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Child Marriage in Yemen

Fourteen-year-old Reem, from Sanaa, was 11 years old when her father married her to her cousin, a man almost 21 years her senior. One day, Reem's father dressed her in a *niqab* (the Islamic veil that covers the face, exposing only the eyes), and took her by car to Radda, 150 kilometers southeast of Sanaa, to meet her soon-to-be husband. Against Reem's will, a quick religious marriage ensued. Three days after she was married, her husband raped her. Reem attempted suicide by cutting her wrists with a razor. Her husband took her back to her father in Sanaa, and Reem then ran away to her mother (her parents are divorced). Reem's mother escorted her to court in an attempt to get a divorce. The judge told her, We don't divorce little girls. Reem replied, But how come you allow little girls to get married?

The political turmoil that has swept Yemen since early 2011 has overshadowed the plight of child brides such as Reem, as thousands of protesters took to the streets to demand the end of President Ali Abdullah Saleh's 33-year rule, and security forces responded with excessive and deadly force. But, while the focus of attention both inside and outside of Yemen is understandably the political future of the country, following President Saleh's agreement in November to cede power before elections in February, child marriages and other discrimination against women and girls in Yemen continue unabated. And while the president's resignation topped the list of most protestors' demand, many young demonstrators especially are calling for a wide range of reforms, including measures to guarantee equality between women and men, and an end to child marriage.

The world took notice of these gender-related abuses when Tawakkol Karman, a Yemeni woman activist, was in October named a co-recipient of the 2011 Nobel Peace Prize. Karman has spearheaded the anti-Saleh protests, and she also is a women's rights activist and a vocal proponent of setting a minimum age for child marriage. Honoring Karman serves as a reminder that respect for women's rights must not be ignored, including the rights of girls and women to be free from child and forced marriages and other forms of discrimination.

Yemen, the poorest country in the Middle East, is beset by high unemployment, widespread corruption and rampant human rights abuses. These abuses include child marriages, which are widespread. According to a nationally representative survey conducted by the Yemeni government and the United Nations Children's Fund (UNICEF) in 2006, 14 percent of girls in Yemen are married before reaching age 15, and 52 percent are married before 18. A 2005 study by Sanaa University noted that, in some rural areas, girls as young as eight are married.

In 1999 Yemen's parliament, citing religious grounds, abolished article 15 of Yemen's Personal Status Law, which set the minimum age for marriage for boys and girls at 15. Yemen currently has no minimum age for marriage. Boys or girls can be married at any age, but in practice it is girls who are most often married young, often to much older men. The only protection offered under article 15 of the Personal Status Law is the prohibition on sexual intercourse until girls reach puberty. However, as in the case of Reem and others documented by Human Rights Watch, this prohibition in fact does not guarantee protection. Sometimes girls may be forced into sex and subjected to marital rape before puberty.

The consequences of child marriage can be devastating and long lasting. Research on child marriage conducted by experts and organizations show that most girls who marry young are removed from school, cutting short the education and skills needed to provide for themselves and their families. Many become pregnant and have children soon after marriage. As girls with little education and power in their marriage, they have little chance of controlling how many children they have, or when they have them. This increases their risk of reproductive health problems. They are often confined to the home and not permitted to work outside. Their low social status makes them more vulnerable to abuse.

Reproductive health studies show that young women face greater risks in pregnancy than older women, including life-threatening obstructed labor due to adolescents' smaller pelvises. Yemen has one of the highest rates of maternal mortality in the region. The shortage of prenatal and postnatal healthcare services, especially in Yemen's rural areas, places girls and women's lives at risk. An overwhelming majority of Yemeni women still deliver at home, often without the assistance of a skilled birth attendant who could handle childbirth emergencies. Girls who marry young often have insufficient information on family planning or none at all. As young wives they find it difficult to assert themselves against older husbands to negotiate family planning.

Child marriage can also expose young girls and women to gender-based violence, including domestic abuse and sexual violence. A 2002 official survey on domestic violence in Yemen showed that 17.3 percent of respondents had experienced sexual violence, 54 percent suffered physical abuse, and 50 percent verbal threats. Domestic abuse, physical and emotional assault within the home often isolates girls from their family and friends, preventing them from developing a support network to help them address the abuse. In 2005 the World Health Organization (WHO) conducted a multi-country study on domestic violence in different regions of the world that showed that women between 15 and 19 years old who

are married run a greater risk of being exposed to sexual violence, including forced sex or marital rape.

A government study in collaboration with UNICEF on access to education for Yemeni girls shows that opportunities for education are restricted for many reasons. Many parents force girls to leave school when they reach puberty, or even earlier in rural areas where 80 percent of Yemens population lives, to help with household and farm chores and because of a lack of female teachers and separate school infrastructure for girls. But parents also take girls out of school early to prepare them for marriage. Once married, very few girls continue or complete their education. Girls without a formal education have fewer opportunities to work and financially provide for themselves and their families.

Yemen is unlikely to meet a number of its Millennium Development Goals, a set of objectives agreed to by most United Nations (UN) member states to alleviate poverty and promote development by 2015. The United Nations Development Program (UNDP) cites child marriage as a factor that contributes to Yemens lack of progress in meeting at least two goals: gender equality and reduced maternal mortality.

Yemen is party to a number of international treaties and conventions that explicitly prohibit child marriage and commit states parties to take measures to eliminate the practice. These include the Convention on the Rights of Child, the Convention on the Elimination of all Forms of Discrimination against Women, the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

Many officials in Yemens parliament agree that a ban on child marriage is fundamental to safeguarding the rights of young girls. However, a small but powerful group of conservative parliamentarians oppose setting a minimum age for marriage, arguing that doing so would lead to the spreading of immorality, undermine family values, and would be contrary to Sharia, Islamic law. In 2009 a majority of parliamentarians voted to set the minimum age for marriage at 17. However, the conservative opposition used a parliamentary procedure to stall the draft law indefinitely. The political crisis in Yemen has paralyzed parliamentary action on this and many other legislative reforms. However, the next government should not use the crisis as an excuse to further delay protecting girls from the institutionalised abuse of legal child marriages.

Human Rights Watch calls on the Yemeni government to support womens and girls rights to non-discrimination to end child marriage. The government should adopt and enforce a law setting a minimum age for marriage. It should work to change the cultural acceptance of child marriage, and promote education for girls and women. It should also take measures to prevent and redress domestic and sexual violence, and ensure that women and girls have access to adequate reproductive health services. International stakeholders should boost girls and womens access to education, to reproductive health information and services, and to protection from domestic violence.

This report is based on field research conducted in Yemens capital, Sanaa, between August and September 2010, as well as telephone interviews throughout 2011. In all, the researcher conducted 54 interviews. Thirty-one interviews were with girls and women who were married as children, under the age of eighteen. Out of concern for the womens and girls privacy and security, Human Rights Watch interviewed them only at the offices of local nongovernmental organizations and a healthcare clinic exclusively for women. The other interviews were with a health practitioner, a school principal, members of nongovernmental organizations, and staff members at the Ministry of Health and the Ministry of Education. Human Rights Watch has conducted a thorough review of literature on child marriage in Yemen and other countries that show similar negative consequences on the lives of girls and women.

Due to security concerns relating to political instability in some regions of Yemen during the time of our research, our research was limited to the capital; however some of the women we interviewed were from Amran, Hudaida, and Hadhramawt governorates. Yemen has 21 governorates, and the majority of its population lives in rural areas. All interviews with girls and women were conducted in Arabic.

