

Honor Crimes in Yemen

A Legal & Social Analysis on Violence
Against Yemeni Women Pertaining to Honor

The study prepared by Sisters Arab Forum for Human Rights (SAF)
in partnership with the Swiss SURGIR Foundation

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Introduction

During the past 14 years, the interest in women human rights in Yemen has increased. The interest became clear at the legislation level through the amendment of several laws that go in harmony with the human rights principles acknowledged in international legislations for human rights and international agreements and treaties related to women human rights. Also, at the political level, a national strategy for gender has been prepared. Efforts were exerted from both sides of governmental bodies and NGOs to include gender issues in the public development and sectoral strategies and plans. At the institutional level, the National Committee for Woman and the Higher Council for Woman's Affairs were established, and the Yemeni Women Union was reactivated, as well as to the noticeable growth seen in several civil society organizations in the field of women human rights and the variety of its activities, and establishment of several network

ks to develop woman status and ensure her protection. At the programs and activities' level, some programs and projects related to woman issues and development were designed and implemented.

Regardless of the extent of completeness and success of these efforts, research activities related to women human rights in general and those related to violence against women in specific motivated implementing a number of studies and researches related to social structure and cultural directives effects of violence spread against women, violence forms, causes, and affects. Studies about types of violence that women are exposed to such as political, economic, and family violence ...etc. were implemented as well. Another study was conducted on abused women such as prisoners, refugees, and early married girls. Other studies were implemented about the forms of violence against women such as disinheritance, deprivation of education, circumcision, and early marriages...etc.

However, violence against women due to what is called honor crimes didn't receive interest from governmental and non-governmental institutions concerned with women human rights and no studies or researches were conducted till now. Therefore, Sisters

Arab Forum for Human Rights (SAF) decided to implement a pilot study on honor crimes, for 2005 plan. SAF in partnership with the Swiss SURGIR Foundation, implemented the study during the first six months of 2005. Following are the important findings of this study.

Objectives of the Research

The disinterest in honor crimes in Yemen is due to the sensitivity of the subject matter and its connection to a set of social values. Thus, SAF emphasized that this project, to study honor crimes in Yemen, represents part of its concern in human rights, which aims at protecting the human dignity and development. SAF concern shouldn't be interpreted as a call for allowing depravity or disrupting the Islamic *Sharia* laws, however, it should be interpreted as a call for implementing the proper Islamic laws, ensuring individual and public moral protection, and defending human rights. This is because most of honor crimes or women murders that occur to defend their honor and dignity truly are based on suspicions, doubts, and rumors, while Islamic laws determine certain conditions to prove adultery and commissions judicial institutions to give its rule and the official bodies to implement the law.

With regard to this, knowing how far the phenomenon of honor crimes is spread, its social and economic conditions, the cultural directives that help in committing it, and its effects on individuals and families represent the main objective of this study, which will be achieved through the following:

- Identifying methods that honor crimes are committed.
- Identifying social, economic, and cultural factors behind honor crimes.
- Determining methods and procedures of judicial institutions when dealing with honor crimes perpetrators.
- Determining the factors and conditions that forces relatives to rush into committing crimes against women who are accused or suspected of adultery, and other factors that force others to be patient and discuss.
- Determining the most family member who commit such crimes (father, brother, husband ...etc.)

- Finding out the public attitude regarding honor crimes, which helps in designing awareness programs that would limit this phenomenon.

Methodology of Research

Due to the sensitivity of this subject, implementing an extensive study could cause negative reactions and responses. Therefore, we deemed that the study should take the form of a research, in which it would be an introduction to more comprehensive, extensive studies, and it would just be limited to the city of Sana'a.

These kinds of studies not only seek to compile quantitative data about the phenomenon, but also qualitative data from institutions and individuals or stakeholders concerned with the subject matter. The most important procedures implemented are represented as follows:

- Implementing in-depth interviews with some officials from security bodies and police officers.
- Implementing in-depth interviews with some judges, lawyers, and prosecutors.
- Frequently visiting hospitals to compile information and data through having uncensored interviews with honor crimes victims and individuals related to them available in hospital if researchers were able to get any.

Table (1) Sample size of field interviews

Segment	Number of Interviews
Health Personnel	26
Police Officers and Inspectors	26
Judges, Lawyers and Prosecutors	26
Total	78

Tools of Compiling Data

Semi-structural interviews were used in compiling data. The data collected were analyzed based on a qualitative analysis. Some quantitative analyses were conducted whenever needed.

Scope of the Research

Taking into consideration the opinion Exposure method that the research built on, and its objectives, this research will not require a traditional and common field study. Also, it will not require an extensive field research in different areas and provinces. However, it will conduct interviews that are more likely to be consultative rather than normal interviews. Therefore, the research was limited to the city of Sana'a, and 78 interviews were conducted for three categories of individuals that work in fields and institutions that deal with honor crimes victims. They include: medical institutions, police officers, inspectors, judges, lawyers, and prosecutors. The interviews were conducted in six governmental and private hospitals, 12 police stations, three security directorates, and three courts and eight attorney offices, and some were conducted outside governmental and non-governmental organizations as mentioned above with the three sectors representing the research sample.

Field Difficulties

Further to the difficulties related to social sensitivity and positional norms towards the core subject of the research, the research team faced several technical difficulties while conducting the field surveys. At the first place, so many interviewees were not positively responsive: policy officers, judges and lawyers. Some of the interviewees dealt with the research questionnaire slightly with indifference. Research time frame and other related logistics were not concerned by these criteria of interviewees.

Gender and Honor Values

The culture determines the gender. It sets roles and responsibilities of women and that of men by dividing duties based on their gender. This process in traditional societies and communities resulted in specifying the gender in two major aspects: private sphere and public sphere, or family and social aspects, or as some describe it as house duties and outside house duties. The private domain is described as that related to the family. As for the public domain, it is related to society or community affairs, and decision making related to them.

Social role theories explain dividing the work on the basis of gender and all that is required to determine the social tasks in relation to property and authority. Therefore, some researchers used these theories to analyze the status of women in the Yemeni society and in other traditional societies. They consider separation between the public and private roles represents marginalizing women, and setting her participation in the society aside and eliminating her participation in public decision making in the society. This pushed them to set equal standards between the social status of women and the social status of marginalized social segments of the Yemeni society¹.

We agree with these theoretical directives that explain the relationship of gender and its tasks regarding the concept of power² and authority. However, with regard to that the social phenomena explanation isn't subject to a rule of thumb to interpret the natural phenomena. The social phenomenon isn't caused by one reason, however, it is caused by other several reasons, and also there are major factors that caused it to appear. We deem that dividing work on the basis of gender in Yemen not only depends on power and authority, but also on cultural born values, most importantly the value of honor.

The issues of the private and public sphere aren't geographical issues rather than social issues. Therefore, we do not agree on using the concept of inside the house and outside the house as synonyms to the private aspect and public aspect. The place where the roles are played isn't important because the place is neutral, whereas the nature of these social interactions that occur between doers is important. From this point, we agree with David Har in the importance of what he called social philosophy of a place. Therefore, determining the roles of a woman to be just as the private role goes back to lacking social power, authority and honor value. The goal of this social work division is not only to eliminate women from participating in social decision-making, but also to separate the man's and woman's world from each other, and to isolate women from men and strangers in general as they fear that any mingling with men could cause practicing kinds of emotional or sexual behavior, which at the end disagrees with the moral values in general and honor values in specific. Therefore, the

¹ The concept of power here doesn't mean physical strength but social power.

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private and public aspects aren't absolute concepts. They are considered social and historical concepts, which means that their indications differ from a society to another and from a historical stage to another dependent on the development stages of the society itself. If we take agriculture for example in a subsistence economy and the family dominance with no employees, it would be considered as a private activity. In this case they found out the Yemeni woman has participated and still participates in this type of activity because she wouldn't have to deal with strangers (non-family members). However, when agriculture becomes a public aspect activity, meaning if it becomes modernized and transferred into a capital agricultural project directed to serve the market and completely or partially depends on employees. In this case, it would become a public aspect activity, because employees would have to deal with strangers other than those who own the land, thus, the Yemeni woman would not be allowed to participate in any agricultural activity directed to serve the market.

We can also provide many other indications that suggest the importance of honor as a reference to the interpretation of dividing work based on gender and separation of private and public aspects. For example, families aren't totally against girl education, but they refuse it if schools weren't gender separated. However, if gender separated schools were available with female teachers then they would accept teaching their girls. Meaning if families were able to guarantee that their girls will not interact or mingle with boys and men in schools then they would accept their education. The results of previous studies indicate that the families' stance from girl education is determined on what they believe in regarding the value of honor whether it was as a consolidation or threat to them. Therefore, the two factors causing girls drop out of school are basically: mingling with the other sex, considering it a threat to the value of honor, and early marriages considering it a consolidation to the value of honor. The same goes to working in the modern economy sector. Families do not totally refuse their women to participate in work. They could accept their work if the nature and the field of the work guarantees separation between men and women, or guarantees that there will be limited mingling with strangers. Yemeni families accepted that their daughters work in the police force provided that special police academy for women is available and to only work in cases related

to women. They also accepted them to work in the medical profession, however, it got limited to pediatrics and gynecology, and this goes for other careers.

Finally, we observe the direct relationship between women's participation in the public fields in particular cases and urbanization in general and the spread of wearing a veil. The veil is a tool to separate woman's world from the men's and through the veil which can transform the public aspect into a private one.

