

PILOT STUDY

Tourist Marriage in Yemen



International Organization for Migration (IOM)
Organisation internationale pour les migrations (OIM)
المنظمة الدولية للهجرة

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P.O. Box 16335
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TABLE OF CONTENTS

ACKNOWLEDGEMENTS	II
LIST OF TABLES	III
LIST OF ACRONYMS	III
TERMINOLOGY	IV
EXECUTIVE SUMMARY	VII
I. INTRODUCTION	3
1. Background	3
2. Republic of Yemen’s International Treaty Obligations and Tourist Marriage	3
II. MARRIAGE IN YEMEN	9
1. The Legal Framework	9
2. The Social Context	11
3. Economics and Marriage	12
4. Marriage Age	14
5. Temporary Marriage	16
III. THE PRACTICE OF TOURIST MARRIAGE	19
1. The Phenomenon of Tourist Marriage	19
2. Driving Forces	20
3. Intermediaries and Tourist Marriage “Grooms”	21
4. The Consequences for Tourist Marriage Brides	25
5. Tourist Marriage: Negative Social Practice or Human Trafficking?	26
6. Government Efforts to Combat Tourist Marriage	28
7. Media and Community Awareness about Tourist Marriage	30
8. Conclusion	32
IV. RECOMMENDATIONS FOR DISCUSSIONS	35
1. Recommendations	35
2. Recommended Topics for Further Study	36
Annex 1: Research Methodology	41
Annex 2: Bibliography	44
Annex 3: Republic of Yemen’s Treaty Signatory Status	49
Annex 4: Marriage in Yemen	51
Annex 5: Arab Tourist Visitors to Yemen	57

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This pilot study about *Tourist Marriages* in Ibb, Yemen was researched and written by Colburn Consulting International LLC for the International Organization for Migration (IOM) Yemen.

The research team conducted the field work in Yemen between June and July 2014. The methodology for this pilot study is described in Annex 1 to this report. Due to the sensitive nature of this research topic the names of interviewees and participants in this pilot study will not be used but, instead, will be referred to by more generic identifiers (gender and profession).

The authors would like to express their appreciation to all persons, departments and organizations that provided information, gave assistance or contributed to this report in any way. Particular recognition is due to those persons who agreed to be interviewed and took the time to provide valuable information. Interviewees included persons from government agencies, in particular the Ministry of Justice, civil society and the community in Ibb. Finally, the contributions of key members of the IOM Yemen team were significant and their insights and support greatly improved the final product of this research.

By way of caveat to this report it is worth noting that acquisition of reliable, relevant and timely data is always a challenge in Yemen. When it comes to a topic such as *Tourist Marriage* there is even less information available. This report has sought to address this challenge by relying on smaller scale studies from trusted sources where available although the weakness of government statistics cannot be avoided.

LIST OF TABLES

Table 1: Republic of Yemen Statistics on Arab Tourists to Yemen

Table 2: Republic of Yemen Statistics on Yemeni Mixed Marriages

LIST OF ACRONYMS

BBC	British Broadcasting Corporation
CEDAW	Convention on Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
CSO	Civil Society Organization
DNA	deoxyribonucleic acid
GCC	Gulf Cooperative Council
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
ID	Identification
IDP	Internally displaced person
IFES	International Foundation for Electoral Systems
ILO	International Labour Organization
INTERPOL	International Criminal Police Organization
IOM	International Organization for Migration
IWPR	Institute for Women’s Policy Research
MENA	Middle East and North Africa
MOHR	Ministry of Human Rights
MOI	Ministry of Interior
MOJ	Ministry of Justice
MOLA	Ministry of Local Administration
NDC	National Dialogue Conference
NGO	Non-governmental organization
PDRY	People’s Democratic Republic of Yemen
ROY	Republic of Yemen
TIP	Trafficking In Persons
UN	United Nations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations Children’s Fund
UNHCR	United Nations High Commissioner for Refugees
US	United States
USD	United States Dollar
YAR	Yemen Arab Republic
YR	Yemeni Rials
YWU	Yemeni Women’s Union

TERMINOLOGY

Transliterating Arabic

Transliterating Arabic in a consistent and readable manner is no easy task. This document has relied on commonly accepted geographic terms, names and Arabic words that have made their way into the English lexicon. The standard transliteration for the ع in English is ‘ (beginning quotation mark) and for the glottal stop is ’ (the ending quotation mark), this document has not distinguished between the two. For readability the authors have refrained from using other diacritical marks to achieve internal consistency within the document. For transliterated words that end in ة, such as al-Hodeida (الحديدة), this document will drop the “h” that is sometimes used. With regards to sun and moon letters, this document will use “al-“, to designate the definite article, despite their differing pronunciation.

Definitions: Arabic Words and Phrases

<i>Amin al-Shari’a</i>	Officer of Islamic Law (<i>Omana al-Sharyean</i> plural), or in some areas referred to as a Marriage Judge, is the government appointed individual responsible for executing marriage contracts.
<i>Akil al-Hara</i>	Neighbourhood Chief (<i>Okal al-Harat</i> plural), is a very influential government appointee whose primary function is to keep the peace in his assigned Neighbourhood or area and liaise with the police if crimes occur. The duties of <i>Akil al-Hara</i> also include coordinating on matters of marriages, births and deaths in their area with the relevant government authorities.
<i>Kafa’a</i>	Eligibility in marriage or equality of marital partner, is a marriage practice in Yemen which discourages higher social classes from marrying below their status group (a principle most strongly evident among <i>sada</i> women who are descendants of the Prophet Mohammed).
<i>Khatba</i>	Matchmaker (<i>khatbat</i> plural), is a Yemeni woman who connects the family of a potential bride to a man seeking to marry. In the case of <i>Tourist Marriage</i> the <i>khatba</i> seeks to match a Yemeni woman to a Gulf man.
<i>Madhhab</i>	Doctrine (<i>madhahib</i> plural), is a school of thought within <i>fiqh</i> (Islamic jurisprudence) with eight officially acknowledged by the leaders of the international Muslim community – five Sunni (Hanafi, Maliki, Shafi’i, Hanbali, Zahiri), two Shi’a (Ja’fari, Zaydi), and one Khawarij (Ibadi). <i>Madhahib</i> in Yemen are Shafi’i (Sunni), Zaydi (Shi’a) and Ismaili (Shi’a – with an estimated 60,000 Yemeni Dawoodis, more commonly known as Bohras).
<i>Mahr</i>	Variiously translated as dowry, bridal payment or bride-wealth, is a payment from the groom to the bride at the time of the marriage contract.

<i>Nikah al-Mut'a</i>	Marriage of ecstasy or pleasure.
<i>Qadi</i>	Judge (<i>qudah</i> plural).
<i>Sada/sharaf</i> (<i>sayyid</i> or <i>shareef</i> singular)	Descendants of the Prophet Mohammed.
<i>Shari'a</i>	Islamic or canonical law.
<i>Shegar</i>	Swap marriage is when the brother and sister of one family marry those of another family (often related but not necessarily).

Definitions: Key Concepts

Child	<i>"For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier." Art. 1, Convention on the Rights of the Child, 1990.</i>
Child Trafficking	<i>"The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article." Art. 3(c), UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000.</i>
Forced Marriage	A marriage entered into without the full and free consent of one or both parties, as a result of physical or psychological pressure or abuse. Early marriage is related to forced marriage because minors are deemed incapable of giving informed consent. ¹ The <i>Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages</i> , as well as the <i>Convention on the Elimination of All Forms of Discrimination against Women</i> (CEDAW), require the consent of both parties to a marriage and Yemen is signatory to both. ²
Mixed Marriage	Defined by the Yemeni Government in official documents (laws and ministerial decrees) as a marriage of a Yemeni to a foreigner. <i>Tourist Marriage</i> is classified as a form of Mixed Marriage.
Tourist Marriage	For the purpose of this research the authors define it as a legal union between a Yemeni woman and a man from an Arabian Gulf country which was intended by the groom to be of a limited duration - a fact not clearly communicated to the parents, bride or Yemeni officials. Such marriages often occur during the summer months when there

¹ Thomas, C. (2009). "Forced and Early Marriage: A Focus on Central and Eastern Europe and Former Soviet Union Countries with Selected Laws from Other Countries." United Nations Division for the Advancement of Women and United Nations Economic Commission for Africa.

² *Convention on Elimination of All Forms of Discrimination Against Women* (CEDAW), was acceded to 30 May 1984 via PDRY and *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages* (1964), acceded to 9 Feb 1987 via PDRY.

are significant tourists from Gulf Cooperative Council (GCC) countries visiting Yemen.

***Trafficking in
Persons***

“The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.” Art. 3(a), *UN Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000.*

EXECUTIVE SUMMARY

Definition: For purpose of this research the authors define *Tourist Marriage* as a legal union between a Yemeni woman and a man from an Arabian Gulf country which was intended by the groom to be of a limited duration - a fact not clearly communicated to the parents, bride or Yemeni officials. Such marriages often occur during the summer months when there are significant tourists from Gulf Cooperative Council (GCC³) countries visiting Yemen.

In Yemen, marriage is a formal relationship between two families with the primary purpose of legally producing children which impacts economic status in the immediate term with implications for future generations through inheritance rights. In Yemen's Personal Status Law 1992 (No. 20) provides the legal framework for this central, social institution. Modifications were made to the Personal Status Law in 1998⁴ and in 1999 the minimum marriage age of 15 years was abolished. The amendment tied marital age to a provision allowing the guardian of a minor to marry her off on the condition that she is fit for sexual intercourse at the onset of puberty (interpreted by some more conservative perspectives to be at the age of nine).⁵ One aspect of the legal framework for marriage that has generated heated debate in recent years is contradictions between the Personal Status Law and Yemen's CEDAW obligations.⁶ A further law relevant to *Tourist Marriage* is the Nationality Law 1990 (No. 6) and its subsequent amendments. In 2010 the Parliament ratified an amendment to the Nationality Law (Article 3) which gave Yemeni women the right to confer citizenship to their children.⁷

Currently, a key driver of changing marriage patterns in Yemen is economics. Increasing costs for the various aspects of marriage in Yemen from the *mahr* to celebration costs, exacerbated by rising levels of poverty, food insecurity and numbers of conflict-affected populations are all contributing to transforming marriage in Yemen. Poverty rose dramatically from 42 per cent of the population in 2009, to 54.5 per cent in 2012 and food insecurity has increased dramatically.⁸ As a result of increasing poverty and rising marriage costs, marriage traditions are transforming. Increasing incidence of mass marriages, consanguineous marriages and *shegar* marriages are all trends that are heavily influenced by the deteriorating economic situation in Yemen.

³ GCC is comprised of the countries of Bahrain, Kuwait, Qatar, Oman, Saudi Arabia and the United Arab Emirates, with a secretariat based in Riyadh. The GCC is a loose political and economic alliance, with its success primarily in the establishment of a common market. In 2006 the GCC made a commitment to extend membership to Yemen. For an overview of Yemen-GCC geo-political relations see Burke, E. (2012). "One Blood and One Destiny? Yemen's Relations with the Gulf Cooperation Council."

⁴ The primary amendment discontinued compensation payments to the wife following an unjust divorce.

⁵ Dahlgren, S. (2013).

⁶ Full text of the CEDAW and the Beijing Platform are available from: www.un.org/womenwatch/daw/cedaw. For a summary of concerns over Yemen's CEDAW obligations see: Sister's Arab Forum (2007). Additionally, for a thorough review of gender inequalities in the legal context see: UNICEF (2011).

⁷ www.sabanews.net/en/news179864.htm. If a Yemeni male wishes to marry a foreigner, he need only notify the MOI, while a Yemeni woman must secure formal approval. Yemen Organization for Defending Rights and Democratic Freedoms, in Collaboration with Karama (2013). p 5.

⁸ www.unocha.org/where-we-work/yemen.

A further marital trend in Yemen that bears relevance to this study is the issue of early marriage which has gained increasing urgency in Yemen due to increasing levels of poverty exacerbated by long-term displacements as a result of conflict. Among increasingly economically vulnerable Yemenis and conflict-affected populations in the country, one coping strategy has been marrying off girls at a younger and younger age. This practice has perceived benefits to family honour among internally displaced persons (IDPs) and provides the desperately poor with some financial benefits. Following up on NDC recommendations, on 27 April 2014, the Legal Affairs Minister Mohammad Makhlafi submitted to Prime Minister Mohammad Basindawa a draft amendment to the Child Rights Law (2002) which would establish 18 as the minimum marriage age.⁹

The practice of temporary marriage dates to pre-Islamic times and was accepted under certain conditions when the first Muslims were away from their homes for extensive periods of time, although it has often been a practice which generated heated religious and social disputes on its legality within Islamic law and its cultural impact. Anecdotal evidence suggests that there is an increase in temporary marriages in Muslim countries.¹⁰ Currently, all Yemeni *madhahib* (doctrines – singular *madhhab*) condemn the above mentioned practices of temporary marriage including Shafi'i (Sunni), Zaydi (Shi'a) and Ismaili (Shi'a – with an estimated 60,000 Yemeni Dawoodis, more commonly known as Bohras).

The practice of *Tourist Marriage* emerged as a significant trend in the media between 2005 and 2007. In 2003 the first of four Government official decrees and memos was issued by the Ministry of Interior (MOI) and Ministry of Justice (MOJ) to regulate Mixed Marriage (defined as a marriage between a Yemeni national and a non-Yemeni). This implies that the practice of *Tourist Marriage* preceded 2003, possibly going back to 2000.

While it is clear that Ibb has had significantly high numbers of *Tourist Marriage* and, to a lesser degree al-Hodeida, this research found allegations of the practice in the Governorates of Hajja, Taiz, Sana'a, Rayma and Aden, as well as evidence of relative frequency of the practice in Hadramout, where there has been very limited media attention. Based on interviews for this pilot study, key nationalities of Gulf men engaging in *Tourist Marriage* include: Saudi men in Ibb, al-Hodeida and some in Hadramout; Omani men in Hadramout (al-Sahil, al-Wadi and foremost in Tarim); and Emirati men in Ibb and a few reported incidents in Hadramout.

The phenomenon of *Tourist Marriage* has a key economic dimension. For young, uneducated and rural women from poor families, *Tourist Marriage*, along with other types of Mixed Marriage, are often seen as addressing a number of economic and social issues. The shorter-term benefits include protecting the honour of the young woman and her family and addressing poverty. The longer-term logic of such a marriage includes having kin with legal residence (and hopefully citizenship) outside of Yemen, as well as producing legitimate heirs. Unfortunately, the reality is that *Tourist Marriage* does not further any longer-term strategies and causes grave harm and trauma for the young brides.

⁹ As of the publication date of this research the amendment has not been passed.

¹⁰ al-Maena, T. A. (2014) "The Real Victims of Veiled Desires: The Trend Has Now Become a Matter of Grave Concern for Saudi Authorities."

In the 2005 Ibb University Workshop, a number of papers were presented which hypothesized the factors behind the spread of *Tourist Marriage* in Ibb. The consensus in this workshop was that *Tourist Marriage* constitutes a warping of the notion of marriage from a bond between a husband and a wife recognized by society into a deceptive opportunity to have legally sanctioned sexual relations with a woman. Workshop participants also agreed that the parents of the brides in *Tourist Marriages* sincerely believed that the union in marriage is not temporary, hence the *mahr* costs are very close to “market rates,” namely equivalent to amounts that would be requested from any potential Yemeni grooms.

The impact of *Tourist Marriage* is particularly devastating on young girls who fall prey to the practice with regards to their reproductive health, psychological well-being, educational aspirations and emotional development. While some of the ‘wives’ in *Tourist Marriage* may receive divorce papers from their former husbands, many do not. A study conducted in 2005 by Dr Fuad Hamoud al-Shibami, a professor at Ibb University, with 40 brides of *Tourist Marriage* from Ibb governorate found that 35 per cent were ages 15-19 and 38 per cent ages 20-24, with 92.5 per cent from urban areas and 7.5 per cent from rural communities.

Tourist Marriage as assessed in this pilot study can be prime facie categorized as human trafficking, due to deception on the part of the groom and the Marriage Broker about the “temporary” nature of the marriage for the sole purpose of sexual exploitation. The deception is perpetuated by the father or male guardian negotiating the marriage contract, the family of the bride to be, as well as the bride who will soon be robbed of her virginity. Others may be in collusion with the deception, such as the *Akil al-Hara*, the Marriage Judge and the *khatba* connecting families to Gulf men seeking to marry. However, each case would need to be examined to determine collaborators to the deception and if sexual exploitation occurred.

