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## 2009 Human Rights Report: Yemen

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

Yemen, with a population of approximately 23 million, is a republic whose law provides for presidential election by popular vote from among at least two candidates endorsed by parliament. In 2006 citizens reelected President Ali Abdullah Saleh to another seven-year term in a generally open and competitive election, characterized by multiple problems with the voting process and the use of state resources on behalf of the ruling party. Saleh has led the country since 1978. The president appoints the prime minister, who is the head of government. The prime minister, in consultation with the president, selects the council of ministers. Although there are a number of parties, President Saleh's General People's Congress (GPC) party dominated the government. Civilian authorities generally maintained effective control of the security forces, although there were instances in which security forces acted independently of government authority.

Serious human rights problems increased significantly during the year. Severe limitations on citizens' ability to change their government included corruption, fraudulent voter registration, administrative weakness, and close political-military relationships at high levels. The ruling and opposition parties denied opportunities for change when they agreed to postpone for two years April's parliamentary elections after the two sides failed to reach an agreement on electoral reform. There were reports of arbitrary and unlawful killings by government forces, politically motivated disappearances, and torture in prisons. Prison conditions were poor. Arbitrary arrest, prolonged detention, and other abuses increased, particularly with the ongoing protest movement in the southern governorates, where authorities reportedly temporarily jailed thousands of southerners during the year. The judiciary was weak, corrupt, and lacked independence. The government significantly increased restrictions on freedom of speech, press, and assembly, and there were reports of government use of excessive force against demonstrators. Journalists and opposition members were harassed and intimidated. Academic freedom was restricted, and official corruption was a problem. International humanitarian groups estimated that more than 175,400 persons were internally displaced as a result of the Saada conflict. Pervasive and significant discrimination against women continued, as did early marriage, child labor, and child trafficking. The right of workers to associate was also restricted.

During an ongoing internal conflict that began in 2004, the government used heavy force in an attempt to suppress the Houthi rebels in Saada. After 13 months of relative quiet, the sixth round of the conflict began in August with fighting and internally displaced persons (IDPs) spreading across four governorates in the North. The government waged an extensive campaign of aerial bombardment in the Saada and Amran governorates, destroying many villages and killing hundreds of civilians, according to press reports. Saudi Arabia joined the fighting in November and continued to participate at year's

end. Although the toll of the conflict during the year was unknown, journalists estimated at year's end that hundreds of government troops had been killed and thousands wounded. The number of rebel deaths reportedly was in the hundreds.

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## RESPECT FOR HUMAN RIGHTS

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

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

There were reports that the government or its agents committed arbitrary or unlawful killings during the year, including politically motivated killings. Security forces reportedly killed or injured suspects during apprehensions and public demonstrations in actions that appeared to be politically motivated.

During protests in the southern governorates throughout the year, security forces killed dozens of persons and arrested and injured hundreds of others. Members of the southern protest movement alleged that there were 86 extrajudicial deaths in the southern governorates during the year. The domestic nongovernmental organization (NGO) Yemen Observatory for Human Rights (YOHR) identified 49 unlawful killings of demonstrators. The domestic NGO Yemeni Organization for the Defense of Rights and Freedoms (HOOD) put the number at 42 (see section 1.g.).

On January 13, security forces opened fire on demonstrators in Aden, injuring five persons; 17-year-old Omer Abdul-Aziz Salim al-Haj died from his injuries on January 19. Security forces also arrested 500 individuals participating in the demonstration, according to YOHR.

Between April 27 and May 3, eight persons were killed and 21 injured in clashes between security forces and demonstrators across the southern governorates.

On May 21, four persons were killed and scores injured and arrested after a violent protest in the southern city of Aden. The government said it detained 248 persons, but southern movement leaders said the number was closer to 500. Among those arrested were medical professionals attempting to treat the wounded in local hospitals, according to media reports.

On July 23, during clashes in the southern town of Zinjibar, 20 persons were killed and 40 injured, including an unknown number from the security forces, who dispersed a crowd of approximately 5,000 protestors by using live ammunition.

Some detainees died in custody. On October 5, according to HOOD, Basam Tawfiq Abu Taleb died without having been charged after two and one-half years in the Sana'a Political Security Organization (PSO) prison in connection with the war in Saada.

There was no investigation into the 2008 reported security force killings of Saleh Abubakr al-Sayed, Muhammad Ali Muhammad, Saleh Taleb Saeed, Abdelfatah Saif Abdullah, and Hisham Ahmed Muhsen, nor was there any investigation into the 2007 deaths in custody of Muhammad Muhammad Ahmad al-Qadi, Muhammad al-Shoaibi, or Hashem Abdullah Yahya Hajar.

Tribal violence resulted in a number of killings and other abuses, and the government's ability to control tribal elements remained limited.

Other incidents of fatal shootings and violence continued throughout the year. In most cases it was impossible to determine the perpetrator or motive, and there were rarely claims of responsibility. Some killings may have had criminal, religious, or political motives, and others appeared to involve land disputes or cases of tribal revenge.

Terrorist activity continued during the year, including training camps for actions in other countries, although there were fewer incidents than in the previous year.

On March 15, a suicide bomber attacked a group of tourists in the city of Shibam, Hadramout governorate, killing four South Koreans and their local tour guide. The attack also injured four South Koreans.

On June 12, unknown actors--likely Al Qaeda in the Arabian Peninsula (AQAP) affiliates--kidnapped seven Germans, one South Korean, and one British citizen in Saada. The bodies of three women from the group were found on June 16. At year's end the other six hostages remained missing.

