sup> Khaled Abdel-Wahed, "Al-mar'aa al-Yamaniyya wa al-mirath: satwat al-thukur 'ala sultat al-Shariah wa al-qanun," *Ultra Sawt*, 22 January 2019, <https://www.ultrasawt.com/المراة-اليمنية-والميراث-سطوة-الذكور-على-سلطة-النشر-يعتو-القانون-خالد-عبدالواحد/مجتمع/عشواتيات>.

<sup>80</sup> Khaled Abdel-Wahed, "Al-mar'aa al-Yamaniyya wa al-mirath: satwat al-thukur 'ala sultat al-Shariah wa al-qanun," *Ultra Sawt*, 22 January 2019, <https://www.ultrasawt.com/المراة-اليمنية-والميراث-سطوة-الذكور-على-سلطة-النشر-يعتو-القانون-خالد-عبدالواحد/مجتمع/عشواتيات>; Saqer Abu Hasan, "Mirath al-nisa'a fi thimar: dharb wa tabarru'a wa muhawalat qatl," *Al-Ayyam*, 5 January 2022, <https://www.alayyam.info/news/8V288D18-5QS9GF-84ED>.

<sup>81</sup> Yemen State Party Report to CEDAW, U.N. Doc. CEDAW/C/YEM/7-8 (2014), p. 72, <http://www.ohchr.org/en/hrbodies/cedaw/pages/cedawindex.aspx>

					family. <sup>82</sup>
<p><b>Violence against women in the family</b></p> <p><i>Are there laws that define what constitute domestic violence such as battery, female circumcision, marital rape and other forms of sexual assault and violence that affect a woman's mental health which are perpetuated by traditional attitudes? Is there specific legislation that recognises domestic violence as a crime? Is the husband allowed to discipline his wife? Can a suspected perpetrator marry his alleged abused victim to avoid punishment? Are there support services for women who are the victims of aggression or abuses?</i></p> <p><u>Applicable CEDAW Provision</u> GRs 12 &amp; 19 Para. 40 GR21</p>	<p>Currently, there is no general legislation addressing gender-based violence.</p> <p>The Penal Code, No. 12 of 1994, contains some general prohibitions and penalties that are applicable to acts of domestic violence, including murder, kidnapping, assault and battery as well as rape and sexual assault.<sup>83</sup> Marital rape, however, is not specifically criminalized. Rather, YPSL article 40(2) requires a woman to provide sex to her husband, creating a significant legal gap for marital rape.</p> <p>The Penal Code also provides for a mitigated punishment for so-called honor killings. If a man is convicted of killing or seriously harming his wife upon finding her in a compromising position of adultery, he may</p>		<p>Yemen has developed a Women Development Strategy, Poverty Reduction and Development Plan to combat violence against women.<sup>85</sup></p> <p>In 2014, the National Dialogue Conference took decision 94 to criminalize assault on bodily integrity, including FGM,<sup>86</sup> but a law has not been enacted to date.</p>		<p>Women and girls suffer disproportionately from violence, poverty, and deprivation of basic rights, a situation that has been severely exacerbated by the current military conflict. According to UNFPA, of all reported GBV incidents in 2018, 46% were physical assault, 22% psychological abuse, 17% denial of resources, 11% child marriage, 3% sexual abuse, and 1% rape.<sup>87</sup></p> <p>According to reports by the World Bank and the OECD, GBV is often viewed as a private matter and a source of shame for women for not abiding by their proper roles at home. Consequently, women are generally reluctant to report their abuse. There have been reported instances where</p>

<sup>82</sup> Human Rights Watch, "Yemen", *Submission to the CEDAW Committee for the 62<sup>nd</sup> session*, 2015, p. 3,

[https://www.hrw.org/sites/default/files/related\\_material/2015\\_HRW%20CEDAW%20Submission\\_Yemen.pdf](https://www.hrw.org/sites/default/files/related_material/2015_HRW%20CEDAW%20Submission_Yemen.pdf).

<sup>83</sup> Yemeni Penal Code (1994), as amended, Articles 233-238, 241-245, 246-252, 269, 273-276, [https://yemen-nic.info/db/laws\\_ve/detail.php?ID=11424](https://yemen-nic.info/db/laws_ve/detail.php?ID=11424).

<sup>85</sup> Yemen: Country Assessment on Violence against Women, Inter-Agency Network on Women and Gender Equality, 2010, p. 33,

[http://www.un.org/womenwatch/ianwge/taskforces/vaw/Country\\_Assessment\\_on\\_Violence\\_against\\_Women\\_August\\_2\\_2010.pdf](http://www.un.org/womenwatch/ianwge/taskforces/vaw/Country_Assessment_on_Violence_against_Women_August_2_2010.pdf)

<sup>86</sup> Replies of Yemen to the list of issues and questions in relation to its combined seventh and eighth periodic reports, CEDAW/C/YEM/RQ/7-8, July 14, 2020, para 23.

<sup>87</sup> Being a girl in Yemen: Jehan and Hamamah's story, OCHA, 29 May 2019, <https://www.unocha.org/story/being-girl-yemen-jehan-and-hamamah's-story>.