Violence against Women and Honor Crimes

The United Nations defines violence against women as: "Any violent act or behavior occurring on the basis of discrimination between men and women, which results in or might cause harm, physical, sexual, or psychological abuse, or women endurance, including threats that represent these acts, as well as deprivation of freedom in the public or private life."¹ From this point, violence against women can be specified in three domains: Family (private aspect), society, and state (public aspect). The United Nations defines family violence as "continuous beating or violent attacking in a frequent manner, whether it is physical, verbal, emotional, psychological, and/or sexual abuse against the woman from the husband or other relatives. This includes threatening, menacing, harmful acts, intimidating expressions, beating, using weapons, rape, imprisonment, deprivation or estrangement, financial control, cruelty against women or other people or things she cares about, or obscene expressions or words."²

The UN explained violence against women regarding it an act of unequal power between men and women throughout history, which led man to control woman and practice discrimination acts against her³. Actually, not every violent act against women represents an act of inequality. Therefore, "power" as a saying, if it explained violence based on the social role and violence against women in the society and country, isn't enough to explain family violence and violence related to honor crimes.

¹ These two definitions were found in the United Nations World Declaration to combat Violence against Woman. Adopted by the United Nations General Assembly in its general session no. 85 dated December 20, 1993.

² Ibid.

³ The introduction of the United Nations World Declaration in issues related to violence against women.

Physical abuse, which takes the form of battery, using weapons, and anything resulting to murdering, injuring, or imprisoning a woman especially those occurring in traditional and tribal societies, is mostly violence occurring from family members such as husband or other male members. This violence is based on cultural and traditional practices related to honor, virtue and purity.

Social Structure and Honor Crimes

A traditional society is a hierarchyal society where equality doesn't exist. Therefore, social status of individuals is based on their social positions that the society determined for them, which in return is determined on hereditary factors (whether biological or ethnic) and not on acquired factors. Individual's social status in the traditional society is determined based on their sex (male or female), color, class, race, religion, or ancestry ...etc.

Moral values are one of the most important criterions that a person is judged upon. Honor is one of the criteria and honor issues in a traditional society are not connected to individuals but to groups. A woman's honor is not a matter that concerns her or her family, but it also concerns the tribe or clan. Moreover, the concept of woman's honor is a broad one in traditional societies. In order for a woman to maintain her honor, not only she is not allowed to practice sexual relationships outside marriage, but also she is not allowed to mingle with male strangers, have affairs before marriage, go out of her house without husband's permission, and she has to wear clothes that cover all her body and face when she goes out of the house.

Legislative Structure: Discrimination and Violence against Women

The legislative structures in Yemen similar to other upper structures are greatly affected by the nature of the prevailing social relationships in a society. Mostly, the legal and legislative structures express the interests of the dominating forces and go in harmony with the social segments and classes that greatly affect the society. They also represent a natural reflection of the dominating social relationships between different social segments, groups, and classes. The legislative structure could be classified into two levels: constitutional legislations and legal legislations.

Constitutional Legislations

The objective values represent the most important factor of the constitutional sources. Most constitutions emphasize the values of equality, justice and freedom ...etc. These values are in format with all of the social classes and segments and all of the human groups. Therefore, constitutions generally emphasize these values. If we take the Yemeni constitution, we will realize that its principles and rules support the values and principles of equality, freedom, dignity, security, and human rights to all citizens, which are in line with the human rights principles from a theoretical aspect. However, the reality does not assure this case absolutely, rather than relatively. For example, article (27) from the united country constitution for 1990 (which was referended in 1991) stated that: "All citizens are equal before the law. They are equal in rights and public duties. There shall be no discrimination between them based upon their sex, color, origin, language, profession, social status, or religion." In 1994, the constitution was amended to make article (40) state: "All citizens are equal in rights and public duties." This was already stated in article (27) from the constitution before amending it and deleting the rest of the text, which stated that there isn't any discrimination between citizens based on their sex, color, language, profession, social status, or religion. Instead in the amended constitution article (31) states: "Women are men's sisters and they have rights and duties according to the *Sharia* and according to the law."¹

This came due to the political power change in the Yemeni society in that period, often the 1994 internal war resulted in the domination of the traditional power (religious and tribal) on authority and on decision-making organizations, which was in line with cultural and value directives.

The traditional power is based on strict interpretations of religious and legislative dictations, and on oppressive practices against women issues. The traditional cultural directives overcame the proper interpretation of religious dictation and the human rights principles. The traditional culture is the culture of social differences especially in relation to social role. Therefore, the amendment of article (27) of the constitution

¹ Sisters Arab Forum. The "First Shadow" Report of Yemeni NGOs on the implementation of CEDAW, Sana'a. (Second Edition, November 2004. p9)

reflects the dominating power directives on authority towards women more than other articles that indicate equality between citizens in general. The Yemeni constitution in article (6) states its commitment to implement international conventions. Yemen ratified the ICCPRS, and ratified the Convention on Elimination of all Forms of Discrimination against Women as well as to the Convention Against Torture. This means that Yemen violates the International Law by such amendment.

Legal Legislations

The most important sources of legislations are religion, customs, laws of other countries, and international legislations. The extent of benefiting from these sources is based on the nature of the legislative authority, social beliefs and trends of legislators who possess positions of decision-making in legislative institutions. Legislative institutions that the religious and political parties and power control intend to project the religious affiliations on issued legislations. The legislations that the legislative institutions enact are controlled by the traditional leaders and are clearly affected by the local cultural traditions and customs. In case where a modern social power and liberal parties control legislative institutions, they tend to project and go in accordance with international legislations and human rights principles.

Since 1994, the traditional power in Yemen has taken over important positions in authority and society. That importance has started to grow year after the other, and the legislative elections in 1997 and 2003 led to the winning of the Sheiks of traditional social tribes of most of the Yemeni parliamentary seats. Parallel to this growth of the traditional power in authority and society the legal discrimination against women increased as well, and the gap between practices and indiscriminatory legislative provisions expanded.

Perhaps the legal changes related to determining the minimum marriage age represents one of the most distinctive effects on the legislative systems related to women issues and social and political balance. Under the socialism ideology of, the previous Democratic Republic of Yemen (South of Yemen) authority issued the Family Law no. (1) 1974, where article (7) stated the following: "marriages occur in condition that the husband reaches 18 years old, and the wife reaches 16 years old." In

accordance with this law, the Yemen Arab Republic (North of Yemen) enacted a Personal Status Law in 1978, where the marriage age was set at 16 years old. After re-uniting Yemen in 1990, a Personal Status Law no. (20) was issued in March, 29, 1992, and article (15) stated that it is not allowed marrying males or females who have not reached 15 years old.

The enactment of this law came as a result of the traditional, religious, liberal, and modern powers in the society and authority. However, the imbalance after the internal war of summer 1994, and the domination of the traditional power, the Personal Status Law no. (20) 1992 was amended. Although the amendment included 113 articles from a total of 351 articles, it didn't include article (15). Therefore, the amended Personal Status Law in 1998 kept the context of article (15) of the law no. 20 for 1992, which stated, "It is not allowed marrying males or females whom have not reached 15 years old." After less than five months from this amendment, the republican decision law no. (20) 1999 in relation to personal status was amended which included amendment of only two articles: article (15) and (259). The context of article (15) became as follows: "The minor bride's guardian contract is valid. The groom may not consummate or marry her only if she is eligible for having sex even if she was older than 15 years old and the minor's marriage contract shall not be valid unless there is interest". This amendment completely revokes any specification for girls' marriage age. Therefore, the girl's guardian could marry her at the age of seven or eight if he deemed she fit for sexual relation. The article guarantees by the expression "if her age was older than 15 years old" and is merely misinterpretations to satisfy NGOs that deal with women human rights.

Legal discrimination against women or legal failure leading to violence against women is not limited to the Personal Status Law, but it also includes other several laws including the Aliens Entry to the Country Law, Crime and Penalties Law, and Civil Law comes on the top. However, we don't have enough time to present and analyze. We will settle for presenting and analyzing the legal discrimination leading to violence against women in the Crimes and Penalties Law.

The Concept of Honor in the Law

The concept of a woman's honor in the Yemeni law is not limited to adhering to purity and virtue, or committing adultery. It is a broad concept, and is based on the tribal context and reference more than religious or human right references. This is evident in the context of article (40) of the amended Personal Status Law no. (20) 1992 and Law no. (27) 1998, which states, "The husband has the rights to be obeyed by his wife, in which there is interests of the family especially in the following cases:

1. To move with him to the matrimony house unless she didn't state a condition in the marriage contract that she would stay in her family's house, which in this case she should enable him to stay with her and give him his marriage rights.
2. Allowing him to have sex with her.
3. To abide by his orders without disobeying him and perform all her duties in the matrimonial house.
4. Do not get out the matrimonial house only if she took his permission, had an acceptable excuse according to *Sharia*, what the custom acted upon without violating honor and especially going out to deal with her financial issues, or perform her work that is agreed upon and doesn't conflict with the *Sharia*. Also, it is considered an acceptable *Sharia* excuse for the woman to aid and assist her old parents if there are no one else to look after them.

When we analyze clause 4 of article (40) of the Personal Status Law, it is evident that the wife's departure her matrimonial home is considered dishonorable. Article (141) of the same law led mothers to loose their rights to custody of their children even after being divorced. The West Municipality Court ruled to disclaim a widow's right to custody of her children because of her frequent departure from her home which was proven by witnesses. Therefore, the court considered a woman's frequent departure from her home an act of dishonor.