We have changed the names and withheld other key identifying details of girls and women in order to protect their identities, with the exception of one girl, Reem Al-Numeri. Reems marriage, which finally ended in divorce in 2010, has been frequently featured in international media.

All participants consented to being interviewed after Human Rights Watch informed them of the purpose of the interview and the way in which their stories would be used and reported. Participants were informed that they could stop the interview at any time or decline to answer specific questions. Consent to interview girls under age 18 was granted by a parent, almost always the mother. In some of these interviews, the mother, a female family member, or a social worker was present during the interview. Those who travelled to meet with us were compensated for their travel expenses, but not for providing us with information.

Yemen is a country of more than 23 million people on the Arabian Peninsula. The World Bank estimated Yemens annual per capita gross domestic product at US\$1,060 in 2009.^[1] In 2011, Yemen ranked 154th out of 187 countries on the Human Development Index of the United Nations Development Program.^[2] More than three quarters of Yemens population live in rural areas.

The majority of Yemenis are Sunni Muslims, living mostly in southern and central Yemen, but Zaidis (a branch of Shia Islam) make up a large minority living mostly in the north. Islam is the state religion.^[3] There are also small communities of Yemeni Bahais, Christians, and Jews.^[4]

Politically and socially conservative North Yemen and Marxist South Yemen were divided prior to 1990, at which point they formally unified. President Ali Abdullah Saleh came to power in North Yemen in 1978, and continued as president of the Republic of Yemen after unification.^[5] Saleh is one of the worlds longest-ruling leaders. A civil war that broke out between forces of the former north and south from May to July 1994 ended with the victory of the north. Despite the turmoil, the development of democratic institutions, civil society, and the rule of law continued in the 1990s.^[6]

Yemen adopted a new constitution following unification. The 1991 constitution recognized that citizens are equal in public rights and duties, and prohibited discrimination between them based on sex, color, ethnic origin, language, occupation, social status, or religion.^[7]

Further changes were made to the constitution after the 1994 war. Sharia became the source of all legislation, not just a main source as before.^[8] While article 40 of Yemens Constitution still provides for equal rights between men and women, article 31 undermines this premise. Article 31 reads:

Since 2007, southern separatists have conducted sit-ins, marches, and demonstrations to protest against their treatment at the hands of the northern-dominated central government.^[10] The separatist movement continues to protest the lack of employment opportunities, corruption, and inequitable shares of oil revenues for southern provinces. It has demanded secession and the restoration of an independent southern Yemeni state.^[11]

In the north, a truce in February 2010 ended most of the armed conflict that had raged in the governorate of Sada, along Saudi Arabias border, since 2004. A group known as the Huthis, named after the leader of the initial rebellion, Husain al-Huthi, has fought Yemeni government forces and pro-government tribal fighters.^[12] Occasional skirmishes have continued.^[13]

In January 2011, inspired by pro-democracy demonstrations in Tunisia, Egypt, and other countries in the region, Yemenis began protests

demanding President Salehs resignation after 33 years in power. Starting in February, state security forces and armed plainclothes assailants, often acting in concert, responded to the largely peaceful protests with excessive and deadly force, killing at least 250 demonstrators and bystanders, and wounding thousands.

Women played an important role in anti-Saleh protests, despite beatings, harassment, and, in some cases, the condemnation of relatives. President Saleh in April 2011 admonished women demonstrators, saying divine law does not allow public intermingling of the sexes.^[14] Women responded with further protests. In October 2011, Tawakkol Karman, a prominent woman journalist and human rights activist who has played a pivotal role in the protests, won the Nobel Peace Prize along with two women leaders from Liberia. In recent years, Karman has defied conservatives in her political party Islah, or the Islamists Congregation for Reform, by calling for a minimum age for child marriage.

In November 2011 Saleh signed a Gulf Cooperation Council (GCC) brokered agreement to cede power to vice president Abdo Rabu Mansour Hadi in exchange for immunity from prosecution. Under the accord, Saleh was to relinquish all power before early elections, scheduled for February 2012.

Yemen is a largely traditional clan-based society where patriarchal attitudes still prevail. Conservative social attitudes toward women and girls are reflected in legal discrimination.

The provisions in Yemens Personal Status Law on marriage and divorce create particular hardships for women and girls. According to article 12, a man may marry up to four women provided that he is able to treat and financially provide for his wives equally, that the wife has knowledge of other marriages, and that the husband notifies his wife or wives that he will take another wife.^[17] A man may divorce his wife by pronouncing his repudiation three times.^[18] A woman may ask for separation from her husband on certain conditions, for example if the husband fails to provide financially for his family even though he is capable of doing so; if he abandons his wife for more than one year with no compensation, or for more than two years with compensation; if he is imprisoned for more than three years; or if he marries more than one woman and is unable to provide financially for his wives.^[19] The wife must provide proof of these allegations before being granted a divorce. A wife who wishes to divorce her husband for other reasons may file for *khula*, or no-fault divorce, under which she is required to pay back her dowry and forego claims to maintenance.^[20] Given womens economic dependence on their husbands, this requirement makes it difficult for women to seek and obtain a divorce.^[21]

Women in South Yemen won the right to vote and stand for election in 1970, while women in North Yemen only won this right in 1983.^[22] In 2006, 42 percent of registered voters were women, but only a small number ran for or held office.^[23] Since unification, women have held no more than two out of the 301 seats in Yemens House of Representatives, or parliament. Only two women have been appointed to Yemens Consultative Council, the upper house of parliament, since its establishment in 2001.^[24] Womens representation in local councils was 0.5 percent in 2006.^[25]

Women aged 15 to 64 make up only 20 percent of the workforce, according to 2009 World Bank figures.^[26] According to a 2005/2006 Yemeni government survey, the most recent data available, 35.6 percent of women work in the agricultural sector, and women make up 15.5 percent of workers in the education sector.^[27] However, more than 70 per cent of womens work in agriculture is conducted as unpaid family labor.^[28] The agricultural sector accounts for 14-19 percent of the gross domestic product.^[29] A 2003 Yemeni family health survey showed that one-third of the women surveyed about entering the labor force made a joint decision with their husbands to work, 16 percent said it was their own decision, and 44 percent said it was their husbands decision.^[30]

A survey conducted in 2000 by the Social Development Fund and the World Bank on small and medium enterprises in Yemen showed that only 3 percent of such businesses were owned by women.^[31] Out of 5,238 households surveyed, 31 percent of women worked in beauty care; 30percent in the education field; 10 percent in the textile industry, and 7percent in healthcare.^[32]

Women and girls in Yemen experience gender-based violence, in particular domestic abuse, sexual violence and harassment, and female genital mutilation.^[33]

A 2002 survey of 120 women living in Sanaa found that 46percent of women in the sample experienced physical abuse while 13.3 percent reported that they had been sexually harassed.^[34] More than 28 percent of respondents said that their husbands had confined them in their homes at some point in their life.^[35] Additionally, 74 percent of the women surveyed also experienced verbal abuse by their husbands.^[36] A 2003 government survey on violence against women in urban and rural areas, which covered more than 13,000 households, found that 59 percent of rural women and 71 percent of women living in urban areas said they were physically beaten by their husbands because of family problems. Eleven percent of rural women and 6 percent of urban women said they were beaten for not obeying their husbands, 23 percent of rural and 16 percent of urban women were beaten by their husbands for no reason, and 7 percent of women in both categories said they were beaten for reasons other than those listed above.^[37]