The finding of this research that *Tourist Marriage* should be considered human trafficking has received de facto recognition in Yemen at multiple levels of society. Firstly, *Tourist Marriage* conforms to the Yemeni Islamic legal rejection (by all *madhahib*) of the principle of temporary marriage. Furthermore, there is a clear recognition on the part of the Government of Yemen that this practice is harmful as illustrated by MOI and MOJ actions, particularly those between 2003 and 2008, to apply regulations for Mixed Marriage and in the leadership provided to coordinate between ministries and at multiple levels – central, governorate and district. Thirdly, there is a growing consensus in Yemeni society that *Tourist Marriages* are damaging to the girls and young women involved as well as to the concept of marriage as a union of a husband and wife to legally engage in conjugal relations for the purpose of producing a family. It was clear in this research that government efforts coupled with the awareness-raising campaign and broad media coverage all together resulted in a decrease in the phenomenon in Ibb.

A key inconsistency of Yemen’s international treaty obligations and the legal framework for marriage is that the father or guardian of a young girl is empowered to make a decision when she is ready for sexual intercourse. This lack of the bride’s independent standing in the marriage contract and the silence of a virgin bride interpreted as consent jeopardises her human rights and is of deep concern to many Yemenis. Furthermore, the lack of a minimum age for marriage, particularly in times of great economic vulnerability, means that life-

changing decisions about the health and welfare of young females, and sometimes young males, is removed from the realm of rational decision-making and into the arena of financial desperation. This is a danger posed not only in the case of *Tourist Marriage* but also in other types of Mixed Marriage as well as marriage between Yemeni citizens.

Summary of Recommendations for Discussion

To the Government of Yemen:

- Sign and ratify the *UN TIP Protocol* and the *Protocol Against the Smuggling of Migrants by Land, Sea and Air*.
- Approve, enact and operationalize national legislation to prevent and counter human trafficking.
- Conduct a comprehensive and holistic review of all national legislations to align them with obligations to the UN TIP Protocol, in particular national laws related to regulating family issues, women's and children's rights.
- Revise the Penal Code (1994) to criminalize human trafficking for prosecution because, as a single law any anti-trafficking legislation is insufficient to combat human trafficking.
- Develop standard operating procedures or guidelines to give effect to the national legislation and revised Penal Code.
- Revise the definition of forced marriage in the draft law combatting human trafficking taking into consideration the practice of *mahr*.
- Conduct a national study on the social concept of marriage, the different forms and factors behind practice including *Tourist Marriage*, to guide the revision of the legal context and to contribute to campaigns for social change.
- MOJ adopt a more active role in regulating Marriage Judges and Neighbourhood Chiefs to obligate them to follow the procedures for Mixed Marriage and marriages in general.
- Strengthen prevention to combat *Tourist Marriage* and other forms of human trafficking by educating law enforcement authorities to identify victims and clarify first response actions.
- Raise awareness among Neighbourhood Chiefs, judges and women in the community, for example, to help prevent human trafficking.
- Develop protection mechanism for victims of human trafficking which would address the needs of women and young girls who have been exploited through *Tourist Marriage*.
- Collaborate with neighbouring countries and GCC member states to develop systems for the apprehension and prosecution of their citizens involved in *Tourist Marriage*.
- Develop common procedures for regulating all Mixed Marriages that serve the interest of Yemeni citizens.

To international organizations:

- Provide technical support and financial resources to increase the government's recognition of and capacity to respond to human trafficking issues.

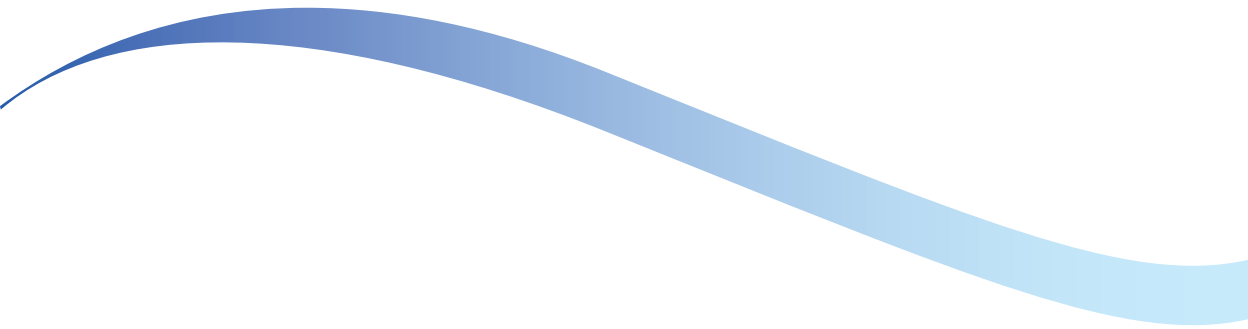


- Build the capacity of relevant authorities on strengthening the legal framework for prosecution of all forms of human trafficking.
- Bring regional experience to Yemen with a similar social and cultural context to enable national authorities to develop a comprehensive national strategy on prevention, persecution and protection for cases related to human trafficking.
- Support the government to develop a monitoring and evaluation system to measure the incidence of human trafficking and assess if adopted actions are effective.

To civil society and academic organizations:

- National and international Civil Society Organizations (CSOs) and academic institutions should focus more attention on social problems that arise in Yemen and, when studying such issues, they should adopt a more comprehensive approach.
- When conducting awareness campaigns related to social change ensure national outreach by working through diverse media and communication channels (including radio) and seek partnerships and alliances that reach rural communities where the vast majority of Yemenis reside.
- Establish relationships with CSOs in Saudi Arabia to facilitate mobilizing resources in support of abandoned children born in other countries that have been fathered by Saudi nationals.

I. INTRODUCTION



I. INTRODUCTION

I. Background

The Republic of Yemen (ROY – commonly referred to as Yemen) is located on the south-western corner of the Arabian Peninsula. The country was established in 1990 with the unification of the Yemen Arab Republic (YAR)¹¹ and the People’s Democratic Republic of Yemen (PDRY).¹²

Yemen is an extremely poor country. The 2010 Human Development Index compiled by the United Nations Development Programme (UNDP) ranked Yemen 133 out of 169 (in the medium human development category) but by 2014s it had plummeted to 154 out of 187 (in the low human development category). In 2014, Yemen had an estimated population of 25,956,000¹³, limited resources (34 per cent of the population is without access to a safe water source) and high fertility rates (the population has doubled in size since 1990 and is projected to almost double again by 2025). Close to 50 per cent of the population are under the age of 15, whilst a full one third of the country consist of its youth cohort (ages 15-29). According to the 2004 census, 73 per cent of Yemenis reside in rural villages or clusters of homes often in mountainous terrain making the provision of infrastructure and services (roads, health care, education, water and electricity) extremely difficult.

In the World Economic Forum 2013 Gender Gap report, Yemen ranked 136 (out of 136 countries), a significant drop from 2006, when the country came in at 115 out of 136.¹⁴ In 2012 Yemen was ranked 83 out of 86 in the OECD’s Social Institutions and Gender Index¹⁵ and in 2013 it was ranked 152 out of 187 in the UN’s Gender Inequality.¹⁶

2. Republic of Yemen’s International Treaty Obligations¹⁷ and Tourist Marriage¹⁸

Human trafficking is a crime defined internationally as “the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”¹⁹ Human trafficking does not necessarily involve the movement of the trafficked victim from one country to another, it can also occur within a country. Forced Marriage can be a form of human trafficking, particularly when it involves children.

¹¹ Also known as Northern Yemen, it emerged in 1962 from over a 1,000-year rule by the Zaydi Imamate, becoming a Republic followed by a civil war with various external actors supporting the two sides.

¹² Also known as South Yemen, it was a social socialist regime established in 1967 following the British colonial era which began in 1839 initially only in Aden, but eventually extending to a broad swath of the south.

¹³ The estimated population based on the 2004 census. www.cso-yemen.org.

¹⁴ <http://reports.weforum.org>.

¹⁵ <http://genderindex.org/country/yemen>.

¹⁶ <http://data.un.org/DocumentData.aspx?id=332>.

¹⁷ The website for all UN Treaties lists state parties. Available from: <https://treaties.un.org>.

¹⁸ For further details on ROY’s Treaty Signatory Status see Annex 3.

¹⁹ Art. 3(a), *UN Protocol to Prevent, Suppress and Punish trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000*.

Yemen has ratified the *UN Convention Against Transnational Organized Crime*²⁰ but is not yet party to the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000 – henceforth referred to as the UN TIP Protocol) or the *Protocol Against the Smuggling of Migrants by Land, Sea and Air* (2004), key protocols that supplement the treaty.²¹

However, Yemen is signatory to a number of relevant international conventions including:

- *1951 Convention Relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the 1951 Convention), acceded to 18 Jan 1980 via YAR;
- *Convention on Elimination of All Forms of Discrimination Against Women* (CEDAW²²), acceded to 30 May 1984 via PDRY;
- *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages* (1964), acceded to 9 Feb 1987 via PDRY;
- *Convention for the Suppression of the Traffic in Persons and the Exploitation of Prostitution of Others* (1951), acceded to 6 Apr 1989 via YAR;
- *Convention on the Rights of the Child* (CRC - 1990²³), ratified 1 May 1991 via YAR (signature 13 Feb 1990).²⁴

In the *Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages* (1964), Article 1 states that “No marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law.” Article 2 continues “States Parties to the present Convention shall take legislative action to specify a minimum age for marriage. No marriage shall be legally entered into by any person under this age, except where a competent authority has granted a dispensation as to age, for serious reasons, in the interest of the intending spouses.” Under General Assembly Resolution 2018 (XX) of 1 November 1965, “Recommendation on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages,” (a non-binding document that accompanies the 1964 Convention) Principle II states that the minimum age to marry are set no lower than fifteen years. However, this is only a recommendation and still allows room for a competent authority to grant “dispensation as to age for serious reasons.”²⁵ Furthermore, Principle III of the documents notes that all marriages shall be registered by a competent authority.

²⁰ 8 February 2010 Yemen ratified the treaty with the following reservation: [The Government of the Republic of Yemen declares that they] ... fully approve and ratify the above-mentioned Convention and are bound by all its provisions, with the exception of article 35, paragraph 2. Available from: <https://treaties.un.org>.

²¹ All other Arabian Peninsula countries have acceded to the UN TIP Protocol: Bahrain (7 Jun 2004); Kuwait (12 May 2006); Oman (13 May 2005); Qatar (29 May 2009); Saudi Arabia (20 Jul 2007); and United Arab Emirates (21 Jan 2009).

²² Yemen’s accession was with reservation to article 29, paragraph 1, relating to the settlement of disputes which may arise concerning the application or interpretation of the Convention.

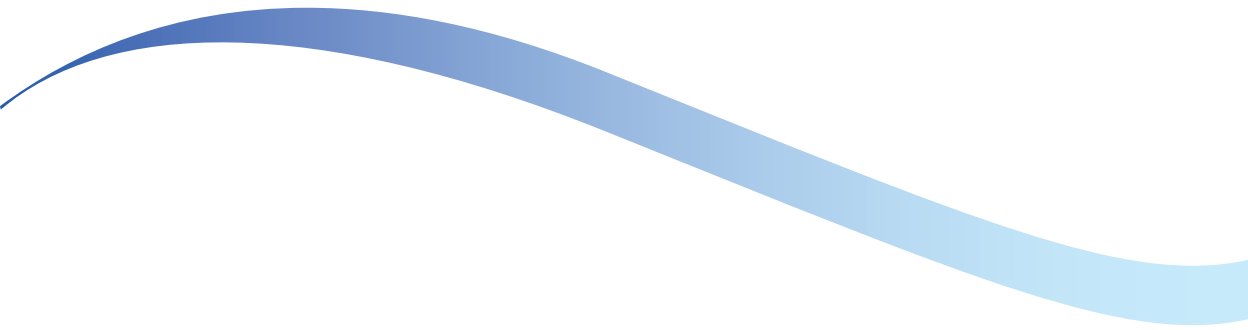
²³ Yemen’s accession was with no reservations, and in 2007 acceded to the Optional Protocol on the involvement of children in armed conflict and in 2004 to the Optional Protocol on the sale of children, child prostitution and child pornography, with no reservations to either treaty.

²⁴ For a thorough review of Yemen’s national legal context with regards to children’s rights compiled by Child’s Rights International Network see: www.crin.org/en/library/publications/yemen-national-laws.

²⁵ www.stopvaw.org/forced_and_child_marriage.html.

In relation to Yemen’s international treaty obligations, the ROY Constitution (1991) Article (6) provides the following: “The Republic of Yemen confirms its adherence to the UN Charter, the International Declaration of Human Rights, the Charter of the Arab League, and principles of international law which are generally recognized.”

II. MARRIAGE IN YEMEN



II. MARRIAGE IN YEMEN²⁶

In Yemen marriage is a formal relationship between two families with the primary purpose of legally producing children which impacts economic status in the immediate term with implications for future generations through inheritance rights. Further, in the Yemeni cultural context, marriage is an institution that may influence a family's political standing, as well as their honour, entailing a potential risk or benefit to the families that are party to the union. In Yemeni traditions, female, not male, sexuality is under constant scrutiny, since extra-marital sexual relations for men do not impact honour, unless harm or force is involved.²⁷ Thus, Yemeni families traditionally have, and currently continue to have, the dominant role in selecting marriage partners for their young men and women. The religious and political establishments also play a significant role in regulating the institution and reflecting cultural and religious values of the society.

I. The Legal Framework

The State is a key party in shaping and regulating the institution of marriage. According to one scholar of Yemen, the importance of the family and marriage to society was evident in the fact that the only campaigns for the application of Islamic law under the Zaydi Imamate²⁸ concerned the family. In 1931-32 and again in 1949-50 the Imam sent out judges, preachers and men trained in *shari'a* (Islamic or canonical law), backed by soldiers, to enforce "Islamic" marriages in rural areas. One Judge involved in the campaign of 1931-32 noted that in a single night in the town of Marmar, in the centre of Hamdan, he had married forty couples.²⁹

Yemen's Personal Status Law 1992 (No. 20) provides the legal framework for this central, social institution. This law is a synthesis of similar legislative framework of the former PDRY³⁰ and YAR³¹, which were the first comprehensive marriage laws among countries in the Arabian Peninsula, although the PDRY 1974 law had long provided the strongest protection of women's right in the Arab World. Modifications were made to the Personal Status Law in 1998³² and in 1999 the minimum marriage age of 15 years was abolished. The amendment tied marital age to a provision allowing the guardian of a minor to marry her off

²⁶ For further details on marriage in Yemen see Annex 4.

²⁷ One Yemeni proverb warning of the danger that women pose to honour is: "*Zawwij binatak qabl ma yakshfin 'ardak*" (Marry off your daughters before they touch your honour). Colburn, M. (2002). p 27.

²⁸ Religious theocracy that ruled various parts of Yemen for nearly 1,000 years (897 AD to 1962) and which ended with the launch of the Republican revolution that created the YAR.

²⁹ Mundy, M. (1995). p 216.

³⁰ Based on the Tunisian family codes of 1956, the PDRY's Family Law 1974 (No. 1) codified a number of elements that ran contrary to cultural norms including: banning repudiation (unilateral divorce initiated by the husband consisting of verbally repeating three consecutive times that he divorces her); outlawing arranged marriages; establishing a minimum marriage age of 16 for females and 18 for males; limiting *mahr* to the nominal sum of 100 dinars; and prohibiting polygamy (except under exceptional circumstances).

³¹ YAR's Family Law 1978 reflected conflicts between Zaydi and Shafi'i schools of jurisprudence and between religiously oriented Shafi'is and more secular legal experts. Thus, although it permitted polygamy and male unilateral divorce, it also introduced some elements of protection for women. Colburn (2002), p. 76.

³² The primary amendment discontinued compensation payments to the wife following an unjust divorce.

