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U.S. Department of State

Yemen Country Report on Human Rights Practices for 1996

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YEMEN

The Republic of Yemen, comprising the former (northern) Yemen Arab Republic and (southern) People's Democratic Republic of Yemen, was proclaimed in 1990. Following a brief but bloody civil war in mid-1994, the country was reunified under the rule of the Sanaa-based government. Later in 1994, a new postwar governing coalition was formed, composed of the General People's Congress (GPC) and the Yemeni Grouping for Reform (Islaah). The Yemeni Socialist Party (YSP), formerly the main party of the south and a previous coalition partner, is now an opposition party.

Lieutenant General Ali Abdullah Salih is the President and leader of the GPC. He was elected by the legislature in 1994 to a 5-year term. However, the Constitution provides that henceforth the President will be elected by popular vote from at least two candidates selected by the legislature. The 301-seat House of Representatives was elected in 1993--the first multiparty Parliament elected by popular vote and universal suffrage. The next parliamentary elections are scheduled for April 1997. The Parliament is not yet an effective counterweight to executive authority; real political power rests with a few leaders, particularly the President. The judiciary, nominally independent, is severely hampered by corruption, executive branch interference, and frequent failure of the authorities to impose sentences.

The primary state security apparatus is the Political Security Organization (PSO) which reports directly to the President. It is independent of the Ministry of Interior and its leaders are all military officers. The Criminal Investigative Department (CID) of the police conducts most criminal investigations and makes most arrests. The Central Security Organization (CSO), a part of the Ministry of Interior, maintains a paramilitary force. Members of the security forces, particularly those in the PSO, committed human

rights abuses.

Yemen is a poor country with an emerging market-based economy that is impeded by excessive government regulation and unchecked corruption. Its annual per capita gross national product is estimated at \$340. Oil is the primary source of foreign exchange, but remittances from Yemenis working abroad (primarily in Saudi Arabia) are also important. Remittances were sharply reduced after Saudi Arabia and other Gulf states expelled up to 850,000 Yemeni workers during the Gulf War because of the Government's pro-Iraq position. The Gulf States also suspended most assistance programs, and much Western aid was reduced.

The human rights situation changed little in 1996. Problems include violence by security forces, which in one incident lead to a killing; arbitrary arrest and detention, especially of people still regarded as separatists; significant limitations on citizens' rights to change their government; infringements on the freedom of speech and the press; judicial corruption and inefficiency; and widespread discrimination based on sex, race, disability, and to a lesser extent, religion. The Government rarely punished human rights abusers. Government response to demonstrations in the southern city of Mukallah in June resulted in several deaths, at least one of which occurred while the victim was in custody. PSO officers have broad discretion over perceived national security issues, and, despite constitutional constraints, routinely detain citizens for questioning, sometimes mistreat detainees, monitor their activities, and search their homes. Prison conditions are poor. Female genital mutilation is practiced to an undetermined extent by some families; although publicly discouraged, it is not prohibited by the authorities.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Police killed several persons during demonstrations on June 11 in the city of Mukallah. In addition, one young man active in the Yemen Socialist Party (YSP) died in custody following his arrest for participating in the demonstrations. His body was buried without being returned to his family. The Government has not assessed any blame nor punished any member of the security forces for this death.

There were no other reports of political or extrajudicial killings.

b. Disappearance

Security forces continue to arrest and detain citizens for varying periods of time without charge or notification to concerned families. Many detainees, especially in southern governorates, are associated with the YSP and accused of being separatists. Most such disappearances are temporary, and detainees are released within months. A southern poet and singer whose recorded songs satirically criticized government leaders was detained in April without charge or notification to his family. He was released in August.

Hundreds of cases of disappearances dating since the 1970's, implicating the former governments of both north and south Yemen, remain unresolved.