The country was contaminated with mines and unexploded ordnance from several conflicts, including the 1962-70 war in the north between republicans and royalists, the 1963-67 war of independence in the south, the 1970-83 war against left-wing guerrillas, and the 1994 separatist war. The majority of mines were in border areas between the former North Yemen and South Yemen and in the southern governorates. Mines in the southern governorates were unmapped along beach areas and valleys that lead to the coast.

According to the governmental Yemen Executive Mine Action Center (YEMAC), during the year antipersonnel mines injured eight persons but caused no deaths. YEMAC tallied eight deaths from mines and explosive remnants of war in 2008 and 18 casualties in 2007, including 12 killed and six injured. YEMAC reported that approximately 58.6 square miles of land remained to be demined at the end of the year.

From November 4 to year's end, armed groups of Houthi rebels from Yemen and Saudi forces engaged in cross-border conflict. The Saudi government claimed the attacks were within Saudi territory and intended to eliminate armed groups of Houthi rebels who had entered Saudi territory and had killed three border guards and wounded 15 other members of the security forces in the border region of Jebel al-Dukhan. According to press reporting, Saudi attacks killed 54 civilians in the town of Al-Nadheer and injured an unknown number.

#### b. Disappearance

During the year there were reports of politically motivated disappearances of individuals associated with southern protests and the conflict in Saada. Although many disappearances were short-term detentions followed by releases, the whereabouts of other individuals remained unconfirmed by authorities for months or longer. Civil society groups accused the government of using sporadic disappearances to intimidate the populace. Tribal kidnappings, traditionally carried out to attract government attention to specific grievances, also occurred.

On September 17, in Sana'a, a group of plainclothes security personnel abducted Mohammed al-Maqaleh, a journalist and member of the opposition Yemeni Socialist Party (YSP), according to human rights activists; al-Maqaleh had criticized government actions in Saada. In late December, after months of denying any knowledge of al-Maqaleh's whereabouts, officials admitted that he was in PSO custody.

On October 13, armed men kidnapped lawyer, human rights activist, and local council member Mohammed Mus'id Najji al-Uqlah in Dhale' governorate. His whereabouts remained unknown at year's end.

In July 2008 authorities arrested Ali Yahya al-Imad, allegedly in connection with the Saada conflict. His whereabouts were unknown until his release from the PSO prison in Sana'a in December 2008. Imad was allegedly tortured in prison, according to HOOD.

Tribal kidnappings continued throughout the year. On March 31, tribesmen near Sana'a released unharmed two Dutch citizens after two weeks in captivity. On June 11, tribesmen in Saada kidnapped 23 Yemeni and foreign medical workers

whom they released unharmed on June 12, reportedly after receiving government assurances that two prisoners would be released in return. On July 13, tribesmen from Bani Dabyan, outside Sana'a, kidnapped businessman Abdul-Malik al-Khamery, whom they released unharmed on November 24, following undisclosed negotiations between his family and his captors. On September 15, Marib tribesmen in Sana'a kidnapped businessman Jamal Abdulwase Hael Saeed, whom they released unharmed two weeks later. On November 15, tribesmen in Arhab, north of Sana'a, kidnapped a Japanese engineer and released him unharmed after nine days in captivity.

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

The law prohibits such practices, but, according to human rights NGOs and former detainees, authorities tortured and abused persons in detention. The PSO, a security apparatus reporting directly to the president, has previously stated torture does not occur at its facilities. It noted that new PSO officers must sign a document certifying that they recognize torture is illegal according to the laws and constitution of the country and that those who torture prisoners would be punished according to the law. Amnesty International's (AI) 2009 annual report claimed police brutality and torture of detainees was widespread in connection with politically motivated acts or protests as well as ordinary criminal suspects, and officials committed these acts with impunity. Reported techniques included beatings with fists, sticks, and rifle butts; kicking; scalding with hot water; excessively tight handcuffs; prolonged blindfolding and suspension by the wrists or ankles; denial of water or access to toilets; burning with cigarettes; stripping naked; denial of food and prompt access to medical help; threats of sexual abuse; and death threats. Sleep deprivation and solitary confinement were other forms of abuse reported in PSO prisons.

Ministry of Interior (MOI) officers reportedly used force during interrogations, especially against those arrested for violent crimes, although according to the Ministry of Human Rights (MOHR), torture was not part of MOI policy. Penal law, based on the government's interpretation of Shari'a (Islamic law), permits amputations and physical abuse such as flogging as punishment for some crimes.

In January the specialized criminal court (SCC) sentenced Tawfiq al-Masouri to death for committing a murder. Police in Sana'a reportedly tortured him while holding him incommunicado for three months. According to AI, he said he confessed because of torture, and a medical examination carried out at his lawyer's request found marks consistent with his allegations. There was no further known investigation.

During the year the MOHR reported it received no complaints concerning alleged torture at the hands of the military, police, or security services but acknowledged that isolated incidents might have occurred during the year. HOOD claimed it received dozens of complaints of torture during the year, but because the complainants often brought their cases weeks or months after the alleged torture occurred, their claims were difficult to verify.

Security forces reportedly physically abused detainees and prisoners. On August 13, the families of political prisoners Ali Miqdad, Saeed Bafaraj, and Nasser Bamithgal, held at the Mukullah central prison, said personnel from the MOI's Central Security Forces (CSF) assaulted the prisoners with sticks, batons, and tear gas, according to an open letter from local advocacy group Popular Human Rights Committee of Hadramout. The CSF said the prisoners were participating in riots, a claim the families denied.