(zaffa³³) on the condition that she is fit for sexual intercourse at the onset of puberty (interpreted by some more conservative perspectives to be at the age of nine).³⁴

The legal framework for marriage has generated heated debate in Yemen in recent years focusing on a variety of issues which often echo general political debates.³⁵ Aspects of this debate have been generated by the fact that Yemen's Personal Status Law contravenes CEDAW in the following instances³⁶:

- Silence of the bride is interpreted as consent in marriage when she is a virgin; in the case of a divorcee or widow, verbal agreement is required.
- The wife is required to provide sexual access to her husband (thereby disallowing rape within marriage).
- Legally, a wife requires the permission of her husband to leave the house except to attend to the needs of her parents.
- Polygamy is legal although the first wife must be informed if her husband is marrying another.
- Women enter the marital contract through male relatives or a judge.
- There are significant gender inequalities in the grounds for divorce.³⁷ A woman can seek divorce without the burden of evidence but then she will have to relinquish any financial rights.
- In divorce the mother is granted custody until her children are of age (nine for male children and 12 for female) on condition of her maturity, sanity, faithfulness, moral and physical ability, unless she remarries.
- After a divorce, the father remains the legal guardian of the children and financial child support is his responsibility. Custody as well as guardianship rights and duties are granted to the mother if the father dies and there is no paternal grandfather.³⁸
- A woman who initiates divorce must return the *mahr*³⁹ thus discouraging such an action.

Consent to Marriage in Islamic Law

Interpretations vary within Islam regarding how women consent to marriage (for example directly or via a guardian), however, "A marriage executed without consent, or a forced marriage, would [...] be prohibited by all schools of Islamic jurisprudence, in accordance with international law." Even in cases where a guardian may be allowed to arrange a marriage for his/her ward, "consent remains the basis of the marriage [...] guardianship with the right of compulsion is specifically prohibited."

From: IOM (2013) "Old Practices, New Chains: Modern Slavery in Afghanistan. A Study of Human Trafficking from 2003-2013." Page 15.

³³ Meaning 'wedding party' and which culminates in the bride's penetration.

³⁴ Dahlgren, S. (2013).

³⁵ For a scholarly discussion of ROY, YAR and PDRY family codes in light of Islamic jurisprudence and local customs see: Dahlgren, S. (2013).

³⁶ Full text of the CEDAW and the Beijing Platform are available from: www.un.org/womenwatch/daw/cedaw. For a summary of concerns over Yemen's CEDAW obligations see: Sister's Arab Forum (2007). Additionally, for a thorough review of gender inequalities in the legal context see: UNICEF (2011).

³⁷ Women must provide justification for divorce such as: defective marriage contract; *darar* (damage) as a result of prolonged absence, non-payment of maintenance, alcohol or drug abuse; and *karahiya* (deep hatred). Other legal justifications include adultery, impotence, disease, or marriage to a second wife without permission. Men have the prerogative of unilateral divorce, while women do not. Würth, A. (1995). p 324.

³⁸ UNICEF (2011). p 2.

³⁹ Various translated as dowry, bridal payment or bride-wealth, *mahr* is a payment from the groom to the bride at the time of the marriage contract.

A further law relevant to *Tourist Marriage* is the Nationality Law 1990 (No. 6) and its subsequent amendments. In 2010 the Parliament ratified an amendment to the Nationality Law (Article 3) which gave Yemeni women the right to confer citizenship to their children.⁴⁰ This amendment rectified the gender disparity where a Yemeni woman married to a non-Yemeni husband could only transfer citizenship to their children under certain conditions,⁴¹ while the children of a Yemeni man will automatically be Yemeni, regardless of the mother's citizenship. Furthermore, the foreign-born wife of a Yemeni man has the right to apply for citizenship after four years of marriage. Yemeni women on the other hand are not accorded this same right for their non-Yemeni husband.

2. The Social Context

While recognizing that the selection of marriage partners in Yemen is generally a family affair rather than preferences of the bride or groom, changes are taking place in the institution of marriage as a result of factors such as education levels, social standing and economic status. The Yemeni proverb "*al-awal bishur ahlik wa al-thani bishurik*," (The first marriage was your parent's decision the second one is yours alone) remains generally the case. However, some youth in urban areas and among the educated and young professionals are taking control of aspects of this important life decision and forging new practices.

Gender disparities in marriage in Yemen contribute to the phenomenon of *Tourist Marriage* and, therefore, warrant mention. For example, in the Personal Status Law (Article 23) the consent of the bride is required in order to conclude the marriage contract. As noted above, when the bride is a virgin silence is interpreted as consent though, in the case of a divorcee or widow, verbal agreement is required. Interpreting silence as consent of the young, inexperienced virgin bride while requiring verbal agreement in the case of divorcee or widow would appear manipulative of the young bride and trusting that her father or guardian are protecting her interests. This is not the case for the groom who, notwithstanding parental desires, is a direct party to the marriage contract.

A further relevant gender disparity in the social context of marriage is that men are far less constrained in who they marry than women. A man can marry a woman from another social class,⁴² religion or nationality if he is willing to challenge his family. For a man, although families may prefer to choose, there are strong religious⁴³ and historical precedence that empower him to select his own marriage partner. Yemen's long history of male out-

⁴⁰ www.sabanews.net/en/news179864.htm. If a Yemeni male wishes to marry a foreigner, he need only notify the MOI, while a Yemeni woman must secure formal approval. Yemen Organization for Defending Rights and Democratic Freedoms, in Collaboration with Karama (2013). p 5.

⁴¹ Such as, if the foreign husband had died, was unknown, had no nationality, the couple was divorced, or the woman had been abandoned by her foreign husband. Manea, E. (2010). p 4.

⁴² Traditionally, *sada* (descendants of the Prophet Mohammed) women were much more constrained in marriage partners, rarely marrying outside of their social group observing the principle of *kafa'a*. One scholar explains *kafa'a* as limiting marriage partners to those of their descent category, i.e. preventing marriages between: Arab with non-Arab; Quraish (the Prophet Mohammed's tribe) with non-Quraish; Hashemite (the Prophet Mohammed's lineage) with non-Hashemite descendants of Hassan and Hussain (sons of Fatimah and Ali). Bujra, A.S. (1962). p 357.

⁴³ The Prophet Mohammed married a Jewish woman and an Egyptian Coptic Christian woman.

migration (to Africa, Asia and other destinations) and study opportunities abroad have often resulted in marriage to non-Yemeni, even non-Muslim, wives. These marriages and the mixed children they produced have impacted Yemeni ethnic landscape and facilitated the social acceptance of foreign wives who brought citizenship options and strengthened family economic status.

However, for Yemeni women the social and legal barriers to selecting their own marriage partners are significant and consequences for marrying without family permission can be quite severe.⁴⁴ Some aspects of this gender bias can be attributed to inheritance laws which preference men over women enabling families and tribes to maintain land, money and assets even if a woman marries from outside.⁴⁵ While the rate of spinsterhood is not high in Yemen (only 3 per cent of women ages 35 to 39 have never married⁴⁶) male family members control the process and may be disinclined to arrange marriage for their daughters or sisters who stand to inherit land or money, or who are wage earners.

Despite the long and entrenched cultural and social context of marriage, such traditions are changing. Currently, educated Yemeni men and women are finding ways to balance between tradition and modernity when it comes to marriage. Yemen's context of political transition launched in 2011 has also had an impact on social traditions, even deeply conservative practices such as marriage.⁴⁷

3. Economics and Marriage

Currently, a key driver of changing marriage patterns in Yemen is economics. Increasing costs for the various aspects of marriage in Yemen from the *mahr* to celebration costs, exacerbated by rising levels of poverty, food insecurity and numbers of conflict-affected populations are all contributing to transforming marriage in Yemen. Poverty rose dramatically from 42 per cent of the population in 2009, to 54.5 per cent in 2012. Food insecurity increased dramatically and it is estimated by the UN in 2014 that every night, a third of the Yemeni population (over 5 million people) go to bed hungry with malnutrition levels being among the highest globally.⁴⁸

The institution of marriage is nearly universal in Yemen for men. However, marriage is an expensive endeavour and a variety of factors have contributed to steadily rising average marriage age for males – estimated at 26 for urban men and 23 for rural males.⁴⁹ This is

⁴⁴ According to one Yemen scholar, between 1998 and 2007, there were 500 recorded murders of women under the scope of “honour crimes.” It is estimated that 40% of these women were killed due to their husband or male relatives’ suspicion of their behaviour and 25% were killed for marrying without the approval of their families. al-Fotih, F. (2013). p 14.

⁴⁵ Gender inequities in laws of inheritance disadvantage women in a variety of ways; with few exceptions, a woman’s share of a male’s estate is half the amount of an equally entitled male relative. However, two noted exceptions are that of a uterine sister inheriting equally with her brother and a mother and father inheriting equally from their deceased child. It is the daughter and the sister from the father’s side who receive only half of their male counterparts if they inherit jointly. Glander, A. (1998). p 78.

⁴⁶ Rashad, H., et al (2005). p 3.

⁴⁷ See: al-Harazi, S. “Love in a Time of War.” Yemen Times. 23 February 2012. www.yementimes.com.

⁴⁸ www.unocha.org/where-we-work/yemen.

⁴⁹ In 2003, the average age of marriage for urban males born in 1960 was 22 years of age, rising to 26 for cohorts born in 1977 and 1978. In contrast, the average age of first marriage for rural males rose only two years, from 21 to 23. Assaad, R., et al (2009). p 37.

significant in understanding the acceptance of Yemeni families to marry their young girls and women to men that are much older, either Yemeni or foreign.

Factors that contribute to Yemen's increasing average age of marriage for young men include Yemen's population growth rate and high fertility levels meaning that close to 50 per cent of the population are under the age of 15, whilst a full one third of the country consist of its youth cohort (ages 15-29).⁵⁰ This youth bulge has led to increasingly high rates of youth unemployment estimated by the World Bank in 2012 at 60 per cent of 18-24 year olds.⁵¹ Finally, while it is difficult to assess *mahr* costs, it is clearly increasing despite negative economic trends. There are many factors that enter into the cost of *mahr*, including regional, economic, social and tribal disparities, and in the absence of reliable data it is difficult to generalize. However, among middle-class families in urban areas in the range of 500,000 YR is relatively common (about USD 2,500) although such costs can soar as high as USD 40,000.⁵² Also, among Yemeni women who carry American citizenship, dowry costs are estimated to range from USD 10,000-50,000, but can sky-rocket up to USD 80,000.⁵³

As a result of increasing poverty and rising marriage costs, marriage traditions are transforming. For example, one tradition that has historical roots but has evolved into an economic necessity for many Yemenis is the practice of mass marriages. On 2 November 2013, Yemen entered the Guinness Book of World record for the largest documented mass wedding with 1,900 orphan couples tying the conjugal knot organized by Yemen's Orphans Development Foundation with financial sponsorship from Qatari Emir Sheikh Hamad bin Khalifa al-Qatani.⁵⁴

A further marriage pattern influenced by economic necessity is that of consanguineous marriages with evidence that inter-family marriages are increasing. In 1997 a national survey found that 30 per cent of women age 45-49 were married to a blood relative, compared to 44 per cent of women age 20-24⁵⁵ and a 2003 survey found that 31 per cent of ever-married women ages 15-49 were married to a cousin.⁵⁶ This trend is partially explained by the fact that marital payments are lower in consanguineous marriages, an important

⁵⁰ In 2013 total fertility rate in Yemen was estimated at 4.27 a significant decline from 9.23 children per woman in 1980-85, but still one of the highest in the world). Also in 2013 it was estimated that 21.1% of the population was aged 15-24, when combined with the 42% of the population below the age of 15, a staggering 63.1% of Yemen's population is below the age of 25. Available from: www.indexmundi.com.

⁵¹ www.worldbank.org/en/news/feature/2012/09/26/yemen-talking-points.

⁵² www.politicalforum.com/latest-us-world-news/328659-bride-sale-how-much-does-muslim-woman-cost-yemen.html.

⁵³ www.yementimes.com/en/1588/report/1116/Marriage-thousands-of-dollars-buys-a-wife-and-her-citizenship.htm.

⁵⁴ In recent years there are numerous examples of this modern phenomenon sponsored by various organizations and individuals such as Saudi Crown Prince Sultan bin Abdul Aziz, former President Ali Abdullah Saleh, Islah Charitable Organization, Yemeni Government (in 2014 the Sana'a municipality organized a collective wedding for 350 of its staff), Yemeni military for soldiers, or private sector companies for their employees. Sponsorship of such collective weddings often includes contributions to dowries and clothing for bride and groom, as well as covering the cost of traditional celebratory feast.

⁵⁵ Republic of Yemen (1998). p 72.

⁵⁶ Rashad, H., et al. (2005). p 3.

issue as poverty rates are increasing and consanguineous marriages keep land and wealth among kin.⁵⁷

An ancient and popular form of marriage practiced by rich and poor in urban and rural areas in Yemen is called *shegar*, or swap marriage.⁵⁸ In this marriage the brother and sister of one family marry those of another family (often related but not necessarily). *Shegar* is conducted to enhance bonds between families and as a way of avoiding paying dowry costs. However, one of the challenges is that if one couple gets divorced the other must do the same, regardless of their desire to stay together. A study from 2013 concluded that *shegar* encourages early marriage as families will seize the opportunity when it arises to save paying the dowry for their son. In a recent study, a young woman from Bara', al-Hodeida commented, "A boy doesn't marry young unless he has a sister's dowry to marry with" and, "If he doesn't have a sister, he works and toils for 10-15 years for bride price."⁵⁹

For young, often uneducated and rural women from poor families, *Tourist Marriage*, along with other types of Mixed Marriage, are often seen as addressing a number of economic and social challenges by contracting a legal marriage. The shorter-term benefits include protecting the honour of the young woman and her family and addressing poverty. The longer-term logic of such a marriage includes having kin with legal residence (and hopefully citizenship) outside of Yemen, as well as producing legitimate heirs. Unfortunately, the reality is that *Tourist Marriage* does not further any longer-term strategies and causes grave harm and trauma for the young brides as explained in the sections below. Furthermore, the very paltry financial gain is often consumed in addressing the ambiguous legal situation of the bride, supporting the traumatized bride and/or maintaining children that may result from the marriage.

4. Marriage Age

A further marriage trend in Yemen that bears relevance to this study is the issue of early marriage which has gained increasing urgency in Yemen due to increasing levels of poverty exacerbated by long-term displacements as a result of conflict. Among increasingly economically vulnerable Yemenis and conflict-affected populations in the country, one coping strategy has been marrying off girls at a younger and younger age. This practice has perceived benefits to family honour among IDPs and provides the desperately poor with some financial benefits.

Pending Legislation on Child Rights

The draft law will amend Yemen's Child Rights Law (2002) by strengthening key protection and enforcement aspects. Specifically it will:

- Require the official filling out of the marriage contract to verify the age of both the man and the woman.
- Establish criminal penalties of prison and fines up to 400,000 YR (USD1,860) for any person drawing up a marriage contract knowing that at least one party is under 18. Prison sentences and fines may also be levied on witnesses or signatories to the marital contract.
- Prohibit the practice of female genital mutilation, imposing criminal penalties to those performing the cutting of between one and three years in prison and fine up to 1,000,000 YR (USD4,644).
- Prohibit the use or recruitment of child soldiers and a fine up to 300,000 YR (USD1,393).
- Prohibit child labor in line with international legal standards with fines for violators up to 200,000 YR (USD930).

Human Rights Watch, 2014. "Yemen: End Child Marriage." April. www.hrw.org.

⁵⁷ Gerholm, T. (1985). p 145-147.

⁵⁸ Documentary on Yemen Swap Marriage by Mai Noman at the BBC World Service, www.bbc.co.uk.

⁵⁹ al-Thowr, S. and Tareq al-Kibsi (2013). p 36. (Unpublished).

Currently, the Personal Status Law does not specify a minimum age of marriage. Steps have been taken to address this lacuna including the initial endorsement by the government in 2009 to modify (Article 15) to set the minimum age at 17 for both girls and boys, however, the Shari'a Committee in Parliament blocked its passage. Following up on NDC recommendations on 27 April 2014, Legal Affairs Minister Mohammad Makhlafi submitted to Prime Minister Mohammad Basindawa a draft amendment to the Child Rights Law (2002) establishing 18 as the minimum marriage age. Once the Council of Ministers approves the draft, the Prime Minister then submits it to Parliament for vote. However, if the Parliament does not reach a consensus, the President could declare the law in effect himself.