According to a report submitted by Yemeni NGOs to the CEDAW (Convention on the Elimination of All Forms of Discrimination against Women) committee the UN expert group that monitors implementation of CEDAW) in 2007, domestic violence in cases related to honor is [a] concealed phenomenon in Yemen.^[38] The report noted that families handled such cases internally and little information reached police stations.^[39] The murder of women by family members was often not officially reported or was recorded as natural deaths.^[40] In rural areas, a death certificate citing the cause of death is not always necessary for burial.^[41]

The prevalence of female genital mutilation is much higher in the coastal and southern regions (with the exception of Aden) of Yemen than in other areas. A national survey conducted by the Yemeni government in 2003 found that 33.1 percent of girls and women between 15 and 49 in urban areas, and 40.7 percent in rural areas had their genitalia cut, mostly in their first few months of life.^[42]

Yemen has one of the highest illiteracy rates in the Middle East and North Africa. A survey commissioned by the United Nations Educational, Scientific and Cultural Organization (UNESCO) found that as of 2007, the adult literacy rate for Yemenis aged 15 and over was 59 percent: 77 percent for males and 40 percent for females. There was a gap of over 30 percent between Yemens literacy rate and that of Saudi Arabia, the United Arab Emirates, and Oman, where the literacy rates were 85 percent, 90 percent, and 84 percent, respectively.^[43] The youth literacy rate for those between 15 and 24 was significantly higher than the adult literacy rate, estimated at 80 percent. But the gap between the literacy rates for male youths aged 15 to 24 and for female youths in the same age bracket remained wide (93 percent for the former and 67 percent for the latter).^[44]

The improvement in literacy rates for youths may be due to the fact that in 2001 education in Yemen became compulsory for both boys and girls between the ages of six and fifteen.^[45] But despite this progress, approximately 900,000 primary school age children were out of school in 2005. Almost 70 percent of these were girls, and 88 percent of them lived in rural areas.^[46] According to UNESCOs 2010 global monitoring report on education, the net primary school enrollment rate for boys in 2005was 85 percent, but only 65 percent for girls.^[47] The discrepancies between the enrollment rates of girls and boys widens in secondary grades.^[48]

Numerous explanations have been put forward for the wide gap in enrolment rates for boys and girls. Some families withdraw girls from school to

marry, to help with household chores, or to care for smaller children. Additionally, many families in rural areas insist on having separate classrooms for boys and girls, and female teachers for girls, in order to keep their girls in school. Some families in rural areas wish for their girls to remain in school after they reach puberty so long as female teachers are available to teach them. Many families feel that having female teachers will ensure that girls have a safe environment, and also value female teachers as a role model since teaching is a respected profession.^[49] The ratio of female to male teachers in elementary education is 12: 100 in rural areas. In secondary schools, the ratio is 8-11 females to 100 male teachers.^[50] UNICEF has also found that girls education is impeded by families lack of awareness about the importance of education, especially for girls.^[51]

A school principal from Hudaida told Human Rights Watch:

Kawkab, who cut short her secondary education when she was married, told Human Rights Watch:

Twenty-one-year-old Arwa finished elementary school, but her family did not allow her to go to secondary school. Instead, she cared for her younger siblings. She said:

Some parents regard girls education as a waste of time and money, believing that a girls place and future is in the home. In 2006, the Ministry of Education abolished the annual school fee for primary education of 640 riyals (approximately US\$3) to encourage more girls to enroll in school, especially in rural areas.^[55] Other fees for mandatory uniforms and school activities still exist, impacting girls access to education.^[56] Ahmad Ayadil, a school principal, remarked, Girls are intelligent and more receptive to education [than boys], but theyre not given a chance.^[57]

Worldwide, more than 51 million girls between the ages of 15 and 19 are married. This figure is based on demographic health surveys conducted in various countries around the world that document marriages of persons above 15 years. The total figure for child marriage is certainly higher because these official statistics do not survey married girls who are under 15.^[58] The Population Council, an international organization that conducts research on HIV/AIDS, gender, and poverty and youth in order to improve reproductive health services, noted that according to the 2006 Demographic Health Surveys, one in seven girls worldwide would marry before her 15th birthday.^[59]

The majority of these young girls live in parts of sub-Saharan Africa and South Asia, often in places characterized by persistent poverty and low levels of economic development.^[60] Child marriage is especially common in countries where the majority of the population live on less than US\$2 per day, and in countries with a low gross domestic product (GDP) per capita.^[61] Research conducted by international organizations found that child marriage was also common in societies in which families premised their honor on daughters virginity before marriage, leading to early marriages of daughters to prevent premarital sex.^[62]

Child marriage is a common practice in Yemen in both rural and urban areas. Girls may be married as early as 12 or 13, especially if the girl is wedded to a close relative. In rural areas, such as Hadhramawt and Hudaida, girls may be married as young as eight, and in Mukalla around 10. The age of marriage in urban areas is slightly higher.^[63] Of the 31 girls and women Human Rights Watch interviewed in Sanaa, all but one were married between the ages of 12 and 17, with the majority married before age 15.

In 2005, Yemen ranked 14th (tied with Liberia) on a list of 20 worldwide hot spots for child marriage compiled by the International Center for Research on Women, with 48.4 percent of girls married before reaching the age of 18.^[64] According to the Yemeni government and UNICEF 2006 Multiple Indicator Cluster Survey, a nationally representative survey of 3,586 households, almost 52 percent of Yemeni girls were married before the age of 18 and 14 percent were married before the age of 15.^[65]

Our research and that of many other experts and organizations underscores that child marriage deprives girls of their childhood and adolescence by burdening them with marriage, childbirth, and other adult responsibilities. It curtails their personal freedom and denies them the opportunity to develop a full sense of identity. It risks harming their physical health, including their reproductive and sexual health, and increases their risk of physical and emotional abuse at the hands of husbands and in-laws. Lastly, it often denies them the opportunity to access education, leaving them economically vulnerable, unable to earn a living.^[66] The negative consequences of child marriage are not limited to the girls childhood but, as this report shows, can persist throughout their adult lives too.

A 2005 study on child marriage in Yemen explained that there are four principle factors that place girls at risk of child marriage in Yemen and in similar countries where child marriage is common. First, many very poor families view young girls as a financial burden, prompting them to marry their daughters off to alleviate that burden. Second, some families also see their daughters as an economic asset because of the payment of a dowry, in the form of money or gifts offered to the bride by the groom prior to marriage.^[67] According to article 33 of Yemens Personal Status Law, a dowry is a womans possession and she can do whatever she pleases with it.^[68] However, article 34 notes that a womans guardian may ask to accelerate or delay her dowry payment so long as she is in agreement.^[69] Marrying an older man often means a higher dowry, especially if the girl is young. Some families believe that marrying their daughters is a means of providing her with a more secure future. Parents who are unable to financially provide for their children believe that by marrying them they give their daughters a chance for a better life and better prospects for the future.

Third, in traditional societies like Yemen, marriage can also be regarded by the family as a means of protecting girls from pre-marital sex, which would undermine family honor.^[70]

And lastly, sometimes girls themselves see marriage as their only option, especially those who leave school at an early age. Fifteen-year-old Sawsan from Hudaida told us:

Girls who were not married at an early age often found it difficult to get married when they were older. ^[72] Fawzia told Human Rights Watch:

The government of Yemen has failed to protect children from child marriage by not setting and enforcing a clear minimum age for marriage, and by failing to provide women and girls with protection from, forced marriages and marital abuse, or to provide them with opportunities for redress. In fact, the government made matters worse by repealing the previous legal age of 15 for marriage in 1999, making it legal for a child of any age to be married.

