

# Dynamics and effects of the Mahram practice in Yemen

## BACKGROUND OF THE MAHRAM SYSTEM

The Mahram system, a form of male guardianship, has its roots in cultural and religious Muslim traditions, varying widely from one country to another. A Mahram is a male family member whom a woman cannot marry because of close blood relations, such as her father, brother, son, or uncle. This concept stems from *fiqh*, an Islamic legal system derived from the Quran and Sunnah (Musawah 2016). The system establishes guidelines for interactions between men and women to preserve modesty and societal boundaries (GIWPS 08/17/2022). Its proponents consider the presence of a Mahram for certain activities outside the home, such as travel, an advisable measure for women's protection. The Mahram system has, historically, not been legally enforced for travel or access to services. Societal norms might favour the accompaniment of a Mahram in certain contexts, but Yemeni law does not stipulate such a requirement across the board. While the concept of Mahram is recognised within Yemen's legislative framework in the Personal Status Law, its scope is narrowly defined and specifically confined to the context of marriage. This is outlined in Article 7 of the *Republican Decree Law No. (20) of 1992*, which details the role of a Mahram in the marriage process, ensuring the legitimacy and proper conduct of the marriage contract. Besides the Mahram system, there are components of the Personal Status Law that grant husbands significant authority over their wives. These include Article 40, which states that a wife must not leave the conjugal home without her husband's permission unless for a legitimate reason as per legislation, including to attend to her property interests or perform a mutually agreed job that does not conflict with Islamic law (Equality Now 02/11/2021; Yemen-NIC 29/03/1992). As such, women do enjoy relative freedom of movement under the national law, as enshrined in the 1991 Yemen Constitution – specifically, Yemen 1991 (rev. 2015), Article 57 – which states that “freedom of movement from one place to another within the country is guaranteed for all citizens, and may not be restricted except by law and for reasons necessitated by the security and safety of the people. The law shall regulate entry and exit from Yemen. No citizen may be deported from or denied return to Yemen” (Constitute accessed 16/11/2023).

## ABOUT THIS REPORT

**Aim:** this report presents an analysis of the Mahram practice in Yemen, comparing the present day to the situation prior to the 2015 conflict. It aims to communicate the understanding that Mahram requirements represent a deeply embedded cultural norm that predates the current crisis but that has been implemented to different degrees over time; in recent years, the practice has also served as an instrument of power and control for Yemeni authorities. The report looks at the impact of the Mahram restrictions specifically enforced in early 2022 in areas under the control of the de-facto authority (DFA) in the north of Yemen (also known as the Houthis) on the lives of women and the activities of the humanitarian sector.

**Methodology:** this report is based on a review of existing literature about changing trends related to women's freedom of movement in Yemen, as well as the national and international legal framework pertaining to movement restrictions in general and Mahram practices in particular, and analyses of the impact of Mahram on women and the humanitarian sector in Yemen. This is supplemented by a review of Yemeni local and social media and evidence from 17 key informant interviews with male and female key informants from the research, media, humanitarian, and civil society sectors in Yemen. These interviews were conducted remotely between 9–22 November 2023 in either English or Arabic, depending on the native language of the respondent.

**Limitations:** freedom of movement and the rights of women and girls are inherently sensitive issues in Yemen given their close association with both the humanitarian sector and the perceived challenges to Yemeni cultural norms, so information is difficult to obtain from primary sources. The DFA does not consider both topics (as part of human rights) inherently part of Yemeni culture pre-humanitarian intervention, deeming them to have been introduced to Yemen by the humanitarian sector. Literature detailing adherence to Mahram restrictions and their legal and cultural roots is scarce. The information contained here is consequently indicative but not representative, and information gaps on various aspects of Mahram restrictions and their impacts persist. The roles and influence of tribal and religious leaders on DFA policy and practice were not part of this study.

