

Family, justice and fairness in Yemen: the impact of family problems on Yemeni women



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Kingdom of the Netherlands

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- 01 - 06** Background
 - 07 - 13** Overview of family related legal problems in Yemen
 - 14 - 20** Divorce and separation
 - 21 - 26** Maintenance and child support
 - 27 - 31** Inheritance
 - 32 - 33** Recap - what's working and what needs improvement?

Methodology

In November 2013 HiiL surveyed 3000 randomly selected adult Yemeni men and women from the governorates of Sana'a, Taiz and Adan.

We asked the respondents about the situations from their lives which invoked 'needs' for formal or informal justice processes.

These situations were portrayed in lay-terms - easy to understand language such as divorce, unfair dismissal from work, disputes over money, etc.

We studied how the people of Yemen act in these situations and how much justice they actually receive from existing processes for dispute resolution.

Some key project findings include:

- 95% of the interviewed Yemenis (women and men) reported experience with one or more justice problems within the last 4 years.
- 13% of the people (women and men) that reported experience with justice problems dealt with one or more family related justice needs.
- Women more frequently encounter family related justice problems than men.

1 Background

Measuring fairness of the paths to justice

People use formal and informal processes to resolve their legal problems. In our methodology, the commonly applied justice processes are called paths to justice. HiiL measures each path to justice by asking the people who use them about 10 easy to understand indicators. In this way we measure justice from the bottom-up.

1. The costs of the path to justice

- Monetary costs: out-of-pocket costs for legal fees, travel, advisors.
- Time costs: time spent to search for information, attend hearings, travel.
- Stress and negative emotion

2. The quality of the procedure

- Voice & neutrality: process control, decision control, neutrality, consistent application of rules .
- Respect: politeness and appropriate communication. Procedural clarity: timely explanation of procedures and rights.

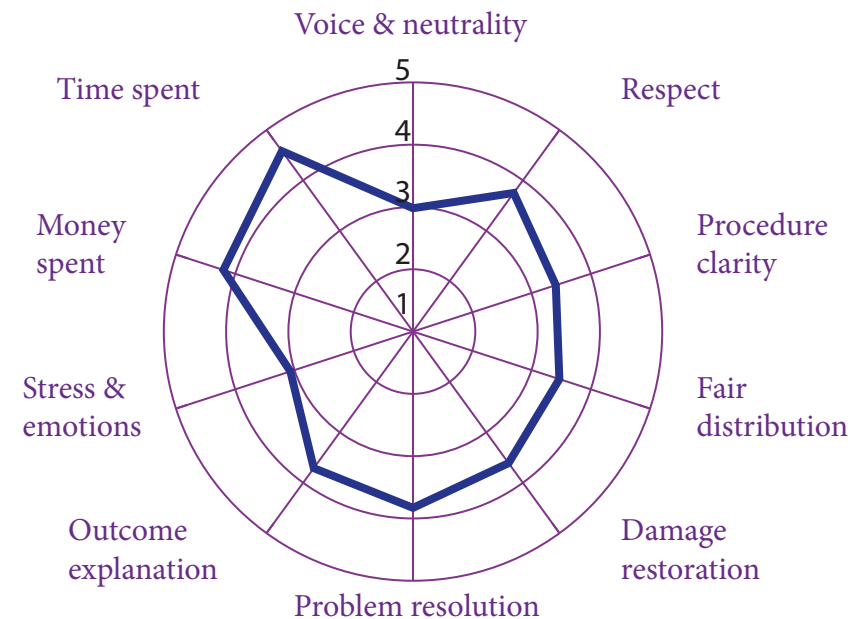
3. The quality of the outcome

- Fair distribution, the distribution is fair according to needs, equity and equality criteria.
- Damage restoration: fair compensation for monetary damage, emotional harm and damage to relationships.

- Problem resolution: the extent to which the problem is solved and the result has been enforced.
- Outcome explanation: the extent to which the people have access to information on the results.

For each path to justice we plot the justice dimensions in a spider-web. **A score of 5 represents a higher and more positive score.**

The justice dimensions visualised





2. Overview of family related legal problems in Yemen

2 Overview of family related legal problems in Yemen

Selecting the justice problems for deeper analysis

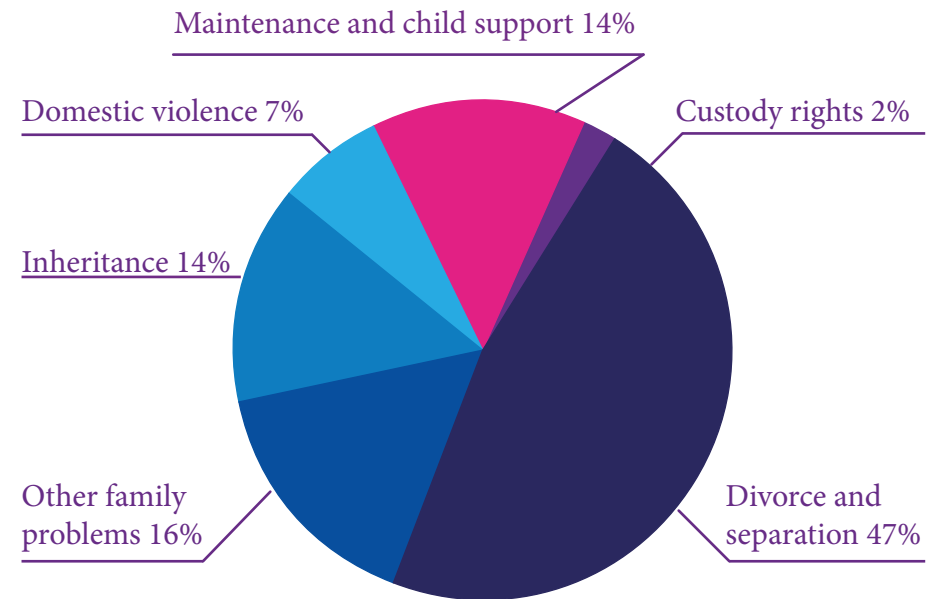
This analysis focuses on the three most important justice problems within the ‘family problem’ cluster that the “*Justice Needs & Satisfaction Tool*” data revealed:

- Divorce and separation 47%
- Maintenance and child support 14%
- Inheritance 14%

These were selected after the application of the selection criteria mentioned earlier in this report.

