



Committee on the Rights of the Child (CRC)
Human Rights Treaties Division (HRTD)
Office of the United Nations High Commissioner for Human Rights (OHCHR)
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Re: Yemen – 65th session of the Committee 65th (13-31 January 2014)

5 December 2013

Distinguished Committee Members,

We respectfully submit this letter in advance of the Committee on the Rights of the Child's (the Committee's) discussion of Yemen at its 65th session from 13-31 January 2014. Equality Now and the Arab Human Rights Foundation, non-governmental human rights organizations working to uphold the rights of women and girls, are writing to express our ongoing concern about the discrimination and inequality faced by Yemeni women and girls. This letter will focus on continued violations against girls and women in Yemen, in particular the still legal practice of child or early marriage.

Arab Human Rights Foundation is a non-governmental organization with a branch in Yemen that works on women, youth, people with disabilities and children's rights. Equality Now is an international human rights organization with ECOSOC status working to protect and promote the rights of women and girls worldwide since 1992, including through our membership network comprised of individuals and organizations in over 160 countries.

Child marriage violates the principles of non-discrimination (Article 2) and rights to basic health and welfare of the girl-child (Article 24) under the Convention on the Rights of Child. The CRC requires States to take all measures to abolish such traditional practices (Article 24(3)) and to protect the child from all forms of sexual exploitation and sexual abuse (Article 34). In particular, in its General Recommendation No. 4 on adolescent health and development, the Committee has found child marriage to be a harmful traditional practice that negatively affects girls' sexual and reproductive health and strongly recommends that all States Parties have minimum age of marriage legislation setting the age at 18.¹ In addition, the forthcoming joint General Recommendation/Comment on harmful practices by the Committee on the Elimination of Discrimination against Women (CEDAW)

¹ See Committee on the Rights of the Child, "General comment No. 4 (2003), Adolescent health and development in the context of the Convention on the Rights of the Child," CRC/GC/2003/4, ¶ 20.

and this Committee will also address the issue of child marriage.²

We are encouraged to see that the Committee has raised the issue of child marriage with the Yemeni Government in its State Party's List of Issues and requested information on measures taken to adopt a minimum age of marriage in conformity with international standards. (CRC/C/YEM/Q/4).

Yemen's fourth periodic report of States Parties due in 2008, to the Committee stated that national laws relating to child rights were being reviewed and amendments were being drafted which would include raising the age of marriage. (CRC/C/YEM/4, ¶52). To date no such law has been passed. In 2009, the Yemeni parliament considered a draft bill submitted by two government ministries and backed by 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 passage of the bill was effectively blocked by the parliament's Shariah (Islamic law) Committee in October 2010.

Over the last several years, we have been informed of a number of cases of young Yemeni girls who have undergone or been at risk of child marriage, which has left them subject to many harmful consequences, and would like to draw the Committee's attention to these cases.

- 11-year-old Wafa was married in 2010 to a 40-year-old farmer who repeatedly raped and tortured her. Equality Now and a local partner were successful in arranging for a lawyer to take up her case and helped her to obtain a divorce.
- 11-year-old Safiyeh was married in 2010 to an older man and was hospitalized with injuries to her genitals caused during sexual intercourse. Due to the intervention of a local organization she was granted a divorce.
- 13-year-old Ilham was married in 2010 to an older man. She died three days after marriage due to excessive bleeding caused by a tear to her genitals during sexual intercourse.
- 10-year-old Sally Al-Sabahi was married in 2010 and beaten and raped repeatedly by her husband. She was subsequently granted a divorce.
- 11-year-old Sarah was found in 2010 to have been imprisoned and chained by her father in an effort to force her into marriage.
- 12-year-old Salwa committed suicide in 2010 by throwing herself from the roof of her house after being forced into marriage by her father.
- 13-year-old Hind was married off in 2009 by her father and uncles to a 70-year-old man and tried running away from her abuser but was caught by an uncle who kept her chained in the house for months. She was finally freed in March 2010.
- 11-year-old Fawziya Abdullah Youssef was married off by her father in 2009 to a 25-year-old farmer. The following year she died in childbirth after three days of painful labor resulting in a stillbirth.
- 11-year-old Reem was married off by her father in 2008 to her 31-year-old cousin. She ran away from her abusive husband a week after marriage and was subsequently granted a divorce.
- 8-year-old Nujood Ali was married off by her parents in 2008 to an abusive husband. After her parents told her that they could not help her escape as she was now her husband's property, she took a cab and went to court by herself and obtained a divorce.