Birth and marriage registrations are essential components of combating child marriage, as they provide proof of the age of the child at the time of marriage. Registration of births and marriages in Yemen is compulsory, but rarely enforced.^[74]

Another problem is that conflicting ages of majority in Yemens Personal Status Law and civil law render the definition of a child in Yemen inconsistent (see below), making it difficult to legally protect childrens human rights as stipulated by international human rights law.

Prior to unification in 1990, North Yemens Personal Status Law set the minimum age for marriage at 15. In the south, it was 16. In 1994, 15 became the age of marriage for all of Yemen.

In 1999, further changes to the Personal Status Law occurred. A provision allowing forcibly married girls to divorce while maintaining their right to maintenance was repealed.^[75] Another amendment ostensibly protected married girls from being forced into sex by stipulating that the husband cannot have sexual intercourse with his bride until she has reached puberty, even if she exceeds 15 years of age.^[76] However, the law only takes a girls physical ability to have sex into account, rather than her physical, mental, and emotional maturity to handle a sexual relationship, childbirth, and child-rearing. In practice Yemeni girls are often married immediately after puberty, whether this occurs at 11, 12, or older. In some cases documented by Human Rights Watch, girls were married before their first menstrual period.

Since 2000, the Womens National Committee (WNC), a government body tasked with recommending policies and strategies for the development of womens health and education, has sought to re-introduce a minimum age for marriage, without success.^[77]

In 2008 Nujood Ali, who was married at the age of nine to a man in his thirties, became the youngest known divorcee in Yemen, at the age of 10.^[78] Her husband repeatedly beat and raped her, until one day she decided to go to a courthouse to speak to a judge. With the assistance of a lawyer, Shada Nasser, Nujood was granted a divorce, but had to repay her husband US\$200. Her husband was not penalized for abusing or raping her.^[79] Nujoods case highlighted the sexual abuse and domestic violence some married Yemeni girls experience. After Nujood broke her silence about her marriage, more young girls came forward demanding a divorce from their husbands for similar reasons. In addition, nongovernmental organizations and local media also began to highlight cases of violence against young married girls. Nujoods story captured international attention and prompted the WNC to present amendments to Yemens Supreme Council for Womens Affairs in 2008, which is headed by the Prime Minister. The Supreme Council attempted to introduce a draft bill to set an age for marriage, but the Sharia legislative committee in parliament rejected such a proposal. The WNC advocated for amendments specifying 18 as the minimum age for marriage. According to Hooria Mashoor, former deputy director of the WNC, extreme groups in society and in parliament that are against amending the law prevented the amendments from being tabled for parliamentary debate.^[80]

In February 2009, the WNC again presented draft legislation on child marriage, specifying a minimum age for marriage at 18, to the Supreme Council for Womens Affairs, which then submitted it to the Council of Ministers. The Council of Ministers, which serves as the supreme executive and administrative authority of the state, agreed on the WNC draft legislation and submitted it to the Ministry of Justice, which then submitted it to parliament.^[81]

On February 11, 2009, a majority in parliament agreed to set the minimum age of marriage at 17, instead of the proposed 18.^[82] The parliamentarians also drafted an exception allowing girls under 17 to marry if a judge deemed it to be in the best interest of the child. Any adult who violated the law would be penalized with a jail sentence of up to a year, or a fine of up to 100,000 riyals (approximately US\$469), and any person who witnessed the marriage of children, female or male, under the indicated age, would also be penalized with a jail sentence of no more than six months and a fine of no more than 50,000 riyals (approximately US\$234).^[83]

Twenty-three parliamentarians from the powerful opposition party Islah and from the ruling General Peoples Congress (GPC) opposed the amended article on the grounds that setting a minimum age for marriage was against their interpretation of Islamic principles.^[84]

A majority of parliamentarians voted in favor of setting the age of marriage at 17, but proponents failed to muster a majority for provisions dealing with the punishment of parents or guardians who give their daughters into marriage before the prescribed age. A few days after the vote, parliamentarians opposing the reform requested further review by the Sharia Legislative Committee, which reviews drafts laws to ensure agreement with Sharia law, recommending that no age for marriage should be set.^[85]

In March 2010, parliamentarians again tabled the draft bill for debate. The same conservative members of parliament voiced sharp criticism, and the draft bill was again referred to the Sharia Legislative Committee.^[86] On April 10, 2010, the Sharia Legislative Committee issued a 14 page document citing religious reasons for not setting an age of marriage. The document stated that article 15 is in contradiction to the Quran, Sunnah, the Constitution, and the interest of the child.^[87] This maneuver effectively killed the bill for this session of parliament.

On March 21, 2010 a number of clerics issued a *fatwa* (a legal pronouncement in Islam, issued by a religious law specialist on a specific issue), which stated that defining an age for marriage is contrary to Sharia and that God had legitimized marriage to safeguard births and their protection.^[88] The *fatwa* included evidence of instances where prominent women in Islam were married at a young age, specifically Aisha, one of the Prophet Muhammads wives. Those opposing the law on minimum age for marriage claim she married at the age of nine, but other Muslim scholars put her age at marriage closer to 20. The dispute results from different interpretations of the sayings of the Prophet Muhammad (*Hadith*) and his companions, which Islamic law takes to be normative.

Two days after the *fatwa* appeared women opposing a minimum age of marriage demonstrated in front of parliament. They were countered by demonstrators in favor of a minimum age. Many of those who opposed the bill were from al-Iman (Faith) University, financed and run by Sheikh Abdul Majidal-Zindani. Al-Zindani is one of the founding members of Islah. The Islah party was formed in 1990 by members of the GPC and by the Yemeni Muslim Brotherhood. The GPC and Islah share tribal influence and personal connections to businesses, and are both rivals of the Yemeni Socialist Party, from the former south. Today, Islah is the leading opposition group in Yemen, and its party ideology has shifted from one focusing on religious and moral issues to one much more accepting of a democratic system, and secular political parties. Rifts within the party have brought about two competing camps: one which is moderate, and another which is Salafi, or hard-line Islamist.^[89] Al-Zindani has strong views on the exclusion of women from senior governmental positions, and other issues pertaining to women, including child marriage.^[90] His argument against a law banning child marriage is that it is un-Islamic and a threat to the culture and society of Yemen.^[91]

In October 2010 parliamentary proponents and opponents clashed verbally and physically over the draft law during a parliamentary session.^[92] This time the debate was about whether or not to punish guardians who marry their daughters before puberty.^[93]

Many countries in the Middle East and North Africa region are predominantly Muslim, and a majority of these countries recognize Sharia as a source of law. Almost all have set a minimum age for marriage for both boys and girls. For instance, in Iraq and Egypt the age is 18 for both sexes. In 2008, Egypt raised the age for girls from 16 to 18.^[94]

Birth and marriage registrations are essential components of combating child marriage as they assist in proving the age of the spouses at the time of marriage. Mandatory marriage registration, which is the case in Yemen, can help prevent unlawful child marriages. In 2006 only 22 percent of births were registered, despite compulsory registration.^[95] The Yemen Statistics Yearbook for 2009, compiled by the Central Statistical Organization, showed that for 20 governorates, 9,120 marriages were recorded in 2001, 10,934 for 2002, and only 600 marriages for 2003.^[96] Considering that Yemen has a population of 23 million, it is obvious that the number of actual marriages far exceed those recorded.

