



DATA UPDATE – Women, Business and the Law 2022

Republic of Yemen

Ministry of Industry and Trade

1. Mobility

Comment received from Government:

1. *Can a woman apply for a passport in the same way as a man?*

Employed woman can get a passport upon a formal request submitted to management of her workplace. Unemployed woman at the age over forty (40) years can also get a pass without permission from her husband, unless a dispute is raised between the couple whom their case is under the proceedings of the court. No passport can be issued or transfer is permitted for women under age of fifteen (15) year without prior permission from her father.

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is "Yes" if there are no differences in passport application procedures. The answer is "No" if an adult woman needs the permission or signature of her husband, father, or other relative or guardian to apply for a passport; or if the passport application procedures require a woman to provide details about her husband, father, or any other relative or guardian. The answer is also "No" if additional documents are required from a woman, such as a marriage certificate, while the same is not required for a man.

Articles 6(2) of Republican Decree No. 2 of 1994 on the Executive Regulations of Law No. 7 of 1994 concerning Passports provides "An exigent travel document shall be issued for one trip only and shall be granted under the following circumstances: (2) If it is difficult to grant the wife a separate passport if she is added to her husband's passport . . ." In addition, Article 8 of the same Decree provides, "The wife shall be added to her husband's passport upon her request and the approval of her husband, and after ascertaining the continuity of the marital relationship between them and filling out the form prepared for this purpose." As passport application procedures differ for women and men, the answer to this question is "No."

2. Workplace

Comment received from Government:

1. *Can a woman get a job in the same way as a man?*

In Yemen, there is no law that gives the right to the husband to prevent his wife from work, or to force her leaving the work that she is currently occupying. In the current circumstance, women enrolled in labor market for the sake of assisting her husband, where a many of them established a micro-scheme which are runed from their own houses, taking into consideration their family cohesion and maintaining a sufficient livelihood.

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is "Yes" if there are no restrictions on women's legal capacity and ability to work. The answer is "No" if a husband can prevent his wife from getting or keeping a job or pursuing a trade or profession or if it is considered a form of disobedience with legal ramifications for a wife to engage in employment contrary to her husband's wishes or the interests of the family.

According to Yemen's legislation, the answer to this question is "No" based on Article 40 of Yemen's Personal Status Law No. 20 of 1992. Article 40 mandates that the wife must move to the marital home with her husband, obey him, and not leave the marital home without her husband's permission. Since the wife cannot leave the house without the husband's permission to do her job, the answer to this question according to WBL methodology is "No."

Comment received from Government:

2. Is there legislation on sexual harassment in employment?

In pertaining to sexual harassment at work, women in Yemen normally hesitate if not avoid reporting sexual harassment, as such incidents may cause a damage to her reputation and to the family as well, moreover, there are no provisions in the Yemeni law that regulate sexual harassment as yet.

Response from Women, Business and the Law team:

According to the *Women, Business and the Law* methodology, the answer is "Yes" if there is a law or provision that specifically protects against sexual harassment in employment (intended as unwelcome sexual advances, requests for sexual favors, verbal or physical conduct or gestures of a sexual nature, annoyance if understood to include harassment with sexual content, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another in connection with employment), including provisions on inducing indecent or lewd behavior coupled with financial or official dependence or authority, abuse of position or authority, or language that can be clearly interpreted to mean such dependence or abuse; or if sexual harassment is considered a form of discrimination in employment and the law protects against discrimination. In the case of Yemen, no provision specifically prohibiting sexual harassment in employment could be located. Therefore, the answer is "No".

3. Pay

Comment received from Government:

1. Does the law mandate equal remuneration for work of equal value?

Regardless of the gender, remuneration is paid equally for work of equal value. It is restricted for women to enrolled in hard labor or to perform a hazardous type of work.