14% of all Yemeni women who encountered legal problems had to deal with one or more family related problems. The chart below illustrates the distribution of family legal problems between the female respondents.

Distribution of family legal problems

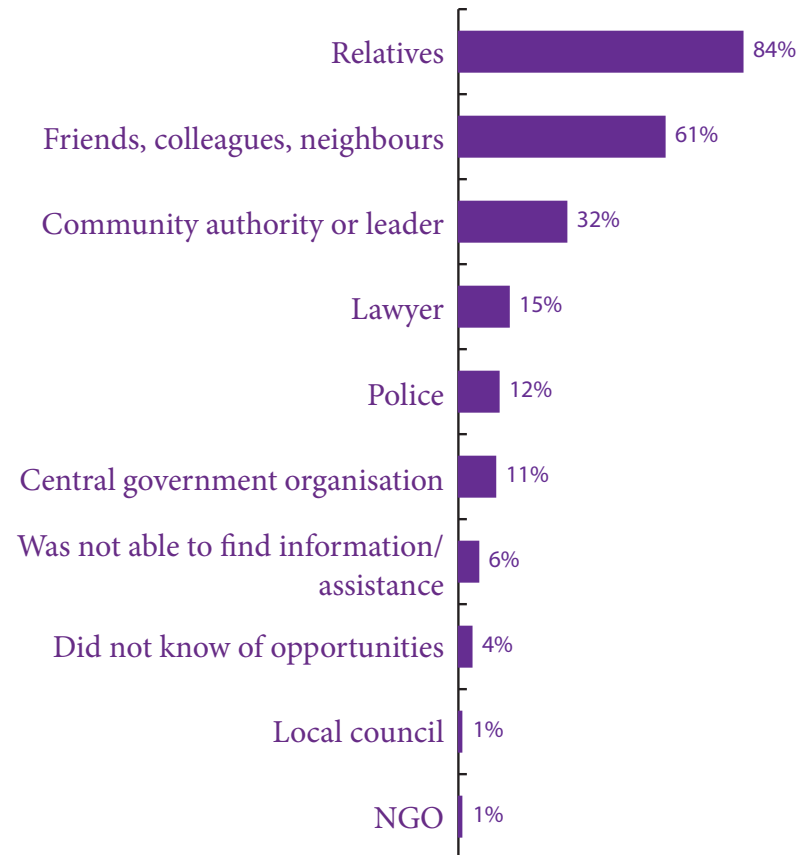


2 Overview of family related legal problems in Yemen

Yemeni women know where to look for information

- **Yemeni women who encounter justice needs in their family relationships actively seek information and advice.** Almost all of those interviewed say that they need to know more about the problem and its resolution.
- **The large majority – around 90% - of the Yemeni women were able to find some sort of information or advice about dealing with family problems.** 6% say that they were not able to receive relevant information and 4% did not know that there are opportunities for information and advice.
- **Relatives** and **sheikhs** are the two most frequently consulted informal mechanisms for relevant information. Few women manage to receive information and advice from professional sources – i.e. lawyers, police or public authorities. NGOs are rarely considered as a source of information and advice.

Where did you look for information or advice to resolve the family problem?

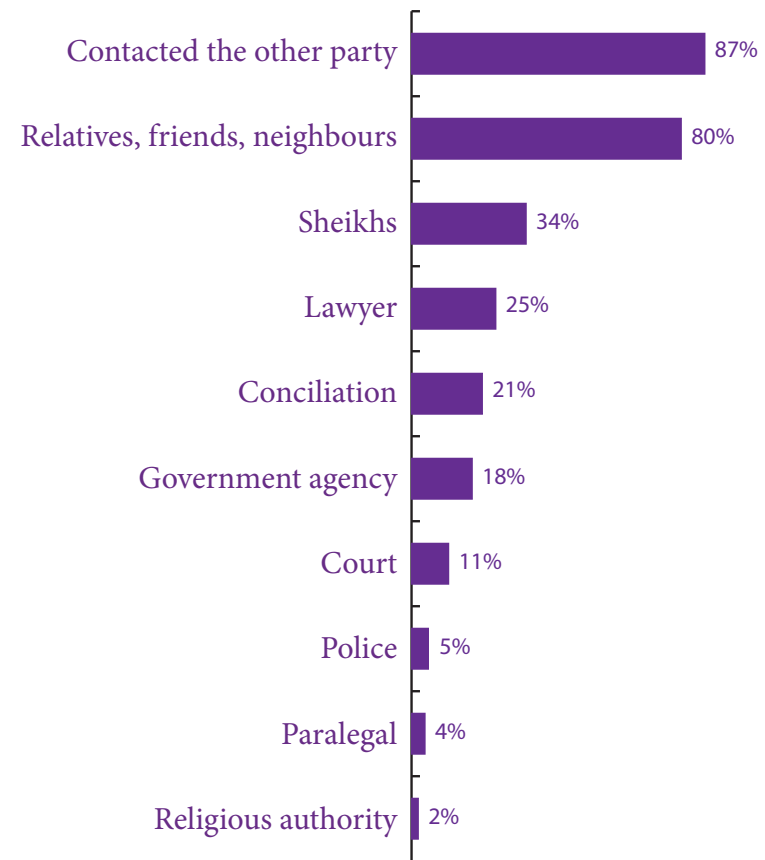


2 Overview of family related legal problems in Yemen

Most women use informal paths to justice for family problems

- **Informal dispute resolution is the first step** for almost all women embroiled in family dispute resolution
- One third (34%) of the Yemeni women **seek intervention from a sheikh** and one in five (21%) participate in some other form of informal dispute resolution.
- A significant proportion of the problems are consulted with **lawyers** – 25%. Less female respondents say that they were in court to resolve the problem. Justice in family matters takes place mostly outside the court rooms.

Which paths to justice were used to solve the problem?