Some tribes, seeking to bring their concerns to the attention of the Government, kidnap and hold hostages. Victims include foreign businessmen and tourists, as well as Yemenis. Foreign victims are rarely injured. The authorities have succeeded in obtaining the fairly quick release of foreign hostages.

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

The Constitution, which asserts that Shari'a (Islamic law) "is the source of all legislation," is ambiguous on its prohibition of cruel or inhuman punishment. It states that the Government may not impose illegal punishments--a formulation that could be interpreted as permitting amputations according to Shari'a. There were, however, no reports of amputations.

Although there is no evidence of the systematic use of torture in detention facilities, arresting authorities are known to use force during interrogations, especially of those arrested for violent crimes. A young man arrested for participating in a political demonstration died in custody (see Section 1.a.). Authorities still use leg-irons and shackles, and flogging is occasionally inflicted as punishment for minor crimes. A woman detained in Mukallah in May complained to authorities that she was raped by a police officer while being interrogated. Upon making her complaint, she was arrested, and charged with prostitution. She was acquitted at her August trial while the officer accused of assaulting her was convicted of "abuse of authority" and sentenced to prison. The arrest caused riots, which resulted in several deaths.

Prison conditions do not meet internationally recognized minimum standards. Prisons are overcrowded, sanitary conditions poor, and food and health care inadequate. Inmates must depend on relatives for food and medicine. Prison authorities and guards often exact money from prisoners and even refuse to release prisoners until family members pay a bribe. Conditions are equally bad in women's prisons, where children are likely to be incarcerated along with their mothers. All prison guards are male.

The Government tightly controls access to detention facilities. Nonetheless, it permits most impartial observers to visit prisoners and detainees, including representatives of the International Committee of the Red Cross (ICRC). Nongovernmental organizations (NGO's) have distributed food, medical supplies, and clothing directly to prisoners.

d. Arbitrary Arrest, Detention, or Exile

According to the law, detainees must be arraigned within 24 hours of arrest or released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. In no case may a detainee be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge are common practices. Such practices often result, in effect, in the disappearance of such persons (see Section 1.b.).

Detainees have the right to inform their families of their arrests and may decline to answer questions without an attorney present. There are also provisions for bail. In practice many authorities respect these rights only if bribed.

The Government has failed to ensure that detainees and prisoners are incarcerated only in authorized detention facilities. The Ministry of Interior and the PSO reportedly operate extrajudicial detention facilities. Unauthorized, private prisons also exist in tribal areas, where the central Government exercises very little authority. People detained in these prisons are often held for strictly personal reasons and without trial or sentencing.

In cases where a criminal suspect is at large, security forces sometimes detain a relative while the suspect is being sought. The detention may continue while the concerned families negotiate compensation for the alleged wrongdoing.

Thousands of people have been imprisoned for years without documentation concerning charges against them, their trials, or sentences. While a few such cases have been redressed through the efforts of the Yemeni Human Rights Organization, the authorities have done nothing to investigate or resolve the problem. The authorities continue to detain politically active persons for limited periods of time.

At the end of the 1994 civil war, the President pardoned nearly all who fought against the central Government, including military personnel and most leaders of the unrecognized, secessionist Democratic Republic of Yemen (DRY).

The Government does not use forced exile. However, the Government denied the amnesty to only the 16 most senior leaders of the DRY, who fled abroad. Although they were technically not forced into exile, they are subject to arrest if they return. After more than a year of postponement, the Attorney General in November summoned the 15 to be tried.

e. Denial of Fair Public Trial

The Constitution provides for an autonomous judiciary and independent judges, however, the judiciary is not fully independent. Judges are appointed by the executive branch of government, and some have been reassigned or removed from office following rulings against the Government. Many litigants maintain that a judge's social ties and susceptibility to bribery sometimes have greater influence on the verdict than the law or facts of the case. Others maintain that judges appointed since mid-1994 are poorly trained and that those closely associated with the Government often render decisions favorable to it. The judiciary is further hampered by the frequent reluctance of the authorities to implement sentences.