	<p>only receive a lenient sentence of one year or a fine.<sup>84</sup></p> <p>Female genital mutilation (FGM) is not criminalized.</p>				<p>women who report domestic violence to the police are themselves incarcerated, and only released if a male relative comes to collect them.<sup>88</sup></p> <p>So-called honor crimes have been reported widely in Yemen, especially in rural and tribal areas, in the near absence of legal deterrence or punishment.<sup>89</sup></p> <p>In some areas in Yemen, FGM accepted as a cultural practice that is especially suited to curbing girls' sexual drive and preventing shame to the family from early pregnancy.<sup>90</sup></p>
<p><b>Nationality rights</b></p> <p><i>Does a wife have the right to confer her citizenship on foreign husbands and children? Can the</i></p>	<p>Nationality rights are governed by the Yemeni Nationality Law, No. 6 of 1990, which was later amended in 2010 to expand a woman's right to confer her</p>				

<sup>84</sup> Yemeni Penal Code (1994), as amended, Article 232.

<sup>88</sup> Republic of Yemen: The Status of Yemeni Women: From Aspiration to Opportunity, World Bank, 2014, p. 41, <http://documents.worldbank.org/curated/en/640151468334820965/pdf/878200REVISED00Box0385200B00PUBLIC0.pdf>; Yemen – Social Institutional and Gender Index, OECD Development Centre, 2019, <https://www.genderindex.org/wp-content/uploads/files/datasheets/2019/YE.pdf>; Yemen: Submission to the CEDAW Committee for the 62<sup>nd</sup> session, Human Rights Watch, , 2015, pp. 7-8, [https://www.hrw.org/sites/default/files/related\\_material/2015\\_HRW%20CEDAW%20Submission\\_Yemen.pdf](https://www.hrw.org/sites/default/files/related_material/2015_HRW%20CEDAW%20Submission_Yemen.pdf)

<sup>89</sup> See, for example, Abeer Mohsen, "Honour Killings in Yemen: Tribal Tradition and the Law," *Daraj*, 19 December 2019, <https://daraj.com/en/36602/>; Rim Mugahed, "Living half a life: What are Yemeni women facing in addition to the war?" *Assafir*, 25 December 2021, <https://assafirarabi.com/en/42505/2021/12/25/living-half-a-life-what-are-yemeni-women-facing-in-addition-to-the-war/>.

<sup>90</sup> Information received from Yemeni advocate, August 2021.

<p><i>nationality of an adult woman be arbitrarily removed because of marriage or dissolution of marriage or because her husband or father changes his nationality?</i></p> <p><u>Applicable CEDAW Provision</u> Article 9 Para. 6 GR21</p>	<p>nationality upon her children from a foreign husband.</p> <p>Article 3 of the Nationality Law provides that Yemeni nationality shall be conferred upon anyone born to either a Yemeni father or mother.</p> <p>The amendment, however, has limited retroactive applicability, as the law also states that children born to a Yemeni mother and foreign father prior to the enactment of the 2010 amendment must apply for Yemeni nationality within 3 years and may receive the Yemeni nationality only upon a decision of the Minister of Interior.<sup>91</sup> Moreover, persons who received the Yemeni nationality pursuant to this process, in turn, may only pass their nationality to their minor children.<sup>92</sup></p> <p>The Law also provides that any Yemeni woman wishing to marry a foreigner must apply for approval of the Minister of Interior prior to the marriage.<sup>93</sup></p>				
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<sup>91</sup> Yemeni Nationality Law (1990), as amended, Article 3, <http://www.ypwatch.org/page.php?id=1131>.

<sup>92</sup> Yemeni Nationality Law (1990), as amended, Article 3.

<sup>93</sup> Yemeni Nationality Law (1990), as amended, Article 10.

	<p>There are no comparable restrictions for Yemeni men who wish to marry foreign women.</p> <p>Article 11 of the Nationality Law provides that a Yemeni man may apply to confer his nationality on his foreign wife after the passing of 4 years from the date of marriage.<sup>94</sup> There are no comparable provisions allowing a Yemeni woman to confer her nationality to on her foreign husband.</p> <p>A Yemeni woman does not lose her citizenship upon marrying a Muslim foreigner, unless she indicates a desire to surrender her Yemeni nationality.<sup>95</sup></p>				
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<sup>94</sup> Yemeni Nationality Law (1990), as amended, Article 11.

<sup>95</sup> Yemeni Nationality Law (1990), as amended, Article 10.

