



## Yemen

### Country Reports on Human Rights Practices - [2006](#)

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Yemen, with a population of approximately 21 million, is a republic under the leadership of President Ali Abdullah Saleh since 1978. The law provides that the president be elected by popular vote from among at least two candidates endorsed by parliament. On September 20, citizens re-elected President Saleh to another seven-year term in a generally open and competitive election, although there were multiple problems with the voting process and use of state resources on behalf of the ruling party. The president appoints the prime minister, who is the head of government. The prime minister, in consultation with the president, selects the cabinet, or Council of Ministers. Although there is a multiparty system, the General People's Congress (GPC) dominates the government. There were a few instances in which elements of the security forces acted independently of government authority.

Significant human rights problems existed in some areas, such as limitations on citizens' ability to change their government due to corruption, fraudulent voter registration, and administrative weakness. Torture and poor prison conditions existed in some prisons. Prolonged pre-trial detention and judicial weakness and corruption were also problems. There were some limitations on press freedom. Pervasive corruption within the government, discrimination against women, and instances of child labor and child trafficking occurred.

The government took several steps to reduce corruption, including removing and investigating several judges accused of malfeasance, passing a financial disclosure law for government officials, and establishing an independent anticorruption authority with civil society representatives.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

###### a. Arbitrary or Unlawful Deprivation of Life

There was one report of the government committing an arbitrary or unlawful killing during the year. There were no politically motivated killings by the government or its agents; however, security forces reportedly killed or injured suspects during apprehensions.

On September 28, traffic police officer Mohamed Said Abdu reportedly died in Al-Ghaida (Mahra governorate) prison as a result of torture, according to family members. He was arrested on September 25 for allegedly consuming alcohol. At year's end, the results of the government's investigation into the death had not been made public.

Throughout the year intermittent and limited clashes between rebels and government troops in the governorate of Sa'ada continued. No estimates of rebels, security forces, and civilians killed in conflicts in Sa'ada during the year were available at year's end, but government and independent observers indicated that the number was well below 2005 levels (see section 1.g.).

Unlike in the previous year, there were no killings by security forces during demonstrations.

On July 17, armed men murdered Abed al-Osaily, a journalist from the newspaper *Al-Nahar*, after he wrote an article critical of local officials' handling of a water project in the village of Belad al-Qabael. Authorities reportedly attempted to arrest the suspects, but failed after the individuals found refuge with a local official. There were no developments by year's end.

Several killings were reported surrounding the September 20 presidential and local council elections. On August 23, three people killed each other in Al-Jawf province during an argument between a ruling party local council candidate, an individual who wanted to take that candidate's place on the ballot, and an election official, who was a member of an opposition party. On August 28, unknown assailants in Lahij killed the campaign manager of independent presidential candidate Ahmed al-Majidi. There were several confirmed reports of violence and fatalities on election day in the provinces of al-Jawf and Dhamar between elections officials and party supporters. There were no reports of widespread violence by government officials, security forces, or party supporters. At year's end no results of the government's investigation into any of the killings had been made public.

Tribal violence resulted in a number of killings and other abuses, and the government's ability to control tribal elements remained limited (see section 5). In several cases long-standing tribal disputes were resolved through government-supported mediation by nongovernmental actors.

Other incidents of fatal shootings and violence continued throughout the year. In most cases, it was impossible to determine the perpetrator or the motive, and there were no claims of responsibility. Although some may have had criminal, religious or political motives, most appeared to involve tribal revenge or land disputes.

On November 24, 34 defendants were convicted on charges stemming from the March and April 2005 Sana'a grenade attacks that killed five civilians and injured 28 others. Three other defendants were found not guilty. Reportedly, followers of the Shabab movement retaliated for government actions in Sa'ada.

###### b. Disappearance

There were no reports of politically motivated disappearances; however, during the year there were some reports of tribal kidnappings, traditionally committed to attract government attention to a particular grievance.

On January 1, five Italian tourists were kidnapped by tribesmen in Marib governorate and were released six days later after security forces surrounded the kidnappers' compound. On September 10, four French tourists were kidnapped by tribesmen while touring Shebwa governorate and released several weeks later following negotiations. In both cases captors demanded that the government release imprisoned fellow tribal members.

###### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices; however, members of the Political Security Office (PSO) and Ministry of Interior (MOI) police forces tortured and abused persons in [state.gov/g/drl/rls/hrrpt/.../78867.htm](http://state.gov/g/drl/rls/hrrpt/.../78867.htm)

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detention. Authorities used force during interrogations, especially against those arrested for violent crimes. Although penal law permits amputations and physical punishment such as flogging for some crimes, which the government maintains is in accordance with Shari'a (Islamic law), there were no reports of amputations or floggings during the year.

The government acknowledged that torture occurred; however, it claimed that torture was not official policy and that no complaints of torture occurred during the year. Lack of training among police, corruption, and pressure from superiors to produce convictions usually played a role in cases where there was torture.

During the year torture continued to remain a problem in PSO prisons, which were not systematically monitored by other government agencies. There were credible reports pointing to a preferred use of nonphysical methods, such as sleep deprivation and threats of sexual assault, as the primary form of abuse in PSO prisons. There were reports that the MOI's Criminal Investigative Department (CID) routinely used torture to obtain confessions. Defense attorneys and some human rights nongovernmental organizations (NGOs) claimed that most confessions introduced as evidence against defendants in criminal courts were obtained through torture. Local NGOs claimed that in several instances in which prison abuse cases were referred to the Attorney General's office for prosecution, the complainants were threatened and decided not to follow through on their cases. Government sources denied this allegation.

In mid-April a military officer serving in Marib governorate was convicted in a military court for torturing a soldier under his command.

On July 12, seven Taiz police officers who were on trial for the severe torture of a juvenile murder suspect in 2004, were tried and acquitted of all charges.

There was no further information on the 2005 cases of seven police officers who were referred to the courts for prosecution on charges of torture.

In September 2005 two MOI officers were put on trial for the 1999 torture-induced death of an Aden bombing suspect. There was no further information on this case at year's end.

During the year the government took new initiatives to curb torture in MOI prisons. For example, the Ministry of Human Rights (MHR) sponsored a group of lawyers, human rights activists, and NGO representatives to tour MOI prisons across the country. On July 19, the group released a report saying they found no instances of torture. The report also contained recommendations to improve general prison conditions.

During the year the government trained over 300 MOI officers on the illegality of torture.

Security forces reportedly beat detainees in prison during the year. On July 31, an international human rights group reported that security forces allegedly beat Somali national Mohammed Abdel Qadir, apparently for refusing to provide information about Associated Press (AP) journalists in the country. In June authorities released Qadir, who worked as a security guard at the AP office in Sana'a, from the political security detention center in Sana'a, where he was detained since August 2005.

In February 2005 CID forces investigating a theft case in Dhamar governorate arrested five suspects who were reportedly beaten during interrogation; four suspects were released. One suspect confessed to the crime and was referred to the Attorney General's office for prosecution. At year's end no further information on this case was available.

### Prison and Detention Center Conditions

Although some observers noted improvements in MOI prison conditions during the year, local and international observers reported that prison conditions remained poor and did not meet internationally recognized standards. Although the MHR and a number of NGOs were granted limited access to MOI prisons, the government severely limited access to PSO prisons by independent human rights observers.

Many prisons, particularly in rural areas, were overcrowded with poor sanitary conditions, and inadequate food and health care. In some cases prison authorities exacted bribes from prisoners to obtain privileges or refused to release prisoners who completed their sentences until family members paid them. There was one alleged death in prison due to torture (see section 1.a.).

Although women were held separately from men, and conditions were equally poor in women's prisons, their conditions differed in some respects. By custom, young children and babies born in prison were likely to remain with their mothers. Local tradition requires male relatives of female prisoners to arrange their release; however, female prisoners regularly were held in jail past the expiration of their sentences because their male relatives refused to authorize their release due to the shame associated with their behavior.

In some rural and women's prisons, children were held with adults, and pretrial detainees were held with convicted prisoners. Security and political detainees generally were held in separate facilities operated by the PSO.