In May 2008 Adel al-Azani died because of torture in a Criminal Investigation Department (CID) prison, according to HOOD. Security elements reported that the cause of al-Azani's death was suicide. His family affirmed that al-Azani died of torture, reporting that wounds were still visible on his body when they retrieved him from the prison.

At year's end there had been no investigation in the 2007 torture case of Shaif al-Haimi, who continued to await trial for impersonating a National Security Bureau (NSB) officer.

At year's end the MOHR was unable to provide any updated information on the torture case of Muhammad Saleh al-Amari, which it first reported in 2007.

At year's end the court case of PSO officer Jamal Abdul Naser al-Maghreb continued, although he attended no court sessions during the year. Al-Maghreb was charged with the 2007 beating of Azim Hasan Abdullah al-Wosabi.

#### Prison and Detention Center Conditions

Local and international observers reported prison conditions remained poor and did not meet internationally recognized standards. Prison conditions deteriorated during the year due to the marked increase in the number of prisoners, according to HOOD.

Many prisons, particularly in rural areas, were overcrowded, with poor sanitary conditions, inadequate food, and inadequate medical care. In some cases, prison authorities extracted bribes from prisoners to obtain privileges or refused to release prisoners who had completed their sentences until the prisoners' family members paid authorities.

In some rural and women's prisons, children were held with adults. By custom young children and babies born in prison remained in custody with their mothers. For the first time, local NGOs asserted that children were held with adults in Sana'a jails. Pretrial detainees were held with convicted criminals.

Local tradition requires male relatives of female prisoners to arrange for their release. Authorities regularly held female prisoners in jail after the end of their sentences if male relatives refused to authorize their release, usually because of the shame associated with the return of an imprisoned female family member.

Unauthorized "private" prisons in rural areas, often controlled by tribes, continued to operate. Tribal leaders misused the prison system by placing "problem" tribesmen in private jails, sometimes simply rooms in a tribal sheikh's house, either to punish them for noncriminal actions or to protect them from retaliation. Persons often were detained in such prisons for strictly personal or tribal reasons without trial or judicial sentencing.

Authorities granted limited access to family members of PSO prisoners and detainees but routinely denied parliamentarians' and NGOs' requests for access to investigate human rights violation claims. The PSO argued that prospective visitors failed to comply with proper notification procedures.

Prison authorities granted the MOHR and some local NGOs, including HOOD, access to MOI prisons. NGO representatives met with MOI prisoners as private visitors. The MOHR said it met with NGOs frequently throughout the year and served as a mediator between NGOs and the government. The government did not allow independent human rights observers access to PSO prisons during the year, according to MOHR. Most NGOs had no access to CID prisons, but, after years of effort, HOOD visited the CID prison in Sana'a during the year.

The MOHR stated it conducted 10 prison visits in five governorates during the year, including surprise visits and visits conducted by the minister and that its recommendations led to replacement of some prison directors. Despite contradictory reports from leading human rights NGOs, the MOHR reported the successful implementation of most recommendations from its 2007 report on prisons, such as the separation of incarcerated adults and minors and provision of educational instruction to prisoners. In March 2008 the MOHR recommended to the president's cabinet additional improvements in prison and detention facility conditions; some recommendations had been partially implemented at year's end.

In 2004 the International Committee of the Red Cross (ICRC) suspended visits to PSO prisons, citing the PSO's failure to agree to ICRC's universally applied procedures, which include regular access to and private interviews with all detainees. Consequently, the ICRC did not visit any PSO prisons during the year.

#### d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, but the government generally did not observe these prohibitions. Enforcement of the law was inconsistent, particularly in cases involving suspected security offenses.

#### Role of the Police and Security Apparatus

The primary state security and intelligence-gathering entities, the PSO and the NSB, report directly to the president. There was no clear definition of many of the NSB's duties, which appeared to overlap with those of the PSO. The police CID reports to the MOI and conducted most criminal investigations and arrests. The CSO, also a part of the MOI, maintains a paramilitary force, the CSF. The CSF is active in maintaining order in restive regions in the country, including Saada and the southern governorates, and was often accused of using excessive force during crowd control.

Corruption and impunity were serious problems throughout these security and intelligence organizations. There were no public governmental investigations of police corruption during the year. Some police stations reportedly maintained an internal affairs section to investigate security force abuses, and citizens had the right to file complaints with the prosecutor's office. Enforcement of this right was inconsistent, and there were no effective investigations reported. The MOI had a fax line for citizens to file claims of abuse for investigation. It was unknown how many fax complaints the MOI received and how many it investigated.

#### Arrest Procedures and Treatment While in Detention

The law provides that an individual cannot be arrested unless apprehended in a criminal act or served with a summons and that a detainee must be arraigned within 24 hours 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, authorities arbitrarily arrested numerous southern demonstration leaders and persons with alleged associations to the Houthi movement throughout the year and detained them for prolonged periods.

There are legal provisions for bail, but some authorities abided by these provisions only if they received a bribe. The law prohibits incommunicado detention and provides detainees the right to inform their families of their arrests and to decline to answer questions without an attorney present, but 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. Tribal mediators reportedly settled almost all rural cases out of court.

Citizens regularly claimed security officials did not observe due process when arresting and detaining suspects and demonstrators. Members of the security forces continued to arrest or detain persons for varying periods without charge, family notification, or hearings. Detainees were often unclear about which investigating agency had arrested them, and the agencies frequently complicated the situation by unofficially transferring custodial authority of individuals among agencies. Security forces routinely detained relatives of fugitives as hostages until the suspect was located. Authorities stated they detained relatives only when the relatives obstructed justice. Human rights organizations rejected this claim.