2 Overview of family related legal problems in Yemen

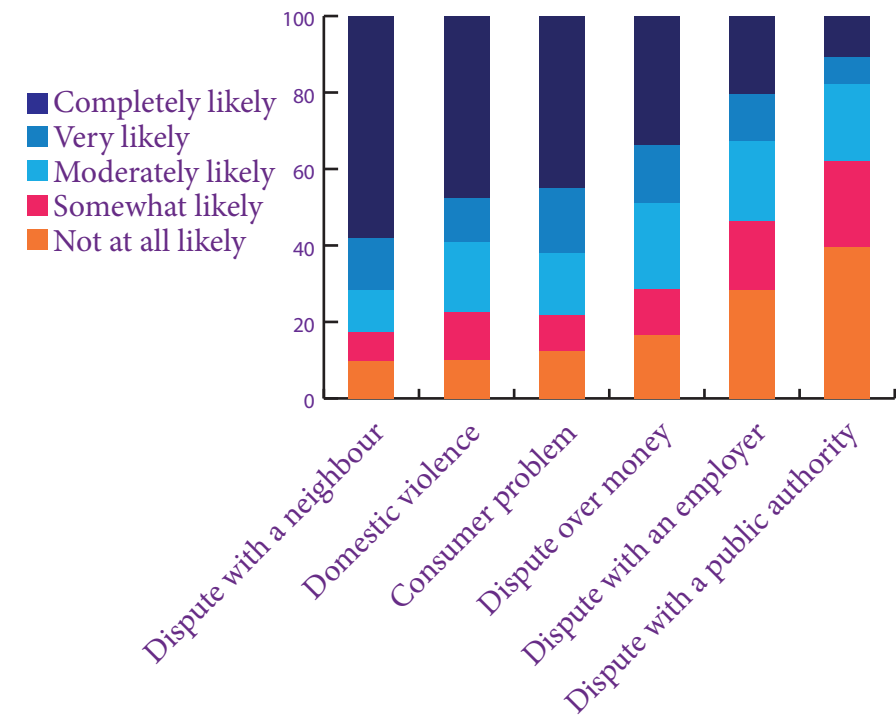
The perceived legal empowerment of Yemeni women is high

To measure legal empowerment, we asked women in Yemen how confident they feel in their own abilities to cope with five hypothetical but realistic legal problems - we provided them with 'real-life' scenarios that could occur within their everyday lives.

This resulted in some interesting trends.

- The more women believed in their ability to successfully deal with the 'real-life' scenario, the more likely they were to actively seek access to justice and receive fairer results.
- In general, Yemeni women feel empowered. For instance, **more than half are completely confident that they can successfully resolve a dispute** with a neighbour.
- In situations of domestic violence and consumer problems, most women are rather positive about their chances of obtaining a fair solution.
- Yemeni women feel less empowered to deal with legal problems when the dispute involves employers and public authorities. These are typical situations where a power imbalance is evident. When this imbalance is present, many Yemeni women assess their chances of achieving a fair resolution as low. We can infer that women will need the most protection from justice when these types of problems occur.

If you are faced with one of the following situations - how likely it is that you will receive a fair resolution?





3. Divorce and separation

3 Divorce and separation

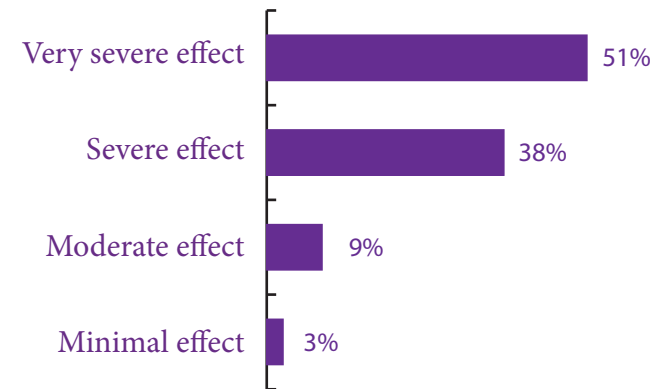
The 'chain-effect': justice problems are interlinked

Most women (around 88%) describe the effects of divorce as 'severe' or 'very much so'.

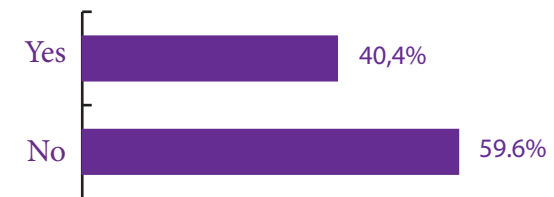
Domestic violence profoundly affects the life of victims. It inflicts physical and emotional harm on children and adults. Domestic violence is often the main reason for divorce and separation.

Our data shows that **violence can also occur as a result of the process of divorce** (40% of the women who were in the process of divorce say they experience domestic violence). Women from rural areas are significantly more likely to become victims of domestic violence in the course of a divorce. 68% suffered from a stress related illness as a consequence of the divorce. Understandably, 75% saw other important relationships deteriorate. In-depth interviews revealed that frequently, relationships are severed with not only their spouses, but also with other relatives. Close to 40% of the women who encountered divorce reported a significant worsening of their financial situation.>>

Effect of divorce on women's lives



Did you experience violence due to divorce?



3 Divorce and separation

- >> Women facing divorce and separation also tend to face issues related to custody rights, domestic violence and obtaining maintenance and child support. **This clearly demonstrates the knock-on effect** (chain-effect) that one justice problem can have on other justice problems.

Divorce is a traumatic experience for the Yemeni women. The survey data shows that many of them experience violence, stress and loss of financial resources. To cope with all these problems, and continue with their lives, the women in Yemen need effective justice mechanisms.

This chain-effect offers an opportunity.

Resolving one justice problem fully will result in a reduction of subsequent justice problems. Thereby reducing strain on the justice systems and on the people involved in these frequently emotional and potentially violent processes.