Unauthorized "private" prisons in rural areas, often controlled by tribes, remained a problem. Tribal leaders misused the prison system by placing "problem" tribesmen in "private" jails, either to punish them for noncriminal actions or to protect them from retaliation. At times such prisons were simply rooms in a tribal sheikh's house. Persons were detained in such prisons often for strictly personal or tribal reasons without trial or sentencing. Although senior government officials did not sanction these prisons, there were credible reports of the existence of private prisons in government installations.

Persons with mental illness who had committed crimes were imprisoned without adequate medical care. In some instances authorities arrested without charge persons with mental illness and placed them in prisons with criminals. At year's end MOI-run prisons in Sana'a, Aden, and Taiz operated in conjunction with the NGO Red Crescent semiautonomous units for prisoners with mental illnesses; conditions in these units were reportedly deficient.

Although limited access was granted to family members of PSO-held detainees, requests for access by parliamentarians and NGOs were routinely denied. Access to MOI prisons was at times permitted, although parliamentarians and NGOs complained that it was subject to several limitations. At times the government met with domestic NGO monitors and responded to inquiries, particularly in matters relating to prisoners. NGOs reported difficulty in gaining access to central security prisons to investigate human rights violation claims; however, individuals working for NGOs were allowed to meet with prisoners as private visitors. NGOs had no access to PSO and CID prisons. In 2004 the International Committee of the Red Cross (ICRC) suspended a second round of visitations to PSO prisons citing a lack of understanding of its universally applied procedures; visits to MOI or PSO prisons had not resumed by year's end.

### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, the government generally did not observe these prohibitions. Enforcement of the law was irregular and in some cases nonexistent, particularly in cases involving security offenses.

### Role of the Police and Security Apparatus

The primary state security and intelligence gathering apparatus, PSO, and the National Security Bureau (NSB) reported directly to the president. Many of NSB's duties were not clearly delineated and appeared to overlap with the PSO. The police CID reported to the MOI and conducted most criminal investigations and arrests. The Central Security Organization, also a part of the MOI, maintained a paramilitary force. Corruption was a serious problem, and there were no government

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investigations of police corruption during the year. Some police stations reportedly maintained an "internal affairs" section to investigate abuses, and any citizen had the right to raise an abuse case with the prosecutor's office. Enforcement of the law and effective investigations were irregular.

### Arrest and Detention

The law provides that individuals cannot be arrested unless apprehended in a criminal act or served with a summons. Detainees must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. The law stipulates that a detainee may not be held longer than seven days without a court order. Despite the law, arbitrary arrest and prolonged detention without charge or, if charged, without a public preliminary judicial hearing within a reasonable time were common practices. For example, on October 9, according to international human rights organizations, authorities arrested human rights defender Ali al-Dailami while he was traveling to Denmark to participate in a human rights event. On November 6, al-Dailami was released from a PSO facility, where he claimed he was tortured by security officials.

The law prohibits incommunicado detention and provides detainees with the right to inform their families of their arrests and to decline answering questions without an attorney present; however, these rights were not always respected. The law states that the government must provide attorneys for indigent detainees, but in practice, it often did not do so. Almost all rural cases were settled out of court with tribal mediators. There are provisions for bail; however, some authorities abided by these provisions only if bribed.

Citizens regularly claimed that security officials did not observe due process when arresting and detaining suspects and demonstrators (see section 2.b.). Members of the security forces continued to arrest or simply detain persons for varying periods of time without charge, notification to their families, or hearing. Detainees were often unaware of which agency was investigating them, and the agencies themselves frequently complicated the situation by unofficially transferring custodial authority of individuals to other agencies. Security forces routinely detained relatives of fugitives while the suspect was being sought (see section 1.f.).

The government failed to ensure that detainees and prisoners were incarcerated only in authorized detention facilities. The MOI and the PSO operated extrajudicial detention facilities. Unauthorized private prisons also existed (see section 1.c.).

According to local NGOs, in March, following a presidential commutation of sentences, the government released virtually all al-Houthi supporters, except for 36 persons on trial at year's end. Unlike in the previous year, there were no reports that security forces arrested hundreds of al-Houthi supporters and detained them without charge.

There were no new developments in the April 2005 arrests of 22-year-old Munif Damesh and his 50-year-old uncle Naif Damesh. Both men were arrested and detained in April 2005 while working for two foreign journalists.

Members of the security forces continued to detain journalists for publishing articles or cartoons deemed controversial by the government (see section 2.a.).

According to the European Union Election Observation Mission, approximately 100 opposition supporters and two opposition candidates were arrested during the September election campaign.

During the year the government also continued to detain suspects accused of links to terrorism, but reportedly released a majority of those individuals before the September 20 elections. The government did not publish numbers of detainees held under suspicion of terrorist affiliations or activities. On February 15, the MOI reported that 172 individuals were being held for suspected terrorism links, while NGOs in 2005 estimated that the number was between 200 and 300 persons. At year's end it was unknown how many people the government was holding on suspicion of terrorist affiliation or activities. A large percentage of the total prison population consisted of pretrial detainees, some of whom had been imprisoned for years without charge.

In March, according to media reports, the government released Muhammed Bashmilah, Salah Ali Qaru, and Muhammed al-Assad without charges. All three citizens were arrested in 2003 on charges linked to terrorism.

On July 8, according to media reports, 19 individuals were acquitted on charges of planning attacks against foreign interests in the country. The 14 citizens and five Saudis were arrested in early 2005.

On October 16, security authorities arrested eight noncitizens in an alleged Al-Qai'da plot to smuggle weapons into Somalia. Seven individuals were released by the end of the year, while one individual remained detained without charge at year's end.

At year's end there were no further developments in the August 2005 arrest of 15 men in the Abyan governorate and 45 men in Aden governorate for their alleged affiliations with Jihadist movements.

Throughout the year the government sponsored ideological dialogues led by Islamic scholars as part of a re-education program aimed at convincing detainees to renounce extremist beliefs. Detainees who agreed to these conditions were released. These efforts reportedly had limited success. According to a human rights NGO, some detainees who were released under this program were re-arrested during the year.

### Amnesty

In March the government released over 600 al-Houthi supporters (see section 1.a.) as part of a general commutation of sentences announced by President Saleh in September 2005. In December President Saleh released an additional 300 al-Houthi supporters.

On May 21, President Saleh pardoned two imams, Yahia Hussein al-Dailami, who had been sentenced to death, and Muhammed Ahmad Miftah, who had been sentenced to eight years imprisonment. The two were originally convicted in May 2005 of establishing contacts with Iran to harm Yemen. The two men publicly opposed the government's action in Sa'ada and formed the Sana'a Youth Organization, a Zaydi religious-based group that supported Houthism. Both men maintained that they only advocated peaceful dissent against government action in Sa'ada.

According to press reports, President Saleh granted a general amnesty and released 1,364 prisoners on the occasion of Eid al-Fitr.

### e. Denial of Fair Public Trial

The constitution provides for an "autonomous" judiciary and independent judges; however, the judiciary was weak and severely hampered by corruption and executive branch interference. The government implemented a number of judicial reforms throughout the year, including removing the president on June 14 as head of the Supreme Judicial Council (SJC), the body charged with administering the judiciary. In February the new Minister of Justice retired or terminated the employment of a number of judges that the SJC deemed ineffective. New judges were hired or promoted into positions at all levels of the judiciary, including the Supreme Court. In mid-August the SJC referred 10 judges to the Attorney General on suspicion of corruption. On September 16, for the first time, a woman was named to the Supreme Court.

During the year the UN Development Program (UNDP), in conjunction with the Ministry of Justice (MOJ), expanded its model penal court program to eight courts of appeal across the country. These courts, which abided by higher standards of accountability and transparency than normal courts, were designed to provide greater

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access to under-represented groups such as women and the poor (see section 5).

Many litigants maintained, and the government acknowledged, that a judge's social ties and occasional bribery influenced the verdict. Many judges were poorly trained; some were closely associated with the ruling party. The judiciary was hampered further by the government's frequent reluctance to enforce judgments. Tribal members at times threatened and harassed members of the judiciary.

The judicial system is organized in a three-tiered court structure. Courts of first instance are broadly empowered to hear all manner of civil, criminal, commercial, and family matters. A single judge may hear a case in these courts. Decisions taken in the courts of first instance may be appealed to the courts of appeal, of which there is one in each province and one in the capital. Each court of appeal includes separate divisions for criminal, military, civil, and family issues. Each division is composed of three judges. Above the courts of appeal is the Supreme Court.