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## KEY FINDINGS

- The presence of a Mahram for certain women's activities outside the home, such as travel, represents a deep-rooted sociocultural practice of protection that predates the current conflict and is referenced in components of national law.
- Mahram restrictions are not formalised. They were informally followed in Yemen before the conflict and according to the particular nuances determined by location, tribal affiliation, socioeconomic status, and family customs.
- Authorities, mostly in DFA areas, have mandated and enforced Mahram restrictions more stringently since the conflict started as a means of control and power over society in a manner not evident in pre-conflict times. In 2023, however, an easing of restrictions on women's movement has been observed within governorates under the control of the DFA. It does not, however, apply to women working for humanitarian organisations.
- Mahram restrictions on women's freedom of movement apply to all women in Yemen, but certain restrictions particularly affect those working in the humanitarian sector. These have led to women leaving these jobs and to a lack of humanitarian access for women and girls because of the reduction of women's involvement in service delivery.
- Mahram requirements limit women's agency in terms of economic activities, affecting women-headed households that do not have a male presence the most. This is regardless of the reason for the absence of a man in the family, including male relatives' death, imprisonment, employment elsewhere, or disappearance. The women in these households face impediments to their safety when leaving home to access basic services.
- Continued restrictions to women's movement and an apparent tension between the need to adapt to the new normal and the need to address the underlying root causes of the restrictions may hinder women's participation in public life as well as peacebuilding and sustainable recovery efforts going forward.

## MAHRAM PRACTICE BEFORE AND SINCE THE ONSET OF CONFLICT IN 2015

Mahram requirements are among the many tribal, paternalistic, and conservative values and practices that shape Yemen's historical and social context. Adherence to and support for this common Islamic practice depends on several factors, such as geographic location, social class and minority grouping, tribal affiliation, educational level, profession, and family preference (KII 19/11/2021; KII 20/11/2023; KII 21/11/2023). Strict adherence to traditional norms, including the Mahram practice, has historically been and remains more evident in Al Jawf, Al Mukalla, Amran, Hadramawt, Hajjah, and Sa'dah governorates (KII 15/11/2023).

The requirement for a male guardian's signature for travel authorisation for women has always been present. It was more a formality than a rule, however, in the pre-conflict era, as authorities rarely checked documents for the signature and the rule was easily bypassed. As per a key informant, "There was never freedom, but there was always flexibility" (KII 09/11/2023).

While legally, women in Yemen do not need male guardian permission to obtain a passport, in practice, the authorities often require it (Al-Mushahid 27/02/2021). Key informants confirmed that this has always been the case in Yemen, whereby the authorities rarely checked, but if they did, a woman must have their male guardian's signed approval to obtain any travel document, including a passport (KII 09/11/2023; KII 12/11/2023; KII 13/11/2023). In terms of travel abroad, however, the legal framework alludes to how disobedience can lead to the loss of assets and entitlements, and male guardians can report women to the police for travelling against their wishes (HRW 18/07/2023). While codified, this was also rarely implemented, if at all (KII 20/11/2023; KII 21/11/2023).

The onset of conflict in 2015 and the resulting economic deterioration, institutional collapse, and political turmoil led to a slow but consistent decline in the provision of rights and entitlements, particularly in the north of the country where the DFA held territorial control. Identifying a specific turning point is difficult, as there appear to be many contributing factors to the eventual stringent enforcement of the Mahram requirement. These include civil society activism in northern governorates in 2017, the formation of the Supreme Council for the Management and Coordination of Humanitarian Affairs in 2019, COVID-19-related movement restrictions in 2020–2021, personnel changes in DFA ministries and departments in early 2022, and the UN-brokered truce in April 2022. After the onset of the 2015 war, the conflicting parties may have been pressured to adopt the practices of supporting states, including Saudi Arabia and Iran. The ascent of the Houthis in 2015 and women's active participation in protests in the northern governorate of Hajjah in 2017 following the killing of President Ali Abdullah Saleh in December prompted the quelling of dissent and stricter enforcement of practices, including the Mahram requirement (SCSS 16/01/2023). Hajjah was also where the first noted attempt at the legal enforcement of the practice happened in 2021,

with the issuance of a circular prohibiting women from procuring transport services without a Mahram. Mwatana in 2021 reported incidents that involved the harassment of women travelling without a Mahram, the restriction of women from working, the imposition of gender segregation in some universities, and the prevention of reproductive healthcare access in some areas under DFA control (Mwatana 08/03/2022).