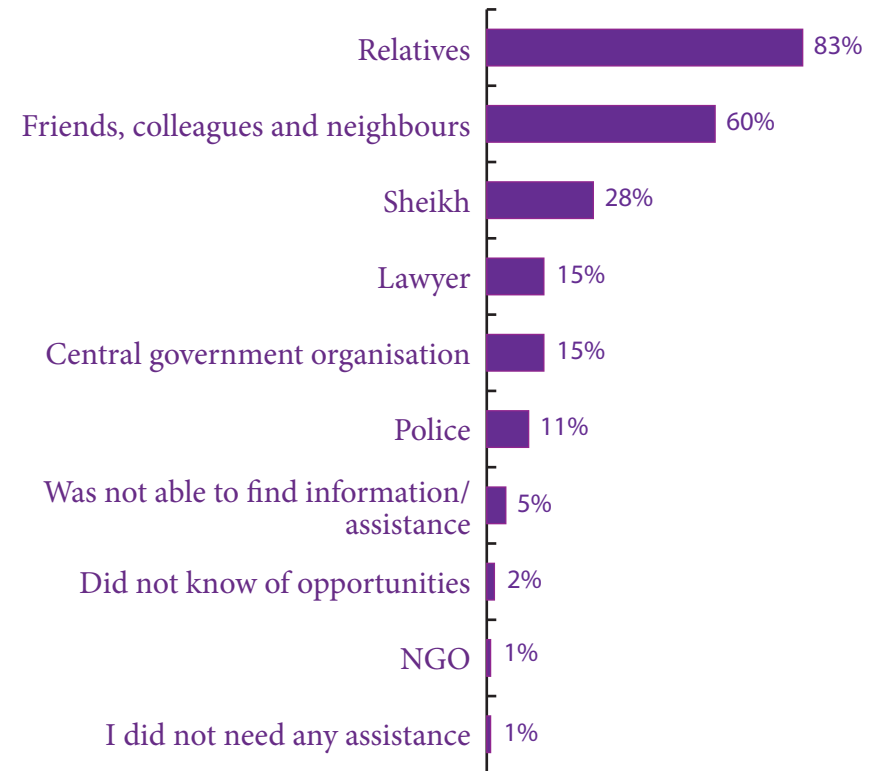


3 Divorce and separation

Where do Yemeni women seek information and advice?

Yemeni women seek information and advice regarding divorce predominantly within their family and friends. Sheikhs, lawyers and public authorities are the first choice outside of these close personal relationships. Urban women are more likely to go to public authorities to seek information. Rural women (61%) consult their options with a sheikh.

Where did you look for information/advice regarding divorce?

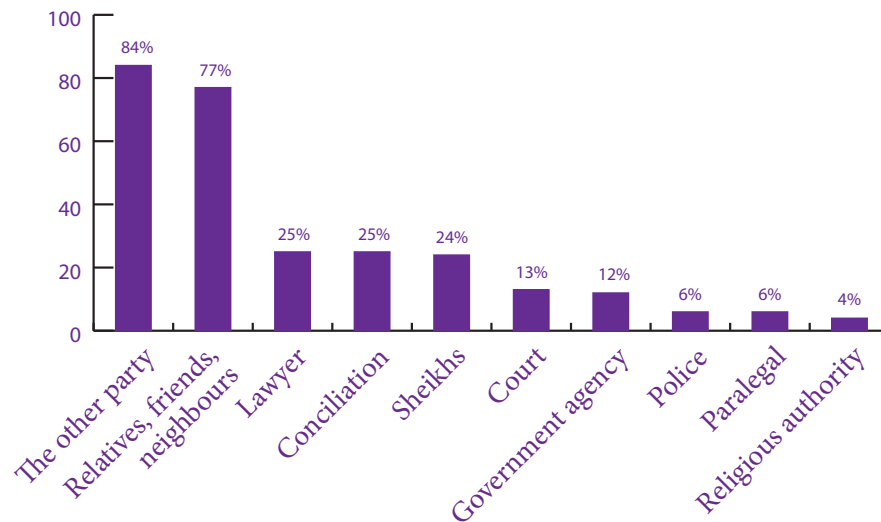


3 Divorce and separation

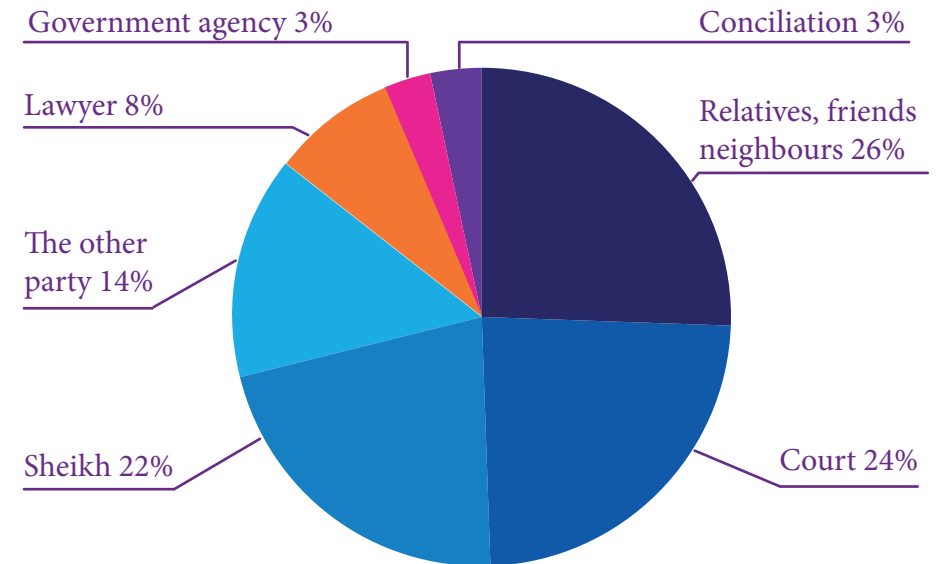
Patterns for paths to justice are similar regardless of age or place of residence

Informal paths to justice are mostly used by the Yemeni women to resolve divorce. Beyond the social network, women seek justice from lawyers, sheikhs and other informal processes. Formal justice mechanisms are less frequently pursued. Younger women are slightly more likely to use courts of law for resolution of divorce. Those from rural areas rely almost exclusively on informal justice mechanisms.

Which paths to justice were used to solve the divorce?



Which path to justice helped the most to solve the problem?