The Supreme Court is empowered to settle jurisdictional disputes between different courts, hear cases brought against high government officials, and serve as the final court of appeal for all lower court decisions. The Supreme Court has eight separate divisions: constitutional (composed of seven judges including the chief justice), appeals' scrutiny, criminal, military, civil, family, commercial, and administrative. The Supreme Court has special panels empowered to determine the constitutionality of laws and regulations.

In addition to the regular hierarchy of courts, there are courts for military, juvenile, tax, customs, and labor matters, whose decisions may be appealed to the courts of appeal.

A special court exists to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts considered to be a "public danger," such as banditry and sabotage (see section 1.b.). This court provides the defendants with the same rights provided in the regular courts, but were more efficient and effective in enforcing those rights than regular courts. There are no military or security tribunals that try civilians.

### Trial Procedures

All laws are based on a mixture of Egyptian laws, Napoleonic tradition, and Shari'a. The law, social custom, and Shari'a, as interpreted in the country, discriminated against women, particularly in domestic matters (see section 5, Women). There are no jury trials. Judges, who play an active role in questioning witnesses and the accused, adjudicate criminal cases. By law the government must provide attorneys for indigent defendants in serious criminal (felony) cases; however, in practice, this did not always occur. By law prosecutors are a part of the judiciary and independent of the government; however, prosecutors also investigate criminal cases. The police were generally weak and played a limited role in developing cases.

The security services continued to arrest, charge, and submit cases to the prosecutor's office to try persons alleged to be linked to shootings, explosions, and other acts of violence. Citizens and human rights groups alleged that the security forces and judiciary did not normally observe due process.

The accused are considered innocent until proven guilty. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses and any relevant evidence. All defendants, including women and minorities, have the right to appeal their sentences. Trials were generally public; however, all courts may conduct closed sessions "for reasons of public security or morals." Foreign litigants in commercial disputes complained of biased rulings.

In addition to regular courts, there is a system of tribal adjudication for noncriminal issues; however, in practice, tribal judges often adjudicated criminal cases. The results carried the same if not greater weight than court judgments. Persons jailed under the tribal system usually were not charged formally with a crime, but were publicly accused of their transgression.

There were no reports of prosecutors being dismissed for violating the law.

Parliament has exclusive jurisdiction over executive branch officials and their representatives for crimes including bribery, interference, and embezzlement. No government official was investigated or tried under this law during the year.

### Political Prisoners and Detainees

The number of political prisoners, if any, was unclear, and human rights activists were unable to provide data on political prisoners or detainees.

### Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters; however, there were limitations in practice. In July the National Organization for Defending Rights and Freedoms (NODRF) filed the first ever civil suit against the president on behalf of Ahmad Ali bin Mæili, who claimed the PSO detained him without charge for six years. There was no further information on the case by year's end.

In December Hamdan al-Derssi attempted to file a civil case against Saleh al-Fasheq, a prominent local sheikh, in a Hodeida court, claiming that al-Fasheq tortured and sodomized him with a stick. Derssi claimed that the court rejected the case because the sheikh is politically well-connected. Derssi then filed a complaint with the General Prosecutor in Sana'a. The General Prosecutor had not taken any action by year's end.

### f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The law prohibits such action; however, PSO and MOI police forces routinely searched homes and private offices, monitored telephones, read personal mail, and otherwise intruded into personal matters for alleged security reasons. Activities were conducted without legally issued warrants or judicial supervision. PSO and MOI police forces routinely detained relatives of suspects while the suspect was being sought (see section 1.d.).

The government claimed that it did not monitor Internet usage; however, the government occasionally blocked political Web sites and those it deemed to be sexually explicit (see section 2.a.).

The law prohibits arrests or the serving of a subpoena between sundown and dawn; however, there were reports that persons suspected of crimes were taken from their homes without warrants in the middle of the night.

No citizen may marry a foreigner without permission from the MOI (see section 5), but this regulation does not carry the force of law and appeared to be enforced irregularly.

In other cases detention of family members continued while the concerned families negotiated compensation for the alleged wrongdoing. Arbitration and mediation by families, tribesmen, and other nongovernmental interlocutors was commonly used to settle such cases.

### g. Use of Excessive Force and Other Abuses in Internal and External Conflicts

Throughout the year there were intermittent and limited clashes between rebels and government troops in the Sa'ada governorate. The armed rebellion with

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separatist tendencies was led by the *Shabab al-Moumineen* (the Believing Youth), a movement that follows the teachings of Zaydi (Shiite) cleric Hussein Badr Eddine al-Houthi, who was killed by security forces in 2004. Following the government's release in March of over 600 al-Houthi supporters who had been detained in 2004 and 2005 (see section 1.d.), there were a few small-scale skirmishes throughout the remainder of the year. Throughout the year the government began allowing aid organizations into the region to assist with rebuilding and resettlement efforts. No estimates of rebels, security forces, and civilians killed in conflicts in Sa'ada during the year were available at year's end, but government and independent observers indicated that the number was well below the levels of 2005, when an estimated 500 to 800 troops, 600 rebels, and 100 civilians were killed. Some opposition media and political leaders claimed that the government used excessive force in suppressing the rebellion.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press "within the limits of the law"; however, the government did not respect these rights in practice. The 1990 Press and Publication Law criminalizes "the criticism of the person of the head of state... [that] does not necessarily apply to constructive criticism," the publication of "false information" that may spread "chaos and confusion in the country," and "false stories intended to damage Arab and friendly countries or their relations" with the country. The country's security apparatus, including the NSB and elements of the military, threatened and harassed journalists to influence press coverage.

The Ministry of Information influenced the media through control of printing presses, subsidies to newspapers, and ownership of the country's sole television and radio outlets. Three independent newspapers and no opposition newspapers owned their own presses. There were eight government-controlled, 41 independent, and 30 party-affiliated newspapers. There were approximately 90 magazines of which 45 were private, 27 were government-controlled, and 18 were party-affiliated. The government selected the items to be covered in news broadcasts, and it often did not permit broadcasts critical of the government. The government televised parliamentary debates and occasionally permitted broadcasts of aggressive criticism of ministries. During the presidential and local council campaigns prior to the September 20 elections (see section 3), the government-controlled broadcast media generally provided equal, largely unedited coverage to opposition and independent presidential candidates; however, observers recorded various violations of media freedom, including Internet censorship, biased media coverage, and government interference with media.

Press law specifies that newspapers and magazines must apply annually to the government for licensing renewal and that they must show continuing evidence of approximately \$4,375 (700,000 riyals) in operating capital. There were no reports of registrations being denied during the year. However, there were reports in 2005 that the government did not act on the license applications of at least two independent newspapers.

While physical attacks against journalists decreased during the year, government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance continued.

On February 7, several journalists, including reporters and cameramen from Al-Jazeera and Al-Arabiya, were briefly detained by security forces while attempting to report on the February escape of 23 suspected Al-Qai'da supporters from a PSO prison.

According to the Committee to Protect Journalists (CPJ), authorities continued to harass and intimidate Editor-in-Chief Jamal Amer of the independent *Al-Wasat* newspaper. On April 10, while Amer was traveling out of the country, a known political security officer and four other men asked Amer's neighbors for personal information on Amer and his family.

Although the MOI promised to investigate the matter, there were no new developments by year's end into Amer's August 2005 abduction by unidentified persons reportedly linked to security forces. During his abduction Amer was beaten, urinated on, interrogated about his contacts with foreign embassies, and threatened with death if he continued writing articles critical of the government. The attack came after *Al-Wasat* published an article on government scholarships being routed to government officials' children. Military sources publicly denied involvement in the abduction.

On June 29, several singers and music sellers reported being briefly detained by security officials for distributing audio tapes that contained songs that were critical of the government.

In mid-September opposition media reported that cassette tapes with songs and speeches critical of the ruling party were banned, while similar progovernment cassettes were sold.

On October 10, according to media reports, member of Parliament (MP) Hamid bin Hussein al-Ahmar threatened Ali Hassan al-Shater, editor-in-chief of the *26 September* weekly, for publishing an allegedly insulting poem in his newspaper. On December 14, according to media reports, al-Ahmar and al-Shater agreed to settle the dispute out of court.