A 2013 survey conducted by the Yemeni Government and UNICEF found that 15.5 per cent of the rate for married women aged 15-49 years were married by age 15 and that 43.6 per cent married by age 18.⁶⁰ According to the 2006 Multiple Indicator Cluster Survey, young women belonging to the poorest households are more likely to be married before the age of 18 (49 per cent compared to 23 per cent among women belonging to the richest households).⁶¹ Rural girls were slightly more likely to marry before the age of 15 – 14.5 per cent versus 13.2 per cent in urban areas – with a more significant disparity marrying before the age of 18 – 55.7 per cent versus 44.1 per cent in urban areas. Another salient aspect of this joint Yemen Government and UNICEF study was the dramatic difference in incidence of early marriage between girls that had no education and those with basic education – 21 per cent with no education and only 7 per cent if they had basic education, with a similar gap for those married before age 18 - 64.4 per cent among girls with no education versus only 34.7 per cent with basic education. An additional reality is that 96 per cent of Yemeni women marry men who are older than they are, and 50 per cent of women marry men who are five or more years older, thus contributing to power imbalances in marital relations.⁶²

A 2010 survey found that, among male respondents, nearly seven in ten expressed that the bride should be at least 17 years or older and nearly eight in ten women respondents felt she should be at least 17 years or older. For the groom, 90 per cent of male respondents felt that that the minimum acceptable age should be 17 years or older, and among female respondents it was 23 years. The same survey found that there was strong support for legislation establishing a minimum age for marriage, with 73 per cent of men supportive of the idea (51 per cent strongly and 21 per cent somewhat) and 72 per cent of women (58 per cent strongly and 14 per cent somewhat).⁶³

One high profile case of early marriage in Yemen that gained international attention was that of eight-year-old Nojoud Ali who in 2008 became the first child bride to successfully sue for divorce (according to Amnesty International). She also filed a successful case against her father, who had forced her to marry the 30-year-old man.⁶⁴

⁶⁰ UNICEF (2014). p 228.

⁶¹ Republic of Yemen (2008). p 4.

⁶² Assaad, R., et al (2009). p. 37.

⁶³ In 2010, the Status of Women in MENA (a joint initiative of IFES and IWPR) surveyed 2,501 Yemenis, 1,993 of whom were women and 18 years of age or older. IFES and IWPR (2010). p 2-4.

⁶⁴ In November 2008, the United States women's magazine Glamour designated Nujood Ali and her lawyer Shada Nasser as Women of the Year.

5. Temporary Marriage

The practice of temporary marriage dates to pre-Islamic times and was accepted under certain conditions when the first Muslims were away from their homes for extensive periods of time. While there have been periods and locations where temporary marriages were permitted as a mechanism to preserve male honour through the institution of marriage, it has often been a practice which generated heated religious and social disputes on its legality within Islamic law and its cultural impact. *Nikah al-Mut'a*,⁶⁵ *nikah al-Messyar* or *zawaj al-Messyar*⁶⁶ are the most common forms of such temporary or transactional marriages.

Anecdotal evidence suggests that there is an increasing incidence in *mut'a* and *messyar* marriages in Muslim countries, often practiced by men who are already married in their home country or seeking to marry a second wife. *Messyar* – mainly practiced in the Gulf countries – is an arrangement in which a man marries without incurring any of the housing and financial responsibility that are part of marriage in Islam. *Zawaj al-Messyar*, is a variation increasingly common within the Saudi borders, popularly sanctioned by some religious clerics, essentially constituting a license to have multiple partners without financial responsibility.⁶⁷

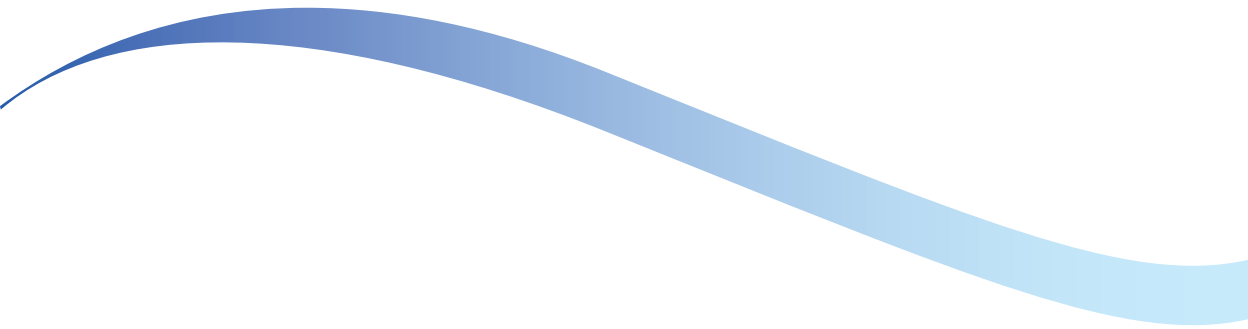
Currently, all Yemeni *madhahib* (doctrines – singular *madhhab*) condemn the above mentioned practices of temporary marriage including Shafi'i (Sunni), Zaydi (Shi'a) and Ismaili (Shi'a – with an estimated 60,000 Yemeni Dawoodis, more commonly known as Bohras).

⁶⁵ Marriage of ecstasy or pleasure, recognized in Twelver Shia Islam (dominant in Iran, Iraq, Azerbaijan and Bahrain and a significant majority in Lebanon and Kuwait) specifies the duration of the marriage and the dowry and is agreed upon in advance. It is a private contract made in a verbal or written format.

⁶⁶ Ambulant, passing or traveller's marriage is accepted among some Sunni Muslim *madhahib*, who condemn *Nikah al-Mut'a*. *Messyar* marriages refer to a union contracted so that a man may cohabit with his foreign 'wife' for the period of time he is visiting a foreign country, possibly for only a few months. Rashad, H., et al (2005). p 7.

⁶⁷ al-Maeena, T. A. (2014) "The Real Victims of Veiled Desires: The Trend Has Now Become a Matter of Grave Concern for Saudi Authorities."

III.
THE PRACTICE OF
TOURIST MARRIAGE



III. THE PRACTICE OF *TOURIST MARRIAGE*

I. The Phenomenon of *Tourist Marriage*

Definition: for purpose of this research the authors define *Tourist Marriage* as a legal union between a Yemeni woman and a man from an Arabian Gulf country which was intended by the groom to be of a limited duration - a fact not clearly communicated to the parents, bride or Yemeni officials. Such marriages often occur during the summer months when there are significant tourists from Gulf Cooperative Council (GCC) countries visiting Yemen.

The precise date when the practice of *Tourist Marriage* began in Yemen is unclear in the absence of government statistics and the lack of compliance with government Mixed Marriage regulations by the Gulf males involved in this practice.⁶⁸ The practice of *Tourist Marriage* emerged in the media between 2005 and 2007. In 2003 the first Government official decrees and memos were issued by MOI and MOJ to regulate Mixed Marriage, focusing particularly on discouraging marriage to Saudi men. This implies that the practice of *Tourist Marriage* preceded 2003, possibly going back to 2000.

While it is clear that Ibb has had significantly high numbers of *Tourist Marriage*, and to a lesser degree al-Hodeida, this research found allegations of the practice in the Governorates of Hajja, Taiz, Sana'a, Rayma and Aden, as well as evidence of relative frequency of the practice in Hadramout, where there has been very limited media attention. Within Ibb Governorate the most commonly identified geographic areas were the Old City of Ibb and Jibla and al-Udayn Districts and in Hadramout Governorate in Tarim, Seyoun, al-Shihr, al-Dis and al-Mukalla.

“We are all poor and on the edge of financial doom. Of course our young men cannot afford to pay a dowry to marry. This situation contributes to many social diseases in Ibb.”

***Ibb Focus Group Discussion Participant
for this Research, 19 June 2014.***

In Hadramout, one of the lawyers interviewed for this research noted that in early 2004 he encountered a number of cases of women married to Saudi citizens seeking to file for the dissolution of the marriage as their husbands had been absent for over two years. According to the Personal Status Law 1992, a wife can file such a case if the husband has:

- i) been absent for more than one year, although still providing financial support to the wife; or
- ii) been absent for two years, without providing any financial support to the wife.

Thus, the cases filing for divorce had been married some time in 2002, or earlier. In al-Mukalla, interviewees mentioned that *Tourist Marriages* started around five years ago, but that it has increased in the last two or three years.

⁶⁸ The process of registering a marriage begins after the terms of the marriage have been agreed upon to the satisfaction of both parties. A marriage permit must be secured from the Civil Registry in the MOI. Once the marriage contract is complete it is registered in the Authentication Unit in the MOJ for purposes of securing a family identification card, not to authenticate the contract but as a necessary step for the wife to secure a passport to travel with her foreign husband.

In the literature review for this research many documents related to human trafficking and early marriage in Yemen mention *Tourist Marriage* or temporary marriage in one or two sentences but fail to provide any details. The 2005 workshop at Ibb University, mentioned earlier, produced a number of papers which were based on personal observations and opinions, rather than presenting research or in-depth information. Nevertheless, this early focus on *Tourist Marriage* shed light on the problem, suggested several remedies and provided a catalyst for journalists and civil society activists to begin raising awareness among the government, parents and communities about the social problems created by the phenomenon.

As was noted in section II of this report on marriage in Yemen, the deteriorating economic situation and increasing levels of poverty in Yemen have been a key driving forces shaping the practice of *Tourist Marriage*, as the targeted females are from very poor families (for example farmers in Tarim in Hadramout Governorate) or only slightly better off families. Based on interviews for this study the brides ranged from 15-30 years old, although in Ibb most of the females were younger than 20 years of age, while in Hadramout some were in their teens, but most were over the age of 20, and a few were divorcees.

Another variation on the *Tourist Marriage* reported during this research is that, following the marriage of a Yemeni woman to a male Saudi citizen, the bride is transported back to Saudi Arabia and exploited as a domestic servant or for sexual purposes.⁶⁹ While in Saudi Arabia such women face significant challenges in escaping from their abusive situation as seeking assistance may entail prohibitive costs and may be nearly impossible in the Saudi legal context, particularly if she is uneducated or illiterate.

2. Driving Forces

Following the 11 September 2001 attacks, the US and European countries put in place restrictions for tourist visas for citizens of Saudi Arabia. As a result, Saudis began re-orienting their vacation destination to Arab countries with significant increases to Egypt, Lebanon, Syrian Arab Republic, and Yemen. In 2000, Arab tourists to Yemen numbered 27,692, which included only 9,842 Saudi citizens. By 2003 the number of Arabs coming to Yemen had risen dramatically to 105,284 and the number of Saudis had increased 59,669 (an increase of 506 per cent). See Annex 5 for Arab tourist trends to Yemen since the mid-1990s.

In the 2005 Ibb University Workshop a number of papers were presented which hypothesized the factors behind the spread of *Tourist Marriage* in Ibb. The consensus in this workshop, reiterated repeatedly in this research, was that *Tourist*

“Citizens think they are running away from their miserable present to a brighter future.”

Participant in 2005 Ibb University Awareness Workshop.

⁶⁹ It was mentioned by an Officer from MOI, a lawyer in al-Hodeida and also noted briefly in the US Department of State Report, "Trafficking in Person Report of 2014." Such cases could potentially be characterized as "trafficking for slavery-like practices" according to the *1926 Slavery Convention* and *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery* (1956). Although Yemen is not a State party to these treaties, the 1962 revolution in the North and independence in the South in 1967 from British colonial rule led to the legal abolition of slavery [Miers, S. (2003). *Slavery in the Twentieth Century: The Evolution of a Global Problem*. p 352].

Marriage constitutes a warping of the notion of marriage from a bond between a husband and a wife recognized by society into a deceptive opportunity to have legally sanctioned sexual relations with a woman. A second area where there was a clear consensus is that the deteriorating economic situation and increasing cost of dowries and wedding celebrations prevents Yemeni men from proposing to Yemeni females. This is contrasted to Gulf men who consider local marriage costs cheap (estimates ranging from USD 3,000 to USD 5,000), given the huge income disparity between Yemen and its GCC neighbours (the average combined GDP per capita in the Gulf is over 33 times larger than Yemen⁷⁰). Thirdly, workshop participants noted that Yemen's population explosion has meant that, as life expectancy and health services have increased, child survival rates have risen and families fear that their female children will not get an education and will end up as spinsters. Fourthly, coverage in various media outlets about the economic situation escalates anxiety of ordinary people and cultivates escapism from current problems looking for quick solutions to their woes. Finally, it was the clear consensus that the parents of the brides in *Tourist Marriages* sincerely believe that the union in marriage is not temporary, hence the *mahr* costs are very close to "market rates," i.e. equivalent to amounts that would be requested from any potential Yemeni grooms.

The same factors can be applied to al-Hodeida and other governorates, while in Hadramout enabling factors differ, with lower dowry costs due to the religious value of marriage taking precedence over social aspects. Thus, in Hadramout local tradition not only encourages marriage to men from Gulf countries but also to Yemeni men from other governorates.⁷¹ One other factor, according to an academic interviewed in this research, is that religious leaders in Ibb actively encouraged such marriages based on their belief in the merits of Yemeni women marrying Gulf men.

3. Intermediaries and Tourist Marriage "Grooms"

The Yemeni migrant labour presence in GCC countries for much of the latter half of the 20th century has been significant.⁷² During the 1980s it was estimated that there were more than 1.3 million Yemeni workers in the GCC (13.7 per cent of the population in 1985 of 9,651,000).⁷³ In 2013 it was estimated that there were between 800,000 and one million Yemeni migrants in Saudi Arabia⁷⁴ and, according to a Chatham House report in 2011, approximately 700,000 Yemenis were working in United Arab Emirates, 100,000 in Bahrain, 11,000 in Qatar and 7,600 in Kuwait (the total of 1,718,600 is only 6.76 per cent of Yemen's estimated 2013 population of 25,408,288).⁷⁵ It is important to note that estimates of Yemeni migrant figures vary widely as official data do not include irregular migrants, which are significant, particularly in light of the 1,800-kilometre (1,100 mile) shared border which remains relatively porous despite the Saudi Government efforts.

⁷⁰ Forsythe, J. (2011). p 3.

⁷¹ As asserted by a lawyer from Seyoun and civil society activist from al-Mukalla.

⁷² With the notable exception of the 1990 expulsion of an estimated 800,000 to 1 million migrants from Saudi Arabia and the Gulf as a result of Yemen's advocacy of a non-military Arab diplomatic solution in the wake of Iraq's invasion of Kuwait in August 1990. This position was seen as *de facto* support for Saddam Hussein by Kuwait, Saudi Arabia, other Arab countries and the US.

⁷³ Forsythe, J. (2011). p 6.

⁷⁴ De Bel-Air, F. (2014). p 7.

⁷⁵ Forsythe, J. (2011). p 6.

In addition to the large Yemeni migrant communities in GCC countries it is worth noting that there are also significant numbers of citizens in GCC countries of Yemeni descent. From its founding in the 1930s, Saudi Arabia had very limited restrictions on the movement of Yemenis into the country until 1990. There are particularly strong ties between Saudi Arabia and the Hadramout and many Hadramis born there acquired citizenship. In the United Arab Emirates there have also been significant numbers of Yemenis that have become naturalized citizens after serving in the military or police.

Interviews for this research indicate that this significant Yemeni presence in the Gulf may have played a facilitating role in the practice of *Tourist Marriages*. Such individuals may have introduced Gulf men to male *simisar al-Zawaj* (marriage brokers) or may have been involved in establishing businesses to facilitate such marriages. According to informants in this research the number of such marriage brokers has increased. It was also noted that the marriage brokers would sometimes seek the help of a local woman *khatba* (matchmaker) who would connect the family of a potential bride to a Gulf man seeking to enter into a temporary marriage. The marriage broker is responsible for preparing everything for the Gulf tourists by identifying the bride, agreeing with her family on all marriage conditions and renting a hotel room or furnished apartment so that, upon arrival of the tourist groom, the consummation of the marriage will happen as quickly as possible.

“They humiliated Ibb through our young girls in the practice of *Tourist Marriage*.”

Interview with a Civil Society Activist for this Research, 18 June 2014.

At the community level, an additional key actor in the practice of *Tourist Marriage* is played by the *Akil al-Hara* (Neighbourhood Chief). He is a very influential government appointee

whose primary function is to keep the peace in his assigned neighbourhood or area and liaise with the police if crimes occur. The duties of the Neighbourhood Chief also include coordinating with the relevant government authorities on matters of marriages, births and deaths in their area. A final actor in *Tourist Marriage* at the community level is the *Amin al-Shari'a* (Officer of Islamic Law) or in some areas

Table 1: ROY Statistics on Arab Tourists to Yemen⁷⁶

Year	Saudi Tourists	Saudi % of Total Arabs	Emirati Tourists	Emirati % of Total Arabs	Omani Tourists	Omani % of Total Arabs
2013	570,399	81.30%	17,071	2.43%	55,431	7.90%
2012	625,445	82.61%	17,994	2.38%	49,597	6.55%
2011	198,823	65.92%	10,904	3.62%	38,497	12.76%
2010	235,412	60.34%	21,681	5.56%	49,659	12.73%
2009	163,000	54.90%	22,438	7.56%	46,098	15.53%
2008	176,305	58.18%	20,942	6.91%	50,232	16.58%
2007	162,537	58.42%	20,244	7.28%	41,855	15.04%
2006	178,670	63.54%	19,327	6.87%	24,998	8.89%

Numbers in **bold** are the highest within columns and *italics & bold* the lowest.

referred to as the Marriage Judge (henceforth to be referred to as the Marriage Judge). He is the government-appointed individual responsible for executing marriage contracts. The

⁷⁶ Figures include arrivals from all modes of entry (sea, road and airport). Compiled from ROY Central Statistical Organization Statistical Yearbooks (www.cso-yemen.org) and Ministry of Tourism, Yemen Tourism Promotion Board (www.yementourism.com).