Legal Discrimination and Killing Women

During the past five years, Yemen witnessed noticeable activities by civil society organizations regarding reviewing the Yemeni legislations in line with international agreements and treaties related to women human rights. Their efforts resulted that the government and parliament responded to their requests to amend few articles of some laws in 2003. They made some amendments on the Citizenship Law no. (6) 1996 and the Civil Status and Registration Law no. (23) 1991, Labor Law no. (5) for 1995, Prisons and Rehabilitation Centers Law no. (28) 1991, and Personal Status Law 1992.

Nevertheless, these laws apart from other similar laws still consist of discrimination against women. Actually, the amendment of some of these laws took two different opposed paths. While some laws were amended to eliminate injustice and legal discrimination against women in some aspects, other articles were amended or created to increase legal discrimination against women and allow forms of violence to be legally undertaken. Perhaps the amendment of the Personal Status Law no. (20) 1992 represents a clear example of this kind of contradiction in the legal development related to women human rights. For example, article (47), gave the husband the right to divorce his wife if she gets sick with incurable or contagious diseases, while the wife doesn't have the same right. This flaw was amended, in which the article stated after amendment: "Each spouse has the right to divorce the other spouse if a repellent defect was found in either, whether it was before the marriage contract or after ...etc." Parallel to that, the amendment of this law in 1999 supported violence against women through canceling the article that determines the minimum marriage age of a girl, previously mentioned.

Despite the seriousness of the negative consequences of such discriminatory laws which affect a woman's status and position in society, and what it could expose her to in relation to several forms of political, economic and social violence ...etc, yet the negative consequences of discrimination based on the social role that some articles of the Crimes and Penalties Law no. (12) of 1994 in general and article (232) in particular exceeds all of consequences resulting from other discriminatory laws. These laws lead to physical abuse to the extent of assault, battery, and murder.

It is realized from analyzing the formal content of the Crimes and Penalties Law that the traditional and conservative power played a big role in drafting its articles. It was able to impose its directives, cultural visions, and attribute it in a conservative characteristic. This is clearly evident when analyzing the language used to draft the law. Traditional terminologies and concepts were used disregarding the structural and institutional developments that the society is witnessing. Some of these terminologies didn't even consider the institutions it referred to as existing. For example, article (98) referred to the "treasury", and this institution doesn't exist in the Yemeni society now.

Other terminologies could have been used instead of such as Ministry of Finance, State's Budget, State, or Public Treasury.

These directives seem to reflect the political status in Yemen in the period that the law was issued. It also reflects the nature of the political power distribution and the legislative authority (parliament) members' directives, their origins, social beliefs and trends. The Crimes and Penalties Law was issued in October 12, 1994 after three months after the summer of 1994 war, which lasted for three months. Therefore, issuing such law represents a legal victory of the traditional and conservative social and political power, which supports its military victory achieved in July 2004.

If the Crimes and Penalties Law generally represented the vision of a broad alliance of traditional and conservative political and social powers, then article (232) clearly reflects impact of the social tribal power on the Yemeni parliament directives. This article states: "if the husband murdered his wife and her partner if he caught them committing adultery or assaulted them to the extent of death, or physical defect he wouldn't be sentenced. However, the husband will be imprisoned for a period less than a year or shall pay a fine. This rule is also enforced if an assaulter found one of his descents, descendants, or sisters in the act of adultery". Actually, this article represents the tribal values' directives as much as it opposes the lenient Islamic *Sharia*, human rights principles, Yemeni constitution, freedom, justice and equality values. We can explain these contradictions as follows:

First Opposing the Islamic Law or *Sharia*

The *Sharia* considers adultery one of the major sins, where its punishment is defined by *Sharia* dictations and it's a right purely dedicated to God – this is what the Crimes and Penalties Law stipulated in article 12 – and not from the minor sins that the *Sharia* mentioned, it was the people's right (as shown in article 13 from the same law) or a felony. Article (232) violates the Islamic *Sharia* in several aspects most importantly:

- It changed the crime from a major sin to a minor sin.
- The Islamic *Sharia* differentiates between married adulterer and adulteress and unmarried ones however this article didn't. Therefore, it opposes the

context of the Holy Koran verse that says: " take not life, which Allah hath made sacred, except by way of justice and law: " The unmarried adulterer and adulteress' punishment in *Sharia* is 80 whips. Murdering them would be considered a murdering without a right whether the adultery committed or an individual. It also opposes the *Sharia* by discriminating between a man and a woman since the *Sharia* equalized between them in punishment of adultery. As for this article, it didn't. It gave the man the right to murder his wife and her partner, mother, sister, or daughter if he caught her committing adultery, while the woman wasn't given the same right if she caught her husband, brother, father, or son committing adultery.

- The rule included in article (232) of the Crimes and Penalties Law isn't based on a Koranic text nor *Hadith*, rather it is based on what scholars take from Omar Bin Khatab's (The Cliphate) stories that one day he was having lunch and suddenly a man came with a sword in his hand with blood on it followed by several men. When they stood in front of Omar, they said: Caliph this man killed our friend. Omar then asked the man if they were right. He said: Caliph, I struck my sword on my wife's thighs and if there was anything between them I killed it. Omar asked the men to explain what the man is trying to say. They said: Caliph, He struck his sword on his wife's thighs and cut the man in half. Omar took the man's sword and shook it, then said: "Should he return then repeat what you did". Meaning if you found him once again strike him with your sword the way you did before. Although the interpretation of Omar's stance doesn't have the endorsement of all Muslim scholars, there are some who have a different interpretation to Ali Bin Abi Taleb (the caliphate), where one of the stories says that he was asked: what would a person do if he found his wife with another man and killed him? He said: if he didn't get four witnesses he should surrender, meaning he should go to the executioner to kill him.¹

¹ Najeeb Ali Saif Jamil, "Woman and Crime from the Social Law Prospective", Woman's Forum for training and studies. First Edition, 2004. Page 128.

Omar's legal opinion was mentioned in Al Mughni Bin Qudama's book and Ali's legal opinion was mentioned in Al Sunah Al Kubra book for Al Buhaiki. We cited these two stories from the above mentioned references

Second: Opposing Human Rights Principles

The right to life is a fundamental one of human beings, and every person has this right. This right is derived from the general principles of human rights and is represented in freedom, equality, and dignity. Therefore, this right is the closest to a human beings and the most expression that reflect the right principle. The narrower meaning of "the right to life" is not to deprive anyone his or her life. Meaning not to interfere in his/her life from an authoritative side or a public authority. This meaning is connected to certain applications and the most important applications are those related to utter danger to execute any person without a court order or according to law. The United Nations, Economic and Social Council, and the United Nation's Conference on Forbidding Crime. Connecting this with the same meaning it aims at applying the penalty execution and issuing rules consisted with national laws or local courts. Before taking the narrower meaning and making the execution rule exceptional, this suggests that this penalty is undertaken as the most dangerous crimes. According to this final rule issued from the competent court and enabling the convicted to appeal or commutate, and preventing the rule to be held except to those above 18, this is after depleting the right to appeal, which is provided from a competent court if proven beyond doubt.¹

Article (232) of the Crimes and Penalties Law no. (20) for 1994 gives men the right to execution and implement it on any woman relative whom they find committing adultery, as well as to execute the adulterer. This murdering that is similar to execution doesn't allow the woman or man accused of adultery to defend themselves with legal procedures and this execution occurs without a rule, trial, or clear legal evidence. This execution could also take place without committing adultery and could only be based on suspicions. This article of the Yemeni law states: "that a man would find his wife or one of his relatives or descendants with another man in the same bed or totally or partially naked in one room would be most probably suspected of adultery." Although in Islam, if someone found another committing adultery, it is only definite with four witnesses or a confession from the committer.

¹ Mohammed Sayed Saeed. Introduction to Understanding Human Rights System. Cairo for human rights studies. A series of human rights directives (3), Cairo. Second Edition 1997. page 42.

Finally, we believe it is against the human rights principles taking into account that it doesn't maintain the human being dignity what it deserves from respect and what rights it has such as the right to ban torture and other inhumane punishments that demean human dignity. Article (232) of the Yemeni Crimes and Penalties Law equalized between the sentence of a man murdering his wife or one of his relatives in the case of adultery and the sentence of killing an animal possessed by another. According to article (320) of the same law: "a person, who intentionally or unnecessarily kills or hurts an animal, cattle or livestock owned by other, would be sentenced by imprisoning for a period of time spanning less than a year or shall pay a fine."

Third: Opposing the Yemeni Constitution

Article (232) of the Crimes and Penalties Law contradicts with the Yemeni constitution. Especially article (3) of the constitution, which states: " the Islamic *Sharia* is the source of all legislations". It also contradicts a previous subject of this study that there isn't any legislative text supporting article (232). It contradicts with article (47) states that the criminal responsibility is personal and no punishment is undertaken without a legal or Islamic context, and every accused person is innocent until proven otherwise by a judicial rule ...etc. Article (232) of the Crimes and Penalties Law confirms an adultery charge against a woman whose husband murdered without having witnesses or proof. Finally, article (50) of the constitution states that: "It is not allowed to implement sentences illegally."

