

Women and Local Governance in Yemen

Introduction:

The first elections for local councils in Yemen took place on February 2, 2001 after the unification of the state in May 1990 and followed by the issuance of the Local Councils Law in 2000. The elections resulted in the victory of the first 38 women in the local councils, three of whom were in provincial councils and 35 of whom were in district councils. However, the overall rate of women's success in those elections did not exceed 0.6%. The situation did not improve much in the last elections of September 2006, in which the same number of women were elected (38), 35 of whom represented the ruling party. This sharp decline in the representation of women in local councils, and decision-making positions in general, resulted from several social, cultural, political and legal factors. The legal obstacles can be summed up as follows:

- The electoral system is based on individual constituency, meaning that often only those possessing power, influence and money are able to win under this system and these qualifying factors are usually beyond women's reach.
- The need for all candidates running for an elected council position to anoint 300 people among voters in the constituency in order for his/her candidacy to be accepted.
- The law does not stipulate any positive discrimination, such as instituting the principle of quotas, despite Yemen's ratification of the CEDAW in 1986.
- The predominance of the centralization of local authority law, which allows the appointment of governors and directors of elections, who become the head of local councils in each province, by the government. Moreover, law entitles the Minister of Local Authority to call on the Ministers' Council or the President to dissolve the local council. This is in addition to the dual functions of the ministries' executive offices in provinces and local councils which hinder the performance of the latter. This phenomenon mainly relates to the government's concern regarding giving significant powers to local structures for fear of de-fragmentation and Yemen's return to being a divided country.

- The condition of the 2001 amended national election law that mandated that a candidate should be educated and righteous. These requirements contradict the constitutional principle of gender equality, as literacy and religiosity connote the preference of men as opposed to women in the very tribal social context of Yemen where women represent 29.5% compared to 59.7% of men.

Recommendations:

1. Constitutional Amendments

- Changing the electoral system from the system of individual constituency to the relative list system will help women join the lists and curb the need for individual confrontation.
- Abrogate Article (31) of the Constitution which stipulates that "women are sisters to men and have rights and duties as imposed by the Islamic Sharia (law) and provided for by law." This article discriminates against women because the term imposed by the Islamic Sharia is a vague one and since there are broad and diverse interpretations of the Islamic Sharia, though most interpretations are radical, it is very often the most radical interpretation that gets taken into consideration. Additionally, the article emphasizes the fact that women should be treated in accordance with the Sharia despite the existence of a fundamental article of the Constitution which stipulates gender equality.

2. Amendments to Election Law

- Adopt the principle of positive discrimination by instituting a special quota for women that requires 30% of women in elected councils and in the Supreme Commission for Elections.
- Abolish article (58) which requires that independent candidates of both sexes anoint three hundred voters of their constituency.

3. Amendments to Party Law

- Add an article in the parties' law necessitating that in order for parties to obtain financial allocations from the State, they must commit to nominating 30% women candidates in all elections.

4. Amendments to Local Council Law

- Establish the principle of decentralization through the election of the governor of the province and head of the Directorate thereby limiting the possibility of dissolving the council by the President of the Ministers' Council and the President of the republic.
- Abrogate the duality of power between the local councils and the province's executive offices in such a manner as to ensure the effectiveness of the role of the local council.

Maintain support of women participation:

- Coordinate activities of civil society organizations to create effective lobbying and pressure the political authority to adopt the principle of positive discrimination of women and involve them in law-making.

- Abolish discrimination between men and women in all relevant laws in such a manner as to guarantee the principle of equal citizenship, especially the civil status law which, for instance, insists on the inadmissibility of women leaving their homes or travelling without the permission of their husband, and other articles that hamper women's legal rights.
- Reactivate the CEDAW (Convention on the Elimination of All Forms of Discrimination against Women), which will help to promote women's conditions in general and accordingly impact their effective participation in local councils.
- Institute capacity-building measures for women's associations and civil society organizations.
- Organize the media in the support of women and pressure political parties to endorse women's candidacy.
- Implement legislation limiting the funding of electoral campaigns and
- Introduce quotas in political parties.

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