Neighbourhood Chief plays a significant role in facilitating such marriages, particularly in securing the required permit from government authorities where they may facilitate paying a bribe to finalize documents without going through the required procedures.

Government statistics on Arab tourists to Yemen demonstrate not only a dramatic increase in the numbers of visitors to Yemen,⁷⁷ but also a drastic increase in the percentage of Saudis among such tourists, rising from 23.6 per cent in 1995 to a staggering 81.3 per cent in 2013, with a peak in 2012 of 82.6 per cent.

Also noteworthy is the peak in the percentage of Omani tourists among Arab visitors coming to Yemen in 2008 at 15.58 per cent, up from a low in 2006 of 8.89 per cent. In the absence of further research such trends cannot be directly attributed to the incidence of *Tourist Marriage*, there may well be a correlation between the two phenomena. A further point of interest in tourism statistics is that the vast majority of Saudi tourists arrive via overland transportation (in 2013 96 per cent travelled by car and in 2012 it was 97.8 per cent). This was also the case with Omanis (98 per cent in both 2013 and 2012).

Table 2: ROY Statistics on Yemeni Mixed Marriages⁷⁸

Year	Total No.	Yemeni ♂ to Foreign ♀	Yemeni ♀ to Foreign ♂	Yemeni ♀ to Saudi ♂	Yemeni ♀ to Emirati ♂	Yemeni ♀ to Omani ♂
2012	918	153	765	212	175	61
2011	1,005	232	773	260	146	76
2010	1,094	229	865	313	239	40
2009	1,230	206	1,024	412	230	69
2008	1,149	204	945	424	155	48
2007	1,000	176	824	332	135	30
2006	1,003	158	845	376	90	21
2005	935	180	755	357	89	19
2004	857	176	681	276	99	18

Numbers in **bold** are the highest within columns and *italics & bold* the lowest.

Note: The column of Yemeni women married to foreign men includes data from the three columns of Saudi, Emirati and Omani men married to Yemeni women. Other nationalities of foreign men are not listed separately, but included in the total of foreign men married to Yemeni women.

Based on interviews for this pilot study, key nationalities of Gulf men engaging in *Tourist Marriage* include: Saudi men in Ibb, al-Hodeida and some in Hadramout; Omani men in Hadramout (al-Sahil, al-Wadi and foremost in Tarim); and Emirati men in Ibb and a few reported incidents in Hadramout. Table 2 provides data on Mixed Marriages of Yemenis to non-Yemenis including Yemeni women wedding Saudi, Emirati and Omani men. This information is from the MOJ Authentication Unit of recorded Mixed Marriages where documents were submitted in order to secure a passport for the Yemeni spouse to travel.⁷⁹

⁷⁷ Steeply rising from 10,223 in 1995 to 701,617 in 2013, see Annex 5 of this report for details.

⁷⁸ From MOJ, Authentication Unit, Government of Yemen.

⁷⁹ MOJ staff noted that not all Mixed Marriages are submitted to them for registration, as there are cases when applicants manage to complete the procedures through the Immigration Authority. Additionally, there are also cases of when Mixed Marriages chose not to register with MOJ at the time of marriage, but only when a passport is needed. MOJ Authentication Unit staff shared a case of a Yemeni man married to a Moroccan woman and after 20 years he died and his children needed to register the marriage to apply for citizenship.

One salient trend apparent from Table 2 is that there have been gradually increasing numbers each year for the number of foreign men marrying Yemeni women (except 2007 when there was a slight drop), until the peak in 2009 and then a tapering off. These numbers indicate that fewer Yemeni women are marrying non-Yemeni men, possibly due to both the Government's strengthening of regulations for registering Mixed Marriages, as well as a broader awareness-raising campaign. The years that saw the highest percentage of Saudi men compared to all non-Yemeni grooms were in 2005 when they constituted 47 per cent, followed by 2008 44.8 per cent and in 2006 44.5 per cent. In 2010 Emirati men constituted the highest percentage of all foreigners at 27.6 per cent and in 2010 Omani men comprised 9.8 per cent of foreign men marrying Yemeni women.

A number of plausible factors contribute to the phenomenon of Saudi and other Gulf men marrying outside their societies. These include the issues of: increasing dowry costs⁸⁰; families who arrange marriages becoming more selective of the profile of potential grooms (tribal affiliations, family status and so forth); as well as religious sanctioning of temporary marriages and their growing social acceptance.

"They play with young girls with their money, and those who are greedy and weak will sell their own daughters."

Interview with a Man from Jibla, Ibb, for this Research, 19 June 2014.

In Saudi Arabia there has been growing social recognition that temporary marriages are problematic and contribute to a number of social ills.⁸¹ In Saudi Arabia there are a number of organizations dedicated to assisting children born to Saudi fathers abroad.⁸² Such organizations signal recognition that there have been significant numbers of children who have been abandoned by their fathers, often out of fear of discovery by their wives and relatives back home. Additionally, male students from Saudi Arabia studying abroad have contributed to the issue of abandoned children of Saudis.⁸³

The history of temporary marriages and abandoned children stretches back millennia tied to war, trade, pilgrimages and other such phenomenon and in the 20th and 21st centuries it is not unique to Saudi Arabia or GCC countries. However, the power of the media and the internet highlights such issues for governments and citizens. For example, in 2009 the United Arab Emirates government created an ad hoc committee to conduct a global search to identify children born overseas to Emirati fathers. Now a process has been established

⁸⁰ As early as 1992 in Abu Dhabi, United Arab Emirates, there was recognition of the challenge of rising dowry costs leading the late Sheikh Zayed bin Sultan al-Nahyan to establish the Marriage Fund under Federal Law (No. 47) to encourage marriages between Emirati citizens. www.abudhabi.ae.

⁸¹ An article in May 2014 by noted Saudi socio-political commentator Tariq A. al-Maena (2014) addresses the negative impact of temporary marriage on Saudi society and recognizes that it is a growing problem.

⁸² "Back to the Roots Foundation" and "Saudi Charitable Society for the Welfare of Saudi Families Abroad" (Awasser – www.awasser.org.sa). A further internet presence is a Facebook site which tries to reunite the abandoned offspring of Saudi men by American women (www.facebook.com/abandoned.saudi.children)

⁸³ A news article in 2013 noted that according to the US State Department in 2004 there were only 1,000 Saudi students in the US, but by 2011-12 the number had risen to over 66,000 (Available from: www.yourmiddleeast.com/columns/article/when-love-goes-wrong-saudi-children-left-behind-in-the-us_11686). During the same year 23.2% of all Saudi scholarship students were female (Available from: www.arabnews.com/saudi-arabia/us-most-preferred-destination-saudi-students-ministry).

which involves United Arab Emirates Embassies accepting citizenship applications from children who claim to have Emirati fathers, checking the authenticity of their documents and conducting DNA tests. If paternity is proven, the children will be granted citizenship and allowed to come to the Emirates with their mothers. Living arrangements will be handled on an individual basis. Citizenship laws, gender disparities, temporary marriages and abandoned children are all topics of concern in GCC countries where the 'Grooms' for *Tourist Marriage* in Yemen originate.

This research found that phenomena similar to *Tourist Marriage* (referred to as 'summer marriage' or 'temporary marriage' in other locations) has been reported in Egypt, Jordan, Occupied Palestinian Territory, Syrian Arab Republic and Morocco - all common vacation destinations for Gulf men. The US State Department's Trafficking in Persons (TIP) 2012 noted that Egypt (a Tier 2 Country) reportedly continued to have wealthy men from the Gulf, including Saudi Arabia, United Arab Emirates and Kuwait travelling "to purchase 'temporary' or 'summer marriages' with Egyptian females, including girls who are under the age of 18; these arrangements are often facilitated by the females' parents and marriage brokers who profit from the transaction."⁸⁴ Indonesia is also concerned about the increasing incidence of Saudis wedding young women in temporary marriages and with similar consequences as in Yemen. There have also been reports of this problem among young Syrian girls in refugee camps in Jordan.

4. The Consequences for *Tourist Marriage* Brides

The abandoned brides are the victims of *Tourist Marriage*, not only because their dreams are crashed on the rocks of deception but also because they are unlikely to receive mental or psychological support to help them put their lives back together. Often their only option is to get married again as it is difficult for them to go back to school and they are left with shame and possibly the damage caused by their physical abuse in their recent marriage. If they gave birth to a child as a result of their marriage this presents them with additional challenges.

While some of the 'wives' in *Tourist Marriage* may receive divorce papers from their former husbands, many do not. Such young women face abandonment and are left in limbo. While most wish to pursue a divorce, the cost and challenges are often beyond the means of poor families.

In the 2005 workshop organized by Ibb University on *Tourist Marriage*, on the last day they brought some of the brides with their parents to tell their stories in front of government officials including the Marriage Judges and Neighbourhood Chiefs. In this encounter the females clearly blamed both the Marriage Judges and Neighbourhood Chiefs for facilitating their marriages. Also, some of the brides became pregnant and were abandoned by their husbands leaving them responsible for their children with no financial support from the fathers. According to

"When I knew that I had been abandoned I went to the Saudi Embassy and they refused even to look at my papers."

Tourist Marriage Bride, as related by a Civil Society Activist for this Research, 22 July 2014.

⁸⁴ www.state.gov/j/tip/rls/tiprpt/2012/192366.htm.

the amendment of the Civil Registry Law 2003,⁸⁵ the mother can register the child and get a birth certificate (if she has a certified copy of the marriage contract and the father's ID card or passport). However, many faced difficulties at the Saudi Arabian Embassy registering their children and seeking citizenship as, during this era, *Tourist Marriages* were usually concluded without permission of the relevant authority in the Saudi government.⁸⁶

One of the few studies on the topic of *Tourist Marriage* was conducted in 2005 by Dr Fuad Hamoud al-Shibami, a professor at Ibb University, who surveyed a random sample of 40 brides of *Tourist Marriage* from Ibb governorate. The study found that 35 per cent of the brides were ages 15-19 and 38 per cent ages 20-24. Of the 40 females, 92.5 per cent were from urban areas and 7.5 per cent from rural communities. 30 per cent of the brides had a secondary education, 22.5 per cent basic education, 17.5 per cent preparatory-educated, followed by 12.5 per cent with a university education and 7.5 per cent illiterate.⁸⁷

Furthermore, the impact of *Tourist Marriage* is particularly devastating on young girls who fall prey to the practice with regards to their reproductive health, psychological well-being, educational aspirations and emotional development. One key area with a negative outcome is for younger females whose education is interrupted by marriage or divorce as they often face significant difficulties continuing their education, even without offspring from the marriage. Issues include married and unmarried young women in the same classroom as well as a lack of female teachers - particularly in rural areas of Yemen where 73 per cent of Yemenis reside (2004 census). A further impact is that early marriage contributes to Yemen's high rate of fertility,⁸⁸ with an adolescent fertility rate of 73.7 births per 1,000 adolescent females aged 15-19 years.⁸⁹ This means that large numbers of girls and young women are exposed to high-risk early pregnancies associated with early marriage with the result that fully one third of maternal deaths are attributed to the under-20 year age group.⁹⁰

5. *Tourist Marriage*: Negative Social Practice or Human Trafficking?

Definitions

Trafficking in persons is defined as "the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation." Art. 3(a), *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Organized Crime, 2000*.

⁸⁵ Before this amendment, only fathers or male relatives were able to register a child for a birth certificate.

⁸⁶ CSO activist who was told by female victim of *Tourist Marriage* that the Saudi Embassy refused to register their children.

⁸⁷ www.sabanews.net/en/news94319.htm.

⁸⁸ 2012 Yemen was ranked 32 highest (at 4.45 children born per woman), out of 222 countries/territories, with regards to total fertility rate. www.indexmundi.com/g/r.aspx?v=31.

⁸⁹ UNICEF (2014) p 142.

⁹⁰ Ibid.

Child trafficking is defined as “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article.” Art. 3(c), UN TIP Protocol.

Tourist Marriage as assessed in this pilot study can be categorized, prime facie, as human trafficking due to the deception on the part of the groom and the Marriage Broker about the “temporary” nature of the marriage for the sole purpose of sexual exploitation. The deception is perpetuated by the father or male guardian negotiating the marriage contract, the family of the bride to be, as well as the bride who will soon be robbed of her virginity. Others may be in collusion with the deception, such as the *Akil al-Hara*, Marriage Judge and the *khatba* connecting families to Gulf men seeking to marry. However, each case would need to be examined to determine collaborators to the deception and if sexual exploitation occurred.

The finding of this research that *Tourist Marriage* should be considered human trafficking has received de facto recognition in Yemen at multiple levels of society. Firstly, *Tourist Marriage* conforms to the Yemeni Islamic legal rejection (by all *madhahib*) of the principle of temporary marriage. Furthermore, there is a clear recognition on the part of the Government of Yemen that this practice is harmful as illustrated by MOI and MOJ actions to apply regulations for Mixed Marriages (see the following section for details). Thirdly, there is a growing consensus in Yemeni society that *Tourist Marriages* are damaging to the girls and young women involved as well as to the concept of marriage as a union of a husband and wife to legally engage in conjugal relations for the purpose of producing a family.

Yemen is a State party to the *Convention on the Rights of the Child* (CRC⁹¹) in which the preamble states “Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance.” Throughout all provisions of the Convention emphasis is heavily-placed on the notion of the child’s best interest in all aspects of the child’s life. The CRC holds the State and guardians accountable for the child’s mental, physical and sexual well-being by providing care and protection to them without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Yemen is also a State party to the *Convention on the Elimination of Discrimination against Women* (CEDAW⁹²), which states in clause (2) of Article (16) “The betrothal and the marriage of a child shall have no legal effect, and all necessary action, including legislation, shall be taken to specify a minimum age for marriage and to make the registration of marriages in an official registry compulsory.”

“Many parents of these girl-brides are angry because they were tricked into thinking it was a real marriage. These young girls have had their lives ruined because the adults around them were naïve.”

Interview with a Yemeni Academic for this Research, 30 June 2014.

⁹¹ Yemen ratified the CRC 1 May 1991 via YAR (signature 13 Feb 1990).

⁹² Yemen acceded to CEDAW 30 May 1984 via PDRY.

Both international conventions commit State parties to align their national legislation with the rights of women and children that are proclaimed in both conventions.⁹³ Based on the due diligence principle, State parties are accountable for human rights abuses committed not only by the State or State agents but also by individuals and non-state actors. This responsibility covers the prevention, protection, persecution, punishment of perpetrators, and provision of redress and reparation of victims/survivors.⁹⁴

6. Government Efforts to Combat Tourist Marriage

Tourist Marriage in Yemen is governed under the legal context of "Mixed Marriage." The Ministerial Decree of MOI No. (305) 1995, chapter 3, relates to "Regulating Mixed Marriage." The marriage of foreign man to a Yemeni woman requires securing permission from the MOI after the foreigner fulfils the following terms:

- To be Muslim.
- Have a valid visa/residence permit in Yemen.
- Not be married.
- Written permission from relevant authorities in his home country for the marriage.
- Not to be a citizen of a state that is in conflict with Yemen.

For Yemeni Women:

- Approval of her father or male guardian.
- Copy of valid personal ID or family ID of the father or male guardian.
- Three passport size photos.

After fulfilling these terms each partner is required to complete specific forms and the husband has to show proof of the approval by authorities of his country.

The Ministerial Memo by MOJ No. (5) of 2003 related to "Procedures for the conclusion of marriage contracts of Saudi men to Yemeni women," was addressed to Heads of Primary and Appeal Courts around the country requiring them to instruct Marriage Judges and court staff not to conclude any marriage of a Yemeni woman to a Saudi man unless there is a permit from MOI and the Embassy of the Kingdom of Saudi Arabia in Yemen. This is the case even if the Saudi man is originally Yemeni but has Saudi citizenship. The introduction of the memo refers to the Prime Minister's directives based on a report from the Yemen Embassy in Saudi Arabia addressing the problems that occur from the marriages of some Saudi men to Yemeni women where the men come for tourism and then leave their wives behind denying them their rights. Such a marriage is not acknowledged by the Saudi jurisdiction because it lacks the approval of the required Government authorities.