Potentials of Honor Crimes Victims to Sue

As all other Arab countries, Yemen has no credible official statistics regarding honor crimes or women issues in general, the situation even got worse in the last few years. During the 90's, the Annual Statistics Book issued by the Central Statistics Organization in Sana'a used to provide, the Crime and Justice Section, with detailed data regarding crimes committed by or against women categorized according to age. However, during the last few years such data were limited to crimes committed by or against minor females, without any information on crimes committed by or against adult women¹.

¹ Central Statistics Organization, the Annual Statistics Book for years 98, 99, 2002, 2003

Usually, honor crimes are not reported to police offices or courts; rather they are covered and solved peacefully. A police officer says: “our community hides such crimes and restrict talking about them or discussing them within the family, no body dares to talk about them because they are not socially acceptable. However, honor crimes increased in the last period, but only a few number of these cases reached police offices. We hear a lot of stories about these cases in our ordinary life but not during our official work, and if we received any cases, it is usually solved peacefully, withdrew from the office, or solved by arbitration or consensually. Interviews with police officers indicated that a lot of cases that they had received were solved by arbitration outside the office in case the parties involved therein are not relatives, or - if the parties involved therein are relatives - they were withdrawn without being registered in official records. A policeman says: “a harshly beaten young girl once came to us, and knew that she was in love with a young man, and when her family knew about it they locked her home and used to beat her every day until she almost died, so she ran away from her family home located near the Police Office followed by her distinguished and notable family members, we received orders not to register the case, the girl went with her family and we didn’t know what happened to her later.

Such cases rarely happen; the reason of beating a woman or intending to kill her or even killing her is not disclosed most of the time, this is indicated through the interviews we conducted with health personnel. A doctor says: “we received a woman her ear cut off, and the ear was in her husbands hand... when we asked her how this happened, she said that her little boy clung to her ear until it was cut off... but the truth is that this is impossible”. There are many other cases where a woman or girl denies the real reasons behind the violence or harm they face, especially when the perpetrator is the husband, the father, or one of the brothers and mainly when it is related to honor crimes.

Social role tasks and the status of woman and man in a traditional society depends on the way the family looks up to the man and the woman; the man is always a source of pride for the family or the tribe, while the woman is considered as a potential source of shame and disgrace. Customs organize the methods of dealing with women, for example, it imposes strict punishment on killing stranger women, criticizes taking

revenge from women and prohibits women from participating in tribal wars. On the contrary, these same customs are lenient with killing women who are relatives of the killer, that's why women who get killed are most of the time relatives to the committer.

Table No. (2) Indicates the number of “wives killing” crimes in Yemen during the period 1998 – 2002.

Years	No. Of Crimes
1998	14
1999	21
2000	21
2001	15
2002	18
Total	89

Resource: Najeeb Ali Saif Al-Jamil, Woman & Crime: The Social Law perspective, Woman Studies and Training Forum, First Edition, 2004, page 125.

A prosecutor says that the office receives no more than two to three cases related to honor crimes every week, and despite the fact that murders, attempts to murder and assault crimes mentioned in the official statistics do not indicate the reason, many interviewed police officers, prosecutors and judges said that 80% - 85% of victims of honor are women and they might be honor killing victims. In contrary, most of male victims of killing have no relation with honor killing but with retaliation crimes or land ownership conflicts Table No. (3) indicates the number of male and female victims during 2003

Directorate	Death Rate			Total	Injuries			Total
	Male	Female	Ratio		Male	Female	Ratio	
Municipality	150	10	6.25	160	1651	62	3.6	1713
Sanaa	122	15	10.95	137	230	12	4.9	242
Aden	24	3	11.11	27	95	21	18.1	116
Tayez	116	19	14.07	135	489	43	8.10	532
Lahaj	45	6	11.76	51	121	8	6.2	129
Al-Hadeeda	51	8	13.56	89	210	23	9.8	233
Abeen	36	5	12.19	41	89	8	8.2	97
E'b	182	29	13.74	211	549	61	10.0	610

Al-Beida	88	8	8.33	96	318	17	5.0	335
Shabwa	41	3	6.82	44	67	4	5.6	71
Hajja	76	15	16.48	91	361	30	9.1	391
Hadramout	21	2	8.70	23	83	5	6.1	88
Themar	117	8	6.40	125	3555	33	8.2	388
Maa'reb	47	2	4.08	49	111	9	7.5	120
Al-Muhra	6	-	-	6	14	-	-	14
Sa'da	49	1	2.00	50	214	18	7.7	232
Al-Mehwet	19	5	20.83	24	81	4	7.7	85
Al-Jawf	48	-	-	48	51	2	3.7	53
Emran	112	11	8.94	123	272	29	9.6	301
Al-Dalee'	53	2	3.64	55	144	19	11.61	163
Total	1403	152	9.77	1555	5505	408	6.08	5913

Resource: Ministry of Planning and International Cooperation – Central Statistics Organization, Annual Statistics Book 2003, Sana'a, June 2004, page 347.

The ratios between male and female victims (killing & injuries) seem so different which is attributed to two main factors, first is that the Yemeni society is strongly characterized as a tribal community, that's why men are more likely to get killed or injured in tribal wars and armed disputes, but it is opposite with female victims, whose their causes of murder are related to honor. Second is that a large number of female victims are not registered in the official institutions; women who get strangled or poisoned are not registered in the official documents especially in the rural area. Burial in cemeteries does not require a burial license by health institutions, which results in almost the same numbers of male and female juvenile victims, unlike adults.

Table No. (4) indicates the number of juvenile victims and criminals for some flagrant and not flagrant crimes in 2003

Crime	Victims						Criminals		
	Death Rate			Injuries			Male	Female	Total
	Male	Female	Total	Male	Female	Total			
Murder	79	24	103	26	7	33	45	-	45
Murder Attempt	-	-	-	128	31	159	36	-	36
Aggravated Assault	-	-	-	227	14	241	191	-	191

Kidnapping	-	-	-	17	3	20	2	-	2
Rape	1	-	1	42	17	59	27	-	27
Intentional	1	-	1	4	1	5	10	-	10
Exploding									
Arson	-	3	57	2	1	3	67	-	67
Drowning	49	8	57	-	1	1	-	-	-
Falling from	7	1	8	16	7	23	-	-	-
House									
Disappearing	-	-	-	47	39	86	-	-	-
Manslaughter	98	13	111	10	1	11	55	-	55
Accidental	-	-	-	148	50	198	135	4	139
Injury									
Gunshot	-	-		25	2	27	78	-	78

Resource: Ministry of Planning and International Cooperation – Central Statistics Organization, Annual Statistics Book 2003, Sana'a, June 2004, pages 331, 333.

Although significant, the previous tables do not provide comprehensive data on honor crimes; rather they provide social indications on the number of crimes in general. However, the field interviews held with police officers, prosecutors and judges indicate that most of the crimes, which are committed against women, are related in a way or another to honor. A police officer says that among every 50 cases, only one is not related to honor crimes and the committer is not a relative of the victim. However, a lot of honor crimes are not registered as crimes, but as normal deaths - sometimes they are not registered at all- especially if the crimes were committed by strangling or poisoning. In contrast, male victims are non – honor killing victims: among 50 cases against men there is only one case of honor killing. A nurse from a public hospital indicated that she encountered into one case related to honor killing against men. She added that the perpetrator succored the victim to the hospital where they found that the victim's sexual organ was cut. The nurse got learnt from the succors that the victim was subjected to beating and mutilation by some of relatives of a woman whom they suspect he had sexual affair with. Although, all male victims do not incur to killing nor injuries by women's relatives who catch them practicing sexual deeds, or who suspect that they have sexual affair with.

Women's Abusers and Honor Crimes

People who practice violence against women for alleged sexual misconduct or immodest behavior can be categorized in three main categories: public or neighbors, judicial officers and relatives.

- Public and Neighbors

Sharia rules related to proving adultery are stringent; four witnesses are required to prove adultery crime, which leads to rare accusation of adultery. In cases where one of the couple accuses the other of adultery without being caught in the act, the legally determined judicial institutions shall arrest the accused. Sexual violations against females are outlined in the Yemeni Crimes and Penalties Law No. 12 for 1994 in Article (270) under the title of “Assault Indecently” which is defined as follows: “any act that harms the human body and offends modesty other than adultery, sodomy and lesbianism”. Article (271) determined the penalty of assault indecently without forcing as follows: “any person who assault indecently an alive person without forcing or tricking them shall be imprisoned for no more than one year, or shall pay a fine that doesn’t exceed three thousands Riyals¹, and the one who willingly participates in the act shall be penalized with the same punishment”, the extend of this Article may include the act of a man and a women hugging each other or kissing... etc under the assault indecently crime. As assault indecently is practiced by the approval of the other party, the complainant and the arrest party will defiantly a third party.

Articles (270 & 271) of the Crimes and Penalties Law lead to women and girls being physically and morally abused, as when a female is caught in public parks or in car with a man who is not a relative, she is sent to the police then to the judicial party to be imprisoned with the charge of privacy (Ikhtla), while some of them get blackmailed.

¹ 3000 Yemeni Riyals = \$ 15

A health personnel said: “once I was in a park in one of the capital suburbs, I saw a man and a woman walking together and acted in a suspicious way, which led people to attack them and beat them”. An investigator said: “the residents of a district once followed a man, whom they knew for his immoral behavior, walking with a woman and when they saw them entering the house together, they attacked them and brought them to the police”.

There are other cases for women or women headed families where the neighbors, due to suspecting their behavior, submit a claim for the district chief to evacuate them away from their rented homes, on the plea of their immoral behavior; the thing that made it difficult for women or women headed families to rent houses in Sana'a.