There are 2 types of courts: Islamic law or Shari'a courts, which try criminal cases and adjudicate civil disputes (such as divorce and inheritance cases), and commercial courts. There are no jury trials under Shari'a. Criminal cases are adjudicated by a judge who plays an active role in questioning witnesses and the accused. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses. Defendants, including those in commercial courts, have the right to appeal their sentences. Trials are public. However, both Shari'a and Commercial courts may conduct closed sessions "for reasons of public security or morals." foreign litigants in commercial disputes have complained of biased rulings.

Female judges who worked in the south prior to the civil war have been reappointed to positions. There are no female judges in the north.

There were no reports of political prisoners.

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

Despite constitutional provisions against government interference with privacy, security forces routinely search homes and private offices, monitor telephones, read personal mail, and otherwise intrude into personal matters for alleged security reasons. Such activities are conducted without legally issued warrants or judicial supervision. Security forces regularly monitor telephone conversations and have interfered with the telephone service of government critics and opponents. Security forces sometimes detain relatives of suspects (see Section 1.d.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution restricts the freedom of speech and press by allowing it only "within the limits of the law." Although many citizens are uninhibited in their private discussions of domestic and foreign policies, some are cautious, believing that they may be harassed for publicly expressed criticism of the Government.

The relative freedom of the press experienced prior to the 1994 civil war has not been fully reestablished. Although there were fewer official restrictions on newspapers in 1996 than in 1995, a level of government pressure on independent and political party journals continues that was not present before the civil war.

The Ministry of Information influences the media by its ownership of the television and radio companies, printing presses, and by subsidies to certain newspapers. The Government selects the items to be covered in news broadcasts and does not permit broadcast reporting critical of the Government. Even televised debates in the Parliament are edited to delete the most biting commentary on the Government.

Although newspapers are allowed to criticize the Government, journalists sometimes censor themselves, especially when writing on such sensitive issues as government policies toward the southern governorates, relations with Saudi Arabia and other foreign governments, or official corruption. The penalties for exceeding these self-imposed limits can be arrest for slander or libel, dismissal from employment, or extralegal harassment. In 1995 the Ministry of Information sought a court order to close the opposition newspaper Al-Shura. The case was decided in favor of the paper, which resumed publication in June.

The Government permitted the independent newspaper Al-Ayam, whose publication had been limited to Sanaa at the end of 1995 to resume publication in Aden. The paper was also allowed to import a printing press this year, the first privately-owned newspaper in Yemen to own its own press. Despite these positive developments, the paper came under pressure to comply with the standards of expression adhered to by government papers.

The independent English-language weekly, the Yemen Times, has frequently criticized the Government. The management has been periodically subjected to anonymous threats of violence, and government authorities have interfered with the paper's operations.

The newspaper Al-Tajammu was denied access to government presses for a period of 4 weeks after publishing a story criticizing government policies toward Hadramaut Governorate, where there had been increased civil disorder.

There were reports throughout the year of journalists--particularly in the south--being subjected to minor physical harassment and short periods of arbitrary incarceration. One such journalist, writing for the YSP paper Al-Thawry, was beaten by soldiers in the Parliament building in July.

Customs officials confiscate foreign publications regarded as pornographic or objectionable because of religious or political content. In June the Ministry of Information began routinely delaying the distribution of international Arabic-language dailies, such as Al-Hayat and Al-Sharq Al-Awsat, in an apparent effort to decrease their sales in Yemen. On a few occasions, the Ministry has banned the entry of international Arabic publications. In almost all cases, this was because they carried news about, or statements by, leaders of the 1994 secession attempt.

Academic freedom is restricted by the presence of security officials on university campuses and at most intellectual forums. Government informers monitor the activities of professors and students. The authorities review prospective university administrators and professors for their political acceptability before they are hired. In addition to Government activities, individuals identified with various Islamic political groups are also believed to gather information on the activities of professors and students.

b. Freedom of Peaceful Assembly and Association

Although there are no constitutional restrictions on the right to peacefully assemble, government informers monitor meetings and assemblies.