The Ministerial Decree of MOI No. (263) 2005, related to "Re-regulating Mixed Marriage," emphasizes the same terms of the Ministerial Decree of 1995 and adds that the foreign spouse must also provide:

- Proof of negative test result for HIV and hepatitis.

⁹³ ROY legislation that contributes to such alignment includes: Article 161 of the Yemen Child's Rights Law (2002) which specifically criminalizes the prostitution of children; Article 46 of the Juvenile Welfare Act (1992), as amended, which also criminalizes the sale, transfer, abduction and exposure of children to the risk of delinquency.

⁹⁴ Abdul Aziz, Z. and J. Moussa (2014).

- Certificate of good conduct.
- Copy of his payroll to prove the ability to support his wife.
- Age difference between the man and the woman should not exceed 20 years.

The Ministerial Memo by MOJ No. (19) 2005 related to "Obligating Marriage Judges and their equivalents not to conclude mixed marriage contracts unless the preventive measures have been completed." The memo goes on to reiterate instructions provided in the previous memo of 2003 with the addition that violations of these procedures should be reported to the MOJ.

The Ministerial Memo by MOJ No. (18) 2008 related to "Commitment to legal procedures for the conclusion of mixed marriages," indicates that judicial inspection visits showed violations of procedures of the MOI decrees and the previous MOJ memo.

In Ibb, Government steps have contributed to a dramatic reduction in the incidence of *Tourist Marriage* as a result of the broad dissemination of the four official memos and decrees and an extensive awareness campaign conducted by civil society and the media on the issue. In other governorates, such as Hadramout, Mixed Marriage procedures appear to not be widely known and or applied. Recently, some Marriage Judges in Hadramout have become aware of the problems arising from Mixed Marriages that they had conducted and have begun to apply the appropriate procedures and verify the required documents.

The Yemen Government has taken further action to improve consistent application of regulations and requirements for Mixed Marriages in order to combat the issue of *Tourist Marriage*. According to media reports in 2009, the MOJ referred 12 judges to judicial inspection because they issued marriage contracts for Yemenis to foreigners without receiving the necessary approval from the MOI.⁹⁵ Additionally, it was noted in Yemen's second Universal Period Review⁹⁶ that the Government has investigated more than 150 violations involving Mixed Marriages and the perpetrators were punished or put on trial.⁹⁷ In 2009, the media carried a report on one such case where police had apprehended a Yemeni man in Haradh, Hajja Governorate, and a 55 year-old Saudi national in connection with an illegal *Tourist Marriage*. The article also noted that the authorities had arrested the official who signed the marriage license without securing the appropriate permission from the MOI.⁹⁸ According to an ILO report, with the support of the Yemeni security authorities one case of *Tourist Marriage* involving an 18-year-old woman who had been married to a Saudi man was referred to INTERPOL. INTERPOL helping to track down the husband in Saudi Arabia and he was subsequently made to compensate the young victim by giving her a bride price.⁹⁹

⁹⁵ al-Hilaly, K. "Saudis Top List of Foreigners Marrying Yemenis in 2009." 26 February 2010. Available at: <http://taraummomar.wordpress.com>.

⁹⁶ A UN General Assembly process to periodically review the human rights performance of UN Member States.

⁹⁷ "Yemen: Children's Rights References in the Universal Periodic Review." January 2014. www.crin.org.

⁹⁸ www.sabanews.net/en/news176353.htm.

⁹⁹ Harroff-Tavel, H. and Nasri, A. (2013) "Tricked and Trapped: Human Trafficking in the Middle East." International Labour Organization. p 86.

However, challenges still exist as these procedures have been manipulated by some (fathers, Neighbourhood Chiefs and/or the Marriage Judges who execute marriage contracts) by paying bribes to get permits, as has been the case in Ibb. Staff of the Authentication Unit in MOJ stated that sometimes they receive a request to register a Mixed Marriage without the required supporting documents. When they insist that such procedures must be met, the applicant will return after only a few hours or the next day with all the documents, including the medical check.

Noticeably, the requirements for a foreign man to secure the permission of authorities in his country only apply to nationalities of countries that have requested such restriction. According to the translation of MOI terminology they are deemed "not free citizen," as the restriction on Saudi and Kuwaiti men came based on request from their countries. The same thing happened recently with British citizens based on requests from the country. Therefore, this means that other nationalities such as Omani and Emirati are not required to seek permission from their governments to marry Yemeni women. This situation leaves the procedures for a Mixed Marriage between an Omani or Emirati and Yemeni open to manipulation. Also, not all the conditions are applied by the book, as according to the Authentication Unit staff at MOJ have found some applications where the age gap between the woman and the man can sometimes be 30 or 40 years yet they found that it was justified in the document for "personal or special reasons."

A draft law to counter human trafficking has already been developed by a committee established by the Cabinet consisting of MOHR, MOI, MOJ and other related authorities. The draft law identifies forced marriage as a form of human trafficking and it is anticipated that it will be presented to the Parliament for vote in the later months of 2014. Lastly, in reviewing the draft Anti-Human Trafficking law, it defines forced marriage as "the commitment to marry off a woman or young girl without giving the right to refuse and a fee is paid to her father or guardian."¹⁰⁰ This text, although still draft, clashes with the Yemeni social and religious context of *mahr* which is based on *Shari'a* and has been argued by many Yemeni women to be a deterrent to male-initiated divorce and polygamy.

Summary of Pending Legislation Combating Human Trafficking

If approved, the draft legislation seeks to achieve the following objectives:

- Prevent and combat human trafficking in all of its forms and manifestations with a heavy emphasis on criminalization and sanctions with 15 out of 44 articles focusing on such aspects.
- Protect victims of human trafficking by providing the necessary care and ensuring the respect of their rights and human dignity.
- Educate and raise awareness on the dangers of human trafficking so as to contribute to combat and prevention.
- Promote and coordinate national and international cooperation on preventing and combating human trafficking.

7. Media and Community Awareness about *Tourist Marriage*

Media sources were included in the literature review for this pilot study and it was found that the topic of *Tourist Marriage* received significant coverage in the media beginning in 2003, though noting that it was often very similar information (often superficial in nature) that was just recycled. With regards to regional coverage, it was asserted by one of the

¹⁰⁰ Not an official translation. The research team sought to render the best meaning of the Arabic legal text.

papers in the 2005 workshop at University of Ibb that *Tourist Marriage* often received irresponsible coverage. One such piece appeared to be tourism promotion in select countries including Yemen, rather than addressing the topic of human trafficking. Another regional TV news piece in 2003 showed the faces of young female brides, contradicting promises the journalists had made when they secured consent for the filming. In 2008 during a six-week period (13 July to 26 August) a joint initiative of the international human rights organisation Article 19,¹⁰¹ in partnership with the Yemeni Female Journalists Forum, analysed nearly 1,000 local Arabic media articles for coverage on a range of gender issues. The study found that the majority dealing with women's issues were social topics (17.8 per cent) primarily focusing on the phenomena of tourist marriages, early marriages and divorce.¹⁰²

“The problem is not just with marriages to foreigners, we have a huge issue to deal with as regards marriage between Yemenis.”

Interview with a Yemeni Lawyer for this Research, 9 July 2014.

The impact of such media coverage cannot be denied, particularly as local Arabic press coverage is one mechanism for families, communities and government officials to learn about negative practices such as *Tourist Marriage*. In 2006 an awareness campaign in Ibb to combat *Tourist Marriage* gained momentum involving CSO activists, religious leaders, and local authorities. Such broad-based efforts were reflected in high levels of media coverage, as many Yemeni journalists are also activists who are drawn to their profession through the passion for human rights and social justice. The awareness campaign was particularly effective in reaching parents with information on the dangers of *Tourist Marriage* has been a factor in families starting to hesitate to accept marriage proposals from Saudi men.¹⁰³

The National Dialogue Conference (NDC) process that lasted ten months engaged 565 representatives and concluded in early 2014 was the cornerstone to the political transition process in Yemen. Media coverage generated by the awareness campaign against *Tourist Marriage* may well have impacted the outcomes of the Rights and Freedoms Working Group, as number 101 noted, “Forced labour, slavery, all forms of subjugation, slave trade, trafficking of women and children and sex shall be criminalized.”¹⁰⁴

¹⁰¹ Article 19 is an international human rights organization founded in 1987 whose mission is to promote and defend freedom of expression and freedom of information. www.article19.org.

¹⁰² Article 19. “Yemen: an Analysis of Women in the Media. Global Campaign for Free Expression.” March 2009 www.article19.org/data/files/pdfs/publications/yemen-an-analysis-of-women-in-the-media.pdf.

¹⁰³ A commonly expressed assertion made in numerous interviews for this pilot study.

¹⁰⁴ Available from: www.yemenintransition.com.

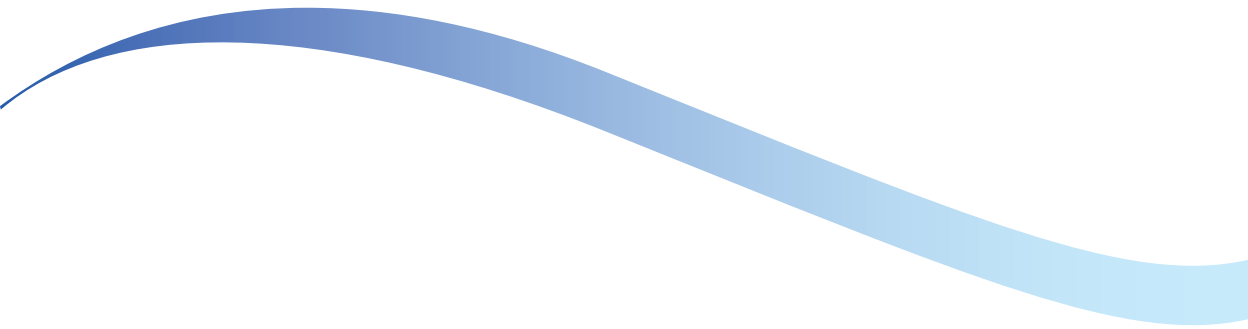
8. Conclusion

It is clear that the Yemeni Government has taken seriously the negative impact of *Tourist Marriage* and sought to address procedural weaknesses in applying existing laws governing Mixed Marriages to combat the problem. Many informants also noted that such progress in addressing the practice of *Tourist Marriage* was due to the leadership of Yemeni senior government authorities. A further point to note is that close collaboration between MOI and MOJ in coordinating efforts regarding regulation of Mixed Marriage was strikingly apparent from the sequence of decrees and memos mentioned above. Another noteworthy aspect was the engagement at multiple levels – local, governorate and central cooperation was also critical. In seeking to combat *Tourist Marriage* the central government included local actors such as Neighbourhood Chiefs to raise their understanding of the negative impact of the phenomenon and to engage them as protectors of the rights of Yemeni brides.

It was clear in this research that government efforts coupled with the awareness-raising campaign and broad media coverage all together resulted in a decrease in the phenomenon in Ibb. It was noted by a few activists that, at times, they encountered some resistance from authorities concerned with the negative impact on tourism. However, all aspects of the campaign helped to overcome such reluctance.

A key inconsistency of Yemen's international treaty obligations and the legal framework for marriage is that the father or guardian of a young girl is empowered to make a decision when she is deemed ready for sexual intercourse. This lack of the bride's independent standing in the marriage contract and the silence of a virgin interpreted as consent jeopardises her human rights and is of deep concern to many Yemenis. Furthermore, the lack of a minimum age for marriage particularly in times of great economic vulnerability means that life changing decisions about the health and welfare of young females, and sometimes young males, is removed from the realm of rational decision-making and into the arena of financial desperation. This is a danger posed not only in the case of *Tourist Marriage*, but also in other types of Mixed Marriage, as well as marriage between Yemeni citizens.

IV. RECOMMENDATIONS FOR DISCUSSIONS



IV. RECOMMENDATIONS FOR DISCUSSIONS

I. Recommendations

The recommendations stated here are organized around the three main areas recognized internationally¹⁰⁵ as key to combat human trafficking and which have been adjusted to the national context and features of *Tourist Marriage*. These areas of actions are i) knowledge and research, ii) capacity-building and development, and iii) monitoring and evaluation.

To the Government of Yemen:

- Sign and ratify the *UN TIP Protocol* and the *Protocol Against the Smuggling of Migrants by Land, Sea and Air* as it is evident that the Government has acknowledged human trafficking as a serious issue from the decree of the Cabinet on forming a committee, resulting in the drafting of national legislation.
- Approve, enact and operationalize the national legislation to prevent and counter human trafficking.
- Conduct a comprehensive and holistic review of all national legislations to align them with obligations to the UN TIP Protocol, in particular national laws related to regulating family issues, women's and children's rights. This step has political and legal importance based on the clear support for addressing human trafficking evident in NDC outcome number 101 of the Rights and Freedoms Working Group: "Forced labour, slavery, all forms of subjugation, slave trade, trafficking of women and children and sex shall be criminalized."
- Revise the Penal Code (1994) to criminalize human trafficking for prosecution because, as a single law any anti-trafficking legislation is insufficient to combat human trafficking.
- Develop standard operating procedures or guidelines to implement the national legislation and revised Penal Code. Institute such procedures and guidelines.
- Revise the definition of forced marriage in the draft law combatting human trafficking taking into consideration the practice of *mahr*, as the current version does not, thus nullifying all marriages in Yemen and in other Arab/Islamic countries. National legislation should be aligned to international standards, therefore, the draft should clarify the meaning of "financial payment" and emphasize the right of the bride to consent or refuse.
- Conduct a national study on the social concept of marriage, the different forms and factors behind practice including *Tourist Marriage*, to guide the revision of the legal context and to contribute to campaigns for social change.
- MOJ adopt a more active role in regulating Marriage Judges and Neighbourhood Chiefs to obligate them to follow the procedures for Mixed Marriage and marriages in general. It is recommended in the process to articulate clear lines of authority regarding Neighbourhood Chiefs, as for some issues they relate to MOI and others to Ministry of Local Authority.
- Strengthen prevention measures to combat *Tourist Marriage* and other forms of human trafficking including educating law enforcement authorities to identify victims of human trafficking and clarify first response actions.

¹⁰⁵ "International Framework for Action: To Implement the Trafficking in Persons Protocol." United Nations Office on Drugs and Crime. Vienna, 2009.

- Raise awareness among Neighbourhood Chiefs, judges and women in the community, for example, to help prevent human trafficking.
- Develop protection mechanism for victims of human trafficking which would address the needs of women and young girls who have been exploited through *Tourist Marriage*.
- Collaborate with neighbouring countries and GCC member states to develop systems for the apprehension and prosecution of their citizens involved in and perpetuating *Tourist Marriage*.
- Develop common procedures for regulating all Mixed Marriages that serve the interest of Yemeni citizens (i.e. not just requirements that are dictated by the government of the non-Yemeni spouse).

To international organizations:

- Provide technical support and financial resources to increase the government's recognition of and capacity to respond to human trafficking issues.
- Build the capacity of relevant authorities on strengthening the legal framework for prosecution of all forms of human trafficking.
- Bring regional experience to Yemen with a similar social and cultural context to enable national authorities to develop a comprehensive national strategy on prevention, persecution and protection for cases related to human trafficking.
- Support the government to develop a monitoring and evaluation system to measure the incidence of human trafficking and assess if adopted actions are effective.

To civil society and academic organizations:

- National and international CSOs and academic institutions should focus more attention on social problems that arise in Yemen and, when studying such issues, they should adopt a more comprehensive approach. There are volumes of research on early marriage and child trafficking, which fail to recognize the deception and exploitative aspects of *Tourist Marriage* or other types of temporary marriages.
- When conducting awareness campaigns related to social change ensure national outreach by working through diverse media and communication channels (including radio) and seek partnerships and alliances that reach rural communities where the vast majority of Yemenis reside.
- Establish relationships with CSOs in Saudi Arabia to facilitate mobilizing resources in support of abandoned children born in other countries that have been fathered by Saudi nationals.