According to the presidential decree on civil status and civil registration, amended in 2003, all births must be registered with the Ministry of Health within 60 days. Similarly, all marriage contracts must be registered at the Ministry of Justice within 15 days. The registrations are then sent to the Department of Civil Status at the Ministry of Interior.^[97] Article 14 of the Personal Status Law also requires that the person who draws up a

marriage contract, the husband, and the wife's guardian register the marriage certificate with the specialized entity within one month. The certificate must include necessary information, such as the ages of bride and groom, their national identification numbers, if available, and the amount of dowry offered to the bride.^[98]

But births and marriages are rarely registered, and there are no penalties imposed on those who do not comply with the law.^[99] This inadequate enforcement of legal provisions coupled with lack of awareness about the importance of registering births and marriages has resulted in difficulties in gathering accurate data on Yemen's population, and determining the ages of children.

A precise legal definition of a child is essential to ensure a coherent application of laws protecting children. In Yemeni law, there is no single legal definition of a child. Article 2 of the Law on the Rights of the Child defines a child as every human being below the age of 18 years unless majority is attained earlier.^[100] According to Yemen's Personal Status Law, the age of maturity (*sin al rushud*) for boys is set at ten, or the attainment of puberty, whichever is earlier, and for girls, at nine years, or the attainment of puberty, and in all cases, any person over 15 years is considered to have reached age of maturity.^[101] However, Yemen's civil law (*Qanun al-Madani*) sets the age of maturity at the age of 15 years, with no exceptions.^[102] Without a coherent definition of a child throughout Yemeni law, children may not fully enjoy the protection of their rights under international law.

Child marriages result in serious violations of the rights of girls with long-lasting consequences. Girls and women who are forced into marriage are deprived of the right to decide whether or not to marry, whom to marry, when to marry, and whether and when to have children.

Child marriages also contribute to violations of girls and women's other rights, including the rights to health, education, employment, and the right to live free from violence and discrimination.

The right of men and women to enter into marriage only with their full and free consent is well established in international human rights law.^[103] Articles 16 of CEDAW and the Universal Declaration for Human Rights (UDHR), article 23 of the International Covenant on Civil and Political Rights (ICCPR), and the UN Convention on Consent to Marriage recognize people's right to marry when both spouses are able to consent to a marriage.^[104] These treaties consider children as incapable of consenting to marriage because they are unable to fully understand the concept of marriage and a sexual relationship within marriage and its consequences.^[105] A sexual relationship within marriage can be especially dangerous in places like Yemen where the law does not recognize marital rape as a criminal offense and thus facilitates sexual abuse.

Older children have the right to participate in decisions about their lives and may have the capacity to grasp the implications of marriage.^[106] In Yemen, however, a girl's consent to marriage is frequently neither sought nor considered. Article 23 of the Personal Status Law provides that a previously married woman or a widow, in other words a non-virgin, must consent to marriage, however, according to the law, a virgin's silence signifies her consent.^[107] Yemen's Personal Status Law allows girls to be married at any age and further discriminates against girls and women by not requiring their full and free consent for marriage. The decision to marry is often made by the girls or women's guardian, as some of the cases described below indicate.

In cases when girls do agree to marry, they may not be aware of the implications of marriage or able to make an informed decision. Eighteen-year-old Suad was married when she was 14. She told Human Rights Watch:

The question of whether a girl is capable of providing her full and free consent to marriage becomes more complex as she grows older. However, even older girls are not always able to make an informed decision about marriage. Salma was 17 years old with only one year of secondary school left when she decided to marry a man she did not know. When we asked her why she decided to marry when she was so close to finishing school, she told Human Rights Watch: I didn't know my husband beforehand. He came and I said yes. Her mother who was present during Salma's interview told us, She wasn't really prepared [to get married], and now she's one month pregnant.^[110]

Even when girls are mature enough to understand and consent to marriage, they are not always asked whether they want to get married, and they may have no say in choosing their future spouse. They may not even know the person they are to marry, and only meet their spouse for the first time on their wedding night. Their families/fathers or other male relatives choose their future husbands for them. Arwa was married when she was 15 years old. Now 21, she told Human Rights Watch:

More than half of the women and girls interviewed by Human Rights Watch said they had no choice in choosing their spouse.^[112] Sultana was married at 16, in 2009. She told us:

Similarly, 25-year-old Amal, who was married when she was 15, explained:

In traditional societies where child marriage is common, including Yemen, girls and women are expected to become pregnant soon after marriage. There are serious risks to the health and lives of young mothers and their children associated with early pregnancy and childbirth. These increased risks are not only related to age, but also to girls' low levels of education, low social status, lack of access to health-related information, and health services.^[116]

Worldwide, it is estimated that complications from pregnancy are the leading cause of death for young women between 15 and 19. Studies show that girls in their teens are twice as likely to die from pregnancy and childbirth-related causes.^[117] Young girls between the ages of 10 and 14 are five times more likely to die during delivery than mothers who are between 20 and 24.^[118]

Yemen has one of the highest rates of maternal mortality in the Middle East and North Africa region, estimated at 210 deaths per 100,000 live births.^[119] Maternal mortality in Yemen is the cause of approximately 39 percent of all deaths for women of reproductive age, and child marriage is an important factor.^[120] Government data indicate that 74.2 percent of all maternal deaths occur in cases of girls or women who were married before they reached 20 years old.^[121] Most deaths occur in rural areas, where girls are more likely to be married at a younger age and where 80 percent of Yemen's population lives.^[122] It is estimated that 18 percent of maternal deaths in Yemen occur during pregnancy and 82 percent during delivery.^[123] Sixty-four percent of maternal deaths occur at home, and without the presence of a skilled birth attendant.^[124] The majority of pregnant women in Yemen (almost 80 percent) deliver at home.^[125] Home deliveries in rural areas are especially risky, where long distances between homes and health facilities make it difficult for women to access emergency obstetric care. Even when emergency care is available, it is often not timely or adequate as most health facilities have a shortage of staff and supplies.^[126] Nine percent of maternal deaths occur en route to a hospital, and 24 percent occur at a health facility. It is estimated that 38 percent of women in labor arrive at a hospital in critical or morbid condition.^[127]

Studies on other countries show that women who marry early have the highest proportion of unfavorable pregnancy outcomes at all stages throughout their childbearing years.^[128] One study indicated women who married before age 16 carried twice the risk of spontaneous abortion (miscarriage) and approximately four times the combined risk of fetal death and infant mortality.^[129]

Amal, who is 25 years old and from Haima, was married when she was 15 and had her only daughter when she was 17. She told Human Rights Watch that she's been pregnant six times. She miscarried three times, and had two abortions. One baby died inside of me when it was six months old, she said. The other baby ... they took him out of my stomach and he was already dead.[\[130\]](#)

Seventeen-year-old Sultana was married at 16 and was pregnant when we met her. She said:

According to the organization Save the Children young girls who marry early are more likely to have frequent, and often closely spaced, pregnancies. Household responsibilities, and other factors that may cause stress and anxiety, may further aggravate the negative outcome of pregnancies. [\[132\]](#)

Girls who are undernourished may be at an increased risk of anemia resulting from deficiencies of vital nutrients such as iron, vitamin A, or folic acid.[\[133\]](#) It is often difficult for young girls whose lives are to a large extent controlled by their husbands and unsympathetic in-laws to advocate for adequate food and nutrition for themselves. If they become pregnant while still in their adolescence, lack of adequate nutrition places babies at risk of low birth weight.[\[134\]](#) The low status of young mothers, gender-based violence, and discrimination against them in the home may limit their access to reproductive and sexual health services and information, even in cases of emergency.[\[135\]](#)

The low social status of young married girls and their lack of empowerment in the household severely limit their ability to make decisions about their own health and the health of their children.[\[136\]](#) Najla did not know exactly how old she is, but she said that she was married soon after completing her second year in secondary school, which would have made her about 15 or 16 at the time of her marriage. She has been married for seven years and has two children who were likely born before she was 18 years old. She explained how she was denied medical treatment by her in-laws.