Box No. (1) indicates the violence women face from neighbors claiming that they don't comply with the honorable practices. (Quoted from an interview held with a police officer).

With regard to the violence women face from normal people or citizens, it usually occurs in some districts where a woman behaves immorally and the citizens catch her with other men and send them to the judicial officer on the plea of her immoral behavior, without referring to the competent authority to take the required procedures according to the law. This is generally considered a violation of human rights; for instance, a problem occurred once between five girls (whom their father was dead) who lived in a district and people suspect their behavior, once they had a fight with one of the citizens, and all neighbors gathered and started to beat the girls under the claim of their bad behaviors, which made the .police to catch them and refer them to the prosecution

A police officer thinks that beating women by their neighbors or by other people with whom they have no relation only occurs in cases where the woman is either poor, belongs to a marginalized family, or doesn't have any male relatives to protect her. He says: “In most cases, women who are subject to violence as a result of honor issues face this violence by their relatives, however some women are exposed to violence by

strangers, neighbors or policemen and in such cases women are usually weak (i.e. poor).

Policemen and Inspectors

There are many cases where policemen and inspectors arrest women for honor crimes, this usually occurs when a man and a woman who are not related are caught in a public park, alone in a car, house, or hotel. In such cases, policemen and inspectors rely on two articles of the Crimes and Penalties Law which are: the previously discussed Article 270 concerning “Assault Indecently”, and Article 267 related to adultery without legal evidence which reads as follows: “adulterer and adulteress shall be imprisoned for no longer than three years if the conditions required to implement the penalty are not fulfilled, or if the legal evidence required to implement the penalty provided for in the previous Article was not available and the court settled for the available evidence”.

This resulted in offending the reputation of many women and subjected several men and women to attack and other types of insults based on suspicions that came out late to be untrue. In addition, some policemen and inspectors used both articles to practice corruption and extortion; moreover, some of them were not acquainted with the provisions of these articles and used to act according to personal judgments and cultural trends inherited by previous policemen and inspectors. A health personnel says: “policemen perceive all women as being dishonourable, they should be educated on woman rights, and if there is a strict and clear law, nobody can commit a hostile act against others, but unfortunately, policemen consider themselves as being the governing authority and have the right to do anything they want”.

Box No. (2) indicates blackmail acts practised by some policemen who catch a man and a woman alone as mentioned in interviews with employees from the health sector.

- A girl told me that she went for a walk with her friend and some policemen interrupted them, and beat her friend, took the gold she was wearing, her friend's gun and a sum of money, and then left.
- Once we received a girl who was injured by a gunshot from a policeman while she was walking with a man in a park near Sana'a, and when policemen brought her to the hospital they discovered that the couple were engaged 2322.
- A man was in a car with his wife, and policemen stopped them, hit them and took them to the prosecutor office.
- When I was in my honeymoon traveling with my husband, they stopped us in the airport and started to ask who are you? How are you related? Why are you traveling? We are in a society where the woman is always targeted.

As a result of all these mistakes and illegal practices committed by some policemen, and as a response to the woman civil society organizations and the human rights organizations, the Ministry of Interior Affairs issued circulations for all policemen and inspectors ordering them to stop such practices. In addition, some governmental and non-governmental organizations implemented educational and training programs for policemen related thereto. In spite of such initiatives, practices aiming at blackmailing are still being practiced relatively, and are encouraged by the shyness of the victims who are usually embarrassed to complain due to fear of dishonor, so they prefer not to talk about it. However, people are still talking about the permanence of these practices, and some policemen admit that; a policeman once said in an interview: "policemen sometimes resort to violence when needed in order to do their jobs in the best way. For example, policemen once arrested a man with a woman in a park near the capital, the man resisted them and refused to give up, the policemen

then had to resort to violence in order to do their job and bring them to the prosecution office”

The Ministry of Interior took practical procedures to limit these practices including, shutting down the place where women used to be locked up, after the inspectors arrested a minor girl because she was in a car with a man in a park near Sana'a, and the man intended to sleep with her according to the policemen claims, and while the girl was in the detention, someone tried to rape her and she died. This caused the Ministry to shut down the place where the girl was imprisoned.

In spite of all these procedures taken by the Ministry, some policemen and inspectors still commit such practices whether because they are not educated or because they intend to do so to blackmail.

Box No. (3) indicates that some policemen still treat woman violently due to honor issues, a quote from an interview with a policeman.

Sometime, policemen treat women with violence when they are not well educated and are ready to commit illegal acts in case they caught a person with someone else “as when a man is walking with his wife or sister”. Policemen in this case arrest them claiming that they were found alone and the woman is the man’s mistress. Lately however, we have received instructions and orders from the Ministry of Interior not to harm any person whether in the park or in anywhere else unless we witnessed a crime. In my opinion, these practices are still committed by a few judicial officers and others, who sometimes resort to physical abuse. This is attributed to their immorality and misunderstanding of their responsibilities towards these practices, which are detrimental to the Ministry of the Interior. Presently, these practices are still committed but rarely result in punishing the committer.

Relatives That Practice Violence against Women

Honor in traditional societies is not individuals value such as honesty, dignity, courage, generosity ...etc. However, neglecting it doesn't affect the individual himself as it is the case with the last values we mentioned, honor rather extends to all family members and society such as the tribe or clan. Although the responsibility of "cleansing shame" or revenge from the woman who caused dishonor or who violated the rules and standards of honor is in the first place the responsibility of her extended family members, males generally and females in some cases.

The results of the interviews with some of the police officers and health personnel showed that violence that women are exposed to because of honor crimes is domestic violence in the first place. Close relatives (fathers and sons no matter how old or young) males and husbands are those who practice such violence. These relatives are the ones that article (232) of the Crime and Penalty Law specified and determined their punishment of imprisonment for less than a year or paying a fine in case killing a woman who committed adultery her partner. Shedding light on what was previously presented and after analyzing the results of the interviews, we could arrange the relatives who practice violence against women because of honor values as follows:

The father is the first person responsible of the girl and woman, and is responsible for evaluating her behavior. The woman, as assured by people, carries her father's name. Meaning that he would be the first person concerned with her reputation. Therefore, fathers are the most relatives who practice violence against women because of honor crimes. In addition to the fathers' benefit from the context of article (232) from the Crime and Penalty Law, the grandfather also benefits from this as stated in article (59): "The descents are not sentenced for his offspring and shall pay wergild in conformity with regulations." This means that if the father killed his daughter even if she didn't commit adultery and even if he killed her for no reason he wouldn't be executed. This article relieves him from the punishment of imprisonment for a year according to article (232). Therefore, according to these two articles of the Personal Status Law the father's punishment that killed his daughter in the case of adultery is to pay a fine. If he killed his daughter for no reason (not committing adultery) then he

would pay wergild. Here the traditions and customs complete its role by discharging the father from killing his daughter for a reason or another. Wergild is the right of next of kin i.e close relatives. It is customary and familiar that sons and mother do not accept blood money from the father, which means that the father who kills his daughter isn't subject to any kind of punishment.

Article (332) from the Crime and Penalty Law included brothers among other relatives, where the execution punishment is discharged from them if they killed their sister because of adultery. In other cases, they benefit from articles (51, 52, 54, 55, and 62) of the Crime and Penalty Law that are driven from traditions and customs. In most cases, the father, brothers, mother, and cousins discharge the brother who kills his sister. Therefore, the law, tradition and customs don't perform their role in protection and social control and don't contribute to limiting the exposure of women and girls from being killed by their brothers.

Summarizing the interviews that we conducted with health personnel, judges, prosecutors, police officers, and inspectors we reached to the conclusion that male relatives are the ones who practice violence against women, even if it ends by murder or murder attempt. As for strangers, they rarely practice violence against women. In some other cases the mother or sister practices violence against women or girls because of honor. However, these cases are limited in number. Moreover, the violence practiced against them is merely limited to battery, burning, or abortion with unsafe methods in case the girl or the woman was pregnant from illegal relationships. One of the health personnel indicated that one day a mother came to the hospital to rescue her daughter whom she burned her thighs with iron and was escorted with policemen when they reached the hospital, she was still beating her daughter. When the health personnel asked her the reason for doing that the mother said: this girl is immoral.

Although women's close male relatives and their husbands benefit from the reduced sentence (which describes the sentence metaphorically) in case they killed them for adultery according to article (232), the husbands are the most individuals benefiting from this article if compared to other relatives. Married women or those who were married are the most ones accused of committing adultery. Therefore, the probability

of the husband finding his wife committing adultery exceeds the probability of other relatives, especially those who live with their husbands and children in independent houses. We realized that the crimes of killing wives on the bases of adultery exceed the numbers of fathers killing their daughter or brothers killing their sisters. Following are data supporting this conclusion:

Table no. (5) The relationship between the perpetrator and victim in murder crimes or murder attempts in Yemen 1997

The relationship between the perpetrator and victim	No. of crimes
Husband	40
Brother	26
Father	16
Son	12
Unidentified	174
Other	140
Total	418

Source: Taken from Najeeb Ali Saif Jamil, previous reference. Page 124.

Other than the previous clarification that we explained in the table, the increase in number of crimes or murder attempts committed by husbands compared to those committed by father and brothers against girls and women goes back to that several of these committed crimes are registered as accidents, not crimes.