**ACCESS TO JUSTICE (please include sources to information as much as possible)**

SYSTEM	PROCEDURES	CHALLENGES FOR WOMEN	GOOD PRACTICES IN COURT SYSTEM
<p>How are Muslim family law (i.e. marriage and family related) cases administered in your country? (E.g. Do you have a Quazi/Kadhi court system, family courts or civil courts?)</p> <p>How many courthouses/court rooms around the country administer Muslim family law cases?</p> <p>If civil or Kadhi courts - what cases are handled by what courts?</p> <p>How many Muslim family law-related judges are there? Are there women working within the court system as judges/marriage registrars e.t.c?</p> <p>Do lawyers represent clients?</p> <p>The Judicial Authority Law of 1991 organizes the courts in Yemen into courts of first instance, courts of appeal, and a High Court. Personal</p>	<p>Are the procedures pertaining to family matters (e.g. divorce, maintenance etc) defined in family law and/or are there guidelines/policies available for judges/Kadhis?</p> <p>In general practice, do judges/Kadhis follow procedures?</p> <p>How much judicial discretion do judges/Kadhis have over marriage and family matters?</p> <p>Are there appeal processes?</p> <p>Procedures related to the adjudication of personal status matters are governed by the Civil Procedures Law, No. 40 of 2002.<sup>98</sup></p> <p>Judgments of the courts of first instance in personal status manner are appealed to the civil</p>	<p>What are some key challenges that Muslim women face in accessing justice on family law matters? (E.g. lack of accessibility, costly and bad procedures, delayed processes, gender insensitive judges, etc?)</p> <p>The ongoing war and political conflict in Yemen have led to the disintegration of government control over different Yemeni regions, with many areas falling under the control of armed militias, such as the Houthis, or warring tribal or armed factions. The military conflict in Yemen has led to a deterioration in the access to and quality of judicial remedies, with courts getting frequently shut down in many provinces.<sup>100</sup> In Houthi-controlled areas, Houthi militias have established a separate judiciary system that applies significantly more restrictive Shariah interpretations that limit the rights of women.<sup>101</sup></p> <p>Even where women can access the judicial system despite restricted</p>	<p>Are there any good practices, procedures, or policies that you would like to share pertaining to how courts in your country deal with family law cases? (E.g. prioritizing certain types of cases, timely delivery of decisions, clear procedure, etc.)</p>

<sup>98</sup> Yemeni Civil Procedures Law (2002), [https://yemen-nic.info/db/laws\\_ye/detail.php?ID=11784](https://yemen-nic.info/db/laws_ye/detail.php?ID=11784).

<sup>100</sup> Interview with Yemeni advocate, July 2021.

<sup>101</sup> Interview with Yemeni advocate, July 2021. See also, Mohammed Alshuwaiter, "The Impact of the War on Yemen's Justice System," ILAC Report, November 2021, <https://static1.squarespace.com/static/5900b58e1b631bffa367167e/t/61dee94b6073db3fb6061779/1641998668657/The-Impact-of-the-War-on-Yemens-Justice-System.pdf>.

<p>status matters are adjudicated by the civil courts of first instance and courts of appeal, with the Personal Status Chambers of the High Court serving as the highest appeals courts in personal status matters.<sup>96</sup></p> <p>Women may serve as judges in Yemen, and there is an estimated 150 female judges currently serving in different courts across Yemen.<sup>97</sup></p> <p>Parties to all types of court cases may be represented by a lawyer.</p>	<p>courts of appeal, and then to the High Court as the highest court of appeal in personal status cases.<sup>99</sup></p> <p>It is difficult to determine the extent to which judges currently follow procedures, given the general breakdown of order in the judicial system in many geographic areas as a result of the war in Yemen.</p>	<p>movement, they face logistical obstacles, and cases can take years to be resolved.<sup>102</sup></p> <p>The cost of going to court can also be prohibitive despite any legal aid programs the government supports.<sup>103</sup> In Houthi-controlled areas, the judge can order a pro-bono lawyer, but this is not always implemented.<sup>104</sup> Finally, outcomes so rarely work in the women's favor that the risk of losing makes the investment of time and money unreasonable.</p>	
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<sup>96</sup> Yemeni Judicial Authority Law (1991), as amended, [https://yemen-nic.info/db/laws\\_ye/detail.php?ID=11295](https://yemen-nic.info/db/laws_ye/detail.php?ID=11295).

<sup>97</sup> Mohammed Abduh, "Yemeni Female Judges' Forum: A Journey of Passage and Confrontation (Arabic)," *Dakkh*, <https://dakh.net/?p=580>; See also Mohammed Alshuwaiter, "The Impact of the War on Yemen's Justice System," ILAC Report, November 2021, <https://static1.squarespace.com/static/5900b58e1b631bffa367167e/t/61dee94b6073db3fb6061779/1641998668657/The-Impact-of-the-War-on-Yemens-Justice-System.pdf>.

<sup>99</sup> Yemeni Judicial Authority Law (1991), as amended, [https://yemen-nic.info/db/laws\\_ye/detail.php?ID=11295](https://yemen-nic.info/db/laws_ye/detail.php?ID=11295).

<sup>102</sup> Replies of Yemen to the list of issues and questions in relation to its combined seventh and eighth periodic reports, CEDAW/C/YEM/RQ/7-8, 14 July 2020, para. 28; Interview with Yemeni advocate, July 2021;

<sup>103</sup> Replies of Yemen to the list of issues and questions in relation to its combined seventh and eighth periodic reports, CEDAW/C/YEM/RQ/7-8, 14 July 2020, para. 28.

<sup>104</sup> Interview with Yemeni advocate, July 2021.