Women requiring emergency obstetric care may be denied admission to the hospital if they lack the authorization of their male guardians, most often their husbands. Yemen's Ministry of Health has found that advance permission from the husband to access health care at a medical center is one of the major obstacles to treatment, including emergency treatment.[\[138\]](#) These authorizations are a common practice although not a legal requirement in Yemen.[\[139\]](#)

Early pregnancy and childbirth also have adverse consequences for infants. Babies born to young mothers run a 30-percent increased risk of dying during their first year of life.[\[140\]](#) Babies may have a low birth weight as a consequence of their mothers' poor nutritional status while pregnant, and babies with low birth weight are 5 to 30 times more likely to die than babies of normal weight. Young mothers are less likely to get prenatal care and often do not have enough information about proper nutrition while pregnant to nurture themselves and babies.[\[141\]](#)

Many girls interviewed by Human Rights Watch, especially younger ones, had little or no knowledge about sexual intercourse before they were married. Neither their mothers, older sisters, nor other female relatives told them what to expect on their wedding night. Sultana, who was married at 16, said, My brother and sister told me some things about the wedding night, but not everything.[\[142\]](#) Husnia, married at 16, told Human Rights Watch:

In Yemen, like in many societies around the world where family honor is predicated on the honor of daughters, girls are expected to be virgins when they marry. Often, therefore, discussions about sex are taboo, and girls have limited or no knowledge about family planning, including the use of contraceptives. [\[144\]](#)

Human Rights Watch asked Fatima, who was married at 12, about her use of contraceptives, and she replied:

In Yemen only 28 percent of married women between the ages of 15 and 49 stated that they use some form of contraception, making this rate one of the lowest in the Middle East and North Africa.[\[146\]](#) In 2003, the most recent year for which such information is available, 39 percent of Yemeni women who did not wish to become pregnant did not use any form of contraception.[\[147\]](#) In some cases, women may be prevented by their husbands from using any form of contraception, and from obtaining information on contraception, the spacing of children, or other reproductive health issues.[\[148\]](#)

The World Health Organization (WHO) found in a multi-country survey on violence against women that married girls between 15 and 19 are more likely to experience domestic violence than older married women.[\[149\]](#)

Some of the girls and women interviewed by Human Rights Watch said that they were verbally or physically assaulted by their husbands, in-laws, and other members of the husbands' household. Married girls and women in Yemen often live with their husband, his parents, male siblings and their wives, children, and unwed sisters. Power and authority in the household is usually held by men and older women, and this can place new brides, especially if they are young, at greater risk of abuse and violence.[\[150\]](#)

Rhadia was married at 16, and has lived with her husband and in-laws for over eight years. She told Human Rights Watch that only her children keep her in a marriage that has made her life full of sadness and bitterness. She told us that she is abused by her husband and in-laws:

Twenty-three year-old Huda, from Mareb, was married when she was 14. She said:

Suad, who is 18 and lives with her in-laws, said:

Afrah is 16 years old and had been married for five months when she spoke to Human Rights Watch. Her husband is 18 years old. She said:

Fourteen-year-old Fatima was married to a man in his late twenties who lived in the same house with her husband's mother, brothers, and sister. She told us:

The lack of a support system may exacerbate the vulnerability of married girls. Sometimes girls who are married young, and those who are forced into marriage, cannot find support and assistance in their own families. Girls may run away from their husbands and attempt to go back to their own families' homes, expecting to receive help, but are often told to endure their tribulations because all married women must tolerate their husbands, their in-laws, and their children.

Thuraya is 27 years old. She was married when she was about 16 or 17 years old. She told Human Rights Watch:

WHO also found that married girls and young women with low levels of education are at a greater risk of physical and sexual violence from their spouses than older and more educated women.[\[157\]](#) Research suggests that spousal age difference also contributes to risk factors associated with violence and abuse, including marital rape.[\[158\]](#)

Reem, 14, was married at age 11 to a man 21 years her senior, had not had her first menstrual period when she was married. Reem did not want to have sex with her husband, but he raped her. She said, He wanted to sleep with me by force.[\[159\]](#)

As in most countries in the Middle East and North Africa, rape within marriage is not legally recognized as a crime in Yemen.[\[160\]](#) Coerced or non-consensual sex can have particularly long-lasting physical and mental health consequences for young girls because they are still at a formative stage of social and psychological development, shaping their identities and perspectives. Mental health implications may include a sense of worthlessness, depression, and suicidal thoughts.[\[161\]](#)

Reem slit her wrists in an attempt to commit suicide. She said:

Marital rape may result in unintended and unwanted pregnancy, sexually-transmitted infections, injuries, and even death. In March 2010, Elham Mahdi Al-Assi, aged 12, died of internal bleeding three days after she was married. Elham was married to a man twice her age. Medical reports indicate that Elham died from severe bleeding caused by tears to her genital and anal area from sexual activity. According to the Associated Press, Elham's mother said that her daughter complained to her that her husband tied her up and raped her.[\[163\]](#) According to a United Nations 2010 assessment on violence against women in Yemen, hospitals receive many girls who have been subjected to severe injuries resulting from forced sex, but hospitals rarely report these incidents to local authorities.[\[164\]](#)

Child marriage can have severe consequences for the physical and psychological health of girls, particularly younger girls, and these consequences may impact women throughout their life. Girls and women are often confined to the home and are expected to take on household work and care for their families, including their in-laws. Girls may be isolated from friends and family, may rarely have anyone to share their concerns with, and may find themselves regularly surrounded by people who ignore or condone their suffering.[\[166\]](#)

Ramzia, 39, and originally from Mareb, was married when she was 15 years old. She has eight sons aged between two to 22. She told Human Rights Watch:

Fathiya is 30 years old and the mother of seven children. She told Human Rights Watch:

The majority of the women we interviewed could not read or write. Some had never attended school while others left school after two or three years of basic education. Almost all of those who had attended school were forced to leave their education to get married. Radhia, who was married at 16, told Human Rights Watch:

It is rare for girls who marry to return to school.[\[170\]](#) Afrah was 16 years old and had been married for five months when she spoke to Human Rights Watch. She said:

Most of those women and girls interviewed by Human Rights Watch who attended school enjoyed learning and expressed regrets for missing the opportunity to complete their education. Research also shows that the removal of girls from school often denies them the opportunity to develop their intellect and their own independent identities.[\[172\]](#) Magda, 21, was married when she was 14. She said:

Demographic and fertility studies have shown that the number of years a girl attends school is directly linked to the postponement of marriage, and therefore the postponement of childbearing.[\[174\]](#) Education enables girls to acquire better skills and enter the labour force. They become more financially independent and better able to choose to delay marriage. Additionally, postponing marriage increases the likelihood that women have children later when they have a better chance of surviving pregnancy and are able to better care for children. Studies have also shown that girls who continue their education are more likely to invest in the education of their children.[\[175\]](#) The organization Save the Children has found that higher levels of education also contribute to an increased use of contraception and reduced rate of infant mortality.[\[176\]](#)