Honor Crimes between *Sharia* and Culture

The demand of fighting all kinds of violence against women and eliminating honor crimes doesn't mean that the research team, SAF and human rights organizations want to liberate women from their social values or abandon their culture and practice behaviors that oppose their religion. On the contrary, we call for abiding to the Islamic laws, rules and regulations, respect culture, and obey moral values. What human rights organizations ask for is to eliminate discrimination in laws between men and women regarding honor crimes, and changing the cultural directives that

contradict with the Islamic laws and human rights principles. There is a clear difference between the Islamic *Sharia* and the Islamic legislation. The Islamic *Sharia* is the rules and principles that were clearly mentioned in the Koran and *Hadith*. As for the Islamic legislation, it's the laws that were set in Islamic countries under the provision of the *Sharia*. It is an interpretative process in most cases, and it depends on the cultural background of individuals who drafted the law and on the prevailing social and cultural structures in society. After revising the Yemeni legislations related to honor crimes, it is evident that it indicates that the legislator was affected by the traditional culture and tribal values more than abiding to the *Sharia* principles. For example, article (232) of the Crime and Penalty Law reduced the sentence on the woman's close relatives (fathers, grandfathers, sons, grandchildren, and brothers), as well as the husband in case they killed her for committing adultery, while it doesn't reduce it on close female relatives (grandmothers, mothers, daughters, grandchildren, and sisters), as well as wives if they killed their husbands for committing adultery. This contradicts with *Sharia* and human rights principles and responds to the tribal culture that considers the man as the defender of honor and the woman as the source of shame.

Although the legislator's basis of his conservative explanation of the *Sharia* and influence of his tribal culture, the relatives who commit crimes against women in relation to honor are motivated to committing them from the tribal directives and values not from the *Sharia* directives. Because they know, for example, that the *Sharia* doesn't punish the unmarried adulteress with death, in spite of that they do. And although many relatives, who kill their women relatives when committing adultery, don't know that the Crime and Penalty Law reduced the sentence for them, they still kill their woman relatives. Therefore, the women victims of honor crimes are actually victims of tribal culture, not the Islamic *Sharia*.

The *Sharia* organizes how a man should deal with his wife if he suspects her committing adultery or if he suspects whether the child is his or not. A man who accuses his wife of adultery or suspects the relationship of one of his kids has to demand an oath of condemnation before the judge according to *Sharia*, as referred to

in articles (108, 109) of the Personal Status Law. After taking the oath before the judge both couples are separated. However, the interviews conducted with judges and prosecutors didn't indicate presenting such cases before the court. The cases that are presented in court are crimes committed in relation to honor.

The conservative interpretations of *Sharia* might have contributed to strengthening the cultural directives that encourage practicing violence against women in relation to honor crimes. However, the perception of those relatives that practice violence against women is a tribal one. This is what one of the health personnel assured when she was asked about the reason of committing honor crimes saying: "tribal values of course... because we became distant from religion and law."

Suspicion and Honor Crimes

The results of the conducted interviews with police officers and inspectors indicate that doubting a woman's behavior represents the main reason of practicing violence against her. It is also the main reason for killing her or attempting to kill her. One of the police officers said: doubting a woman's behavior, man's distrust in himself, and extreme suspicion are the most important reasons of violence against women, which represents 40%. The girl's marriage without her family's consent or refusing marrying the person her family chose comes in second place and represents 40% as well. Finally, finding a woman in seclusion with a man represents 20%. Although this seclusion isn't necessarily for committing an immoral behavior or adultery, relatives rush into practicing violence against them because of seclusion. For example, it is said that once a taxi driver was transporting a woman and by coincidence her relatives saw her. They suspected that there was a relationship between her and the taxi driver, which made them violently beat him. Then they found out that he doesn't even know her and he was only dropping her off to her destination like any other customer. Therefore, violence occurs sometimes without making sure of the reason, and generally distrust is behind this violence.

Table no. (6) The reasons of violence attempted against women in relation to honor crimes as mentioned in the interviews conducted with police officers.

Reason	Percentage %
Husbands and relatives' suspicion of women's behavior	40
Finding her in seclusion with a man	20
Doubting her virginity when married	5
Refusing marrying the person her family chooses	25
Marrying without her family's consent	5
Other	5

Controlling a women's behavior doesn't necessarily mean being exposed to violence. It also means refusing other individuals. One officer said: " that once a girl wanted to get married to her colleague, but her father refused and used to constantly beat her. One night she decided to run away to her uncle's house. Her family thought that she ran to the man's home, so her brothers went to his house and beat him." Several interviews with health personnel say that many men were taken to the hospital with their reproductive organs cut off because of suspecting them practicing adultery with some women.

The most reason that leads to suspecting a woman's behavior is her constant departure from the house. The woman, according to the traditional culture generally and tribal directives particularly, has to always stay home, and never go out except if she has an excuse as stated in the *Sharia*. These directives were reflected in the Yemeni legislations. Article (40) of the amended Personal Status Law (no. 27 of 1998) as mentioned earlier.

Table no. (7) The reasons that lead male relatives to doubt the honor of a woman, and practice violence against them according to the results and analysis of interviews

Reason	Doctors		Judges and lawyers		Police officers and investigators	
	No.	%	No.	%	No.	%
Blinded jealousy	1	1.81	2	5.00	8	8.33
Inadequacy knowledge in Religion	3	4.45	21	52.50	20	20.83
Domination of tribal values	5	9.09	9	22.50	21	21.87
Organized marriages (without choice)	4	7.27	-		13	13.54
Distrust	9	16.36	-		-	
Taking drugs, alcohol, & Katt “sedating plant”	4	7.27	-		9	9.37
Lack of sexual education	15	27.27	-		-	
Strict social upbringing	12	21.81	3	7.50	12	12.50
Woman's attempt to free herself from male relatives' control	2	3.63	5	12.5	13	13.54
Total	55	100	40	100	96	100

From the great disasters that came upon Muslims since the first eras of Islam to-date was the spread of weak *Hadiths*, words and expressions that people circulated, which then were written down and published by others as being the Prophet Mohammed's sayings. Weak *Hadiths* discussed, and the masculine culture directives consolidated in the Arab societies and supported the inferior status of women, their honor and virtue.

The conservative interpretations of *Sharia* that are based on weak Hadiths contributed to forming the cultural directives that refuses women's participation in the public life. It also refuses the women's participation in any activities outside her house, or that

may create suspicions in her morals if she participated in these activities. The interviews conducted with police officers and health personnel indicated that many women get beaten or almost killed because they are late when they come back home from a wedding, or because they are late coming back from work or universities.

Box No. (4) part of an interview conducted with one of the police officers, which shows that most of the women murder crimes in relation to honor issues are merely based on suspicions.

The major reason for honor crimes is when a woman's behavior is doubted and this occurs if she got married without her approval, or if she fell in love with someone and expressed her feelings. In this case she gets abused, these cases reach 30%. She might be caught by coincidence with another person she wants to get married to, or he might be her lover, which exposes her to violence. These cases represent around 20%. As for questioning her virginity from her husband, these cases don't reach us in an official way. We solve them unofficially. A person who deeply searches in Islam he would find that God Al Mighty gave us solutions for everything. God says: " Suspicion in some cases is a sin ". Therefore, people around us shouldn't doubt us and if they did they should make sure whether their suspicions are correct or not. If men and women abided by the Islamic teachings then this phenomenon would disappear.

A woman's status is determined according to the local cultural directives, which in return determines the nature of the prevailing social structures. Although Islam is a religion for a vast majority of Yemenis, nevertheless some civilized areas in the South of Yemen witnessed the elimination of tribal structures, which affected the local culture of these areas. A health personnel said: some relatives understand the situation when they see their female relatives with a colleague and they interpret the situation to be related to work or an agreement to get married. For example, in some Southern coastal areas people are more open-minded because of their level of education, awareness, and cultural environment. People in the South are used to, from a very long time ago, women working outside their homes. As for the Northern areas,

women going out to work starts only recently. People's mentality still doesn't expect women to mingle with men or talk to."

Box no. (5) A girl's case exposed to violence because of suspicion as a health personnel explains in an interview

She got married and after a day or two her husband returned her to her family's house claiming that she is not a virgin. Her husband said that when he had sex with her he didn't see the blood of her hymen. She was severely beaten by her brothers. Because she insisted on her innocence and in response to her mother's request, she was taken to the hospital to make sure she was innocent. It came out that she was really innocent and that she was still a virgin, her husband wasn't able to consummate the marriage with her or have proper sex with her.

Some health personnel reported that there are some cases of newly married girls that came to the hospital with their relatives and their armed husband's relatives, asking them to check their hymen. In most cases they find that the hymen is either from the rubberlike kind, crescent kind, or the normal one, which is still there. These cases occur because of the miseducation of young newly-wed men.

A husband's suspicion of the honor and morals of his wife isn't limited to not finding her a virgin, but it extends to doubting her past that affect her present. Some husbands, where the age gap between them and their wives exceeds 15 years, are most likely to suspect their wives' behavior. Also those men who discover or suspect that their wives had relationships with other men before marriage are most likely to suspect that the relationship is still going on and is developed after marriage.

Box no. (6) the case of girl (r) that her husband killed her because he found an old love letter as reported from a health personnel.

She married her colleague in university. After they got married, he found an old letter she kept in her purse. He also found some phone numbers in her notebook. He shot her twice and shot himself once as a suicidal attempt. They were taken to the hospital to save them. He was saved and she died soon after she reached the hospital.

