

Committee on the Elimination of Discrimination Against Women
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Re: Yemen – 62nd Pre-sessional Working Group of the Committee (9-13 March 2015)

23 January 2015

Distinguished Committee Members,

We respectfully submit this letter in advance of the Committee on the Elimination of Discrimination Against Women (the Committee's) discussion of Yemen at its 62nd Pre-sessional Working Group of the Committee (9-13 March 2015). This letter will focus on continued violations of women's nationality rights in Yemen in violation of Article 2 (policy measures), and Article 9 (nationality) of the Convention on the Elimination of All Forms of Discrimination Against Women.

Equality Now, Equal Rights Trust, Women's Refugee Commission, and the Institute on Statelessness and Inclusion submit this letter on behalf of the Global Campaign for Equal Nationality Rights, a coalition of international and national organizations that promotes gender equality in nationality laws, so that women and men can confer, acquire, change and retain their nationality on an equal basis.

As a party to the Convention, Yemen has obligations to ensure that women enjoy equality in the area of nationality. Article 9 states that:

- 1. States Parties shall grant women equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband.*
- 2. States Parties shall grant women equal rights with men with respect to the nationality of their children.*

In its recent General Comment No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee confirmed that Article 9 extends an obligation to ensure equality between men and women in the ability to confer their nationality to their spouse.

We note that during the 6th periodic review of Yemen by the Committee on the Elimination of Discrimination Against Women in 2007 and 2008, the Committee noted in its List of Issues and Questions¹ and in its Concluding Observations² continuing discrimination against women under the 1990 Citizenship Act which prevented Yemeni women married to non-Yemeni men from passing on their nationality to their children and to their husbands. We welcome positive steps taken by the Yemeni Government since the 2008 6th periodic review to reform its nationality laws - most notably the introduction of Law No. 25 in 2010 on Amending Law No. 6 of 1990 Concerning Yemeni Nationality, Article 3, which purports to grant Yemeni nationality to any child of a Yemeni mother or father married to a foreigner.

However, the law continues to deny Yemeni women married to foreigners the right to pass on their nationality to their husbands; whereas Yemeni men married to foreigners are able to pass on Yemeni nationality to their wives.³ Discriminating between men and women on this basis is in contravention of the Yemeni Constitution. We would ask the Committee to encourage the government of Yemen to continue with its reforms and ensure that men and women have equal rights in relation to citizenship.

We would respectfully urge the Committee to raise with the Yemeni government in its List of Issues the following questions with regard to gender discrimination embedded in the country's nationality law:

- What actions are planned to ensure that Yemeni women enjoy equal rights as Yemeni men to pass on their nationality to their foreign spouse?
- What steps have been taken to publicize and inform the Yemeni population about changes to Yemen's nationality laws under Law 25 enacted in 2010? Can the government provide details of information and awareness raising campaigns that have taken place since the change of law? How aware is the public of changes to the law, particularly in rural areas?
- What steps have been taken to inform and train public officials (at the local and national level) about the provisions of Law 25? How effective is the implementation of Law 25?
- What support is needed, if any either internationally or nationally, to further this process?

¹ CEDAW/C/YEM/Q/6 27 September 2007 *List of Issues and Questions with Regard to the Consideration of Periodic Reports [Q. 17 & 18]* Committee on the Elimination of Discrimination Against Women, Pre-Session Working Group, 40th and 41st Sessions.

² CEDAW/C/YEM/CO/6 9 July 2008 [paragraphs 40 & 41]

³ See ***Women, Business and the Law: Yemen Report 2013*** International Finance Corporation and World Bank at <http://wbl.worldbank.org/data/exploreconomies/yemen-rep/2013>

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

Global Campaign for Equal Nationality Rights
Equality Now
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Institute on Statelessness and Inclusion
Women's Refugee Commission