Maha, who is originally from Taizz, is in her twenties. All of her siblings, including four sisters and two brothers, went to school. She got married when she was 16, but waited to have her first child until she completed secondary school. Her husband encouraged her to continue with her education after childbirth and she still hopes to finish her studies and become a pharmacist. She said her education put her in a much better position to understand her reproductive health and nutrition for her infant. When we asked about her access to healthcare information when she was pregnant, she told us, The nurse told me about breastfeeding and nutrition, and I used to read a lot.[\[177\]](#)

Yemen is a party to the key international treaties that protect women's and girls' human rights. In 1984 Yemen ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).[\[178\]](#) and in 1987 the Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage.[\[179\]](#) the International Covenant on Civil and Political Rights (ICCPR).[\[180\]](#) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).[\[181\]](#) In 1991, Yemen ratified the Convention on the Rights of the Child (CRC).[\[182\]](#)

Child marriage is recognized under international law as a human rights violation. Since the vast majority of those subjected to child marriage are girls, it is considered a form of gender-based discrimination, and it violates other human rights principles.

The Convention on the Rights of the Child does not explicitly address child marriage. However, child marriage is viewed as incompatible with a number of the articles in the convention. These include the age at which a person is considered a child, the right to non-discrimination, the protection of best interest of the child, the rights to life, survival, and development, the right to be protected from all forms of violence and sexual abuse, the rights to health, education, and the right of the child to express his or her views.[\[183\]](#) CEDAW states explicitly in article 16 that the marriage or betrothal of child should have no legal effect.[\[184\]](#) On a regional level, the African Union has included a prohibition on child marriage in its human rights instruments.[\[185\]](#)

The Committee on the Rights of the Child, or CRC committee, the treaty body tasked with monitoring the implementation of the CRC, has commented frequently on child marriage and has expressed its concern about the persistence of child marriages around the world, including Yemen.[\[186\]](#) The CRC committee and the CEDAW committee have urged governments, including Yemen, to take immediate steps to eradicate the practice.[\[187\]](#) In July 2008, the CEDAW committee expressed its extreme concern about the 1999 amendment to article 15 of Yemen's Personal Status Law, abolishing the minimum age of 15 for marriage, and noted that this represents a clear setback for women's rights and a serious violation of the State parties' obligations under the Convention.[\[188\]](#) It continued:

The Universal Declaration of Human Rights stipulates that marriage shall be entered into only with the free and full consent of the intending parties. The ICCPR and the ICESCR also recognize the right to marriage based on full and free consent of the spouses.[\[190\]](#) Article 16 of CEDAW includes the equal right of men and women to enter into marriage, and the Convention on the Consent to Marriage further specifies that each spouse must give his or her consent in person...as prescribed by law.[\[191\]](#)

The UN Human Rights Committee, which monitors the implementation of the ICCPR, clarified in general comment no. 19 that the marriageable

age for both men and women shall be based on the ability of both spouses to give their full and free consent.^[192] In its General Comment no. 28 it affirms states obligation to treat men and women equally with regard to marriage.^[193] CEDAW General Comment no. 21 on the right to marriage reiterates men and women's equal right to enter into marriage, conditioned on their free and full consent.^[194]

Article 16(b) of CEDAW notes the right of men and women to freely choose a spouse.^[195] The CEDAW committees General Recommendation no. 21 requires states parties to take all appropriate measures to guarantee that men and women can freely choose a spouse.^[196] Similarly, General Comment no. 16 of the Committee on Economic, Social and Cultural Rights, which oversees implementation of the ICESCR, sets out states parties obligations to ensure that men and women have an equal right to choose if, whom and when to marry.^[197] The UN Declaration on the Elimination of Violence against Women also notes the importance of free choice of spouse.^[198]

The CRC defines a child as anyone below the age of 18 years.^[199] The CRC committee has repeatedly addressed the need for countries to establish a definition of a child in all domestic legislation that is consistent with the provisions of the CRC.^[200] For example, in 2009, the CRC committee recommended that Pakistan harmonize its legislation with regards to the definition of a child and raise age of marriage for girls to 18.^[201] The CRC, most recently in 2005, expressed concerns about the lack of a consistent definition of a child in Yemen, especially between the age of majority and the age of maturity.^[202]

Several international and regional conventions have addressed the need for countries to set a minimum age for marriage. The 1962 Convention on Consent to Marriage, Minimum Age for Marriage and Registrations of Marriage obliges states to set a minimum age for marriage in national legislation and to ensure that no marriage can be legally entered into by persons below that age, unless an exception is made by a competent authority in accordance with national laws.^[203] The convention does not specify a minimum age, but in the non-binding recommendation accompanying the convention it is recommended that the minimum age be no less than 15. The Convention reaffirms that states should take all appropriate measures to eliminate child marriage and the betrothal of girls below puberty.^[204]

Many of the other standards also do not specify a minimum age, but there is an evolving consensus in international law that 18 should be the minimum age for marriage. Notably, both the CRC and CEDAW committees have taken a clear position on 18 as the minimum age. In 1994 the CEDAW committee adopted a general recommendation on equality in marriage and family relations that explicitly endorses 18 as the minimum age for marriage for both boys and girls in accordance with the CRC's definition of a child.^[205] The CRC's 2003 General Comment on adolescent health and development also urges increasing the minimum age for marriage with or without parental consent to 18 for both boys and girls.^[206] These committees have pointed to the importance of delaying marriage to protect young girls from the negative health implications of early marriage such as early pregnancy and childbirth and to ensure that girls complete their education.

On a regional level the African Charter on the Rights and Welfare of the Child explicitly requires states to take effective action, including legislation, to specify the minimum age of marriage as 18 years.^[207] The Maputo Protocol (Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa) on women's rights also specifies that states are to enact appropriate national legislative measures to guarantee that the minimum age of marriage for women shall be 18 years.^[208] In Europe, the Parliamentary Assembly of the Council of Europe adopted a recommendation that the minimum age for marriage be set at 18, in response to which the Committee of Ministers recognized the clear tendency to fix the minimum age for both men and women at 18 years.^[209]

The Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages states that all marriages should be registered by a competent authority.^[210] The CEDAW and CRC committees have also addressed in general, and the CRC committee has addressed to Yemen in particular, the obligation of states parties to make the registration of all births and marriages compulsory and to put in place measures to enforce implementation.^[211]

The CEDAW committee has argued that the persistence of the practice of early marriage [] may be perpetuated further by the non-registration of births.^[212] It has also set out states parties obligations with regard to the compulsory registration of births as follows:

The right of children to express their views is set out in article 12 of the CRC which stipulates that they have this right in all matters affecting them, according to their age and maturity.^[214] The 2009 CRC committees General Comment no. 12 on the right of the child to be heard affirms this right in any judicial or administrative proceeding affecting his or her well-being.^[215]

This comment also recognizes that violence, including the violence associated with child marriages, often goes unchallenged because children do not recognize it as a violation of their human rights. The comment notes the lack of child-friendly reporting mechanisms and the child's inability to report abuse in confidence and to be protected from retaliation.^[216] In its comment, the committee goes on to set out states parties obligations to establish reporting mechanisms such as telephone help lines and support mechanisms to assist children to express their views. This includes access to physicians and to teachers who can offer a safe space for children to express their views or to seek help in any matter related to their well-being.^[217]

The rights to non-discrimination and equality between men and women are enshrined in numerous human rights treaties, including the ICCPR, the ICESCR, CEDAW, and the CRC. CEDAW addresses the right to non-discrimination in relation to marriage, health, education, employment, and political participation.