Other women-related restrictions introduced in 2022 did not endure as much as the Mahram requirement (KII 17/11/2023). These included instructions to shop owners regarding the length and style of the abayas they were permitted to sell, which quickly fell away (Raseef22 30/01/2023; SAMRL 01/03/2023).

2022 saw a confluence of events that resulted in the narrowing of spaces for women in public life, with some sectors seemingly more affected (and targeted) than others. These included personnel changes at government ministries, departments, and organisations and a significant surge in the circulation of anti-western or anti-foreign sentiment on social media, in mosques, and in other public discourse (Mwatana 08/03/2022). The UN-brokered truce in April 2022 also provided breathing space for the DFA to regroup and roll out restrictions (ACAPS 05/05/2023). The dissemination of circulars by government bodies from early 2022 onwards has been deliberately unclear and difficult to reference. These detail instructions for the Mahram requirement related to transportation, clothing shops, universities, online discussions, media statements, and other communication. Written admission and statements of justification of the Mahram requirement did not appear until February 2023, when the DFA responded to the special procedures communication of the UNHRC's request for information regarding, among others, "the allegations of restriction of movement of women without mahram and the consequences for women that are unable to secure a mahram". The DFA referred to the fact that the Mahram requirement was not new (OHCHR 02/12/2022; Ministry of Foreign Affairs 20/02/2023).

## IMPACT OF MAHRAM REQUIREMENTS ON HUMANITARIAN WORKERS

The DFA policy, as it stands, appears to be an extrajudicial construct that has introduced a new, and by many accounts, burdensome requirement for women, especially those in need of or providing humanitarian aid (Raseef22 13/11/2022). These measures have hindered the daily mobility of women and posed a significant operational challenge for female humanitarian workers (YF 07/11/2022; KII 17/11/2023). When submitting travel requests to Houthi authorities for any female Yemeni staff travelling for work, aid organisations must submit the name of a Mahram as well. Often, female staff do not have a Mahram who can accompany them (HRW 06/02/2023). Others struggle to find willing guardians because relatives are against them working (Reuters 23/03/2023). The requirements have had a detrimental effect on the quality and reach of the humanitarian response (KII 17/11/2023; KII 20/11/2023).

**The Mahram requirement is a more difficult impediment for women working in the humanitarian sector than for those in other sectors, leading to female humanitarians leaving the sector.** Evidence examined for this report suggests that the impact of the tightening of Mahram restrictions has been most felt by female humanitarian workers and the women and girls accessing assistance (ACAPS 30/08/2023; UNDP 31/12/2022). Without the direct presence of female staff, aid groups say that even things such as identification checks on women, who may need to lift their face veils to receive food aid, have become difficult (Reuters 23/03/2023). Since April 2022, movement restrictions for female aid workers without a Mahram have been evident (ACAPS 11/04/2023; Oxfam 08/03/2023). While women outside the humanitarian sector are subject to similar restrictions, they are able to circumvent these effectively – for example, by obtaining fraudulent guardian signatures or paying bribes at checkpoints (KII 09/11/2023). Travel out of Sana'a airport is virtually impossible for a female aid worker without the presence of a Mahram (KII 19/11/2023; SCSS 18/10/2022). Recent Mahram regulations have forced many Yemeni women to leave their jobs at local NGOs, INGOs, and UN agencies, losing much-needed income for their families (HRW 18/07/2023; OHCHR 02/12/2022).

**The impact of Mahram restrictions on the humanitarian sector has led to adaptations of women-related response activities** (ACAPS 30/08/2023; ACAPS/Protection Cluster 29/12/2022; HRW 06/02/2023). In 2021, Mwatana reported news of a DFA circular banning women from working in relief organisations in Hajjah governorate (Mwatana 08/03/2022). While this event appeared to be part of a crackdown on women working in other sectors, the Mahram travel requirement has specifically infringed on women in the humanitarian sector and led to the repeated cancellation of humanitarian aid deliveries involving women (AI 01/09/2022). Some organisations have had to open sub-offices in Aden to continue with their projects but have come under pressure from the authorities to move their headquarters from DFA-controlled Sana'a to Aden in the south, under IRG control (Oxfam 08/03/2023). Organisations are also adapting their programming, as reiterated by some humanitarian key informants as