Suspicion is then the main reason that lies behind honor crimes. Rarely, do the husband and other relatives prove their doubts before attempting to kill the women. All those that we conducted interviews refer this to the poor level of education, culture, low level of awareness, and the strong affect of tribal traditional structures.

Women Murder Crimes in Relation to Honor Crimes:

After analyzing the interviews with health personnel, it is realized that several women who get exposed to murder or attempted murder, rarely do the victim's relatives declare the reason or confess committing this crime. Usually, the families of most women who are murdered by weapons or poison say that they committed suicide or attempted to commit suicide. Most women support such claim if were asked before they die. One doctor said: Victims don't usually say the truth. However, some relatives say the truth, while the majority deny such crime and say that it happened by accident such as: one of the kids shot her while playing with the gun. If the injury was in the form of bruises or similar to that, they would say she fell from the stairs. We all know that it is untrue and slipping from the stairs doesn't cause deep wounds. As for gun shots, we can determine if the wounded shot herself or was shot from another person.

The results of the interviews indicate that most murder crimes and attempts that women are exposed to were because of doubts and suspicions of their behavior. We never found a case were a woman was murdered and really committed adultery. This is the reason why the perpetrator denies his crime. In cases the woman was found guilty of adultery, she gets stabbed or shot and usually the perpetrator confesses his crime and states his reasons.

Box no. (7) The case of Mrs (a) who was exposed to a murder attempt from her brother as informed by a doctors.

Her husband was traveling and one of her colleagues visited her to buy some stuff from the market. Her brother suspected her behavior and watched her. When he was sure she was in the house, he came in from the kitchen window, shot her twice and went out again from the window without any witnesses. She was saved by her neighbors.

The interviews with judges and prosecutors arrived at the conclusion that in many cases were women are stabbed or shot and the perpetrator confesses his crime, the reason would be that the women are caught or were found pregnant without being married. On the contrary, when the perpetrator denies or claims that the shots were due to a party or claims that she committed suicide, the reason would be merely doubt and suspicion.

The case differs if the woman is married or unmarried because some unmarried girls really try to commit suicide fearing that parents would discover deflowered because of adultery. This is what one of the interviews with a police officer concluded saying: "We received a report from some neighbors that one family was beating their daughter to the point that her life was in danger. When we reached the location we found out that the girl was a university student and had a relationship with one of her colleagues, who promised her marriage. However, after having sex with him he avoided her and didn't stick to his word. This made her commit suicide fearing shame and scandal. She was saved, but once her family knew the reason they started beating her until she was almost going to die again. When the neighbors heard her, they called for help."

In some cases were the father or brothers doubt the behavior of the unmarried girl, they quickly marry her to one of their relatives or any person without taking her opinion or approval. Therefore, they never make sure if she is a virgin or not unless the husband mention that. Moreover, they sever the relationship that the girl has with her lover. However, these practices that the interviews with police officers, judges,

and prosecutors manifested represent a reason for more trouble than a solution. One police officer said: "We once received a girl who tried to commit suicide by poison. After we investigated her case we found out that she was forced to marry a man older than her. She had a relationship with a man her age, but her parents forced her to get married to the older man. As known in community in general and in the tribal areas a girl doesn't have an opinion. The girl returned to her family after a short while due to arguments with her husband. She was beaten by her father and brothers, wasn't allowed to go out, or talk to anyone, which led her to poison herself but she was saved."

The Perpetrator's Denial and the Victims' Cover up Honor Crimes

In many cases when women are murdered because of honor, the perpetrator whether he was the father, brother, or husband, claim that the girls committed suicide or attempted to commit suicide (shot or poisoned), or shot by mistake by one of the kids who were playing with the gun. However, all of the categories that we interviewed doubted these suicidal crimes or women murders or murder attempts. Although the data on the bases of social role isn't available, the only available data on such accidents are for juveniles (which are less than 18) indicated the increase of female victims.

Table no. (8) Regarding the number of juvenile victims (under 18) according to the kind of accident, age and gender 2003

Accident Type	Victims based on age												Total
	Deaths						Injuries						
	Males			Females			Males			Females			
	Less than 7	7-14	15-18	Less than 7	7-14	15-18	Less than 7	7-14	15-18	Less than 7	7-14	15-18	
Crash	12	17	17	13	5	0	28	63	79	9	9	9	261
Run over	92	11	17	46	27	1	12	21	61	60	76	13	739
Turn over	15	22	33	7	2	1	18	50	36	13	12	2	211

Misuse of weapons	1	4	7	-	2	-	2	24	66	10	4	8	128
Suicide	-	5	4	-	1	2	-	-	1	-	1	2	16
Attempting suicide	-	-	-	-	-	-	-	1	10	-	6	10	27
Explosion through negligence	4	9	3	-	4	1	9	26	11	5	1	3	76
Fire through negligence	1	1	-	-	1	-	12	8	5	10	4	3	45
Electrocution	1	9	5	2	1	-	-	3	-	-	2	1	24
Total	126	184	86	68	43	5	81	392	269	107	115	51	1527

Source: Ministry of International Planning and Cooperation. The Annual Survey Book 2003. Sana'a. July 2004. page 332

According to the previous table the rate of women reached 22.62% of total minor murders. Injured women represented 28.23% of the total injured of minor accidents in 2003. This rate is generally huge compared to victims of intentional crimes in the same year, which totaled to 9.77% murdered and 6.8% injured females.¹ The increased rate of these minor accidents of females compared to murdered or injured females who die because of honor crimes is because several of these murders or attempts are recorded as minor accidents or that they are suicidal accidents or attempts.

¹ Look at table no. (4).

Table no. (9) Number of juvenile victims and perpetrators (less than 18) according to the type of accident and gender in 2003.

Accident Type	Deaths			Injuries			Perpetrators		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
Crash	46	18	64	170	21	191	54	-	54
Ran over	226	74	300	290	174	464	69	-	69
Turn over	70	10	80	104	27	131	6	-	6
Misuse of weapons	12	2	14	92	22	114	2	-	2
Suicide	9	3	12	1	3	4	-	-	-
Attempting suicide	-	-	-	11	16	27	-	-	-
Explosions through negligence	16	5	21	46	9	55	1	-	2
Fire through negligence	2	1	3	25	17	42	2	-	2
Electrocution	15	3	18	3	3	6	-	-	-
Total	396	116	512	742	292	1034	134	0	134

Source: The table was prepared according to the data stated in table (4).

The interviews conducted with police officers concluded that most cases dealt with in police departments are of girls who committed suicide or tried to commit suicide. Some officers explained that women or girls, whose relationships are exposed, fear to be exposed that they are not virgins, or in case that rumors begin to spread about their sexual and intimate behaviors, they tend to commit suicide fearing scandal. As for other officers, they doubted the families' claims that the accident was a suicidal one or an attempt. They also believe that the perpetrator is one of the relatives but they deny it. In case a victim doesn't die, she herself confesses that she committed suicide. This occurs because of male domination of her life, and the patriarchal dominating relationships in the society.

Table no. (10) Victim rates of juvenile girls from total juvenile accident victims in 2003 according to the age group.

Accident Type	Less than seven years		7-14		15-less than 18	
	Deaths	Injuries	Deaths	Injuries	Deaths	Injuries%
	%	%	%	%	%	
Crash	52	24.32	22.72	12.5	0	10.22
Ran over	33.33	83.37	18.72	25.93	5.55	17.56
Turn over	31.81	41.93	8.33	19.35	2.94	5.26
Misuse of weapons	0.0	83.33	33.33	14.28	0.0	10.81
Suicide	-	-	16.66	100	33.33	66.66
Attempting suicide	-	-	-	85.71	-	50
Explosions through negligence	0	35.71	30.76	3.7	25	21.42
Fire through negligence	0	45.45	50.00	33.33	-	37.50
Electrocuted	0	-	10.00	40.00	0.0	100
Total	35.05	66.90	18.94	22.68	5.49	15.93

Source: This table was formed depending on the data stated in table no. (4).

The Economic, Social Characteristics of Honor Crime Victims

Many results of the interviews concluded that honor crimes started to increase in the 90s. This means that this kind of crimes clearly reflects the adoption of double standards of social values. The phenomenon of modernization grew in the last two decades. During this time, the social relationships and structures were transformed. However, the traditional social relationships and structures didn't disappear. They continued to exist in addition to the modernized social relationships and structure which led to duplication and interference between the traditional and modernized ways of living. Perhaps this duplication seems clearer regarding the roles and positions of women. The rates of Yemeni girls joining schools have increased in the past years. The rate of girls attending primary school in 2002/2003 was a total of 38%, which indicates the increased rate of attendees compared to the school year 2001/2002 where girls attending primary school was a total of 31%. Also, the numbers of women participation in work and public life increased in general. However, this limited improvement that the role of a woman witnessed didn't coincide with the modernization of the cultural frameworks and social value systems that limits and determines the position of women in the Yemeni society. It also has not changed the nature of relationship with men. The traditional culture remained representing a backwards frame that determines a woman's position and her relationship with a man. Shedding light on this kind of social change, and the results of the interviews conducted, the most important social and economic characteristics of honor crimes victims are represented in: poverty, urbanization, and low levels of education. These are the exact characteristics of perpetrators.

Table (11) shows the social and economic characteristics of honor crime victims according to the conducted interviews.