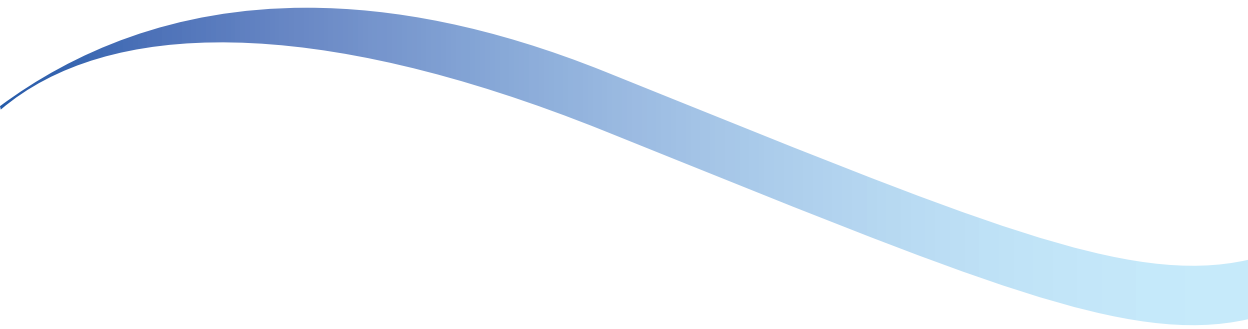
2. Recommended Topic for Further Study

Over the course of this research another marriage practice in Yemen that potentially shares exploitative elements with *Tourist Marriage* involves Yemeni men, not foreigners, and was beyond the scope of this pilot study. The so-called "Citizenship Marriage" or "Visa Marriage" involves a Yemeni man marrying a Yemeni woman who also carries US citizenship, solely in order to obtain American citizenship. This practice has gained considerable media attention in recent years as a result of sky-rocketing dowry costs for such marriages. While such marriages are not uncommon in Yemen, a particularly exploitative variety of this type of

marriage encountered was identified as a problem in al-Sha'ar district in Ibb Governorate.¹⁰⁶ The potential trafficking element enters into this practice based on the allegation that, subsequent to the wedding, the young bride is held against her will until US citizenship is secured by the husband.

¹⁰⁶ In 2008, a leader in the Yemeni-American community in California estimated that 350,000 residents of Ibb currently reside in the United States. al-Masmari, A. "Visa Marriages: Going to America Through Marriage." Yemen Post. 14 April 2008. www.yemenpost.net.

Annexes



Annex 1: Research Methodology

Initially, it was anticipated that this study would focus only on the practice of *Tourist Marriage* in defined areas of Ibb Governorate. However, as the study evolved, reports of the practice in other areas were discovered. Therefore, following consultation with IOM, inquiries (telephone interviews, literature review and face-to-face interviews with informants in Sana'a) were made in the governorates of al-Hodeida, Hajja and Hadramout.

As noted in the Preface to this study, due to the sensitive nature of this research topic the names of interviewees and participants in this pilot study are not used, but instead referred to by more generic identifiers (gender and profession).

1. Literature Review

A thorough literature review of the topic of *Tourist Marriage* in Yemen was conducted by the research team, reviewing English and Arabic language publications. The types of documents covered included books, peer-reviewed articles, international treaties, academic and technical studies, national legislations, open source media and some social media sites. Also reflected in the study is the professional profile of the authors as gender specialists in Yemen with decades of work on gender-related aspects of development and humanitarian programming.

2. Field Visit

At the end of June 2014 a field visit for five days was conducted to Ibb Governorate. This entailed visiting a number of rural and urban locations to meet with community leaders, parents, young people and local officials to better understand the practice.

3. Focus Group Discussions

One Focus Group Discussion was organized with eight young women at the University of Ibb who were students in the departments of Law, Psychology and Sociology. The session probed with regards to the knowledge these young women had about *Tourist Marriage* in their area, as well as their perspective on the practice.

4. Key Informant Interviews

Key stakeholder interviews were conducted with 29 individuals (48.2 per cent female) via face-to-face and telephone in five geographic locations in Yemen (Governorates of Ibb, Hadramout, al-Hodeida, Hajja and Sana'a). The preferred method was semi-structured face-to-face interviews, and of the 29 individuals interviewed, 20 were face-to-face. Some of the telephone interviews were carried out with individuals from Ibb who were away outside the area during the field visit. Various government offices were visited as part of the study including MOI, MOJ and MOHR. Additionally, five lawyers, one judge, three academics, eight civil servants in various ministries, three Marriage Judges, one Neighbourhood Chief and 11 civil society activists (some informants fit into more than one category).

Interview Questions

Questions for interviews were based on three hypotheses which shaped this study, although not all questions were asked of each interviewee. Lines of inquiry were guided by the profile of the informant. The following are the hypotheses that shaped the research:

- Hypothesis 1: *Tourist Marriages* occur in Ibb.
- Hypothesis 2: Communal attitudes (in the families involved, community and among officials) perceive *Tourist Marriage* as an ordinary marital contract.
- Hypothesis 3: *Tourist Marriages* are a form of human trafficking entailing forced sexual relations and abuse of young women with long-term social and psychological impact on the young women.

Hypothesis 1: Tourist Marriages occur in Ibb

- Have you heard about the practice of young Yemeni women being married to men from the Gulf? If yes, please share how many incidents you've heard about.
- Do you personally know anyone that has been married in such circumstances or been involved in such marriages (i.e. such as a family of the bride, the matchmaker and so forth)? If yes, please explain.
- When was the first time that you heard about such marriages?

Hypothesis 2: Communal attitudes (in the families involved, community and among officials) perceive Tourist Marriage as an ordinary marital contract

- How do you feel about such marriages?
- How do you think the families feel about such marriages?
- How do you think the young women feel about such marriages?
- What do you feel is the impact of such marriages on the bride?
- What do you feel is the impact of such marriages on the groom?
- What do you feel is the impact of such marriages on the families of the bride?
- What do you feel is the impact of such marriages on the children that may have resulted?
- What do you feel is the impact on the community of such marriages?
- Why do you think men from outside Yemen would enter into such a marriage?
- How do you think the families of such men feel about such a marriage?

Hypothesis 3: Tourist Marriages are a form of human trafficking entailing forced sexual relations and abuse of young women with long-term social and psychological impact on the young women (the following were only asked if the individual had direct contact with such marriages).

- In examples of such marriages that you've had direct contact, where were the men from?
- How was the marriage arranged?
- In the marriage contract what were the **types** and **amounts** of payments specified (*mahr musallam*,¹⁰⁷ *mahr mu'ajjal*¹⁰⁸)?
- Were there other marital payments involved not specified in the marriage contract that the groom provided¹⁰⁹?

¹⁰⁷ Paid at the time of the marriage contract.

¹⁰⁸ To be paid in case of divorce.

- Did the bride receive anything other than clothing and jewellery in the process?
- How old was the bride? How old was the groom?
- Did the bride consent to the marriage? If yes, was the consent freely given or was it reluctantly provided?
- Did the bride's family feel that the groom was affluent and came from a good family?
- Did the groom fulfil all promises that he or his representative made? If no, what promises were broken/not fulfilled? Do you feel that the groom, or his representative, intentionally lied?
- Describe the *ziffaf* party? Did any of the groom's family members come the wedding?
- Where was the marriage consummated?
- How long after the *ziffaf* did the groom stay with the bride before returning to his home?
- After the *ziffaf* did the bride go to the groom's home country or accompany him to another Yemeni city?
- Do you feel that the marriage resulted in harm (either physical or psychological) to the bride? Please explain your answer? Did the marriage impact the bride's education?
- How did the marriage impact the bride's relations with her family?
- How did the marriage impact the bride's relations with her community?
- If the marriage resulted in a child, has the husband (or former husband) paid for costs related to the birth, maintenance (rent, food, clothing) or education of the child?
- If the marriage has since ended, please describe the circumstances?
- If the marriage has continued, has there been communication between the husband and wife?
- If the groom abandoned the bride, did he slip out quietly? Did he try and share her with another man? After the groom left what happened to the girl? Was she able to marry again?

¹⁰⁹ i.e. *shart* (for the bride's father), clothing, jewellery, *kiswa* (covering wedding expenses such as food and *qat*) and *sadaq* (a payment given directly to the bride on the wedding night).

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Annex 3: Republic of Yemen's Treaty Signatory Status¹¹⁰

Yemen's legal framework is complex, emerging from a diverse political historical context. Although derived from pluralistic sources, the formal legal system in Yemen has developed into a single unified body of law. Yemen's legal code incorporates elements from *shari'a*,¹¹¹ customary or tribal law (*'urf qabali*¹¹²), excerpts from Egyptian and other Arab laws, elements from Ottoman or Turkish traditions, infusions from the Socialist legal system in the former PDRY and international principles. "All of these formal, informal, modern, and traditional norms and actors come together in a continuous and complex dynamic of interaction. Considering that almost 80 per cent of Yemenis are not within reach of the official courts, or for other reasons adhere to tribal customary rules or informally administered Islamic norms, state law is not the supreme law in Yemen, neither effectively nor in the perception of most Yemenis."¹¹³

Yemen is the only country in the Arab Peninsula that is a State party to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*). The Government has not yet incorporated its obligations under the *1951 Convention* into national refugee-specific legislation or established a refugee status determination (RSD) procedure. In the absence of such legislation, the legal status of asylum seekers and refugees is governed by a mix of decrees and provisions, *inter alia*, the Republican Decree N° 47 of 1991 on the entry and residence of foreigners. The Ministry of Foreign Affairs is the main governmental institution in charge of refugee protection and the Bureau of Refugee Affairs (BRA) supports UNHCR by implementing some protection and assistance activities.

Yemen has not ratified the *2000 Protocol on Human Trafficking and Smuggling* that supplements the *UN Convention against Transnational Organized Crime* (UNCTOC) and current Yemeni legislation does not cover all forms of exploitation indicated in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*. In addition, the Government has not acceded to the *1979 International Convention on Maritime Search and Rescue* (SAR Convention). At the end of 2012, the Government acknowledged the magnitude of the problem and established two technical Committees for combating human trafficking and drafting the forthcoming anti-trafficking legislation. UNHCR, in its capacity as an observer, has attended the Committee for Combating Human Trafficking, which is an institution expected to develop a national strategy in 2013.

¹¹⁰ Available from: [https://treaties.un.org/pages/HistoricalInfo.aspx?#"](https://treaties.un.org/pages/HistoricalInfo.aspx?#)Yemen".

¹¹¹ Islamic or canonical law is based on four official sources: the *Qur'an*; the *Sunna* of the Prophet Mohammed (the normative model behaviour of the Prophet Mohammed evidenced in what he did, and those actions that he permitted) as evinced in *hadith*; *ijtihad* (analogical reasoning); and *ijma'* (consensus of the community of legal scholars or religious authorities).

¹¹² *'Urf*, from the root meaning 'to know or to be aware', refers to common knowledge embodied in age-old practices, precedence, agreements and the wisdom of judges and mediators. Transmitted through oral and written texts, at the most basic level *'urf* functions to channel, minimize and resolve conflicts between individuals and groups.

¹¹³ al-Zwaini, L. (2012) "The Rule of Law in Yemen Prospects and Challenges." Hiil Rule of Law Quick Scan Series. September. Available from: www.hiil.org.

At the end of 2011, the Government pledged to consider acceding to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*.¹¹⁴

Republic of Yemen's International Treaty Obligations

In a letter dated 19 May 1990, the Ministers of Foreign Affairs of the Yemen Arab Republic and the People's Democratic Republic of Yemen informed the Secretary-General of the following:

". . . The People's Democratic Republic of Yemen and the Yemen Arab Republic will merge in a single sovereign State called the Republic of Yemen' (short form: Yemen) with Sana'a as its capital, as soon as it is proclaimed on Tuesday, 22 May 1990. The Republic of Yemen will have single membership in the United Nations and be bound by the provisions of the Charter. All treaties and agreements concluded between either the Yemen Arab Republic or the People's Democratic Republic of Yemen and other States and international organizations in accordance with international law which are in force on 22 May 1990 will remain in effect, and international relations existing on 22 May 1990 between the People's Democratic Republic of Yemen and the Yemen Arab Republic and other States will continue."

As concerns the treaties concluded prior to their union by the Yemen Arab Republic or the People's Democratic Republic of Yemen, the Republic of Yemen (as now united) is accordingly to be considered as a party to those treaties as from the date when one of these States first became a party to those treaties. Accordingly, the tables showing the status of treaties will now indicate under the designation "Yemen" the date of the formalities (signatures, ratifications, accessions, declarations and reservations) effected by the State which first became a party, those eventually effected by the other being described in a footnote.

The People's Democratic Republic of Yemen was admitted to the United Nations by Resolution No. 2310 (XXII) of 14 December 1967 registered under No. 8861. For the text of the declaration of acceptance of the obligations contained in the Charter of the United Nations made by the People's Democratic Republic of Yemen, see United Nations, Treaty Series, vol. 614, p. 21. The People's Democratic Republic of Yemen was successively listed in the previous editions as "Southern Yemen", "People's Republic of Southern Yemen", "People's Democratic Republic of Yemen" and "Democratic Republic of Yemen."

¹¹⁴ "Submission by UNHCR for the Office of the High Commissioner for Human Rights' Compilation Report - Universal Periodic Review: Republic of Yemen." www.refworld.org/pdfid/51c945bf4.pdf.

Annex 4: Marriage in Yemen¹¹⁵

Personal Status Law 1992

The Republic of Yemen's Personal Status Law 1992 [Article (23)] states that the consent of the bride is required in order to conclude the marriage contract. When the bride is a virgin, silence is interpreted as consent and in the case of a divorcee or widow verbal agreement is required. This distinction is reflected in the Yemeni proverb: "*Al-awal bishur ahlik wa al-thani bishurik*," (The first marriage was your parent's decision, the second one is yours alone). Notwithstanding parental desires, the groom is a direct party to the marriage contract and the bride is not. [Article (18)] states that if a man has proposed to a woman and she has agreed, but her guardian does not conclude the marriage, a judge may order him to do so. If the guardian refuses the woman's next-of-kin can act on her behalf. If he refuses, or there is no next-of-kin, the judge himself may conclude the marriage on the woman's behalf. As one scholar points out "A man who marries his daughter against her will is likely to suffer inconvenience, aggravation, and sometimes financial losses if she refuses to stay with her husband and in-laws."¹¹⁶

[Articles (40) and (41)] establish marital obligations of the wife and husband to one another. [Article (40)] states that a woman is required by law to provide her husband with sexual access, thus, disallowing the possibility of rape within marriage. Furthermore, she is required to obey him in all matters that are not sinful and perform tasks in the marital house. Moreover, a woman is "Not to leave the house without her husband's permission, except for a legal excuse or for socially accepted reasons that do not violate honour or her duties towards the husband, particularly looking after her interests or practicing a job. Rendering services to her old parents, in the event of absence of any person to accord them such services, is considered a legal excuse for a woman to leave her marital home."¹¹⁷ [Article (41)] clarifies the husband's legal requirements towards his wife including: providing a home, sustenance and clothing according to her equals, treating her fairly if married to more than one wife, not exploiting her wealth, and not harming her physically or morally.

[Articles (33-39)] of the "Personal Status Law" address the issues of *mahr*, variously translated as dowry, bridal payment or bride-wealth, which is the legal property of the bride. The amount of the *mahr* is part of the legal marriage contract. Practices related to *mahr* vary regionally, among different status groups and over time. In some areas the *mahr* does not change hands at the time of the marriage, but rather at the time of divorce or upon the death of the husband when it is subtracted from the gross estate before division among heirs.¹¹⁸ According to Cynthia Myntti, in Bani Ghazi, "two *mahrs* were specified in the marriage contract): *mahr musallam* (paid at the time of the marriage contract) and *mahr mu'ajjal* (to be paid in case of divorce)."¹¹⁹ Importantly, the *mahr*, or *mahr mu'ajjal*, is clearly the wife's property, but it is also the amount that is jeopardized if she initiates divorce. Further marital payments that are not always written in the marriage contract, include: *shart*, the amount paid to the bride's father or representative for his discretionary

¹¹⁵ This section is from Colburn, M. (2002).

¹¹⁶ Dorsky, S. (1986). p 101.

¹¹⁷ WNC (1999). p 96.

¹¹⁸ Gerholm, T. (1985). p 138.

¹¹⁹ Ibid., p 141.

use;¹²⁰ clothing, jewellery and cosmetics for the bride; *kiswa* which is to cover the wedding expenses (food, entertainment, *qat* and so forth); and *sadaq*, given directly to the bride on the wedding night.