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer is "Yes" if employers are legally obliged to pay equal remuneration to male and female employees who perform work of equal value. "Remuneration" refers to the ordinary, basic, or minimum wage or salary and any additional emoluments payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising from

the worker's employment. "Work of equal value" refers not only to the same or similar jobs but also to different jobs of the same value. The answer is "No" if the law limits the principle of equal remuneration to equal work, the same work, similar work, or work of a similar nature. The answer is also "No" if the law limits the broad concept of "remuneration" to only basic wages or salary, or if the law limits the principle of equal remuneration for work of equal value to the same place of business or same employer.

Article 67 of the Presidential Legislative Order to promulgate the Labour Code, Act No. 5 of 1995 stipulates that "Women shall be entitled to wages equal to those of men if they perform the same work under the same conditions and specifications." This standard is narrower than the standard of equal remuneration for work of equal value because it does not account for different work that may be performed under different conditions and specifications, but that is nonetheless of the same value. Therefore, the answer to this question is "No." Please also see the Direct Request of the ILO Committee of Experts on the Application of Conventions and Recommendations on C100, available [here](#).

Comment received from Government:

2. Can a woman work at night in the same way as a man?

Working at night is considered to be morally inappropriate, except in certain place such as: hospitals and private clinics or during the holy month of Rammadan. Women can also work at nights in shops or pharmacies where their expertise is needed, only evening times, not to exceed 09 o'clock pm.

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology the answer is "Yes" if nonpregnant and non-nursing women can work the same night hours as men. The answer is also "Yes" in the following cases: when restrictions on women's ability to work at night do not apply to the food retail sector, women's consent to work at night is required, or an employer needs to comply with safety measures (such as providing transportation). The answer is "No" if the law broadly prohibits women, including those with children over the age of 1, from working at night or limits the hours women can work at night. The answer is also "No" if the law gives the relevant minister or ministry the power to restrict or prohibit women's night work.

Article 46 of the Presidential Legislative Order to promulgate the Labour Code stipulates that it is forbidden to employ women at night, except during the month of Ramadan and in the jobs which shall be specified by order of the Minister. Therefore, the answer to this question is "No."

4. Marriage

Comment received from Government:

Marriage in Yemen is accomplished in accordance with the Islamic legislation "Shari'a" together with the Personal Status Law. We used to have a "Family law" in southern Yemen, but after unification, such law had been merged with the personal status law. We also have in some areas of Yemen what so called customs, habits, and traditions where laws and legislations are not applied, where under age female is forced to get marriage just upon the consent of her father.

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the measured data is based on codified laws only and, in some common law jurisdictions, legal precedent. Customary or personal law are reflected in the data only when codified. Religious or customary practices that are not codified and unwritten social or cultural norms are not considered.

In the case of Yemen, the following are two example of data points under the Marriage indicator that measure inequalities based on the written personal law.

1. *Can a woman obtain a judgment of divorce in the same way as a man?*

According to *Women, Business and the Law* methodology, the answer to this question is "Yes" if the process for obtaining a judgment of divorce is equal for women and men, but provides additional protections for women, such as prohibiting a husband from initiating divorce proceedings while his wife is pregnant. The answer is "No" if women can only initiate divorce proceedings under certain circumstances, which are not specified for men; women must relinquish certain financial rights to obtain a divorce, and men do not have to; women must see a judge to initiate divorce proceedings, and men do not have to; women must prove fault, and men do not have to; only men can initiate divorce proceedings; there are different evidentiary rules or procedures for women and men; or divorce is legally prohibited.

According to Yemen's legislation, Article 59 of the Personal Status Law No. 20 of 1992 states: "The husband can divorce his wife up to three times, to be renewed if the wife consummates another marriage." If women want to divorce their husbands, they have to resort to courts. Furthermore, Article 72 of the Personal Status Law No. 20 of 1992 provides: "Khul'a is a separation between two spouses in exchange for compensation from the wife . . ." Therefore, the answer to this question is "No."

2. *Does a woman have the same rights to remarry as a man?*

According to *Women, Business and the Law* methodology, the answer to this question is "Yes" if there are no provisions limiting women's rights to remarry; e.g. by requiring a waiting period before remarriage that men are not subject to. The answer is "No" if there are any provisions limiting women's rights to remarry.