On November 28, a MOI officer attacked Al-Jazeera television correspondent Ahmad al-Shalafi in Sana'a. Security forces briefly detained Shalafi, along with his cameraman Ali al-Baidhani, in December 2005 while they were filming a protest by employees of a public textile company. The ministry had not conducted any investigations into the attack by year's end.

Other unidentified parties were also responsible for press harassment. On March 11, several unknown assailants abducted and assaulted Qaed al-Tairi, journalist for the Socialist Party weekly *Al-Thawri*, allegedly due to his February 26 and March 8 comments at conferences advocating the right of women to run in the country's elections. According to al-Tairi, the assailants threatened him with further violence and warned they would kidnap members of his family. Al-Tairi filed a police report and awaited results at year's end.

According to CPJ, journalist Abdulfatah al-Hakimi suffered respiratory problems after an early April attack in which two unidentified men sprayed him with gas through his car window. He was taken to a hospital in Aden, where he remained for more than a week. Al-Hakimi, who was deputy editor of the state-controlled daily *14 October*, was fired last year after his writings became more critical of the authorities.

Abed al-Mahthari, editor-in-chief of the independent weekly *Al-Deyar*, reported to CPJ that he was targeted on April 19 by suspected weapons traffickers in Sa'ada. Al-Mahthari had investigated weapons trafficking in the past and allegedly received several death threats. Al-Mahthari filed a police report and awaited results at year's end.

There were no new developments in the case of opposition journalist Nabil Sabaie. In November 2005 Sabaie was stabbed in both shoulders by armed men on a main street of the capital. A MOI official attributed the attack to criminals attempting to steal Sabaie's cell phone.

There were no new developments in the case of journalist Muhammed Sadiq al-Odaini. In December 2005 al-Odaini was attacked by armed men near his house in the capital and held hostage in his house until early morning of the next day. Security forces did not arrive until the day after the perpetrators had gone. A MOI source attributed the attack to al-Odaini's landlord; Odaini had refused to leave his apartment.

In 2005 in an attempt to counter dissent, elements close to the government or security apparatus cloned two newspapers, *Al-Shura* and *Al-Thawri*, by publishing

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newspapers with similar names, fonts, and colors as the targeted newspapers, but that carried more progovernment editorials and stories. The *Al-Thawri* clone ceased publication in 2005 after several weeks, but the *Al-Shoura* clone continued publishing at year's end.

Journalists were tried and sentenced for writing articles critical of the president or for reporting on sensitive issues. On February 6, the government temporarily imprisoned three journalists for reprinting Danish cartoons caricaturing the prophet Mohammed and charged them, along with a fourth journalist who was not arrested, with violating a law that forbids the publication of anything that "prejudices the Islamic faith." On November 25, a lower court convicted Kamal al-Olufi of *Al-Rai al-Am* and sentenced him to a one-year prison term, closed the paper for six months, and barred him from writing for six months. On December 6, Mohammed al-Assadi, editor of the *Yemen Observer*, was convicted and fined approximately \$2,500 (500,000 riyals). On December 13, a lower court convicted two journalists from *Al-Hurriya*, Akram Sabra and Yehya al-Abed, who received a suspended sentence, one month closure of the newspaper, and a one month writing ban. At year's end all three cases were being appealed.

According to CPJ, on July 20, a Sana'a court ordered the opposition weekly *Al-Wahdawi* to pay \$2,550 (500,000 riyals) in compensation to the Ministry of Defense, fined the paper \$255 (50,000 riyals), and banned editor in chief Ali al-Saqaf from practicing journalism for six months. The case against *Al-Wahdawi* stemmed from an August 2005 article alleging misdemeanors by members of the Republican Guard in seizing land in Dhamar Province. The Ministry of Defense, which brought the case against *Al-Wahdawi*, accused the newspaper of revealing military secrets.

Throughout the year, *Al-Thawri* and/or its editor in chief, Khalid Salman, were defendants in over 14 ongoing civil suits. The paper published a series of articles critical of corruption and the president. On February 15, *Al-Thawri* journalist Mustapha Bedir was fined approximately \$750 (150,000 riyals) for an article on alleged corruption in the national air force. In 2005 more than 12 cases were lodged against *Al-Thawri* and/or Khalid Salman, and in November 2005 a Taiz court fined the paper \$3,800 (750,000 riyals) for libeling a Taiz city finance director.

By year's end the government had not followed through on its 2004 pledge to prosecute journalists whom it deemed supportive of the rebel cleric al-Houthi.

The Yemeni Journalists Syndicate (YJS) defended freedom of the press and publicized human rights concerns. The YJS was vocal in condemning recent government actions that closed several publications and imprisoned journalists. Women Journalists Without Chains also publicly supported human rights and press freedoms.

At times customs officials confiscated foreign publications regarded as pornographic or objectionable due to religious or political content. During the year there were some reports that authorities monitored foreign publications and banned those deemed harmful to national interests.

Authors of books were required to obtain a certification from the Ministry of Culture (MOC) for publication and also were required to submit copies to the ministry. At times publishers did not deal with an author who had not yet obtained a certification. Most books were approved, but the process was time consuming. There were reports that both the MOC and the PSO monitored and sometimes removed books from store shelves after publication. In 2005 publishers were banned from distributing some books that espoused Zaydi-Shiite Islamic doctrine (followed by approximately 30 percent of the population and of which al-Houthi was a follower) or were deemed pornographic. The government denied that the media was subject to censorship by any security apparatus.

### Internet Freedom

The government restricted Internet use by intermittently blocking access to some political and religious sites and Web sites deemed immoral (see section 1.f.). According to local human rights observers, the government blocked some Web sites during the presidential and local council campaigns prior to the September 20 elections. The government limited what Internet content its citizens could access by using commercially available filtering technology and by controlling its two Internet service providers, TeleYemen (operators of the service YNET) and YemenNet, through the Ministry of Telecommunications. Human rights and other NGOs complained that the government restricted what journalists may write and how citizens used the Internet through a variety of means of intimidation. Internet access was readily available from homes or Internet cafés.

### Academic Freedom and Cultural Events

The government restricted academic freedom, claiming it was necessary due to the politicization of university campuses. Political parties frequently attempted to influence academic appointments, as well as university faculty and student elections. In August 2005 the president of Sana'a University forbade new student associations, citing a law forbidding campus partisanship. Opposition sources contended that this regulation was not enforced against GPC-affiliated organizations.

### b. Freedom of Peaceful Assembly and Association

#### Freedom of Assembly

The law provides for freedom of assembly; however, the government limited this right in practice. The government required a permit for demonstrations, which it issued routinely. Government informers monitored many meetings and assemblies. For the first time opposition presidential candidates were allowed to stage rallies across the country, many of which were attended by tens of thousands of supporters.

The government banned and disrupted some demonstrations, allegedly to prevent them from degenerating into riots and violence. In July the government rejected a request for a demonstration in Sa'ada province following Israeli attacks in Lebanon, reportedly for security reasons.

On August 7, the government "postponed" a protest march organized by the Yemeni Teacher's Union, reportedly for security reasons. On two occasions during the presidential election campaign, the government denied the opposition use of the capital's largest parade ground, which was located near the presidential palace, for campaign rallies. President Saleh however, staged several rallies on the same parade ground. The opposition also accused the government of blocking roads into provincial capitals where opposition candidates staged rallies.

In July 2005 riots protesting gas prices erupted after the government lifted fuel subsidies. The violence resulted in approximately 43 deaths and 471 injuries. Press reports asserted at least 23 civilians were killed, including a 12-year-old child. On July 23, the government reported that at least 255 security personnel and 120 protesters were injured. Parliament submitted an inquiry to the MOI on the shooting deaths of demonstrators. The investigation was pending at year's end.

In December 2005 one person was reportedly killed after MOI security personnel removed approximately 300 demonstrators who had been encamped in front of the Sana'a UN High Commissioner for Refugees (UNHCR) headquarters, demanding resettlement in third countries. Nine persons, four MOI security personnel, and five demonstrators were injured during the resulting violence. In November 2005 MOI security forces injured one female protester in clashes with the demonstrators. There was no additional information at year's end.