a cause for concern. Adaptations are not a stated policy of any organisation, department, or management structure, nor is requesting staff to do so, but there are more reports of organisations adapting on an ad hoc basis (KII 21/11/2023; KII 12/11/2023). When women refuse to take a guardian, they cannot travel to oversee aid projects, collect data, and deliver health and other services. When women do take one, aid budgets bear extra costs (Reuters 23/03/2023). OHCHR reported that the Mahram requirement has significantly increased the operational costs of national organisations because of additional vehicles, insurance, and personal travel costs to accommodate family members (OHCHR 02/12/2022). The presence of a Mahram also challenges the gender-sensitive work of a female aid worker (Reuters 23/03/2023). Social norms also restrict women from being treated or physically examined by male doctors, meaning the lack of female doctors affects health service provision (WHO 28/03/2023). Female aid workers do not consider it positive when only male humanitarians are sent to conduct fieldwork, women are restricted to office- or home-based activities, or women from the implementation area are hired instead (KII 21/11/2023; KII 12/11/2023). Mahram restrictions on the humanitarian sector will likely lead to less understanding of the context and humanitarian needs, as it is almost culturally impossible for women and girls to fully express sensitive concerns to a male aid worker without experiencing great discomfort or embarrassment (OHCHR 02/12/2022). Overall, the presence of fewer female aid workers results in diminished access to capture relevant information for situation updates and strategic programming (ACAPS 05/05/2023).

**The Mahram practice facilitates the ending of women's ascendance in the humanitarian workspace.** The conflict in Yemen has opened new professions to women. The influx of humanitarian funding to the country has driven employment in the aid sector, including distributing humanitarian assistance, facilitating access to services, and managing projects on gender-based violence and hygiene promotion, as well as providing psychiatric support, livelihood-oriented training, and awareness-raising on health and education (SCSS 23/07/2019). The delegation of these types of work to women has provided much-needed income in a context of conflict and economic collapse, leading to male absence (in that they become involved in active conflict) or household dependency on the incomes women have been able to earn. This empowerment of women has led to a change in household dynamics that, when considered in parallel with sustained anti-humanitarian rhetoric on social media and other channels, may have upset the power balance at both the domestic and societal levels (YPC 12/2022; ACAPS 06/06/2023). Men in general, and male humanitarians, in particular, may have felt undermined and threatened by these changing dynamics and used any influence they had to push for restrictions, including the Mahram requirement, that would effectively put an end to women's ascendance in the humanitarian workspace (KII 16/11/2023; SCSS 15/12/2019; USAID 30/01/2020).

Female staff's ability to attend training workshops and facilitate aid delivery, among other activities, away from their place of residence has been notably impaired (AI 01/09/2022; OCHA 01/08/2022). Because of travel restrictions, without a Mahram, women working in the aid sector miss the training needed to further their careers (SCSS 18/10/2022).

The anti-UN/NGO campaigns witnessed throughout 2022 that saw misinformation spread about the agenda of the humanitarian sector have created a hostile environment for aid organisations (UN RC/HC Yemen/OCHA 19/08/2023; ACAPS 30/08/2023). This increased hostility has not only been restricted to DFA-controlled areas but also noted across some areas under the control of the Internationally Recognized Government of Yemen (IRG) (OCHA 01/08/2022). This development in IRG areas is suggestive of the significant role of tribal elders and imams in attempts to target humanitarians, including female aid workers. It is likely facilitated by the power vacuum created by the fragmented political scene. Some female aid workers interviewed for this report gave examples where they were prevented from travelling in the south of the country in the absence of a Mahram, but this was usually (though not always) overcome through negotiation (KII 15/11/2023; KII 17/11/2023; KII 20/11/2023; KII 09/11/2023). This has been observed, for example, in Ma'rib governorate and often occurs when humanitarian workers are travelling from DFA- to IRG-controlled territories (KII 21/11/2023). In the north of the country, restrictions imposed in early 2022 have continued to pose a significant challenge to humanitarian programming, leading to cancellations of field visits and aid delivery (OCHA 08/11/2022).