Local NGOs estimated the number of individuals arrested in connection with the southern protest movement to be between 1,000 and 1,500. Determining exact figures was difficult, as many detainees' names were not recorded, some

detainees were never transferred to official detention centers, and many were arrested and released multiple times during the year. According to the domestic NGO Yemeni Organization for the Defense of Public Rights and Liberties (YODPRL), the government arrested 1,560 persons with alleged connections to the Saada conflict during the year (see section 1.g.).

On June 8, security forces arrested University of Aden geography professor Hussein al-Agil and detained him in the Sabr Prison in southern Lahj governorate. On June 22, authorities transferred him to the CID prison and then allegedly moved him to the PSO prison on an unknown date. He was allegedly held without charge at year's end in connection with an article he wrote about the oil resources of the southern part of the country.

On February 3, military police arrested 92-year-old Ali Ali Ahmed Shubaih as a hostage to pressure his son, wanted in connection with a land dispute case, to surrender to authorities. The authorities did not reveal Shubaih's whereabouts to his family for weeks and released him in late June.

YODPRL reported that, as of year's end, Taha Suhaili had been detained at the PSO prison in Sana'a for five years without charge or trial. The PSO arrested Suhaili in Sana'a in 2004 for alleged connections to the Houthi rebels.

Although both denied it, the MOI and the PSO both operated extrajudicial detention facilities. Unauthorized private prisons also existed.

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

During the year the government also continued to detain suspects accused of links to terrorism, at times without due process. HOOD reported that the government held 150 persons in Sana'a and Hudeidah on suspicion of terrorist affiliations or activities.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, but corruption and executive branch interference severely hampered a weak judiciary. Litigants maintained, and the government acknowledged, that a judge's social ties and occasional bribery influenced verdicts. Many judges were poorly trained, and some were closely associated with the ruling party. The government's frequent reluctance to enforce judgments further undermined the integrity of the judiciary. Tribal members at times threatened and harassed members of the judiciary.

The judicial system is organized in a three-tier court structure. Courts of first instance are broadly empowered to hear all civil, criminal, commercial, and family matters. A single judge may hear a case in these courts. Decisions in the courts of first instance may be appealed to the courts of appeal. 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, which 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 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.

In 1999 the government first established a specialized criminal court under the Ministry of Justice to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts considered a "public danger," such as banditry and sabotage; however, during the year the court heard cases that were not security-related. According to a leading local

NGO, the specialized criminal court does not provide defendants with the same rights provided in the regular courts. AI and local NGOs characterized specialized criminal courts as unconstitutional. Defense lawyers reportedly did not have full access to the charges against their clients or relevant government evidence and court files.

In May the government for the first time established a special court to try media and publication cases. Trials of a number of journalists and newspapers took place during the year. The court found most defendants guilty and suspended them from journalism for a number of months or assessed fines that might typically amount to 50,000 riyals (approximately \$233). The court imposed the most severe sentences on *Al-Masdar* editor Samir Jubran and journalist Munir al-Mawri, who received prison sentences and bans from journalism (see section 2.a.).

#### Trial Procedures

Laws are a mixture of Egyptian law, Napoleonic tradition, and Shari'a. The codified law, social custom, and Shari'a, as interpreted in the country, discriminated against women, particularly in domestic matters. By law prosecutors are a part of the judiciary and independent of the government. 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 of persons with alleged links to shootings, explosions, and other acts of violence. Citizens and human rights groups alleged that the security forces and the judiciary did not normally observe due process. Foreign litigants in commercial disputes complained of biased rulings.

The accused are considered innocent until proven guilty. Trials were generally public, but all courts may conduct closed sessions "for reasons of public security or morals." There are no jury trials. Judges, who play an active role in questioning witnesses and the accused, adjudicate criminal cases. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses and any relevant evidence. The law provides for the government to furnish attorneys for indigent defendants in serious criminal (felony) cases; in practice counsel was not always provided. All defendants, including women and minorities, have the right to appeal their sentences.

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

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

#### Political Prisoners and Detainees

During the year there was a significant increase in the number of political prisoners and detainees related to the southern protest movement and the renewed conflict in Saada (see section 1.g.). Human rights organizations reported there were thousands of political prisoners and detainees held during the year; thousands were arrested and released on the same day, and hundreds were held for weeks or months. Confirmation of the number of detainees was difficult because the government severely restricted or completely barred access to such detainees by local or international humanitarian organizations.

Local human rights organization Women Journalists Without Chains (WJWC) reported the following numbers of political prisoners held in connection to the southern protest movement at year's end: 14 in Sana'a, 83 in Aden, seven in Lahj governorate, and hundreds in Hadramout governorate.

At year's end the government held more than 300 prisoners in connection to the Saada conflict, according to HOOD, which also reported that approximately 150 detainees with suspected links to AQAP remained in PSO prisons without charge.

#### Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters, but there were limitations in practice. In 2006 HOOD filed the first-ever civil suit against the president, on behalf of Ahmad Ali bin Maeili, who claimed that the PSO detained him without charge for seven years. After the court rejected the case, HOOD appealed to the Supreme Court. In January the prosecution dropped the case and released Maeili because the legal deadline to charge him had passed.

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

The law prohibits such action, but PSO and MOI personnel routinely searched homes and private offices, monitored telephone calls, read personal mail and e-mail, and otherwise intruded into personal matters claiming security reasons. Human rights organizations claimed that security forces undertook such activities without legally issued warrants or judicial supervision. The PSO and MOI rejected these claims. The PSO said its policies require the attorney general personally to authorize monitoring telephone calls and reading personal mail and e-mail. The PSO reported that to do a house search, it first obtains a warrant and a signed certification by the head of the neighborhood, and two neighbors who serve as witnesses accompany officers on the search.