In 2004 a member of the security forces shot into a crowd of protesters in front of an Aden court. One person was killed and another wounded. The protesters were monitoring the trial of a member of an intelligence agency who was accused of murder. Police claimed that the crowd was out of control. A fact finding committee was set up to investigate the incident the same week. There was no further action on the incident by year's end.

## Freedom of Association

The law provides for freedom of association, and the government nominally respected this right in practice; however, the ruling party retained control of professional associations and NGOs by influencing internal elections and subsidies (see section 6.b.). According to local observers, there were approximately 20 NGOs independent of the ruling party operating in the country.

An association or NGO must register annually, usually a routine matter, with one of four ministries: Labor and Social Affairs (MLSA), Culture, Education, or Vocational Training and Technical Education.

The government cooperated to some extent with legally recognized NGOs, which by law were provided with an annual stipend. Some NGO professionals claimed that NGOs that did not agree with government policy were subject to different registration and funding criteria than those deemed loyal by the ruling GPC party leadership.

All political parties must be registered in accordance with the Political Parties Law, which stipulates that each party must have at least 75 founders, verified in a court of law, and 2,500 members (see section 3).

## c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice; however, there were some restrictions. The constitution declares that Islam is the state religion and that Shari'a is the source of all legislation.

Government actions to counter the increase in political violence restricted some religious practice. The government took actions to counter the increase in political violence as a result of the June 2004 and March 2005 uprisings by the *Shabab al-Moumineen* (the Believing Youth) in the northern governorate of Sa'ada and the ensuing attacks against government officials in the capital. The government banned for the second consecutive year the celebration of Ghadeer Day, a holiday celebrated by some Shi'a, in parts of the Sa'ada Governorate.

The government also reportedly limited the hours that mosques were permitted to be open to the public, reassigned some Imams who were thought to espouse radical or Zaydi doctrine, and increased surveillance and detention of members of the Shabab.

Followers of religions other than Islam were free to worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, Shari'a, as interpreted by the government, forbids conversion from Islam and prohibits non-Muslims from proselytizing, and the government enforced this prohibition. The government required permission for the construction of all places of worship and the constitution prohibited non-Muslims from being elected to the presidency or parliament. Non-Muslim citizens may vote but may not hold elected office.

Under Islam, as interpreted by the government, the conversion of a Muslim to another religion is considered apostasy, which the government considers a crime punishable by death. There were no reports of cases in which the crime was charged or prosecuted by authorities.

Official policy does not prohibit or prescribe punishment for the possession of non-Islamic religious literature; however, during the year there were reports of persons being harassed and temporarily detained for possession of religious materials with the intent to proselytize.

Catholic, Protestant, and Ethiopian Orthodox Christians and Jewish services were held without government interference.

Public schools provided instruction in Islam, but not in other religions; however, most non-Muslims were foreigners who attended private schools.

During the year the government continued its efforts to prevent the politicization of mosques and schools and to curb religious extremism. This included the monitoring of mosques for sermons that incited violence or other political statements considered harmful to public security. By year's end the government closed over 3,000 unlicensed religious schools deemed to have deviated from formal educational requirements or promoted militant ideology. During the year the Ministry of Religious Affairs reportedly opened government-sanctioned schools in the same areas as the schools that had been closed. Private and national schools were prohibited from teaching courses outside of the officially approved curriculum.

The government also deported foreign students found studying in unlicensed religious schools. In May the Ministry of Endowments and Religious Guidance trained 500 male and female religious instructors on moderate Islam and religious tolerance. There were credible reports authorities banned publishing of some materials that promoted Zaydi-Shiite Islam (see section 2.a.).

Shari'a-based law and social customs discriminated against women (see section 5).

## Societal Abuses and Discrimination

Unlike in the previous year, there were no reported incidents of anti-Semitism. Jewish children in the town of Raidah usually rode to school in a covered truck to protect them from stones thrown by villagers.

Jewish citizens, only a few hundred of which remained in the country, were socially banned from certain occupations, allowed to live in only certain parts of towns, and were legally forbidden to serve in the military or government.

In 2005 after the ruling party tried to put forward a Jewish parliamentary candidate, the General Election Committee adopted a policy barring all non-Muslims from running for parliament (see section 3).

For a more detailed discussion, see the [2006 International Religious Freedom Report](#).

## d. Freedom of Movement Within the Country, Foreign Travel, Emigration, Repatriation, and Exile

The law provides for these rights, and the government respected them with some restrictions. The government limited the movement of women, foreigners, and tourists. The two latter groups were required to obtain government permission before leaving the country. In practice the government did not obstruct domestic travel; however, the army and security forces maintained checkpoints on major roads.

In certain areas armed tribesmen occasionally either manned their own checkpoints or operated alongside military or security officials and subjected travelers to physical harassment, extortion, or theft.

Although not required by law, women customarily were asked by government officials if they had permission from a male relative before applying for a passport or leaving the country. One women's rights NGO asserted that a husband or male relative could bar a woman from leaving the country upon a husband's or male relative's request and that this requirement was strictly enforced when women traveled with children. During the year there were several reports of women who were turned away at the airport because they did not have the permission of or were unaccompanied by a male relative.

Immigrants and refugees traveling within the country often were required by security officials at government checkpoints to show that they possessed resident status or refugee identification cards.

The law prohibits forced exile, and the government did not use it.

During the year the government continued to deport an unknown number of foreigners studying at Muslim religious schools and believed to be in the country illegally. The government claimed that these persons were suspected of inciting violence or engaging in criminal acts by promoting religious extremism. The government used existing laws requiring foreigners to register with the police or immigration authorities within a month of arrival.

#### Protection of Refugees

The law does not provide for the granting of refugee status or asylum in accordance with the UN 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice, the government generally provided protection against *refoulement*, the return of persons to a country where they feared persecution. In December however, the government stopped its practice of allowing UNHCR to perform refugee status determinations for non-Somalis. A limited number of non-Somalis have since been deported. The government continued to grant *prima facie* refugee status to Somalis who arrived in the country after 1991.

The government also provided temporary protection to thousands of individuals from Iraq and the Darfur region of Sudan who may not qualify as refugees under the 1951 Convention and its 1967 protocol, although there were some reports of deportations. There were also reports that some Iraqis were blocked from reuniting with their families when denied readmission into the country.

Refugees were allowed to work and travel freely within the country, although they faced some difficulties. There were reports of refugees being refused employment or passage at checkpoints because they lacked legal documentation.

The government cooperated with the UNHCR in assisting refugees and asylum seekers. The government, in cooperation with UNHCR, established six reception centers throughout the year to register and provide greater legal protection to refugees. There were credible reports of isolated incidents of harassment and abuse by security forces at a Somali refugee camp. UNHCR reported the incidents to the government, but no action was taken by year's end. At times authorities arrested without charge and imprisoned an unknown number of undocumented refugees while their cases were pending with UNHCR (see section 2.d.). Refugees were generally released from prison upon the completion of UNHCR processing.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage; however, there were limitations in practice. Decision making and effective power was held by the executive branch, particularly the president, who has held office since 1978. The president appoints the prime minister, who presides over a 35-member cabinet (Council of Ministers), chosen by the president. In practice the president in association with the ruling GPC party dominated the government. The parliament, in which three parties were represented, was not an effective counterweight to the executive branch and can be dissolved by the president.

#### Elections and Political Parties

According to local and international observers, the September 20 presidential and local council elections were considered open and genuinely competitive, and an improvement over previous elections. For the first time opposition candidates contested the presidential elections and had equal coverage on government-owned broadcast and print media. There were problems however, with voter registration, redistricting, ballot counting, isolated incidents of election-related violence, and use of state resources on behalf of the ruling party.

Ali Abdullah Saleh was elected president to a seven-year term in the country's second nationwide direct presidential election on September 20, securing 77 percent of the votes. According to the constitution, Saleh may not run for a third term in office. Faisal bin Shamlan, candidate of the opposition coalition Joint Meetings Party (JMP), gained 22 percent. The remaining three opposition and independent candidates each had less than one percent each. According to the Supreme Commission on Elections and Referenda (SCER), approximately 65 percent of eligible voters participated in the elections, of which approximately 42 percent were women. The constitution provides that the president is elected by popular vote from at least two candidates endorsed by parliament.