Social and economic characteristics	Doctors		Judges and lawyers		Police officers and inspectors		Total	
	No	%	No	%	No	%	No	%
Poor women	15	28.30	8	18.60	21	26.92	44	20.28
Women living in urban areas	19	35.84	20	46.51	22	28.20	61	

Illiterates	17	32.07	10	23.25	18	22.78	45	
Marginalized victims	2	3.77	5	11.62	17	21.79	24	
Total	53	100	43	100	78	100	174	100

There is a kind of unanimous consent that honor crimes prevail in the city more than the rural areas. 61 studies (78.20%) from a total of 78 indicate that fact. This is due to the limited roles a rural woman would have, her limited chances to mingle with strangers, and know other people in the area. As for women roles in urban areas are several; she mingles and deals with strangers, her husband and family members are away from the home most of the day, or her absence of home because of school or work. All these factors lead to suspecting her behavior by her relatives, which could push them to practice violence against her because of these doubts and suspicions.

Box no. (9) The economic social characteristics of honor crime victims as reported in one of the interviews with police officers

Urban women are more likely to be exposed to violence. This is because of the prevailing openness during the last period in urban areas. As for rural areas, people adhere to the social values more. The case is the same for poor women. They are exposed to violence because the male head of the house sometimes can't provide the fundamental necessities and women resorts to immoral behavior. Therefore, they experience violence. Uneducated women also get exposed to violence because its easy to be affected by others and push to conduct some behaviors that contradict with moral values.

On the urban level, poor women are the most ones exposed to violence in relation to honor. The poor urban women participate more with economic activity than rich urban women. Therefore, a poor urban woman mingles and deals more with strangers. Moreover, her relatives are always away from the house for long hours to earn income because of their low-income status, which **pushes** male relatives to doubt the behavior

of the woman and abuse her. The effect of these factors increases when the women are illiterate or marginalized (such as akhdam).

Conclusion: Results and Recommendations

Since this research is a pilot study, the research team considered that the workshop and Discussion Panel which took place on 26 May 2006 in Sana'a, is a collateral part of the research, so we have integrated all comments and opinions and thoughts upraised during the discussion panel. With highlight on that, we can summarize the research results into the following:

- Honor killing crimes are family crimes. However there are some very few cases when individuals experience violence by police officers or by neighbors, or streets passers, these violence cases and incidents remain very few, limited to insult, beat or robbery. Mostly, non or very rare cases exceed the killing or hazardous injuries for men. Therefore, we can differ between honor killing cases which is always perpetrated within the family-hold, have kinship relation between victims and perpetrators and those cases based on ethical honor values within the family – holds, community and the state.
- Honor Crime is obviously a gender issue. Most of honor crime victims are women and most of honor crime perpetrators are men. Yet, there are very few cases where both the victim and the perpetrator are women, and fewer cases where both the victim and the perpetrator are men, and in such cases, the perpetrator are relatives of a woman whom discovered or suspect that she has sexual relation with the victim.
- Honor Crime is a cultural tribal based crime. The research revealed that honor crimes are driven by cultural and tribal values which are patriarchal and masculine. Within these social norms, men sexual practice and behavior outside the marriage is tolerated by the society and family but it is so much controlling women's sexuality and constraining women movement. Women who are found practicing sex outside the marriage institution get killed by male relatives because this deed brings mortification to her family and tribe, meanwhile practicing sex by men does not harm the morality of the family or the tribe.

- Some girls are victims of honor crimes not because they practice deeds in conflict with laws or *Sharia*' but because they refuse yielding their families' marriage decision, or because they insist getting married to a self chosen husband, and some times they are victims because of un contractual marriage.
- The research revealed that most of honor crimes against women coerced by doubts on women victims' sexual behavior more than any other reasons.
- Some of the honor crime reasons are the fragile knowledge on sexuality and reproduction that young newly married men have. It has been discovered that some young newly married women get physical attack by their husbands who have doubts on their virginity.
- The research disclosed that honor crime prevail among different social segments of people but only those cases happen among poor, marginalized and urban segment get reported on.
- The results of individual interviews with women revealed that, there is a contradictorily relationship between level of education in the family and the level of bearing violence against women inside the same family. Educated relatives tend to be patient and deny rumors and doubts; in addition they are not hurry in making violent decisions, they have more knowledge on tolerant *Sharia*. Also, they are more democratic and understanding of women's marriage's choices.
- Women survivals of honor crimes, usually, alibi the perpetrator, they don't explicit their injures, they pretend that these injuries happen by incidence, or they get attack by non – adults or these injuries come out of committing suicide failure attempts.

Recommendations:

- Although the clear discrimination in article 232 of the Crime and Penalty Law, included in its content regarding reducing the punishment of close male relatives and husbands, who murder women when are caught in the very act of adultery, although discrimination exists in the law, this subject wasn't mentioned by health personnel during the interviews, nor did the police officers give it any genuine interest. As for judges and lawyers, they believe,

although that the article abides by the social status and traditional directives that it doesn't call for murdering of women in relation to honor crimes. Many who committed crimes didn't know the context of the article before committing it. Therefore, many of those whom we interviewed believe that to limit the spread of honor crimes this doesn't, only, require legal changes or amendments, but it requires society awareness regarding women human rights. Seconding to this, all human rights activists, journalists, politicians and public leaders, who attended the Workshop agreed on the importance of awareness raising and education on honor crime to eliminate such a phenomenon, also, they emphasis on legal amendments, however, the police officers and prosecutors reflected an ambiguous concern on the discriminatory aspects implied in Article No. 232 of the Crime and Punishment Law. Yet, some of them asked for amending the article for its illogic ad actuality. “It is impossible to prove such a crime”, they believed.

- Discussions were held during the Workshop revealed that some aspects in related to honor crime still ambiguous. Though, this is an expectable matter, since the research team was not planning to discover all related issues to honor crime, but to prove that honor killing crimes are prevailing, who the perpetrators are, where they prevail, among which social segments, and which suitable research methods had to be used for more credible and correct analysis and results. Secondly, we intended to draw attention to the big amount of harm and danger that such crimes cause, highlight the discussion on, mobilize the public opinion around and find out ways of remedies. We think that the research has succeed in achieving all of that.
- According to interviews results and discussion output during the Workshop, it has been discovered that eliminating honor crime needs to work at four levels: conceptual, legal, institutional and cultural levels. And we can advise on the most important procedures that could be implemented at each level:

Legal level:

- To conduct an advocacy campaign among civil society organizations, the Parliament and the governmental institutions to amend the Crimes and Punishment Law No 20 of 1994, and Personal/ Status Law No 20 of 1992 and

its updated amendments of 1998 and 1999. We suggest that the following articles to change:

- Article No 232 of Crimes and Punishment Law No 20 of 1994, which amnesty the male perpetrator from “killing punishment” if he kills his wife, sister or first degree female relative if he, surprisingly, catches her practicing sex with any one but her husband.
- Articles 267, 270 and 271 of Crimes and Punishment Law, which accuse adultery cases without availability of legal/*Sharia* evidences.
- Article No 40 of Personal/Family Law related to wife’s duties towards her husband.
- Article No 141 of Personal/Family Law, which omit women's right to custody.
- To coordinate with civil society organizations active in the field of women’s rights to build an affective mechanism capable of providing honor crime survivals with legal aid.

Institutional Level:

- To coordinate with Ministry of Public Health and Ministry of Interior to oblige people issue burial permission, especially in the rural areas and for dead women.
- To coordinate with Ministry of Interior and Ministry of Human Rights in building a monitoring mechanism on women’s detentions and prisons, ensuring civil society organizations’ participation in such monitoring mechanisms to closely monitor legality of detaining and imprisoning, and integrating accountability mechanism for those police officer who commit violations of the law.
- To coordinate with Ministry of Tourism, and Environment, Ministry of Interior and the Local Councils in governorates and cities to have control over police officers who extort garden’s men and women visitors taking advantage of “khelwa” legislation that allow the police officer arresting those visitors even without formal commissioning.

Conceptual Level:

- To conduct a wider empirical research in all Yemeni governorates that enabling us getting more accurate data and information on the range of honor crime crimes prevail. We suggest that separate concentrated interviews hold with honor crime survivals, with accusers. This kind of research would clarify so many areas and aspects the current research could not.

Cultural Level:

- Parallel to this point of view, some of the people we conducted interviews with adopted an implicit point of view that could be summarized which represents a call to cancel article 232 from the Crime and Penalty Law and increase the punishment it included. The call of canceling this article is impractical. Some people think it is hard for a man to prove that his wife is committing adultery. To prove adultery, he should have four witnesses that say they saw the male organ of the adulterer in the female organ of the adulteress. This is very hard if not impossible; therefore, scholars who forbid seclusion adopt this article and many scholars deem that there is no legal evidence to forbid it. Regardless of this juristic dispute there are some who believe the necessity of harsher penalties.
- Important awareness and educational programs could contribute to limiting the spread of honor crimes, in the following:
 - Increasing awareness on women human rights from an Islamic point of view and from the human rights prospective in general.
 - Increasing the awareness of fathers and other male relatives that girls have the right to choose their husbands.
 - Spreading the proper sexual education between the youth especially those related to virginity.
 - Increasing the awareness of girls in high school and university regarding the risks and damages of common marriage.
 - Increasing awareness of girls and enhancing their negotiation capabilities to convince their families to accept their participation in taking decisions when it related to marriage.

- Implementing educational programs to create trust between members of the family.

These procedures and programs represent short-term solutions. As for the long-term, limiting the spread of honor crimes depends on combating human poverty struggle, the extent of promoting the social planning programs success in transforming social relationships and structures, and the extent of promotion the human rights culture.

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