HOOD reported that security services illegally raided 20 houses in Sana'a in connection to the terrorist attack on South Korean tourists in March. The MOI did not comment on this allegation.

Throughout the year human rights activists and journalists reported receiving repeated threatening phone calls day and night. Activists and journalists considered these calls to be attempts by authorities to intimidate them about the Saada conflict and southern political discontent.

On March 31, a PSO officer threatened human rights activist Ali al-Dailami at a rally in Sana'a. Al-Dailami subsequently received thousands of threatening telephone calls and text messages from unidentified persons warning him to cease his human rights activities.

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

No citizen may marry a foreigner without permission from the MOI, but this regulation does not carry the force of law and appeared inconsistently enforced.

Security forces routinely detained relatives of fugitives as hostages until the suspect was located (see section 1.d.). In other cases, detention of family members continued while the families negotiated compensation for the alleged wrongdoing. Families, tribesmen, and other nongovernmental interlocutors commonly used arbitration and mediation to settle such cases.

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

During the year the government responded to domestic political problems with excessive force. The sixth round of intense fighting since 2004 in northern Saada governorate started in August. Responding to a series of attacks on police officers by Houthi fighters, the government began aerial bombardment in Saada and Amran governorates. Both government and Houthi forces recruited tribal members. Ongoing tribal conflicts were subsumed into the larger conflict between the government and the Houthis. Fighting continued unabated at year's end. The Houthis, a group of Zaydi Shia rebels, have

called for greater resources and religious autonomy in Saada, along with a reduced security presence. According to the government, the Houthis received support from Iran and sought to reestablish the imamate.

Although there were no reliable estimates, hundreds of civilians were killed, thousands injured, and tens of thousands displaced as a result of the fighting. The bombing also destroyed villages, homes, farms, schools, and mosques.

On September 16, government aircraft bombed a school in Amran governorate's Harf Sufyan, where IDPs had gathered, killing 87 civilians, mostly women and children, according to local media reports and eyewitness accounts. The Ministry of Defense said Houthi rebels were hiding in the school.

There were reports during the year of the use of antipersonnel mines, including antitank and improvised mines, during the conflict in northern Saada governorate between government troops and rebel forces led by Abdul-Malik al-Houthi. In 2008 at least 60 persons, including military personnel, were reportedly admitted to hospitals with injuries from mine explosions in Saada. There was no information available regarding the number of such deaths or injuries in Saada during the year.

The government and local and international human rights organizations claimed that Houthis also committed human rights violations during the year. According to an August government report, Houthi abuses included unlawful killing, rape and sexual assault, looting and destruction of civilian property, and plunder and destruction of public buildings. Some human rights activists said Houthis used human shields and killed and threatened civilians who did not support them. Independent verification of these allegations was difficult because the government blocked nearly all access to Saada during the year.

In response to a growing southern protest movement that began with a group of forcibly retired army officers from the former People's Democratic Republic of Yemen (PDRY), the government launched mass preemptive arrest campaigns across the southern governorates and used excessive force to disperse demonstrations that sometimes involved tens of thousands of protestors. The government arrested thousands of southerners during the year, including members of opposition political parties, academics, members of parliament, journalists, and human rights activists. Some were released after a few hours of detention, and others remained in jail at year's end. Security services killed dozens of demonstrators and injured scores in a series of increasingly violent demonstrations in Dhale', Lahj, Aden, Abyan, and Hadramout governorates. YOHR estimated the security services injured 110 civilians during demonstrations.

For example, on January 17, one person was killed and 12 injured when police in the southern city of Dhale' fired on a crowd of civilians after a grenade was thrown at a security vehicle. On April 19, security forces fired live ammunition and used tear gas on protestors in southern Shebwa governorate, injuring five demonstrators who required hospitalization. On May 4, security forces shelled the southern towns of Radfan and Habilayn in Lahj governorate, killing one person and injuring five. On May 14, a battle between guards at independent *Al-Ayyam* newspaper in Aden and security forces resulted in the deaths of three of the newspaper's guards. On June 8, police opened fire at a checkpoint in southern Lahj governorate, killing two protestors and wounding four.

According to an October 2008 Human Rights Watch (HRW) report, the extent of arbitrary arrests and "disappearances" expanded since 2007, mainly in the context of the Houthi rebellion but also relating to the government's domestic counterterrorism efforts and its repression of social unrest in the southern part of the country. In nearly all of the 62 cases HRW investigated, arresting officials did not identify themselves or inform the detainee or his family of the reason for the arrest or the place of detention. The families of persons who disappeared typically did not receive any information for weeks or months after the arrest.

YODPRL recorded 56 forcible disappearances during the year in connection with the fighting in Saada.

During the year, in fighting between government forces and the Houthi rebels beginning in August, international NGOs providing humanitarian assistance in Saada estimated that more than 175,400 persons were displaced from their homes, spreading across four northern governorates in search of aid.

According to YOHR, arbitrary arrests of individuals with alleged links to the Saada conflict increased following the resumption of hostilities in August. Authorities arrested, released, and rearrested persons associated with the Saada conflict and the southern protest movement in what local human rights NGOs referred to as a "revolving door" policy. This practice made it difficult to determine how many prisoners were released during the year or the reasons for their release.