International NGOs and the European Union Observer Mission characterized polling as an important and unprecedented step in the country's democratic development. In its final post-election report, the EU noted that the GPC had an unfair electoral advantage, because significant state resources were put at the disposal of GPC candidates for use during their campaigns. Opposition parties, while regretting irregularities, also hailed the elections as the first genuinely competitive contest in the country's history. Unlike in previous years, international and local observers did not report significant difficulties in accessing voting centers or filing their reports.

An international NGO reported that the voter registration process conducted in April was marred by poorly trained administrative staff, registration of a large number of underage voters, and interference by security officials. The NGO also reported that the opposition coalition JMP refused to participate in the voter registration process due to allegations of bias on the part of the SCER, which conducted voter registration. The SCER therefore recruited staff members on short notice, and was not able to provide them with meaningful training before voter registration began.

On June 18, the JMP and the GPC agreed on several items of contention, including the formation of a joint committee to review voter lists with the SCER and decide which names to be removed due to technical errors. Although the SCER requested that the courts expunge more than 200,000 names identified as underage or duplicate voters, a searchable electronic copy of the registration list was never provided to opposition parties or local constituencies so that they could verify voter lists before the election. There were reports that the SCER mistakenly removed eligible voters from lists in several constituencies.

In addition, many constituencies were redistricted a month before the election, in a manner that was not transparent to the public, international observers, or the opposition parties. Opposition and independent observers noted redistricting resulted in the allocation of more local council representatives for constituencies that were viewed as progovernment.

Whereas ballot counting for the presidential election was reported to be generally fair and accurate, there were numerous reports that ballots for the local council elections went uncounted in some constituencies or were not secured after the count, rendering a recount or inspection of the ballots impossible.

Election-related violence during the 30-day campaign period and on election day was markedly lower than in previous elections. The SCER reported that seven people were killed in election-related violence. On August 24, one election official (who was a member of the opposition), and two ruling party members killed each other in an election-related dispute in al-Jawf. On election day two people were killed in clashes between government and opposition party supporters in Taiz governorate, and two in Amran governorate. The SCER reported that an election official died in Hajja governorate on election day, but at year's end, the SCER had not yet determined if the official was killed for election-related reasons.

On August 29, the campaign manager of independent candidate Ahmed al-Majidi was killed in Lahij (see section 1.a.), but the SCER did not count this as an

election-related killing. At year's end no results of the government's investigation into this murder had been made public. There were no reports that government security agents killed anyone for election-related reasons either before or after election day.

The law mandates that political parties be viable national organizations that cannot restrict their membership to a particular region. The constitution prohibits the establishment of parties that are contrary to Islam, oppose the goals of the country's revolution, or violate the country's international commitments.

The law stipulates that each party have at least 75 founders and 2,500 members. Parties based on regional, tribal, sectarian, class, professional, gender, or racial identities are not permitted. Candidates from any party could declare their candidacy for elections. The government provided financial support to most of the 23 political parties, including a small stipend to publish party newspapers.

The ruling GPC was the dominant party since unification of the country and controlled 238 of the 301 seats in parliament, which was elected in 2003. Islah is the only other significant party, and it controlled 46 seats. At times tribalism distorted political participation and influenced the central government's composition. Observers noted that persons were often selected to run for office or given jobs in particular ministries based on their tribal affiliations. Because tribal areas were still run by patriarchal systems, some tribal leaders reportedly influenced tribal members to vote for certain candidates.

Although there were no formal restrictions limiting opposition participation, the government made it difficult for some parties to organize. At year's end the government continued to hold substantial assets of the opposition Yemeni Socialist Party, including land and buildings, which were seized after the 1994 civil war. In May 2005 the president publicly accused two minor parties of attempting to overthrow the government by fomenting the al-Houthi uprising. The headquarters of the Union for Popular Forces was seized by armed men and the party forcibly recreated under dubious circumstances.

Although women voted and held office, cultural norms rooted in tradition and religious interpretation often limited their exercise of these rights. Although the number of women in government and politics increased since 2005, it did not correspond to their percentage of the population (see section 5). There was one woman in the 301-seat parliament. There were three women in the cabinet, including the Minister of Human Rights, the Minister of Social Affairs and Labor, and a Supreme Court justice. In 2005 the SCER established a Women's Department responsible for addressing gender equality in the electoral process. The department conducted informational campaigns on the importance and mechanism of voting in the campaign prior to the September elections. In the September 20 elections, 164 women ran for and 38 won seats on local and provincial councils.

Many Akhdam, a small ethnic minority descended from east Africans, did not participate in the political process due to socioeconomic factors. There were no members of minority groups in parliament or the cabinet. There were no reports that persons with disabilities were prohibited from participating in the political process.

#### Government Corruption and Transparency

There is a widespread perception of corruption in every branch and level of government. Government officials and parliamentarians alike were presumed to benefit from insider arrangements and embezzlement. Procurement was a regular source of corruption in the executive branch. In March the Central Organization for Control and Audit (COCA), the country's investigative body for corruption, reported that between its creation in 1999 and 2005, COCA had investigated 518 official cases of corruption, of which 361 were filed with COCA in 2005, which resulted in a loss to the treasury of \$24.7 million (4.86 billion riyals). At year's end of the 518 cases, 490 had been sent to the judiciary for action, while the remaining 28 cases were still under COCA's consideration. COCA's reports were rendered to the parliament but were not made accessible to the general public. Only low-ranking officials had been prosecuted for corruption since COCA's inception. The actual number of corruption cases was generally considered to be significantly higher than what was reported by COCA.

Unlike in 2005 when parliament challenged the executive for the first time on a number of high-profile corruption cases, during the year parliament did not challenge the executive on allegations of corruption. No legal or legislative action resulted from parliamentary inquiries in 2005.

Petty corruption was widely reported in nearly every government office. Job candidates were often expected to purchase their positions. Tax inspectors were reported to undervalue their assessments and pocket the difference. Many government officials received salaries for jobs they did not perform or multiple salaries for the same job.

On December 9, in an effort to combat corruption, MPs, the government, and foreign diplomats met at a symposium in Sana'a to discuss the government's progress in fighting corruption. The event aimed to raise awareness of corruption in the government and to develop serious political commitment to combat it.

On December 25, the President ratified an anticorruption law, creating an independent authority to investigate cases of official corruption. The new authority will be headed by a council of government, civil society, and private sector representatives.

The law requires a degree of transparency and public access to information, and the Press and Publications Law provides for journalists to have some access to government reports and information; however, in practice the government offered few procedures to ensure transparency. On August 19, parliament passed a law requiring public disclosure of government officials' assets, but it had not yet been implemented by year's end. The government provided limited information on Internet sites; however, few citizens had access to the Internet.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups generally operated with varying degrees of government cooperation and without government restriction. NGOs reported there was often a lack of response to their requests. The Law for Associations and Foundations regulates the formation and activities of NGOs.

The law permits some foreign funding of NGOs and requires government observation of NGO internal elections. During the year the MHR sponsored several initiatives to further cooperation with local NGOs.

Several domestic human rights NGOs operated throughout the year. Groups included the Human Rights Information and Training Center, the National Organization for Defending Rights and Freedoms, the Arab Foundation for Supporting Women and Juveniles, and the Civic Democratic Foundation. Although pro-government NGOs were supported by the government or ruling party, others were clearly supported by opposition parties or were fully independent.

A few NGOs practiced self-censorship. Some ministries reportedly harassed NGOs critical of the government by delaying the procedures required for annual registration/licensing and through bureaucratic funding criteria (see section 2.b.). The government requires NGOs to register annually or be declared illegal. In some instances the government reportedly registered a pro-government "clone" version of an NGO, immediately recognizing the clone as the legitimate NGO, thereby preventing the original NGO from renewing its registration under its original name. In such cases registration applications must be re-filed under a new name. In some instances during the year, the government reportedly did not act upon some registration applications, and reportedly placed unofficial freezes on new licenses ahead of the September elections.

The government monitored NGO finances. The government reportedly used financial reviews as a pretext to harass or close NGOs, and some NGOs reportedly kept less than transparent records. Several NGOs reported being singled out as "agents of foreign powers" in pro-government media after publishing reports critical of the government. During the year Women Journalists without Chains, HOOD, Arab Sisters Forum, and the Observatory for Human Rights were all named as "foreign

agents" in progovernment media.

