

DISCLAIMER: This document was produced in 2005 and is a summary of the laws of Algeria that appertain to international parental child abduction, contact and relocation as they were at that time. **reunite** International Child Abduction Centre cannot vouch for the accuracy of this information for use in litigation and it is not intended to provide case specific advice.

## YEMEN

### Overview

The Yemeni legal system is based primarily on Islamic law, but has also been influenced by Turkish, customary and English law. Article 1 of the Constitution states that Yemen is an Arab Islamic State and Article 2 reads that Islam is the State religion. Article 3 confirms that Islamic Sharia is a source of legislation. Yemeni family law is governed by the Yemeni Law of Personal Status (YLPS), which was promulgated in 1992.

The majority of the population of Yemen are Muslims following the Shaafi or Zayidi school of law. There are minorities of Christians, Hindus and Jews in Yemen.

### Foreign Orders

Foreign orders are not enforced if they violate domestic law or public order in Yemen.

### Court Structure

The Yemeni court system is based on a three-tiered structure. At the first level is the Court of First Instance, which has jurisdiction over all matters. There is one court in each district and cases are heard by one judge. Cases from this court can be appealed to the Court of Appeal. There is one Appeal Court in each province and one in the capital. Three judges hear cases and there are separate divisions for family, criminal, civil and military matters. The highest judicial authority in Yemen is the Supreme Court. This court has jurisdiction over constitutional interpretation, resolution of disputes of jurisdiction and the final appeal of cases from the lower courts. The

Supreme Court has eight divisions, which are constitutionality, appeals, criminal, military, civil, commercial, family and administrative matters. There are also special courts including Military, Juvenile, Tax, Customs and Labour Courts.

### **Custody**

The mother has the most right to custody over her young children as long as she fulfils the necessary requirements. She must be capable of raising the child, must not remarry or live in a house where there are people outside the prohibited degree of relationship to the child. She must not remove the child away from the father preventing him from having access to the child. The period of custody lasts until a male child is nine and a female child is twelve according to Article 139 of the Yemeni Personal Status Law. This period may be extended by the court without limit. At the end of the custody period the children may then choose with whom they wish to live.

### **Guardianship**

The father is the natural guardian of his children's person and property.

### **Access**

Both parents should have access to their child. If the parent with custody does not comply a complaint can be filed with the court.

### **Nationality**

The children of Yemeni fathers automatically obtain Yemeni nationality in accordance with Article 3 of the Yemeni Nationality Act. Children born in Yemen to unknown parents or to a mother of Yemeni nationality, but whose father has no legal relationship to them or is stateless or of unknown nationality, will also obtain Yemeni nationality.

### **Leaving the Jurisdiction**

A person under the age of 16 needs the permission of his or her guardian in order to obtain an individual passport. Either parent may prevent the other from leaving Yemen with the child by obtaining an order to that effect.

## **International Law**

Yemen ratified the UN Convention on the Rights of the Child in 1991 without reservation.

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