

GENDER ANALYSIS ON LEGISLATIVE SYSTEM IN YEMEN



Demographic Data on Yemen

- ❑ Population: (21 million)
 - ❑ 51% Males
 - ❑ 49% Females
 - ❑ 75% live in rural areas
- ❑ Education:
 - ❑ Girls Enrollment in Basic Education: 46%
 - ❑ Boys Enrollment : 53%
 - ❑ Girls at Secondary Level:34%
 - ❑ Girls at University Level: 28%
 - ❑ Illiteracy Rate: F:62% M:29%
- ❑ Health:
 - ❑ Maternal Mortality : 365 per 100,000 live births
 - ❑ Users of Contraceptives: 19%

Legislature in Yemen

- It is based on Islamic Sharia
- The laws are reviewed based on International Conventions
- A number of committees were formed to review the laws by relevant authorities
- The Women National Committee – the national machinery for women's development has completed 3 phases on such revisions

Gender Analysis on Legislature

Phase I

- The first phase of revision was supported by the World Bank. A legal team of 8 persons was formulated, including 4 females
- 27 Laws were reviewed and 15 articles were proposed for amendments
- The work of this revision and approval was during 2001-2003
- The Cabinet approved 10 amendments
- The Parliament approved 5 articles in 5 laws
- Personal Status Law
- Prisons Law
- Labor Law
- Civil Status and Registration Law
- Nationality Law

Gender Analysis on Legislature

Phase II

- UNFPA supported formulation of another team 8 members including 4 females
- They reviewed 57 laws during the period 2005-2007
- The Cabinet approved 10 laws (32 articles)
- The Parliament approved 5 Laws:
 - Labor Law
 - Social Insurance Law
 - Insurance % Pensions Law
 - Diplomatic Corp Law
 - Civil Law
- Nationality Law pertaining to providing the children of mothers the nationality, as for fathers

Gender Analysis on Legislature

Phase III

- UNFPA continued to support changing discriminatory Laws and the Women National Committee formulated a team of 5 members including 2 females
- The duration of their work started in 2008 .
- They reviewed 72 laws
- 32 laws had discriminatory articles including the previous articles
- They recommended 60 articles
- The Logical Frame was forwarded to the Ministry of Legal Affairs
- In August 2008 the recommended articles for amendments were submitted to the Cabinet

Law No. (26) of 1991 on Social Insurance (private sector employees)

- Amendment to the identification of retirement age in article (2) to read:
- "retirement age: is the age at which the insured shall be entitled to compulsory retirement, when he/she reaches the age of 60 years, and optional retirement if she reaches the age of 55 years".
- Amendment to clause (1) of article (51) to read as follows:
- Article (51, 1): the insured to reach the age of 60 years, provided that his/her subscription to the insurance shall not be less than 180 monthly subscriptions i.e. fifteen years.

Law No. (14) of 2002 on the Civil Law

Article (61)

- "the consciousness of competent male of female youth shall be tested by their parent or custodian by allowing by them to run part of their property according to the variable conditions and circumstances, and when that is not possible, shall be tested by the skill they master and comply with their nature".

Law No. (5) of 1995 on Labor

Article (45)

- the pregnant working woman shall have the right of fully paid maternity leave of seventy days;
- the working woman shall not be subjected to any form of labor while in maternity leave;
- the working women shall be entitled to additional twenty days to the maternity leave mentioned in clause (1), in either of the following cases:
 - if she faces difficult labor (delivery) proved by medical report;
 - if she has twin deliveries.
- the working woman shall never be dismissed while enjoying her maternity leave.

Regional-level Efforts on Legal Amendments

- The Arab Women Organization (AWO) based in Cairo, which was established in 2005
- One of their priorities was legal amendments, a legal team was formulated that comprises of a representative from each country member
- They reviewed all the laws, especially focusing on personal status law
- They recommended a unified vision on personal status law for the Arab countries

Women Unit in the Arab League

- This unit was established more than 10 years ago in Cairo
- One of their priorities was to monitor legal amendments and compiled a booklet on all these amendments which also focused on personal status law
- In general, the Maghreb region has been more advanced in terms of personal status law and women's rights

Conclusion

- There are discrepancies in interpretation of the Sharia doctrine which leads to disparities in law development
- There is more focus on Sharia pertaining to women's rights in comparison to all other rights
- Different religious beliefs can also lead to disparities in law development