Hundreds of individuals were arbitrarily arrested in 2008. In 2007 there were approximately 100 individuals from Saada reportedly arbitrarily arrested and detained. Authorities forcibly removed an estimated 45 individuals, including some minors, from Saada and imprisoned them in the neighboring governorate of Hajja. Many of these detainees were later released, but others were rearrested. Local NGOs accused the government of illegal and inhumane treatment of these detainees.

## 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 "criticism of the person of the head of state," although not necessarily "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 coverage. Journalists regularly practiced self-censorship during the year. The international NGO Reporters Without Borders characterized the state of press freedom in the country as very poor.

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 owned their own presses; no opposition papers did. According to the domestic NGO WJWC, there were approximately 30 government-controlled, 162 independent, 59 party-affiliated, and 50 civil society association-affiliated newspapers in the country. There were approximately 123 magazines, including 22 government-controlled, 64 independent, four party-affiliated and 33 civil society association-affiliated magazines. The government selected items for news broadcasts and rarely permitted broadcasts critical of the government. The government televised parliamentary debates and occasionally permitted broadcasts including aggressive criticism of ministries.

Press law specifies that newspapers and magazines must apply annually to the government for licensing renewal and must show continuing evidence of 700,000 riyals (\$3,398) in operating capital. There were reports that authorities made the registration process bureaucratically impossible for opposition figures or organizations, whereas progovernment or tribal newspapers reportedly received licenses immediately. In 2008 sources indicated that very few licenses were granted and others were denied outright. Local NGOs reported no denials of licenses during the year.

During the year the government closed or pressured more than 20 newspapers, including government-affiliated papers as well as opposition and independent publications, according to YOHR. The most significant curtailment of press freedom was the repeated confiscation of issues of the independent weekly *Al-Ayyam* newspaper, harassment of the newspaper's editors and correspondents, politically motivated judicial cases brought against the paper's owners, and heavy military presence surrounding the newspaper's Aden offices. On May 1, four armed men stopped an *Al-Ayyam* distribution vehicle traveling from Aden to Sana'a and destroyed all issues of the paper. Security forces stopped the printing of *Al-Ayyam*

starting on May 3 and surrounded the newspaper offices. On May 23, vehicles carrying 50,000 issues of *Al-Ayyam* were stopped and all copies of the paper destroyed. Government pressure was so significant on the editors of *Al-Ayyam* that the paper stopped publication in May; publication had not resumed by year's end. The Ministry of Information stated that it had not recommended the closure of *Al-Ayyam* but had simply confiscated particular issues that were in violation of the law, and that the paper chose not to continue publishing.

On January 13, two plainclothes security officials kidnapped *Al-Ayyam* correspondent Khaled Omar al-Aabd in Aden, handcuffed and blindfolded him, and brought him to the Aden CID for questioning. Aabd was later released. On the same day, the CID arrested *Al-Watani* editor Wajdi al-Shaabi in Aden while he was covering protests affiliated with the southern movement. Also arrested on January 13 in Aden were *Al-Ayyam* reporter Anis Mansoor, who was held for two days at the al-Mansooria Prison in Aden, and *Saba News* journalist Isam Zaid, who was held for six days as punishment for covering the protests.

On April 12, the Ministry of Information banned independent weekly *Al-Dayari* newspaper from publication because it had published a political cartoon that "offended the sensibilities of the persons." The ministry said the press law gave it the right to remove from circulation newspapers that violated the law.

On May 4, authorities arrested Fuad Rashid, editor in chief of the Mukullahpress Web site, and detained him in Mukulla Central Prison, allegedly for his sensitive reporting on the southern secessionist movement. Authorities announced Rashid's detention one week after his arrest and subsequently transferred him to the PSO prison in Sana'a, where he remained at year's end.

On May 4, the Ministry of Information ordered the suspension of six independent weekly newspapers--*Al-Nida*, *Al-Shari'*, *Al-Masdar*, *Al-Watani*, *Al-Diyar*, and *Al-Mustaqilla*--that the ministry declared were using "the rhetoric of secessionism and targeting national unity."

On May 5, authorities confiscated 15,000 copies of independent weekly *Al-Masdar* from the al-Thawra printing press and stored them at the Ministry of Information. In May and June, the Ministry of Information confiscated four consecutive issues of *Al-Ahali* newspaper. The ministry stated it had confiscated the two newspapers because they illegally published secret military information.

On October 16, the al-Thawra printing press refused to print an edition of Aden-based *Al-Watani* newspaper. The Ministry of Information said the paper would not be printed until a number of articles on the southern protest movement were changed.

Physical attacks against journalists continued during the year, along with government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance. On June 18, PSO officers beat Gulf of Aden news network editor Saleh al-Saqladi in his home, confiscated his phone and computer, and detained him.

Harassment of journalists who reported on the southern protest movement and the Saada conflict continued during the year. The government continued attempts to prevent news about the details of the Saada conflict from becoming public. Measures included preventing journalists and humanitarian workers from going to the conflict zone, disconnecting all but a select number of cell phone numbers in the governorate, warning journalists not to report on the conflict, and arresting persons who transmitted information about what they had seen or who could have such information because they had recently left the area.

On June 4, the Sana'a appeals court upheld a judgment suspending *Al Shari'e* editor Nayef Hassan from journalism for one year and subjected him to fines of 1,010,000 riyals (\$4,903). In 2007 the MOD filed a complaint against *Al Shari'e* for publishing military secrets in reference to the Saada investigation. According to the law, the press and publication

prosecution office arbitrates cases related to the media; however, the case of *Al Shari'e* was tried by the specialized courts for terrorist-related activity. *Al Shari'e* was the first newspaper tried in a specialized criminal court.