The government gave Amnesty International (AI), Human Rights Watch, the Parliament of the European Union, and the CPJ access to officials, records, refugee camps, and prisons (see section 1.c.). AI visited the country several times during the year. The ICRC maintained a resident representative to inspect prisons during the year, although access to PSO prisons was restricted. AI and Freedom House International published reports on the country's human rights record during 2005. The ICRC also issued a report on its 2005 activities in the country. In September the government responded to the AI report.

The MHR attempted to raise awareness of human rights via public information campaigns, training of human rights activists and security forces, and participation in numerous conferences.

The parliament's committee on human rights was largely inactive during the year.

The Consultative Council also had a committee on human rights, but it was largely inactive during the year.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal rights and equal opportunity for all citizens; however, discrimination based on race, gender, and disability existed. Entrenched cultural attitudes often limited women's ability to enjoy equal rights.

#### Women

The law provides women with protection against violence; however, the law was rarely enforced. The government continued to support women's rights as exemplified by local law and the expansion of the public role of women. Although spousal abuse occurred, it generally was undocumented. Violence against women and children was considered a family affair and usually went unreported to the police. Due to social norms and customs, an abused woman was expected to take her complaint to a male relative (rather than to the authorities) to intercede on her behalf or provide her sanctuary. A small shelter for battered women in Aden assisted victims, and telephone hot lines operated with moderate success in Aden and Sana'a.

The law criminalizes rape; however, it was a problem. The punishment for rape is imprisonment for up to 15 years; however, it was seldom imposed. The law does not address spousal rape.

The press, women's rights activists, and the MHR continued to investigate and report on violations of women's rights. During the year NGOs, in conjunction with each other and the MHR, sponsored several women's rights conferences dealing with issues such as violence against women, increasing the political representation of women, and economic empowerment. In March the government-sponsored Women's National Committee (WNC) organized a conference to discuss implementation of recommendations made during a December 2005 regional conference on women's rights.

The penal code allows leniency for persons guilty of committing a "crime against honor," a violent assault or killing committed against females for perceived immodest or defiant behavior. Legal provisions regarding violence against women state that an accused man should be put to death for killing a woman. However, a husband who kills his wife and her lover may be fined or imprisoned for a term of one year or less.

The law prohibits female genital mutilation (FGM); however, it was practiced to a limited degree. The prevalence of the practice varied substantially by region. Government health workers and officials actively discouraged the practice. The WNC and the Ministry of Religious Endowments created a manual for religious leaders on women's health issues, including the negative health consequences of FGM.

Prostitution is illegal; however, it was a problem. The punishment for prostitution is imprisonment of up to three years or a fine.

There are no laws prohibiting sexual harassment and it was a problem in the workplace.

Social custom and local interpretation of Shari'a discriminated against women. Men were permitted to take as many as four wives, although very few did so. By law the minimum age of marriage is 15 years; however, the law was not widely enforced, and some girls married as early as age 12 (see section 5, Children).

Husbands may divorce wives without justifying their action in court. A woman has the legal right to divorce; however, she must provide a justification, and there are a number of practical, social, and financial negative considerations.

Women who seek to travel abroad must customarily obtain permission from their husbands or fathers to receive a passport, and to travel (see section 2.d.). Male relatives were expected to accompany women when traveling internationally; however, enforcement of this requirement was not consistent. Some women reported that they traveled freely without male escorts.

Some interpretations of Shari'a prohibit Muslim women from marrying a non-Muslim man; however a Muslim man is allowed to marry a non-Muslim woman. Women do not have the right to confer citizenship on their foreign-born spouses; however, they may confer citizenship on children born of foreign-born fathers if the father dies or abandons the child. The foreign wife of a male citizen must remain in the country for two years to obtain a residence permit.

According to a MOI regulation, any citizen who wishes to marry a foreigner must obtain the permission of the ministry. A woman wishing to marry a foreigner must present proof of her parents' approval to the MOI. A foreign woman who wishes to marry a male citizen must prove to the ministry that she is "of good conduct and behavior" and "is free from contagious disease."

On September 16, the president appointed the first female judge to the Supreme Judicial Council. On March 21, the first woman was also admitted to the Higher Judicial Institute, which is responsible for training all newly appointed judges. Most female judges served in staff positions, in the Attorney General's office, and in the juvenile court system.

The president strongly encouraged women to vote and supported a special office to address gender equality in the electoral process. The government and NGOs held numerous conferences, workshops, and awareness campaigns to increase the role of women in political life. Throughout the year a number of NGOs trained prospective female candidates for local council seats on effective campaign strategies. The national elections commission and several NGOs also conducted voter awareness campaigns to encourage women to register and vote.

During the electoral process women served as election commissioners for the first time, overseeing the voter registration and polling process across the country. Three women announced their intention to run for president, but all withdrew their applications before the beginning of the official campaign season. There were credible reports of party officials intimidating women who attempted to run as independent candidates, after they did not secure their party's nomination.

According to 2003 government statistics, approximately 83 percent of women were illiterate, compared with approximately 43 percent of men. The high illiteracy rate had a significant effect on women's participation in the September elections, limiting access to information on campaigns and political rights. Election observers also noted that illiteracy helped perpetuate the belief that women were incapable of holding public office. The fertility rate was 6.67 children per woman. Most women had little access to basic health care.

In general women in the south, particularly in Aden, were better educated and had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 war of secession, the number of women in government in the south has declined, due to cultural pressure from the north, as well as stagnation of the economy. According to the UNDP, female workers accounted for 23 percent of the paid labor force in 2003.

The law stipulates that women are equal to men in employment rights; however, female activists and NGOs reported that discrimination was a common practice in the public and private sectors. Mechanisms to enforce equal protection were weak or nonexistent.

According to the Ministry of Social Affairs and Labor there were over 170 NGOs working for women's advancement. On February 4, the Women's Forum for Research and Training held a regional conference with female academics to discuss barriers to women's full participation in society. The Arab Sister's Foundation worked regionally with women's groups to strengthen women's roles in local government. The Yemeni Women's Union conducted workshops for women on commercial and tax law.

#### Children

While the government asserted its commitment to children's rights, it lacked the resources necessary to ensure adequate education, health care, and welfare services for children. The law provides for universal, compulsory, and free education from age 6 to 15 years; however, compulsory attendance was not enforced. Public schooling was available to children through the secondary school level. Attendance was mandatory through the ninth grade; however, many children, especially girls, did not attend primary school. According to 2005 government statistics, average student attendance in primary schools was 81 percent for boys and 60 percent for girls.

The law provides for free medical care for citizen children; however, this was not always enforced. Malnutrition was common. According to 2005 UN Children's Fund (UNICEF) statistics, the infant mortality rate was 76 deaths per 1,000 births. Male children received preferential treatment and had better health and survival rates.

FGM was performed in some instances (see section 5, Women).

Child marriage was a significant social problem in the country. The law requires that a girl be 15 years of age to marry; however, it was not enforced, and marriages of girls as young as age 12 occurred. In 2005 UNICEF estimated that approximately 37 percent of citizen children under the age of 15 were married. According to the Ministry of Labor and Social Affairs, the government had not yet embarked on public awareness campaigns on the negative effects of child marriage due to the cultural sensitivity of the issue.

The law does not prohibit child abuse, and it was a problem; however, there was no reliable data on the extent of child abuse.

Child labor was a problem. The Child Rights Law prohibits child labor; however, the law has not been implemented, and children as young as four years of age worked in workshops, agriculture, or as street vendors (see section 6.d.).

#### Trafficking in Persons

The law does not explicitly prohibit trafficking in persons, but other sections of the country's criminal code can be applied to prosecute trafficking offenses. There were credible reports of trafficking in children for forced begging, unskilled labor, and street vending, and unsubstantiated reports of trafficking in women and children for commercial sexual exploitation. The law, which does not differentiate between children or adult victims, allows for a prison sentence of up to 10 years for anyone convicted of crimes constituting trafficking in persons. Other laws forbid and severely punish kidnapping and sexual assault. The Child Rights law mandates the protection of children from economic and sexual exploitation.

According to a local human rights NGO, it was possible that citizen women were trafficked from their homes to other regions within the country for the purposes of prostitution, including those under the age of legal consent. The same NGO also believed that such prostitution may have been organized and speculated that low-level government and security officials operated or were complicit in sex trafficking within the country. Notably, the government reportedly detained and prosecuted victims of trafficking under anti-prostitution laws.