3 Divorce and separation

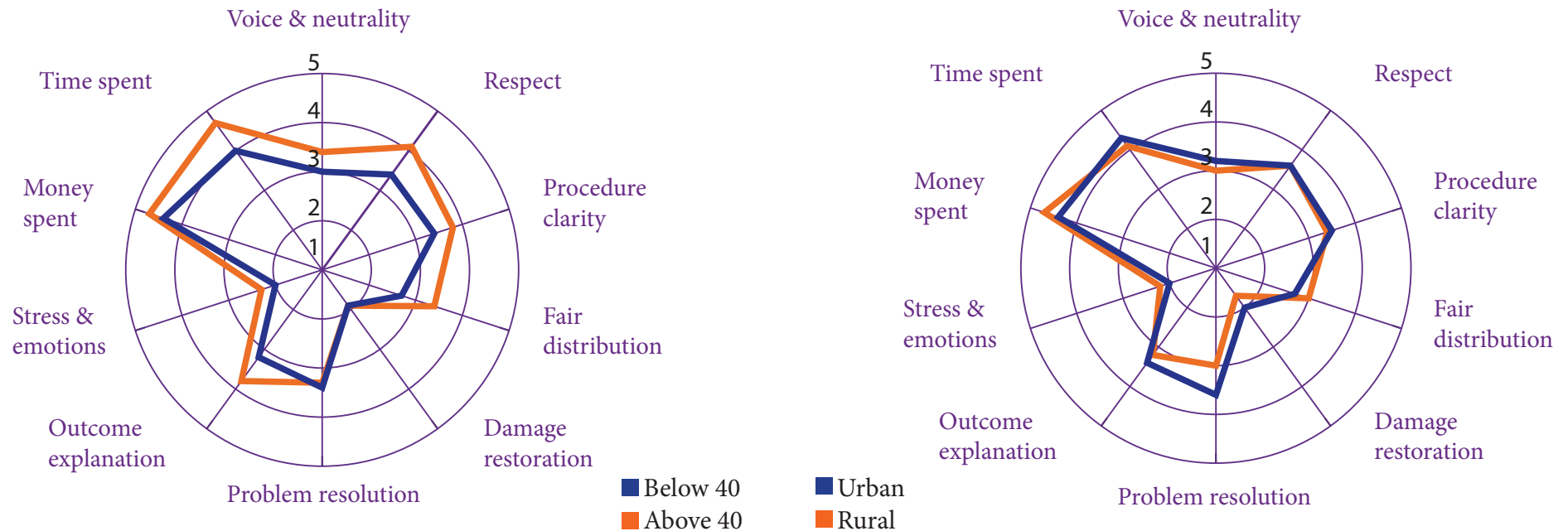
Patterns for paths to justice are similar regardless of age or place of residence

Voice and neutrality, damage restoration and stress and emotions score the lowest.

There are however slight differences to be seen.

Women in urban areas evaluate their paths to justice less favourably than women in rural areas. This could be due to the different paths they choose to take. In urban areas, women contact the courts more frequently than women in rural areas to

deal with divorce and separation cases (27%). Women in rural areas mostly approach sheikhs (49%) as their chosen paths. The data has also shown that older women (above 40 years old) seem to be less able to receive a resolution to their problems than younger women. Why this is, we do not know yet. One explanation could be that there are more women above 40 without education.





4. Maintenance and child support

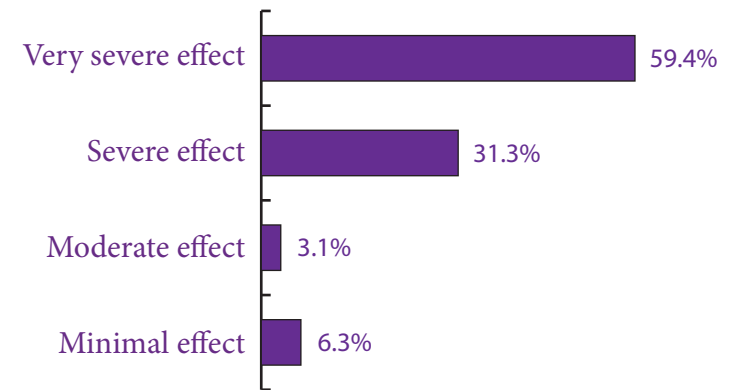
4 Maintenance and child support

Maintenance and child support issues affect women

Most women from the sample do not work (91%). Women who are divorced or separated are in particularly dire financial situation. 22% of them struggle with securing the most basic amenities and 72% can only afford what is needed to survive but nothing more.

The Yemeni women need justice to protect them from the negative consequences of divorce. 44% say that they lost money. This means that **these women and their children rapidly fall under the poverty line**. It is therefore not surprising that the majority of women felt that dealing with maintenance and child support issues have affected their lives in a profoundly severe way (59%).

Effect of maintenance and child support problems on lives of women



4 Maintenance and child support

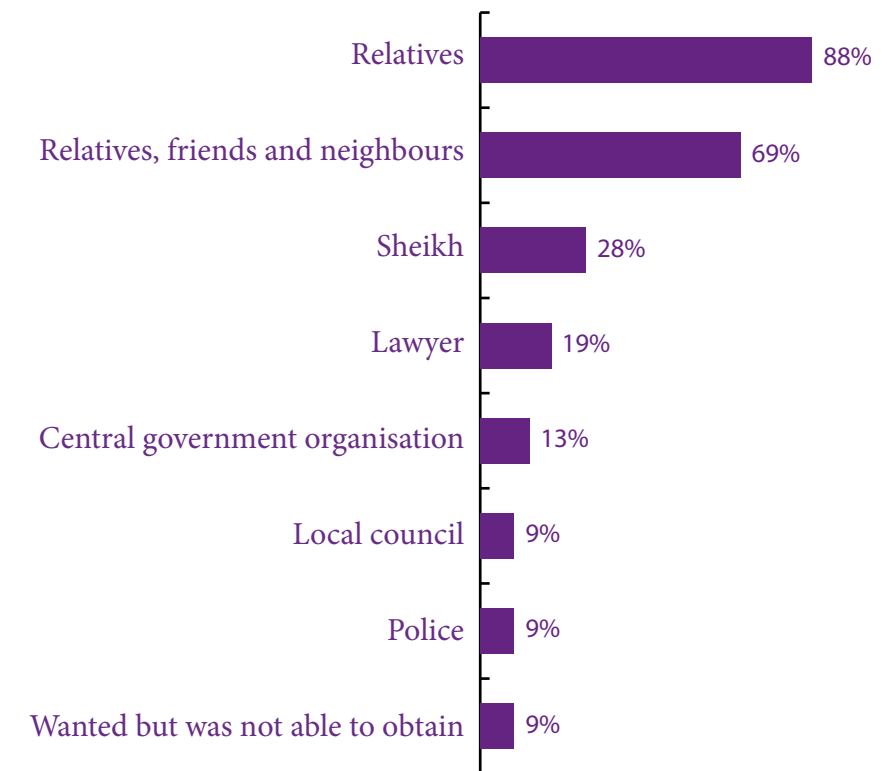
Where is information sought?

Spousal maintenance and child support are deemed to provide fairness and dignity. But do women have access to justice? Information about maintenance and child support is sought mostly within the social network. About one in five Yemeni women consulted a lawyer about her rights and opportunities. **Most respondents (41%) reported that they were unsatisfied with the information they received.** Sources like the internet, newspapers, radio and TV are virtually unused to learn more about dealing with maintenance and child support.