Demonstrations in May and September in Mukallah protesting government actions deteriorated into violence which resulted in several shooting deaths of both demonstrators and security officers. At least one such demonstrator died in custody (see Section 1.a.).

The Constitution does provide for the right of association. Associations must obtain an operating license from the Ministry of Labor and Social Affairs, usually a routine matter.

c. Freedom of Religion

Islam is the state religion, and there are restrictions on the practice of other religions. Virtually all citizens are Muslims, either of the Zaydi branch of Shi'a Islam or the Shafe'ei branch of Sunni Islam. There are also some Ismailis in the north. Private Islamic organizations may maintain ties to pan-Islamic organizations and operate schools, but the Government monitors their activities.

Most Christians are foreign residents, except for a few families of Indian origin in Aden. There are several churches and Hindu temples holding regular services in Aden, but no non-Muslim public places of worship in the former north Yemen. Church services are, however, regularly held without harassment in private homes or facilities such as schools.

Nearly all of Yemen's once sizable Jewish population have emigrated. There are some restrictions on those Jews who remain (see Section 5).

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

The Government does not obstruct domestic travel, although the army and security forces maintain checkpoints on major roads. Likewise, the Government does not obstruct foreign travel or the right to emigrate and return. Women must obtain permission from a male relative before applying for a passport or departing the country, although enforcement of this restriction is irregular. The Constitution prohibits the extradition of a citizen to any country.

The Government cooperates with the office of United Nations High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government has provided de facto first asylum to approximately 30,000 in 1996. There are no reports of forced return of persons to a country where they feared persecution. The UNHCR is negotiating with the Government to improve the living conditions of the more than 50,000 Somali refugees in Yemen.

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

Although the Government is accountable to the Parliament, there are significant limitations on the

ability of the people to change their government. Although international observers judged the 1993 parliamentary elections as generally free and fair, to date the Parliament is not an effective counterweight to executive authority; it does little more than debate issues. Decisionmaking and real political power still rest in the hands of relatively few leaders, particularly the President.

The President has the authority to introduce legislation and promulgate laws by decree when Parliament is not in session. Decrees must be approved by Parliament 30 days after reconvening. In theory, if a decree is not approved, it does not become law; in practice, a decree remains in effect even if not approved. The President appoints the Prime Minister, who forms the Government. The Cabinet comprises 24 ministers; the majority of ministers come from the GPC and the remainder from Islaah.

In some governorates, tribal leaders retain considerable discretion in the interpretation and enforcement of the law. Central government authority in these areas is often weak.

There is a functioning multiparty system. All parties must be registered in accordance with the Political Parties Law of 1991, which stipulates that each party must have at least 75 founders and at least 2,500 members. In preparation for the 1997 parliamentary elections, 10 political parties have been registered under the law with 6 more applications pending at year's end.

The Constitution prohibits the establishment of parties that are contrary to Islam, oppose the goals of the Yemeni revolution, or violate Yemen's international commitments. The Government provides financial support to all parties represented in Parliament. The parties are permitted to publish their own newspapers.

Although women may vote and hold office, these rights are limited by cultural customs. Only 2 women have been elected to the 301-member Parliament, and few hold senior leadership positions in the Government or political parties.

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

The Yemeni Human Rights Organization (YHRO) is the best known local nongovernmental human rights group. It is headquartered in Sanaa with branches in seven other cities. While the Government does not overtly restrict its activities, its senior staff are subject to petty harassment from the authorities and its work has subsequently decreased during the year. Another group, the Yemeni Organization for the Defense of Liberties and Human Rights, is based in Aden but has also been less active than in the past. There is a Human Rights Committee in Parliament, which has investigated some reports of human rights abuses. It suffers from lack of official and financial support and has no authority to do anything other than issue reports.