There were no official statistics available on the number of children trafficked out of the country. Press and NGO reports claimed that children mostly from northern governorates were trafficked out of the country to work as street beggars, vendors, or domestic help in Saudi Arabia at a rate of approximately 200 children per week. Children were trafficked by individuals, other children, and loosely organized syndicates who helped them cross the border by donkey, automobile, or foot.

Government investigations revealed that extreme poverty was the primary motivation behind child trafficking, and the victims' families were almost always complicit. The traffickers were often well known by, if not related to, the family; parents were either paid or promised money in exchange for allowing their children to be trafficked. Many cases were also later discovered to be instances of illegal immigration.

During the year the government increased its efforts to combat child trafficking. In June government and Saudi officials met for the first time to discuss combating child trafficking. The government, in cooperation with UNICEF and the International Organization for Migration, also trained border and airport officials to identify and prevent child trafficking. The MHR ran a hot line for persons to report child trafficking.

To combat child trafficking, the MLSA conducted a campaign in regions known as points of origin of trafficked children. The MLSA warned potential victims' parents against the dangers of allowing their children to work in Saudi Arabia.

#### Persons with Disabilities

Several laws mandate the rights and care of persons with disabilities; however, there was discrimination against them. Five percent of government jobs should be reserved for persons with disabilities, and a law mandates the acceptance of persons with disabilities in universities, exempts them from paying tuition, and requires that schools be made more accessible to persons with disabilities. It was unclear to what extent these laws have been implemented. No national law mandates the accessibility of buildings for persons with disabilities.

The government's Social Fund for Development and Fund for the Care and Rehabilitation of the Disabled, administered by the MLSA, provided limited basic services and funded over 60 NGOs to assist persons with disabilities.

#### National/Racial/Ethnic Minorities

The Akhdam (an estimated 2 to 5 percent of the population) were considered the lowest social class. They lived in poverty and endured persistent social discrimination. The government's Social Fund for Development provided basic services to assist the group.

During the year tribal violence continued to be a problem, and the government's ability to control tribal elements responsible for acts of violence remained limited. Tensions over land or sovereignty in particular regions, which periodically escalated into violent confrontations, continued between the government and a few tribes. During the year human rights groups reported that some immigrants of African origin had difficulty in securing MOI permission to marry citizens (see section 1.f.).

## Section 6 Worker Rights

## a. The Right of Association

The law provides that citizens have the right to form and join unions; however, this right was restricted in practice.

The law permits trade unions to organize. Although not required by law, all current unions are federated within the General Federation of Trade Unions of Yemen (GFWTUY), a national umbrella organization. The GFWTUY claimed approximately 350,000 members in 14 unions and denied any association with the government; however, it worked closely with the government to resolve labor disputes through negotiation.

The politicization of unions and professional associations continued to hamper the right of association. In some instances the GPC ruling party attempted to control professional associations by influencing internal elections or placing its own personnel, usually tied to the government, in positions of influence in unions and professional associations.

The law dictates that labor unions can only be dissolved by court order or its own members; however, the government did not respect this right in practice. In 2004 the government unilaterally dissolved and seized the assets of the Sana'a Medical Association after its members elected a chairman associated with the opposition Islah party. Subsequently the government formed an alternative medical association and threatened former members with judicial action if they associated with the dissolved union. At year's end some association members continued attempts at reorganizing.

The law generally protects employees from antiunion discrimination. Employers do not have the right to dismiss an employee for union activities. There were reports that private sector employers discriminated against union members through transfers, demotions, and dismissals.

Employees may appeal any dispute, including cases of antiunion discrimination, to the MLSA. Employees also may take a case to the Labor Arbitration Committee, which is chaired by the MLSA; it is composed of an employer representative and a GFWTUY representative. Such cases often were disposed favorably toward workers, especially if the employer was a foreign company. Neither GFWTUY nor the MLSA were able to provide statistics on how many unionized employees used this system during the year.

## b. The Right to Organize and Bargain Collectively

The labor law provides workers, except public servants, foreign workers, day laborers, and domestic servants the right to organize and bargain collectively without government interference. The government permitted these activities; however, at times it sought to influence them by placing its own personnel inside groups and organizations. Unions may negotiate wage settlements for their members, and may resort to strikes or other actions to achieve their demands. Public sector employees must take their grievances to court. During the year two Central Bank employees sued the government for wrongful termination. The court ruled in favor of the employees, who were reinstated. The MLSA has veto power over collective bargaining agreements. Several such agreements existed. Agreements may be invalidated if they are "likely to cause a breach of security or to damage the economic interests of the country."

The labor law provides unions the right to strike only if prior attempts at negotiation and arbitration fail, and workers exercised this right by conducting legal strikes. The proposal to strike must be submitted to at least 60 percent of all concerned workers, of whom 25 percent must vote in favor. Strikes for explicit "political purposes" were prohibited. During the year there were reports of at least 36 peaceful strikes.

Throughout the year the Yemen Teachers Union staged a number of demonstrations and strikes demanding that the government adhere to the 2005 Salaries and Wages Strategy Law, which grants them higher salaries and allowances. During and after the strikes, schools' headmasters, allegedly instigated by the government, harassed and abused teachers to deter participation in strikes. Headmasters tried to prevent teachers from signing in to work during strike day, effectively blocking their pay for those days. The headmasters locked the teachers and students inside the school, preventing teachers from participating in the strikes. On June 4, one teacher involved in a worker's rights dispute with a headmistress of a school died when his home was intentionally burned down. His son, wife, and sister (both also teachers) were seriously injured. The headmistress' husband and son were accused and detained for setting the fire.

MSLA, aware of the problems encountered by the Teachers Union, did not interfere on their behalf when the union asked for assistance due to their unregistered status. According to the MSLA, the ministry's role is to monitor and give advice to unions.

Throughout August and December, the Yemeni Physicians and Pharmacists Syndicate (YPPS) staged a number of sit-ins in front of government offices, demanding higher wages. In March 2005 the YPPS staged a similar strike which was suspended after the government agreed to fulfill the demands of the syndicate within three months. According to the YPPS, the government had not followed through on its pledge by year's end.

There are no export processing zones.

## c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

## d. Prohibition of Child Labor and Minimum Age for Employment

The Child Rights Law prohibits child labor; however, it has not been effectively implemented.

The established minimum age for employment was 15 years in the private sector and 18 years in the public sector. By special permit, children between the ages of 12 and 15 years could work. The government rarely enforced these provisions, especially in rural and remote areas. The government also did not enforce laws requiring nine years of compulsory education for children.

Child labor was common, especially in rural areas. Many children were required to work in subsistence farming due to family poverty. Even in urban areas, children worked in stores and workshops, sold goods, and begged on the streets. Many children of school age worked instead of attending school, particularly in areas in which schools were not easily accessible.

The Child Labor Unit at the Ministry of Labor was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement.

During the year the Ministry of Labor estimated that there were over 500,000 working children, ages 6 to 14 years, and that working children equaled 10 to 15 percent of the total work force. The government was an active partner with the International Labor Organization's International Program to Eliminate Child Labor. During the year this program offered remedial education, vocational training, counseling, and reintegration of child laborers into schools.

## e. Acceptable Conditions of Work

12/22/2008

## Yemen

There was no established minimum wage. The labor law provides equal wages for workers and civil servants. Private sector workers, especially skilled technicians, earned a far higher wage. The average daily wage did not provide a decent standard of living for a worker and family. During the year the minimum civil service wage did not meet the country's poverty level.

The law specifies a maximum 48-hour workweek with a maximum 8-hour workday; however, many workshops and stores operated 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was 7 hours per day from Saturday through Wednesday.

The Ministry of Labor is responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the labor law. However, enforcement was weak to nonexistent due to the need for capacity building in the MSLA. MSLA has a Vocational Safety Department that relies on committees to conduct primary and periodic investigations of safety and health conditions in workplaces. Many workers regularly were exposed to toxic industrial products and developed respiratory illnesses. Some foreign-owned companies and major manufacturers implemented higher health, safety, and environmental standards than the government required. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court. According to government officials, these laws were generally respected in practice.

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