Improvements can be made here.

This is an opportunity to provide information that is tailored to the needs of the women who have to deal with disputes about maintenance and child support. Particular attention should be paid to the needs of the women with less education. This information should move away from technical jargon and include more lay terms that are comprehensible.

Where do women look for information and advice?



4 Maintenance and child support

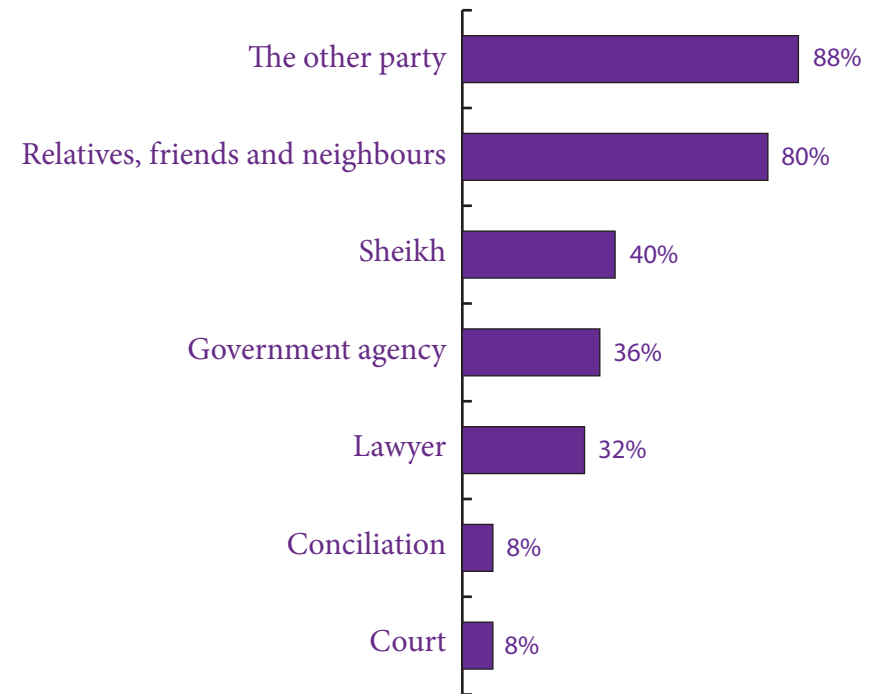
Solutions for maintenance and child support problems are sought outside of court rooms

One in five women did not take action to resolve the maintenance and child support problem. When Yemeni women take action they seek resolution in their immediate environments. If this does not help they involve sheikhs, public authorities and lawyers.

Relatively few maintenance and child support problems ever reach courts. This is a concerning finding considering that only 16% of female respondents report that the problem has been completely resolved, and 8% report that it is has only been partially resolved.

Improvements in the processes of these popular paths to justice could therefore trickle down and may lead to improvements for many other justice related disputes.

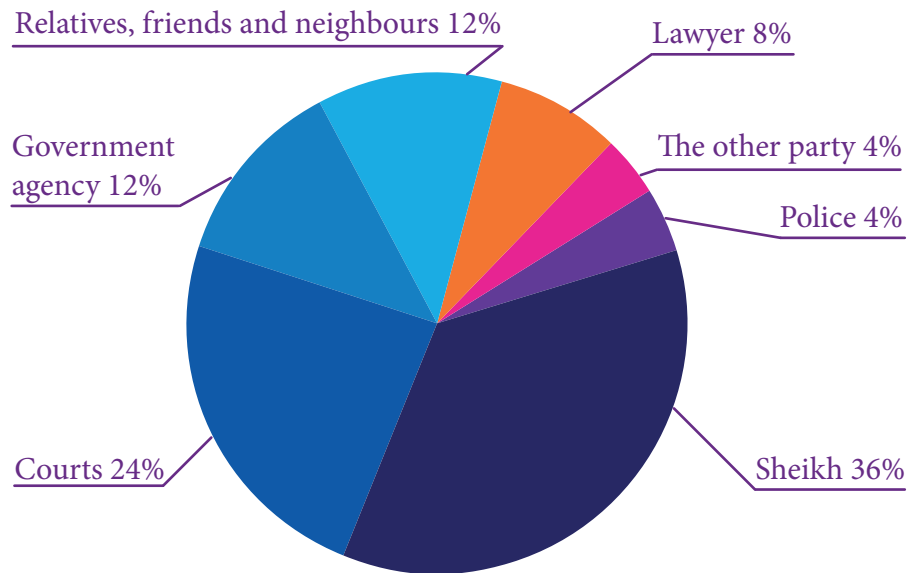
Paths to justice: who did you contact to resolve the problem?



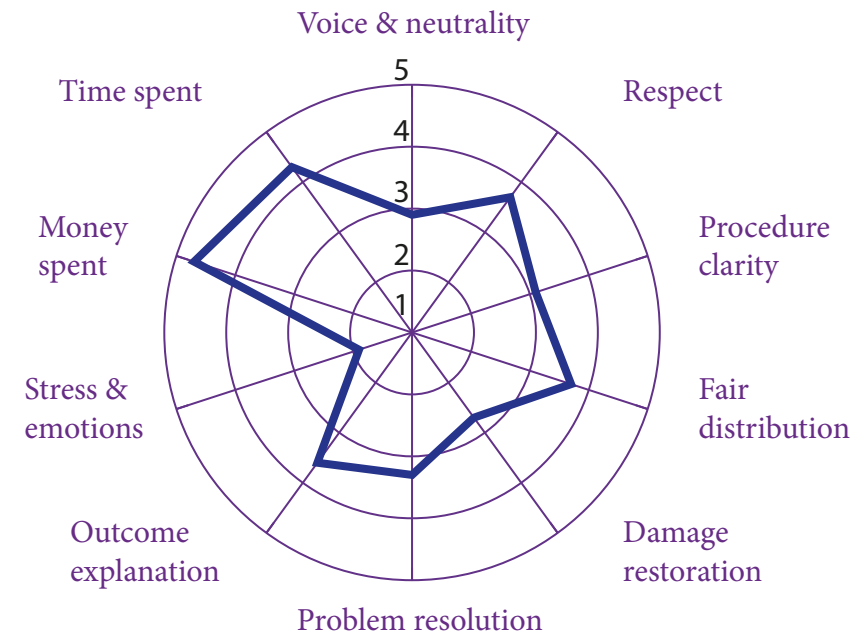
4 Maintenance and child support

Solutions for maintenance and child support problems are sought outside of court rooms

Which process helped the most to solve the problem?