## IMPACT OF MAHRAM RESTRICTIONS ON WOMEN AND GIRLS IN YEMEN OUTSIDE THE HUMANITARIAN SECTOR

The impact of Mahram restrictions can be felt to varying degrees across the entirety of women's and girls' lives in Yemen, principally in DFA areas. While particularly acute for the humanitarian sector, the restrictions, implemented in parallel with other efforts at the marginalisation and disenfranchisement of women, have had a detrimental impact on women in general.

**Women have become increasingly invisible in society.** DFA authorities have been promoting aggressive policies against women, particularly since 2022. They have also been targeting female activists and other women involved in civil society, as well as those engaged in humanitarian work (Oxfam 08/03/2023). This targeting has placed women at risk of public shaming and threats of violence and, in turn, resulted in women's spaces shrinking in public and economic life (YPC 12/2021). As women are driven out of civil society activity and participation in the public sphere, the space is then monopolised by men, further restricting the opportunity for women to operate and freely engage (SCSS 04/09/2023). Women are effectively, as one respondent put it, "rendered entirely invisible" (KII 09/11/2023).

**Mahram restrictions dissuade women from work that requires travel.** The experience of having to take a young boy as a guardian to complete her work was described by one female aid worker as "deeply dehumanising" (KII 13/11/2023). The Mahram issue is generally aggravated by the increased lack of male family members to authorise women's and girls' movements (OCHA accessed 26/11/2023). For non-humanitarians who wish to travel abroad, the requirement that their Mahram gives authorisation often involves the Mahram undergoing interrogation by the authorities issuing the travel permit. During this time, they are heavily criticised for allowing their daughter or wife to embark on a foreign journey. This has the effect of dissuading women from engaging in work that requires travel, as well as families avoiding requests for approval from authorities, to reduce exposure to unwarranted attention (KII 19/11/2023; KII 21/11/2023; KII 11/11/2023).

**The Mahram practice hinders women's economic empowerment.** In a 2023 ACAPS study, women reported that Mahram requirements heavily restricted their agency for economic empowerment (ACAPS 06/06/2023). While there is recognition of the economic value of women's employment, especially with humanitarian organisations, women's economic empowerment may be relinquished because of social norms, including the Mahram requirement. Generally, the shame that comes with a (real or perceived) tarnished reputation by virtue of being visible outside the home has led to a regression in societal attitudes also in terms of women's economic power. One male respondent referred to the "de-development" of Yemen because of the "race towards fanaticism" that is undoing the many political,

social, and economic gains that Yemen could have made if the country had taken a different path (KII 18/11/2023). According to one key informant, households in the north of Yemen are more accepting of women working if a woman is covered (veiled) and not working with an international organisation – despite the financial rewards that may accompany such a position (KII 19/11/2023). Other key informants felt that economic hardships would force families to accept women in the workplace in general, regardless of restrictions and stigma (KII 21/11/2023 a; KII 21/11/2023 b).

**The denial of resources, services, opportunities, and stigmatisation resulting from the Mahram requirement are components of gender-based violence.** These factors, together with increased exposure to the risk of violence, exploitation, and abuse, represent a situation of deep concern to humanitarian and non-humanitarian women alike (ACAPS 17/11/2023). Gender-based violence programming is already subjected to particular scrutiny in DFA-controlled areas, including the use of terminology related to gender or rape, which is discouraged, and the limited access to sexual and reproductive healthcare, which is further aggravated by the Mahram requirement (UNSC 22/06/2023). WHO also reported on the impact of the Mahram practice on maternal mortality, which is estimated to have increased since 2015 (WHO 28/03/2023).

**Effective peace-building and sustainable post-conflict recovery are likely affected by women's movement restrictions and the non-representation of women and girls in decision-making and leadership.** Outside the humanitarian and peace-building sectors, women's and girls' participation and representation are diminished in local and national decision-making and leadership processes because of the exclusion, discrimination, and intimidation resulting from restrictions such as the Mahram requirement (SSCS 01/05/2023). Several respondents noted that the underlying harmful social norms that facilitate systems such as the Mahram practice will persist if left unchallenged, and the outcomes of any peace process and humanitarian action will not have a sustainable impact if these underlying norms remain unacknowledged (KII 22/11/2023; KII 19/11/2023).