On October 31, the special court for press and publications sentenced independent weekly *Al-Masdar* editor Samir Jubran to one year in prison and a one-year suspension from journalism and a journalist to two years in prison and a lifetime ban from journalism on charges of slandering the president. The ruling party filed a case against *Al-Masdar* for publishing the journalist's editorial, "Yemen's Weapon of Mass Destruction," a reference to President Saleh.

Many similar incidents of harassment and intimidation against journalists occurred in 2007 and 2008.

There were no new government-cloned newspapers during the year. In a 2005 attempt to counter dissent, elements close to the government or security apparatus cloned two newspapers, *Al-Shura* and *Al-Thawri*. The government published newspapers with similar names, fonts, and colors that carried more progovernment editorials and stories. The *Al-Thawri* clone ceased publication in 2005 after several weeks, but the *Al-Shura* clone continued publishing at year's end.

At times customs officials confiscated foreign publications they 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.

Book authors were required to obtain certification from the Ministry of Culture (MOC) for publication and to submit copies to the ministry. Publishers sometimes refused to deal with an author who had not yet obtained certification. The MOC approved most books, but long delays were frequent. There were reports that both the MOC and the PSO monitored and sometimes removed books from stores after publication. A ban continued on publishers distributing books that espoused Zaydi-Shia Islamic doctrine or were deemed pornographic. The government denied that the media were subject to censorship by any security apparatus.

#### Internet Freedom

The government restricted Internet use by intermittently blocking access to some political and religious Web sites and sites it deemed immoral. During the year the government reportedly blocked a number of independent and opposition news Web sites, such as al-Shura.net and Ishtiraki.net and the Web sites of independent newspapers *Al-Ayyam*, *Al-Masdar*, *Al-Tagheer*, and *Al-Wasaf*. It also blocked Adenpress.com, a Web site that covered the southern demonstrations, and it allegedly blocked and changed content on Yemenhurra.net, a Web site that covered the Saada conflict.

On February 8, the al-Baidhappress Web site was pirated and its database destroyed because of its critical coverage of political events in the country, according to WJWC.

On May 30, the al-Haq party's Newomma.net was hacked, links deleted, and an article against the party posted.

The International Telecommunication Union estimated in September that the country in 2008 had 370,000 Internet users (1.6 percent penetration). Many could not afford the Internet or were unfamiliar with the equipment and services needed to access it. Internet access was available from homes or Internet cafes in major urban areas.

The government limited the Internet content its citizens could access through commercially available filtering technology and control of its two Internet service providers, TeleYemen (operators of the service YNET) and YemenNet via the Ministry of Telecommunications and Information Technology. Human rights organizations and other NGOs complained that the government restricted what journalists wrote and how citizens used the Internet through a variety of intimidation tactics.

#### Academic Freedom and Cultural Events

The government restricted academic freedom, purportedly to prevent the politicization of university campuses. Political parties frequently attempted to influence academic appointments, as well as university faculty and student elections. During the year security officials were present on university campuses and at intellectual forums. PSO representatives had permanent offices on the campuses. Government informers monitored the activities of professors and students, especially those who were alleged affiliates of opposition parties. Authorities reviewed prospective university professors and administrators for political acceptability before hiring them and commonly showed favoritism toward affiliates or supporters of the ruling GPC party.

In December authorities suspended political science professor Abdullah Faqih, one of the country's leading academics, from teaching at Sana'a University because his lectures were deemed offensive to the president. Earlier in the year, the PSO temporarily banned a book written by Faqih on political citizenship in the country because it was deemed too controversial.

Authorities intermittently enforced a ban on new student associations at Sana'a University. Opposition sources contended that authorities did not enforce this regulation against GPC-affiliated organizations.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The law provides for freedom of assembly, but the government limited this right in practice. The government requires a permit for demonstrations and issued permits routinely. Government informers monitored many meetings and assemblies.

The government banned and disrupted some demonstrations, allegedly to prevent them from degenerating into riots and violence.

On May 26, security forces in Mukallah prevented a demonstration called to support detained journalist Foud Rashed; they detained and questioned dozens of protesters.

On October 6, military personnel attempting to break up a sit-in for press freedom in Sana'a physically abused journalist and human rights advocate Tawakul Karman and other activists. The military took demonstrators' banners and broke cameras.

On October 22, police arrested 20 persons in Taiz when they attempted to hold a demonstration calling for increased development for the region. The government said the protesters did not have the appropriate permit.

On November 30, police banned demonstrations by the southern protest movement marking the United Kingdom's 1967 withdrawal from the southern part of the country. The government said it imposed the ban after two northerners were killed while traveling through the south in the days before the scheduled protests. Police arrested hundreds of persons planning to participate in the demonstrations.

The southern protest movement that began in 2007 with a group of forcibly retired military and civilian officials from the PDRY grew during the year into a widespread political coalition across the southern governorates. The expanded movement has grown increasingly vocal in its calls for secession from the central government in Sana'a and has organized dozens of peaceful demonstrations in support of its cause. In response, the government conducted mass arrest campaigns before and during demonstrations organized by the southern protest movement and fired on demonstrators frequently throughout the year.

In 2008 security forces attempted to break up peaceful political demonstrations across the southern governorates using tear gas and live ammunition. Such actions occurred at a protest in Aden in January, leading to three deaths and 10 injuries; a March sit-in in Dhale'; and at massive rallies in Aden and Dhale' in July.

#### Freedom of Association

The law provides for freedom of association, and the government nominally respected this right in practice, but the ruling party retained control of professional associations by influencing internal elections and subsidies. According to local observers, there were approximately 20 legally recognized NGOs independent of the ruling party operating in the country.