What do women experience on these paths to justice?



Similar to 'other family problems' – such as divorce and separation - scoring for values for voice & neutrality, stress & emotions and damage restoration remain low.



5. Inheritance

5 Inheritance

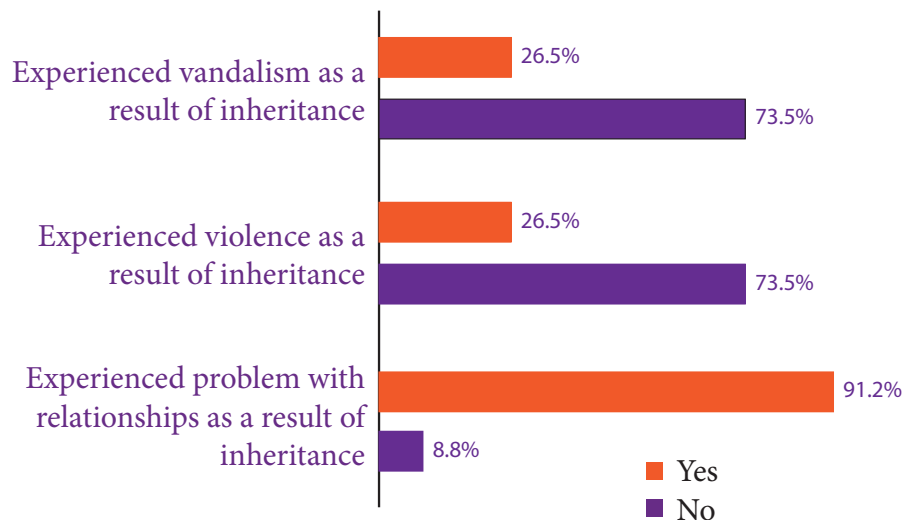
Violence is also a factor in Inheritance disputes

70% of women dealing with problems related to inheritance evaluated the **negative effects of the problem as severe or very severe**.

The issues they had to deal with included: relational breakdowns (91%), vandalism and violence (27%). **This demonstrates how unresolved inheritance issues can escalate and really damage the lives of the women involved.**

The informal mechanisms are preferred when seeking information. More than half of the interviewed women sought

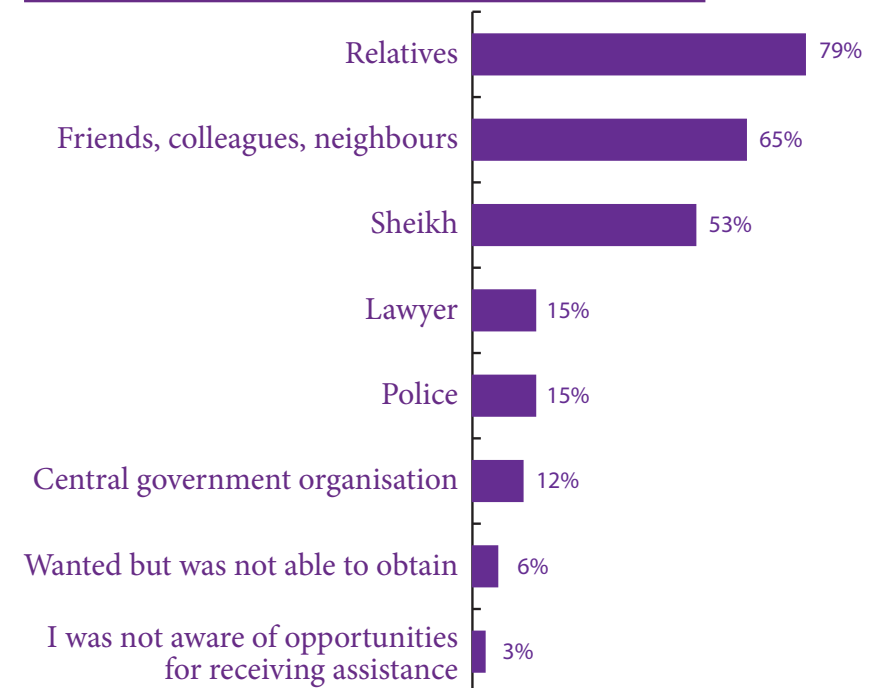
Violence is also a factor in Inheritance disputes



information and advice about inheritance disputes from sheikhs. Most women evaluate sheikhs (38%) and relatives (32%) as the most important sources available to them when they needed information.

Many respondents **are moderately satisfied with the quality of the information** received (44%).

Where do women look for information and advice?