Equality Now, together with local civil society organizations around the world and in Yemen, including the Yemeni Women Union and the Arab Human Rights Foundation, has been working to end child marriage. Despite the media attention received by some of the highlighted cases, in particular

² See Equality Now and other NGO submission for a forthcoming joint CEDAW/CRC recommendation on harmful practices, available at <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/JointCEDAWandCRGRecommendation.aspx>.

those of Nujood and Reem, the Yemeni government has not passed a law setting a minimum age of marriage. Equality Now recently issued Women's Action 34.4 (September 2013) once again calling on the Government of Yemen to prevent child marriages by enacting and enforcing a law establishing a minimum age of marriage.

Equality Now, the Yemeni Women Union and the Arab Human Rights Foundation submitted a letter on child marriage in Yemen for review by the UN Human Rights Committee at its 104th session in March 2012 based on our previous Actions Women's Action 34.1 (November 2009), Action Update 34.2 (April 2010) and Action Update 34.3 (May 2012) calling on the Government of Yemen to prevent child marriages by enacting and enforcing a law establishing a minimum age of marriage. The Human Rights Committee in its examination of Yemen's compliance with the International Covenant on Civil and Political Rights (ICCPR) in 2012 expressed its concern that "a minimum age for marriage has still not been set and encounters great resistance in the Parliament" and called on Yemen to "set a minimum age for marriage that complies with international standards." (CCPR/C/YEM/CO/5 ¶10). The Committee on Economic, Social and Cultural Rights in its examination of Yemen's State Party report in 2011 similarly called for adoption and implementation of a law setting the minimum age of marriage at 18 years. (E/C.12/YEM/CO/2, ¶19). We hope your Committee will join the other treaty monitoring bodies in emphasizing the urgent need for the Yemeni government enacting and enforcing a law establishing a minimum age of marriage.

In a promising development, Yemeni Human Rights Minister Ms. Hooria Mashhour has requested the reintroduction of the 2009 parliamentary bill that would effectively ban child marriages in the country. We believe too that government officers have been intervening to stop individual cases of child marriage. We welcome these efforts, but a law needs to be put in place to protect all girls from child marriage, to send a signal that child marriage is unacceptable and to give girls made to marry appropriate recourse. We hope your Committee will urge the Yemeni Government to pass such legislation without delay.

We appreciate your assistance to ensure that all girls in Yemen are given the opportunity to lead healthy, happy and safe lives and become full and productive members of society.

Suggested Questions to the State Party

We would respectfully urge the Committee to raise with the Yemeni government during its review the following questions with regard to issues raised in this letter:

- 1) What are the government's plans to reintroduce and promote the adoption and enactment of the draft 2009 bill setting a minimum age of marriage for girls in compliance with its international obligations? If adopted, what are the government's plans to effectively enforce the law?
- 2) What measures has the government explored to safeguard the rights of child brides who have ended or escaped their marriages, including access to effective remedies, education and security?
- 3) What measures has the government taken to protect and promote the rights under the Convention, of child brides who remain in marriages?

Proposed Recommendations

We also urge the Committee to consider the following recommendations to the Yemeni government:

- 1) Ensure that a bill banning child marriage without exceptions is introduced and passed by parliament as soon as possible and ensure effective enforcement of this law once passed.
- 2) Take measures to protect and promote the rights of girls who have ended or escaped child marriages, including by providing them with access to effective remedies, safe accommodation, education and counseling.
- 3) Take measures to protect and promote the rights, such as right to education and freedom from sexual abuse and exploitation, of girls who remain in marriages.
- 4) Take measures to raise awareness and educate the public about the negative effects of child marriage including by acknowledging it as a violation of the human rights of girls and women.

Thank you very much for your kind attention, and please do not hesitate to contact us if we can provide further information.

Sincerely,



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