Amnesty International and Human Rights Watch observe Yemen closely. There is an International Committee of the Red Cross representative resident in Yemen. The Government has given these groups relatively broad access to government officials, records, refugee camps, and prisons.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Prior to 1994, the Constitution stated that "no discrimination shall be practiced due to sex, color, racial origin, language, occupation, social status, or religious beliefs." However, as amended in 1994, the Constitution now states that "all citizens are equal in general rights and duties". There is widespread discrimination based on sex, race, disability, and to a lesser extent, religion.

Women

Although spousal abuse occurs, it is undocumented and difficult to quantify. In Yemen's traditional society, an abused woman would be expected to take her complaints to a male relative (rather than the authorities) who would intercede on her behalf or provide her short-term sanctuary if required.

Women face significant restrictions imposed by law, social custom, and religion. Men are permitted to take as many as four wives, though few do so for economic reasons. The practice of dowry payments is widespread, despite efforts to limit the size of such payments. Husbands may divorce wives without justifying their action in court. Following a divorce, the family home and children (who are older than a certain age) are often awarded to the husband. Women also have the right to divorce, in accordance with the precepts of Shari'a. Women seeking to travel abroad must obtain permission to receive a passport and to travel from their husbands or fathers and are expected to be accompanied by male relatives.

Islamic law permits a Muslim man to marry a Christian or Jewish woman, but no Muslim woman may marry outside of Islam. Married women do not have the right to confer citizenship on their foreign-born spouses; they may, however, confer citizenship on children born in Yemen of foreign-born fathers.

An estimated 80 percent of women are illiterate, compared with approximately 35 percent of men. In general, women in the south are better educated and have had somewhat greater employment opportunities. Since the 1994 civil war, however, the number of working women in the south appears to have declined, in part due to the stagnant economy, but also because of increasing cultural pressure from the north. Nevertheless, female judges, magistrates, and prosecutors in southern governorates have been reappointed.

The Government has established a women's association to promote female education and civic responsibilities, and a nongovernmental organization has also been established for the same purpose.

Children

While the Government has asserted its commitment to protecting children's rights, it lacks the resources necessary to ensure adequate health care, education, and welfare services for children.

Child marriage is common, especially in rural areas. Although the law requires that a girl be 15 years of age to marry, it is not enforced. Marriages of 13-year-old girls are not unusual. The Government has cooperated with foreign embassies in cases involving dual national girls brought back from overseas for forced marriages.

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced by some Yemenis, particularly those of African origin living mainly in the coastal areas. It is not known to exist among the majority Zaydi and Shafi'i populations. There is no available information on its extent. While some government health workers actively and publically discourage the practice, the Government has not passed legislation outlawing it.

People with Disabilities

There are distinct social prejudices against persons with mental and physical disabilities. The disabled often face discrimination in education and employment. The Government has not enacted legislation or otherwise mandated accessibility for the disabled nor provided special clinics or schools for them.

Mentally ill patients, particularly those who commit crimes, are imprisoned and even shackled when there is no one to care for them. There is a charity project to construct separate detention facilities for mentally disabled prisoners.

Religious Minorities

Apart from a small but undetermined number of Christians and Hindus in Aden, and a few Baha'is in the north, Jews are the only indigenous religious minority. Their numbers have diminished dramatically due to voluntary emigration. Jews are traditionally restricted to living in one section of a city or village and are often confined to a limited choice of employment, usually farming or handicrafts. Jews may, and do, own real property.

Christian clergy who minister to the foreign community are employed in teaching, social services, and health care. A hospital in Jibla operated by the Baptist Church has, in the past, experienced occasional threats and harassment from local Islamic extremists who feared that the hospital may be used to spread Christianity. Since an August 1995 incident of mob violence at the hospital, which was eventually controlled by the authorities, the hospital has not been threatened. Mother Theresa has active charity operations in three cities.