The practice of *mahr*, is often misunderstood in the West. In the 18th century the European Carston Neibuhr wrote positively about this Yemeni practice.¹²¹

The opinion, that women are slaves in Arabia, seems to have arisen from the mistaken notion, that fathers there sell their daughters to the highest bidder....Instead of selling his daughter, every man, in tolerably easy circumstances, strives to give her a dowry, which may continue her own property. The marriage is made out by the Cadi (judge), and signed in his presence; and in it not only is her dowry secured to the wife, but also a separate maintenance, in case of divorce.¹²²

Not surprisingly, Yemeni women advocate for the system of *mahr* to continue. Cynthia Myntti writes that “Yemeni women are proud of their bride-wealth. It is a statement of their honourable, chaste state and the value of their labour. Indeed, they feel pity for Western women who do not have such a cash security and statement of worth.”¹²³ Yemeni women perceive that the system of bride-wealth is a form of deterrence to male-initiated divorce and polygamy. Although the *mahr* is legally the wife’s property, according to Martha Mundy only 60 per cent of women in Wadi Dhahr retain their *mahr*. The remaining 40 per cent was used for various purposes: to pay the husband’s debt; stolen by outsiders or taken by the husband; given to others (mother or son); or for essential expenses (food, medical expenses, travel or investment).¹²⁴

Once the families, with the consent of the young people, have agreed to the union and its associated payments the marriage itself consists of two phases. The first phase is the ‘*aqd*’ (contract) between the groom and a male representative of the bride. The marriage contract, similar to a pre-nuptial agreement specifies: the amount of the *mahr*; other entitlements to the bride’s side (trousseau and *shart*); and legal provisions protecting the bride in case of divorce. The second phase of the marriage procedure is the consummation and its celebration, *haflat al-Ziffaf*. This stage in the marriage entails separate male and female celebrations in public and private for friends and family. The two phases of the process are separate, and traditionally in many parts of Yemen the contract occurred between very young, sometimes pre-pubescent children. While technically married, the couple did not consummate the union until *al-Ziffaf*. This practice was designed to assist the young bride in adapting to life in her husband’s home. In such cases consummation was celebrated many years later, usually after the bride began menstruating. Divorce was not

¹²⁰ The *shart* is sometimes spent in gifts for the bride, but it is also seen as another form of payment to the wife as the father contributes to the marital household in various ways throughout his daughter’s married life. “Even among relatively simple people, a woman’s father may in time return to his daughter more than he received in *shart*.” Mundy, M. (1979), p 166. The *shart* can also be seen as compensation to the bride’s family for the eventual loss of any land she, and her children, will inherit. Gerholm, T. (1985). p 144.

¹²¹ Neibuhr, M. (1733-1815), a German surveyor, was the only surviving member of the Danish scientific expedition to Yemen in 1762-3.

¹²² Neibuhr, M. (1792/1994). p 217.

¹²³ Myntti, C. (1979). p 58.

¹²⁴ Mundy, M. (1995). p 135.

uncommon within this tradition, and re-marriage had no stigma attached and minimal impact on the subsequent bride-wealth because the young woman was still a virgin.

The amount of the *mahr* varies widely throughout Yemen. Factors that influence this include: status, wealth, levels of labour out-migration, whether the couple are tribal or not and rural/urban residence. Generally in areas where female labour in the house and field is at a premium, bride-wealth is higher. For example, amongst the *akhdam* settlements of San'a' the *mahr* amounts vary widely. In Bab al-Sabah, where there are higher levels of employment and where women are not considered the main breadwinners, the bride-wealth is significantly lower than in the Bab al-Yemen community, where women bear primary responsibility for supporting the family. In the Hayel Saeed family, one of the most prosperous business empires in Yemen, there has been a conscious effort to keep *mahr* amounts low to discourage financially motivated marriages. In broader society the negative impact of escalating bride-wealth amounts has been recognized. The 1974 PDRY law limited the amount of the bride price to approximately USD300¹²⁵ and until the 1980's the Khowlan tribe forbid the exchange of gold jewellery in marriages.¹²⁶ One scholar relates a story told by an old man about marriage and *mahr* practices in earlier times. "In those days men had only one *futa* (skirt) and women only one dress. My uncle also told me that there was one nice dress in the village that every bride borrowed to wear for her wedding, and the village owned three Maria Theresa thalers (silver coins) that would be given to each bride as her *mahr*, but she had to return them."¹²⁷

A final gender issue related to marriage is the Islamic practice of polygamy. The requirements for entering a polygamous marriage contained in [Article (12)] are: consent of the first wife; separate dwellings for each wife; equal and fair treatment of both; and financial capability to provide for both. The 1997 Demographic and Maternal and Child Health Survey found that 7 per cent of women currently married live in polygamous marriages. There is significant variation between rural and urban areas and regionally. This survey found that 4-5 per cent of women in urban and coastal areas and 8-10 per cent of women in rural and mountainous areas were in polygamous marriages. The findings of this survey indicate that there is a clear relationship between polygamy and women's education, with illiterate women more likely to be in such a marriage and women with secondary or higher education significantly less likely. Furthermore, polygamy is less common among younger women, only 4 per cent of women age 15-19 versus 10 per cent of women age 45-49. Interestingly, "polygamy rates seem to have been highest among the most and the least privileged families."¹²⁸ While this practice epitomizes gender inequity, it is not always the case that women are unwilling participants.¹²⁹

Nevertheless, the prospect of polygamy is dreaded by many women as indicated by the following proverbs: "*Abkih min al-maqbara, wa la abkih min huzn al-marrah*" [I prefer to wail

¹²⁵ Lackner, H. (1995). p 79.

¹²⁶ Conversation with Tim Mackintosh-Smith, author and scholar. 2001.

¹²⁷ Glander, G. (1998). p 83.

¹²⁸ Carapico, S. (1996a). p 86-87.

¹²⁹ Reasons women cite in support of polygamy include financial security, reduced sexual demand, sharing of household tasks, joining of forces against the husband and companionship. See Clark (1997b) for positive aspects of this tradition.

with grief (literally in the cemetery) for my husband's death than wail with grief over his marriage to another woman]; "*Al-marrah al-thaniyah taqlib bab al-mnaq*" (The second wife turns the opening of the fireplace - that is she will introduce unnecessary changes); "*Man tshaha l-zawjah gharay marato, la'nat Allah 'ala surtoh*" (He who wishes to marry a woman in addition to his wife, may God's curse befall him); and finally "*Al-tabinah tihriq, wa-law kanat bi-il-mashriq*" (The co-wife burns even though she's in the east – that is the two wives hate one another even though one is in Yemen and the second in the East Asia).

Needless to say, the institution of marriage is changing in Yemen. One traditional practice being adapted to contemporary needs is to separate the marriage contract and consummation. This trial period allows the bride and groom in an arranged marriage to get to know one another without damaging the bride's reputation. While arranged marriages are still the norm in most of Yemen, in urban areas among professionals and university graduates, marriage discussions between families are increasingly at the instigation of the young people. Another change in the institution of marriage is that urban upper-middle class newlyweds often establish their own household instead of joining an extended family situation. Finally, there is evidence that inter-family marriages are increasing: in 1997 a national survey found that 30 per cent of women age 45-49 were married to a blood relative, compared to 44 per cent of women age 20-24.¹³⁰ Despite changing marital traditions, marriage in Yemen is still seen as an institution that can strengthen or weaken the economic, political and social status of both families.

Issues of *kafa'a* (eligibility in marriage, or equality of partner)¹³¹ hold deep significance in Hadhrami society. At the core of *kafa'a* is the gender bias that only male *sada* can marry outside of their status group.¹³² While in general this practice is observed among *sada* in other parts of Yemen, in the Hadhramaut it is strictly observed, resulting in many single *sayyid* women. Another factor contributing to the large number of single *sada* women is the high incidence of out-migration of Hadhrami males, thus further limiting the pool of potential marriage partners.¹³³ Furthermore, as an elite landowning group, *sada* families have an economic disincentive to marry their women, as Islamic laws of inheritance serve to fragment property.

Divorce

The male prerogative of repudiation (verbal unilateral divorce by the husband) is detailed in Articles (72), (73) and (74) of the 1992 "Personal Status Law." The 1992 Law also requires registration of marriage and divorce. As Jamal ad-Dimi, a Yemeni lawyer noted, non-conformity of this requirement has a more negative impact on women than on men. This is

¹³⁰ Yemen Times (1999), 15 to 21 March, Issue 11, Vol. IX.

¹³¹ Bujra explains *kafa'a* as limiting marriage partners to those of their descent category, i.e. preventing marriages between: Arab with non-Arab; Quraish (the Prophet Mohammed's tribe) with non-Quraish; Hashemite (the Prophet's lineage) with non-Hashemite descendants of Hassan and Hussain (the sons of Fatimah and 'Ali) which include the Yemeni *sada* who claim descent from Hassan and Hussain. Bujra, A. (1962).

¹³² One scholar notes that among all status groups the largest number of single females is found among the *sada*, as no *sayyid* husband had proposed marriage. Vom Bruck, G. (1992). p 57.

¹³³ Hadhrami *sada* women rarely migrate with their husbands, although as diaspora communities become more entrenched in the host cultures they frequently marry local Muslim women.

because repudiation does not require court action and thus registration is less likely.¹³⁴ Thus, a woman may be unaware of the fact that her husband has divorced her. This situation has implications for inheritance, potential remarriage for the woman and uncertainty in her status. Whereas a husband's ignorance of divorce proceedings initiated by his wife is unlikely because she must do so through the legal system.

According to the 1992 "Personal Status Law" *faskh* (dissolution of marriage) is the legal basis for a woman to terminate her marriage if her husband refuses to repudiate her. Admissible grounds for *faskh* include: a defect in the marriage contract or the person; *darar* (damage) as a result of prolonged absence, non-payment of maintenance, alcohol or drug abuse; and *karahiya* (deep hatred). Other legally admissible justifications for divorce include adultery, impotence, disease (like leprosy), or marriage to a second wife without permission. If a woman succeeds in securing a divorce she must return the bride-wealth paid her at the time of marriage. This condition is a tremendous financial disincentive for her to initiate a divorce. Moreover, it is a strong incentive for her family to discourage her from such an action, as the family must pay if she is unable to. Although a woman must find a judge to grant her divorce, in reality divorce initiated by a woman is more often than not an economic issue rather than a legal one. A common tactic used by women desiring divorce is to try and force their husband to divorce her in order to retain her *mahr*. One hears a range of strategies used by women to create such a situation ranging from mere unpleasantness to harming themselves or their spouse.

Child custody laws are set out in [Articles (141) and (142)] of the 1992 Law. They recognize that, in cases of divorce or death of the father, "the mother is the most deserving party to guardianship of her children" until a male child is nine years of age and a female is twelve. Conditions that a woman must fulfil to be awarded guardianship include maturity, sanity, faithfulness, moral and physical ability. If the mother remarries or misbehaves the father or his family may revoke or prevent her from taking custody. [Article (149)] clarifies that after divorce the father is obliged to provide financial support to his children for food, clothing, accommodations and medical treatment. Custody is an important consideration influencing a woman's decision whether to seek a divorce or not indicated by the proverb "*Lo ma hanaj fi al-walid, ma sabir wa la aghtalib yowm*" (If I didn't love my child I wouldn't be patient or keep silent for another day – a woman stays with her husband because of the children). Many women when granted custody refuse child-support in order to strengthen their position in a potential legal battle if the father attempts to revoke custody (for instance if the wife remarries) or when the children reach the age that custody reverts to the father. This financial burden in the face of women's unequal earning capacity means that divorce and custody are not options without the support of her family. If the mother remarries, the second husband may not legally prevent her from continuing her guardianship of her children. It has been observed that divorce in Yemen has less associated stigma for the woman than in many other parts of the region. This is evident in the frequency of divorce and remarriage.¹³⁵

While there are no national statistics on divorce rates, the 1997 Yemeni Demographic and Maternal and Child Health Survey found that 91 per cent of Yemeni women had been

¹³⁴ Würth, A. (1995). p 330.

¹³⁵ Mynntti, C. (1979b). p 32.

married only once. This survey also found that the proportion of women married at least twice increases from around 5 per cent in the 20-24 age bracket to 11 per cent ages 30-34 and 16 per cent above the age of 40.¹³⁶ The incidence of divorce is higher among women that are illiterate. Anna Würth, studying the records in a family court in San'a', found that of 1,175 cases filed between 1988 and 1994 over 50 per cent involved proceedings initiated by female litigants: 27.9 per cent for *faskh* (dissolution of marriage) and 26.4 per cent for *nafaqa* (maintenance). Half of the cases for *faskh* involved absentee husbands and the other half *karahiya* (deep hatred) of the husband.¹³⁷ In conclusion, it has been observed that among tribes in Ma'rib, al-Jawf and Sa'dah, 'urf traditions grant women the same right of divorce as men, though this right is rarely exercised by women other than those from higher status groups such as the *mashayikh*.

A further gender issue is the dominant role that women play in arranging marriages. Due to sex segregation, particularly in urban areas, men are forced to rely on their female relatives in assessing the suitability of potential brides. In the early phase of seeking a bride, female family members of the prospective groom often make informal inquiries, sparing men the social embarrassment of being rebuffed.¹³⁸ A female French doctor practicing medicine in San'a' in the 1950's wrote "actually, the marriages are arranged by the women, though superficially it is the father who makes the decision. A young man attaches more importance to his mother's and his sister's advice, for they are the only ones who know his proposed bride-to-be."¹³⁹ Because of their great influence in this process women play a significant role in deciding who will eventually benefit from a family's estate. However, women's influence in the marriage process should be seen in light of the fact that men must still approve marriages, as the parties to the marriage contract. Thereby, men maintain control of an institution that holds the potential through Islamic inheritance laws, to transfer property to individuals outside the family or tribe.

¹³⁶ Yemen Times (1999), 15 to 21 March, Issue 11, Vol. IX.

¹³⁷ Würth, A. (1994). p 330.

¹³⁸ Dorsky, S. (1986). p 99.

¹³⁹ Fayein, C. (1957). p 194.

Annex 5: Arab Tourist Visitors¹⁴⁰ to Yemen¹⁴¹

Year	Egyptians	Jordanians	Saudis	Iraqis	Syrians	Sudanese	Others	Total
2013	11,155	6,549	570,399	2,204	4,170	3,252	103,888	701,617
2012	10,029	4,972	625,445	2,322	17,657	3,294	93,378	757,097
2011	8,855	7,600	198,823	2,669	12,876	2,852	67,956	301,631
2010	18,204	9,069	235,412	3,271	14,668	4,494	104,994	390,112
2009	14,293	7,880	163,000	3,447	10,792	3,190	94,304	296,906
2008	10,263	6,604	176,305	2,283	8,436	2,275	96,859	303,025
2007	11,921	6,159	162,537	2,997	9,896	2,451	82,277	278,238
2006	10,915	6,060	178,670	3,464	11,044	2,821	68,232	281,206
2005	6,947	3,483	162,160	1,687	7,622	2,179	56,625	240,703
2004	8,464	5,129	123,799	3,945	7,307	3,055	27,035	178,734
2003	3,677	2,689	59,669	2,846	6,780	1,875	27,748	105,284
2002	2,509	2,385	38,254	1,691	3,727	1,472	14,849	64,887
2001	2,517	2,569	14,404	3,988	3,040	2,009	8,186	36,713
2000	3,355	2,352	9,842	2,543	2,278	2,288	5,034	27,692
1999	2,632	2,744	7,533	2,250	1,574	2,310	3,530	22,573
1998	1,990	2,263	6,087	2,121	1,070	1,858	4,218	19,607
1997	2,381	2,265	4,327	1,293	967	877	3,379	15,489
1996	2,172	1,937	4,210	1,222	825	457	5,135	15,958
1995	1,455	1,475	2,415	1,045	726	504	2,603	10,223
	133,734	84,184	2,743,291	47,288	125,455	43,513	870,230	4,047,695
	3.30%	2.08%	67.77%	1.17%	3.10%	1.08%	21.50%	

¹⁴⁰ In addition to Arab tourist arriving in Yemen there are also Arabs traveling on business visas, which are included in the "Transport and Travel" section of the Statistical Yearbooks. In 2013 the total number of Arabs arriving in Yemen was 753,669 and in 2012 it was 806,437 (it is assumed that tourist numbers are included in such totals). While some such business travelers may be potential "grooms" in *Tourist Marriage*, for purposes of this study only Arab tourist numbers were included.

¹⁴¹ From ROY Central Statistical Organization Statistical Yearbooks (www.cso-yemen.org) and Ministry of Tourism, Yemen Tourism Promotion Board (www.yementourism.com).



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