Articles 79-83 of the Personal Status Law No. 20 of 1992. Articles 79 to 83 of Yemen's Personal Status Law of 1992 regulate the conditions of observing *Idda*, which is the waiting period that women must adhere to after a divorce, annulment of marriage, or the death of their husbands, before remarrying. Article 79 reads: "Idda takes place after a divorce, annulment of marriage, or death [of the husband.]" In addition, Article 80 provides "The Idda for divorce or annulment is not required until after consummation and the divorce begins from the date of its occurrence unless the woman is not aware of it from the date of her knowledge and begins the annulment from the date of its judgment, and the waiting period for death is required before and after entry and starts from the date of the woman's knowledge of her death of her husband." Moreover, Article 81 reads "In case of pregnancy, the Idda lapses with delivery . . . and the waiting period for the deceased from her non-pregnant husband is four months and ten days." Article 82 provides "The waiting period for divorce for a non-pregnant woman is as follows: (a) For the same menstruation, there are three menstrual periods other than the one in which she divorced. (b) for a person who does not have a menstrual cycle for three months. (c) The woman who has missed is not lying in wait for three months, and if her menstruation does not return, her waiting period ends with her, and that her menstruation comes back during that time she has resumed three menstruation. (d) The waiting period for menstruation is three menstrual periods, if it is remembered for her time and number, otherwise it is three months, and if the husband dies

during the waiting period from a revocable divorce, the woman resumes the waiting period from the date of her knowledge of her husband's death."

Since women have to adhere to a waiting period (Idda) after a divorce, while men do not, the answer to this question is "No."

5. Parenthood

Comment received from Government:

1. Is paid leave of at least 14 weeks available to mothers?

Woman works during her pregnancy period, however, after passing the sixth month of pregnancy, she is allowed to leave work at 12 o'clock noon, as per civil service law. In private sector, leaving early for pregnant woman is to the discretion of the employer.

In the government sector, it is not allowed and is considered to be against the law to terminate the service of employed woman for her the cause of her pregnancy. While in the private sector, this action is to the discretion of the employer

Pregnant woman also granted a maternity leave for 60 days and may extended to 80 days if the delivery was difficult or if the mother has delivered twins.

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer for this question is "Yes" if mothers are legally entitled to at least 14 weeks (98 calendar days) of paid leave for the birth of a child through maternity leave, parental leave, or a combination of both. The answer is "No" if the law does not establish paid leave for mothers or if the length of paid leave is less than 14 weeks.

Article 45 of the Presidential Legislative Order to promulgate the Labour Code, Act No. 5 of 1995, as amended by Law No. 15 of 2008 amending the Labor Law, stipulates that a pregnant worker shall have the right to maternity leave with full pay for 70 days. Therefore, the answer to this question is "No."

6. Entrepreneurship

Comment received from Government:

1. Can a woman register a business in the same way as a man?

There are no restrictions or constrains for women to establish and run their own firms. In this regard, women are treated equally as men.

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is "Yes" if there are no restrictions located. The answer is "No" if there are provision(s) that limit women's ability to register a

business or tie it to certain conditions. The answer is also "No" if additional permission, authorization, or documentation is needed.

The answer to this question is "Yes" for Yemen as no applicable restriction(s) were found that restrict the ability of women to register a business.

Comment received from Government:

2. *Can a woman open a bank account in the same way as a man?*

Women also can open their own bank accounts, and obtain a trade registry without any constrains.

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer for this question is "Yes" if there are no restrictions located. The answer is "No" if there are provision(s) that limit women's ability to open a bank account or tie it to certain conditions. The answer is also "No" if additional permission, authorization, or documentation is needed.

The answer to this question is "Yes" for Yemen as no applicable restriction(s) were found that restrict the ability of women to open a bank account.

7. Assets

Comment received from Government:

1. *Do men and women have equal ownership rights over immovable property?*

Woman can own and run her property without any discrimination based on gender. It is not allowed to run the woman's property by her husband, unless otherwise, she gives him a power of attorney to do so in accordance with the law.