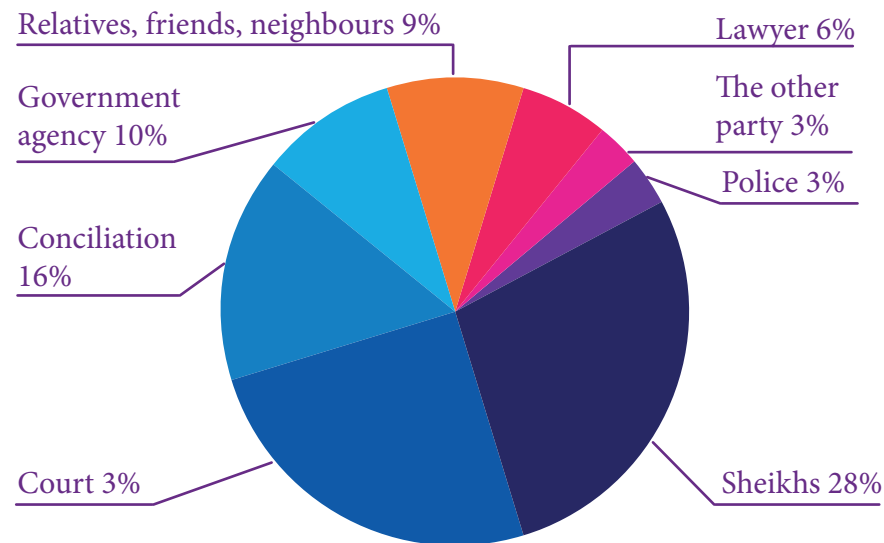


5 Inheritance

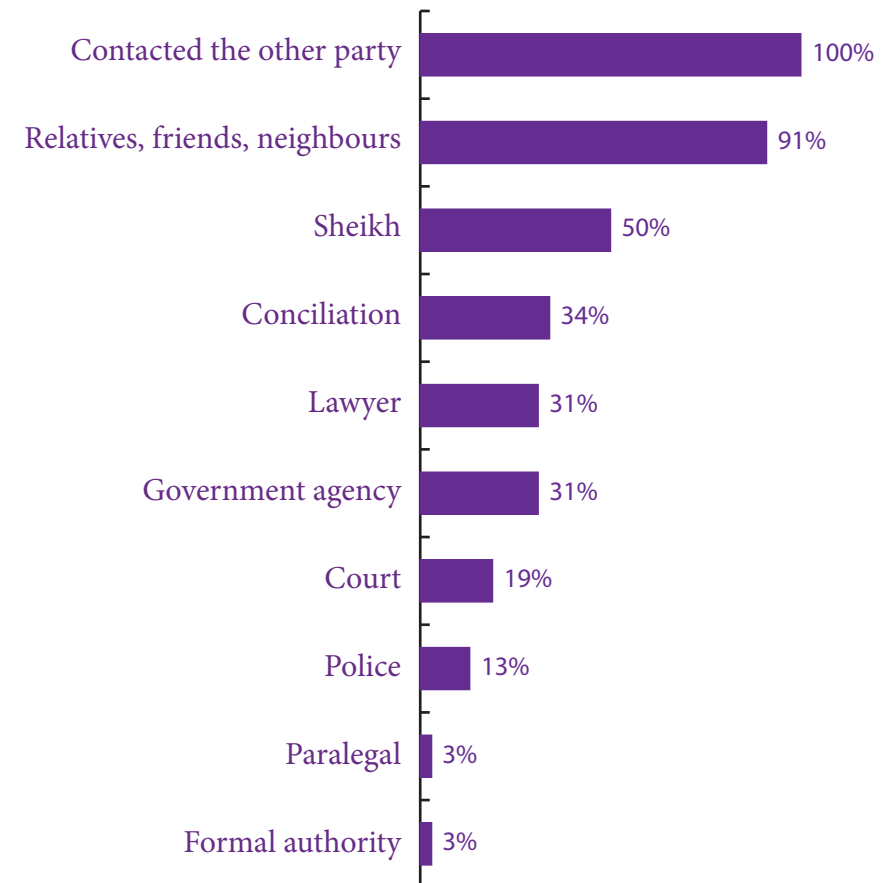
Voice and neutrality can be improved

Half of the women with inheritance problems seek justice from sheikhs. This is particularly popular path to justice in the rural areas. In the cities, many women report that they initiated some form of reconciliation process with the other party. When we asked which of the many paths to justice are most important, the respondents point to sheikhs (28%) and courts (25%).

Which path to justice helped the most to solve the problem?



Paths to justice for inheritance problems



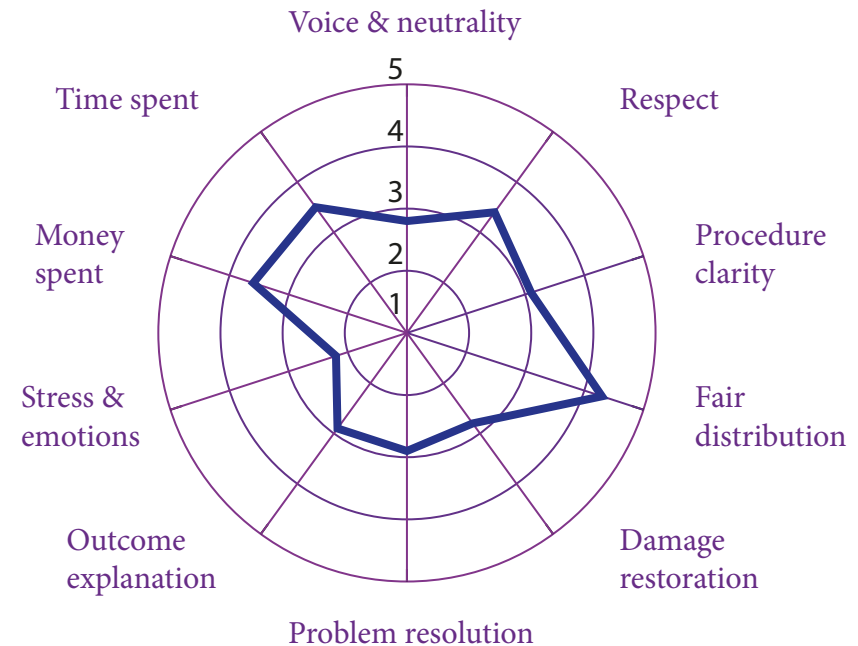
5 Inheritance

Voice and neutrality can be improved

There are a number of differences that we discovered in the data.

Problem resolution and outcome explanation score relatively low (around 2.9) while the score for fair distribution was relatively high. This means that more data should be collected to understand which practices satisfy users of justice with the distribution of the inheritance. More data will also reveal ways toward giving women more voice and participation in the paths to justice and better restoration of the damages sustained. Particular focus should be placed on process improvements that make the inheritance paths to justice less stressful.

How satisfying are the available paths to justice?



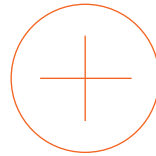


6. Recap – what’s working and what needs improvement?

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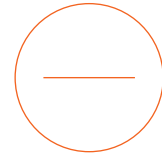
Key points - what the data has told us

Bright spots



1. Yemeni women are open to talk about their justice needs in the important family relationships.
2. Yemeni women are proactive. Most take some sort of action in search of a resolution to their family problems.
3. Women believe in their abilities to solve problems.
4. The majority of women know where to seek information.
5. When women seek information many opt for the informal institutions.
6. Justice problems are interlinked process improvements for family problems will trickle down to other problems.

Improvements needed



1. Women often experience some form of violence in family problems. There are currently limited resources dedicated to resolve this.
2. Violence can also occur as a result of the processes itself.
3. Lack of adequate paths to justice around maintenance and child support drive many women into poverty.
4. Many family problems remain unresolved. Unresolved problems can lead to other problems leading to further escalation.
5. Women in urban areas evaluate their paths to justice less favourably than women in rural areas.
6. Almost half of women are not satisfied with the information they receive.