CEDAW also calls in article 16 for the elimination of discrimination against women in all matters related to marriage and family relations. The CRC in article 2 recognizes the right of children to be free from discrimination, including on the grounds of sex and age.^[219] Child marriages, which in the vast majority of cases occur for girls and which impact girls and women throughout their lives, are a form of gender-based discrimination.

The right to health is set out in the ICESCR, CEDAW, the CRC, and other treaties. Article 12 of the ICESCR defines the right to health as the right to the enjoyment of the highest attainable standard of physical and mental health, and requires that it be implemented without discrimination on the basis of sex, age, or other prohibited grounds.^[220] Article 24 of the CRC recognizes children's rights to health and to access health services, and notably the right to be protected from traditional practices prejudicial to the health of the child.^[221]

Article 12 of CEDAW places an obligation on states to eliminate discrimination against women in connection with health and their access to health care. CEDAW stresses the need to provide appropriate services in connection with pregnancy, confinement and postnatal period, granting free services where necessary, as well as adequate nutrition during pregnancy and lactation.^[222]

In 2000, the Committee on Economic, Social and Cultural Rights recognized that the right to health includes a right to access to health-related information and education.^[223] The 2003 General Comment of the CRC committee emphasized the importance of access to information for adolescents. The comment notes the obligations of state parties to promote health education, as well as information campaigns, in particular with respect to ... sexual and reproductive health, traditional practices, domestic violence.^[224] More specifically, the comment urges governments to take preventive, promotive and remedial action to safeguard women from harmful traditional practices, including child marriage, that deprive girls and women their right to adequate reproductive or sexual health.^[225]

In its general recommendation on women and health, the CEDAW committee recommended that governments ensure womens access to services related to pregnancy, including neonatal and postnatal care and adequate nutrition during pregnancy and breastfeeding.[\[226\]](#) The CEDAW committee has listed as negative factors contributing to womens poor health:

To reduce maternal mortality, the CEDAW committee has also developed recommendations to ensure and improve especially rural womens access to adequate reproductive health, in particular measures to increase knowledge of and access to contraceptive methods, bearing in mind that family planning should be the responsibility of both partners.[\[228\]](#) The CEDAW committee has noted the link between high rates of maternal mortality and child marriage in numerous countries.[\[229\]](#)

The CRC committees general comment on adolescent health also voiced concern that early marriage and pregnancy contributed to sexual and reproductive health problems, including HIV/AIDS.[\[230\]](#) In regard to India, the CRC committee was concerned that a very high percentage of early marriages [could] have a negative impact on [adolescent girls] health.[\[231\]](#)

The committee urged states parties to tackle child marriage through raising awareness and changing prevailing gender stereotypes negative for women, including through legislation.[\[232\]](#) The committee also recommended that states improve womens access to sexual and reproductive health services, including family planning, adequate and comprehensive obstetric care and mental health programs for young mothers who may be prone to anxiety and depression, including about their inability to care for a child.[\[233\]](#) It also called on states parties to establish centers for information and advice on the harmful effects of child marriage and early pregnancy.[\[234\]](#)

The ICESCR guarantees to everyone the right to education.[\[235\]](#) The right to equal opportunity in education is stipulated in the CRC and CEDAW.[\[236\]](#) Under these conventions, Yemen has agreed to provide free and compulsory primary education and available and accessible secondary education to every child.[\[237\]](#)

In its general recommendation on the aims of education, the CRC committee explains the purpose of education to develop a childs personality, talent, mental and physical abilities to full potential and to prepare a child to assume lifes responsibilities.[\[238\]](#) The committee also notes that an education provides children with life skills and empowers them by developing their self-esteem and confidence.[\[239\]](#)

In 2005, the CRC committee noted the deficient quality of education in Yemen, characterized by low primary and secondary school enrollment and high dropout rates. The committee also noted the continued high illiteracy rates for women and negative stereotypes of girls in the school curricula. Further committee observations on education included the high disparities in education between urban and rural areas, and the very low job qualifications of children because of inadequate vocational training.[\[240\]](#) The committee recommended that Yemen devote resources to realize free and compulsory primary education for all, to quality training for teachers, and to improve vocational training, including for dropouts, bearing in mind resource allocation to decrease the disparity between girls and boys education, and between urban and rural areas.[\[241\]](#)

The CEDAW committee also raised concern about Yemens high level of illiteracy for girls and women, and the high dropout rate for girls. The committee recommended that:

The CEDAW committee has elsewhere noted that child marriage and early pregnancy impede girls rights to education, and are a primary cause of school drop-out for girls.[\[243\]](#) The ESCR committees general comment no. 13 on the right to education stipulates that education is also an indispensable channel to realizing other human rights. The committee notes that:

Education also serves to empower women and is considered a countrys best financial investment, the committee held.[\[245\]](#) The CRC committees general comment links adolescent mothers health to the continuation of their education.[\[246\]](#)

The CEDAW committee has raised concerns with many states parties about the imperative to educate girls, described as a key to the advancement of women and to overcome the impediments to girls education, including pregnancy and early and forced marriage leading to girls dropping out.[\[247\]](#) The CEDAW committee also underlined the need to address early and forced marriages as factors preventing girls from enrolling in and completing their education. The committee further emphasized the need to improve girls and womens literacy, especially in rural areas.[\[248\]](#)

As this report shows, girls who are subjected to child marriage may experience violence from their spouses, in-laws, and other family members. The CEDAW committee in its general recommendation no. 19 considers violence against women a form of discrimination that inhibits their ability to enjoy their inalienable rights on par with men,[\[249\]](#) and notes that gender-based violence impairs many of womens fundamental rights including the right to life, liberty, and security of person, the right of equality in the family, and the right to the highest attainable standard of physical and mental health.[\[250\]](#)

The CEDAW committees general recommendation no. 19 notes that traditional attitudes and stereotypes that regard women as subordinate to men perpetuate violence, such as family violence, forced marriage, dowry deaths, acid attacks, and female circumcision. It found that such prejudices and practices may justify gender-based violence as a form of protection or control of women.[\[251\]](#)

The CRC requires that states parties protect children from physical, mental, and sexual abuse or exploitation through legislation and other social and educational measures. The obligation to protect children from violence includes protection from parents or other caregivers.[\[252\]](#) Article 34 of the CRC clearly delineates the obligation of states to protect children from sexual exploitation and abuse.[\[253\]](#)

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[138] A Ministry of Health survey found that 29.6 percent of women in urban areas, and 53.7 percent of women in rural areas noted that getting permission to access treatment was an obstacle. Other obstacles to receiving treatment include not knowing where to go to access healthcare, not having enough money, distance, lack of transportation, and unavailability of female provider. These obstacles were particularly high for women living in rural areas. Republic of Yemen, Ministry of Health and Population, Family Health Survey, http://www.mophp-ye.org/arabic/docs/Familyhealth_english.pdf, p. 114.

[139] According to Dr. Arwa Al-Rabii, the authorization forms are printed forms in the name of the hospital or medical center that state that the hospital will not be responsible for any incident that may occur due to the procedure that will be performed. It will explain the procedure and reason for admission and require the womans guardians signature. Human Rights Watch telephone conversation with Dr. Arwa Al-Rabii, gynecologist, January 27, 2011.

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Yemens Next Government Should Set Minimum Age at 18

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