National/Racial/Ethnic Minorities

Yemenis with a non-Yemeni parent, called "Muwalladin," may face discrimination in employment and in other areas. Persons seeking employment at Sanaa University or admission to the military academy must by law demonstrate that they have 2 Yemeni parents. Nonetheless, many senior government officials, including Members of Parliament and ministers, have only one Yemeni parent. In some cases, naturalization of the non-Yemeni parent is sufficient to overcome the "two-Yemeni parent" requirement.

A small group believed to be descendants of ancient Ethiopian occupiers of Yemen, who were later enslaved, are considered the lowest social class. Known as the "akhdam" (servants), they live in squalor and endure persistent social discrimination.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides that citizens have the right to form unions. A March 1995 law governs labor relations. It provides workers with the right to strike and equal labor rights for women, and it renews the freedom of workers to associate. The Labor Law does not stipulate a minimum membership for unions, nor does it limit them to a specific enterprise or firm. Thus, Yemenis may now associate by profession or trade.

The Yemeni Confederation of Labor Unions (YCLU) remains the sole national umbrella organization. The YCLU claims 350,000 members in 15 unions and denies any association with the Government, although it works closely with the Government to resolve labor disputes through negotiation. Observers suggest that the Government likely would not tolerate the establishment of an alternative labor federation unless it believed it to be in its best interests.

By law, civil servants and public sector workers, and some categories of farm workers, may not join unions. Only the General Assembly of the Yemeni Confederation of Labor Unions may dissolve unions.

Three strikes occurred during the year; negotiated solutions resolved two of them. However, a strike by Hodeidah port workers against the private companies for which they work was declared illegal by the Government. The leaders were arrested and jailed, breaking the work action. The dispute eventually was resolved through negotiation and those imprisoned were released.

The International Labor Organization cited Yemen this year for not providing since 1994 required reports on the freedom of association, the application of ratified conventions, and the application of standards.

The Yemeni Confederation of Labor Unions is affiliated with the Confederation of Arab Trade Unions and the International Confederation of Free Trade Unions (ICFTU).

b. The Right to Organize and Bargain Collectively

The new Labor Law provides workers with the right to organize and bargain collectively. All collective bargaining agreements must be deposited with and reviewed by the Ministry of Labor. Unions may negotiate wage settlements for their members and can resort to strikes or other actions to achieve their demands.

The law protects employees from antiunion discrimination. Employers do not have the right to dismiss an employee for union activities. Employees may appeal cases of antiunion discrimination to the Ministry of Labor. Employees may also take a case to the labor courts, which are often favorably disposed toward workers, especially if the employer is a foreign company.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor. There were no reports of its practice.

d. Minimum Age for Employment of Children

Because most Yemeni families feed themselves through subsistence agriculture, child labor is common. Even in urban areas, children may be observed working in stores, workshops, selling goods on the streets, and begging. The established minimum age for employment is 15 years of age in the private sector and 18 years of age in the public sector. By special permit, children the age of 12 to 15 may work. The Government rarely enforces these provisions, especially in rural and remote areas.

e. Acceptable Conditions of Work

The Labor Law sets monthly and daily minimum wages, which are incredibly low (as little as \$.80 per day (YR 100) and even these are not enforced. The minimum wage does not provide a worker and family with a decent standard of living. Inflation substantially eroded wages during the past few years, but it subsided in 1996.

The law specifies a 40-hour workweek with a maximum 8-hour workday, but many workshops and stores operate 10- to 12-hour shifts without penalty. The workweek for government employees is 35 hours, 6 hours per day, Saturday through Wednesday, and 5 hours on Thursday.

Workers have the right to remove themselves from dangerous work situations and can challenge

dismissals in court. The law establishes workplace health and safety standards which the Ministry of Labor has the responsibility to enforce; however, the Ministry's budget does not provide sufficient resources to fulfill its obligations under the law. Some foreign-owned companies implement higher health, safety, and environmental standards than required in Yemen.

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