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer for this question is "Yes" if there is no specific legal restriction related to property applied to women or men based on gender. Also, if aspects related to property during marriage fall under a mix of custom, law, and judicial precedent and no sources, including reports of the Committee on the Elimination of Discrimination against Women (CEDAW)CEDAW , reveal the existence of inequality. The answer is "No" if legal restrictions on property ownership apply to women or men based on gender, or if there are gender differences in the legal treatment of spousal property (e.g., if husbands are granted administrative control over marital property).

The answer to this question is "Yes" for Yemen as Article 50 of the Civil Law provides, "The age of majority is 15 years old. If a person reaches this age while enjoying full mental capacities and rationale in his actions, he/she may have the legal capacity to exercise his/her civil rights, in accordance with the below conditions."As such, the Civil Law does not differentiate between the legal capacity of men and women who reach the age of majority with regards to ownership rights over immovable property.

2. *Do sons and daughters have equal rights to inherit assets from their parents?/Do female and male surviving spouses have equal rights to inherit assets?*

In terms of inheritance, woman is treated in accordance with "Shari'a" Islamic Legislation (a male get double as much as the female can get).

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question whether sons and daughters have equal rights to inherit assets from their parents is "Yes," if there are no gender-based differences in the rules of intestate succession for transfer of property from parents to children. It is also "Yes", when aspects related to inheritance fall under a mix of custom, law, and judicial precedent and all sources, including reports of the Committee on the Elimination of Discrimination against Women (CEDAW), do not reveal the existence of inequality. The answer is "No" if there are gender-based differences in the recognition of children as heirs to property.

Articles 307-324 of the Personal Status Law of Yemen No. 20 of 1992 mandate that sons inherit twice the share of daughters. More specifically, when the a group of heirs have equal hierarchy in their relation to the deceased, the male heir receives twice the share of the female heir. Since sons and daughters are equal in their hierarchy, daughters may only inherit half the share of their male siblings. As such, sons and daughters and male and female surviving spouses do not have the same rights to inherit assets.

According to *Women, Business and the Law* methodology, the answer to the question whether spouses have equal rights to inheritance is "Yes" if surviving spouses of either gender have the same inheritance rights. The answer is "No" if there are gender-based differences in the inheritance rights of surviving spouses. Note that for this question it is assumed that the deceased spouse left no children or any other heirs, other than the surviving spouse, and there is no will.

According to Article 309 of the Personal Status Law of Yemen No. 20 of 1992, the husband inherits half of the estate if the deceased has no heirs. In addition, based on Article 310, the wife inherits a quarter of the estate if the deceased has no heirs, and the husband inherits a quarter of the estate if the deceased has heirs. Finally, Article 311 provides for the right of the wife to inherit one-eighth of the estate if the deceased has heirs. Based on these articles, male and female surviving spouses do not have the same rights to inherit assets. Therefore, the answer to this question is "No."

8. Pension

Comment received from Government:

1. *Is the age at which men and women can retire with full pension benefits the same?*

Pension law during the past years was not permitting women working in the governmental sector to receive the pension amounts of their deceased husbands. But in early 90s such law was amended to allowing women employed in government sector to receive such type of pension.

Pension laws for man and woman is as follows:

Man: 60 years of age or 35 years of service

Woman: 55 years of age or 35 years of service

Response from Women, Business and the Law team:

According to *Women, Business and the Law* methodology, the answer to this question is "Yes" if the statutory age at which men and women can retire and receive irrevocable minimum old-age pension is the same. The answer is "No" if there is a difference in the statutory age or if there is no national law on pension benefits. Note that this question only looks at workers employed in the private sector. If transitional provisions gradually increase, decrease or equalize the statutory retirement age, the answer will reflect the retirement age as of October 1, 2021, even if the law provides for changes over time.

Articles 2 and 51(1) of Republican Decree Law No. 26 of 1991 stipulate that the retirement age is 60 for men and 55 for women. Therefore, the answer is "No."

Communications

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