All associations, including NGOs, are required to register annually with one of four ministries: social affairs and labor (MSAL), culture, education, or vocational training and technical education. The government cooperated to varying degrees depending on the issues with the country's more than 6,000 civil society organizations, including human rights NGOs, according to the MOHR. All registered associations were by law provided with an annual stipend, although in past years some organizations such as the Yemeni Journalists Syndicate said they did not receive their government stipends. Some ministries reportedly harassed NGOs critical of the government by denying their annual registration and subsidy. Unlike in previous years, the MSAL registered HOOD for a five-month trial period in July. After many months of denials, authorities finally renewed WJWC's license in March. Both HOOD and WJWC are frequently critical of the government.

In 2007 the government dissolved the opposition al-Haq party for reportedly violating the political parties law. Civil society observers claimed the government abolished the party because of its affiliation with the Houthi rebels and for its Zaydi appeal (see section 3). There were no political parties dissolved during the year.

#### c. Freedom of Religion

The constitution does not protect or inhibit freedom of religion. The government generally respected religious freedom in practice, but there were numerous violations and restrictions. The constitution declares that Islam is the state religion and that Shari'a is the source of all legislation.

The government's respect for religious freedom decreased during the year. For the second year in a row, the government allowed the population of Saada to commemorate Ghadeer Day, a holiday celebrated by some Shia. However, government actions to counter the increase in political violence restricted some religious practice, especially concerning uprisings by Zaydi Shia Houthi rebels in northern Saada governorate.

During the year community activists said the government engaged in a number of discriminatory practices against Zaydis, including forced closure of mosques and schools; replacement of Zaydi imams with Sunni clerics; and widespread arrests of scholars, imams, and persons with Zaydi-affiliated surnames. They also reported that NSB and PSO officials commonly monitored sermons in Zaydi mosques in Sana'a.

An October 2008 HRW report detailed similar practices, including government repression of Hashemite preachers and scholars in Zaydi religious institutions and mosques. In 2008 HRW documented 14 cases of arrests in which Hashemite identity or profession as a Hashemite scholar or preacher appeared to be the paramount reason for the arrest.

The government also reportedly limited the hours mosques were open to the public and reassigned some imams who were thought to espouse Shia ideology or Zaydi doctrine, replacing them with Shafi'i or Salafi preachers.

Non-Muslims 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. The government enforced this prohibition. The government required permission for the construction of all places of worship. The constitution prohibited non-Muslims from holding elected office, although they may vote.

Under the government's interpretation of Islam, the conversion of a Muslim to another religion is considered apostasy, which the government considers a crime punishable by death. There were a few reports of arrests in cases related to proselytizing or apostasy during the year.

No new information was available at year's end in the June 2008 case of a convert to Christianity and two associates who were reportedly arrested in Hudeidah for "promoting Christianity and distributing the Bible" and transferred to a Sana'a jail.

There were no updates in the June 2008 case of seven Baha'is (two Yemenis, four Iranians, and one Iraqi) who were arrested and ordered to leave the country or face deportation.

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

Catholics, Protestants, Ethiopian Orthodox Christians, Jews, and Baha'is held services without government interference.

Public schools provided instruction in Islam but not in other religions. Most non-Muslims were foreigners who attended private schools. Jewish private schools taught Hebrew and Judaism.

In 2007 the government shuttered 1,500 schools, bringing to 4,500 the total number of schools closed for allegedly deviating from educational requirements or promoted militant ideology, and it reportedly continued to close an unknown number of schools during the year. The Ministry of Endowments and Religious Guidance reportedly opened government-approved schools in the areas where schools had been closed. The government prohibits private and national schools from teaching courses outside the officially approved curriculum.

The government deported foreign students found studying in unlicensed religious schools. There were credible reports that authorities banned publishing of some materials that promoted Zaydi-Shia Islam.

The ministry reported that it conducted several training sessions and workshops targeted at imams and other religious clerics with the goal of promoting moderation and tolerance.

#### Societal Abuses and Discrimination

Social pressure excluded Jewish citizens, who numbered fewer than 250 in the country, from certain occupations, and they are not eligible to serve in the military or federal government.

Isolated incidents of anti-Semitism continued during the year. Due to a marked increase in violence and harassment from their Muslim neighbors, approximately 100 of the 250 Jews living in Amran governorate left the country during the year.

Jewish residents of Rayda and Bait Harrash in Amran governorate experienced continued acts of violence, threats, and harassment by their Muslim neighbors. In 2008 a bullet was fired into a water tank on the roof of one of the community's homes while a member of the family was on the roof. Government authorities investigated the case and arrested the perpetrator, who was incarcerated for several months.

In December 2008 a religious extremist allegedly killed Moshe Yaish Nahari, a prominent community member and teacher in Reyda. Authorities immediately arrested the man accused of the killing and tried him in a local court. In April the court found him guilty, ordered him to pay a fine, and sent him to a mental health facility for treatment. An appeals court sentenced him to death in June, but the case was ongoing at year's end. In the weeks following the murder, the Reyda

Jews reportedly could not leave their homes, Jewish children stopped going to school for fear of further violence, and many community members began making plans to leave the country.

In December 2008 an explosive device was thrown at a Jewish home. The government appeared unwilling or unable to increase security for the remaining Jewish population; perpetrators of violence against the community generally went unpunished.

In 2007 the historic Saada community of 45 Jews was relocated to Sana'a after a follower of the Houthis threatened it. Since fleeing their homes, the community has been under government protection in Sana'a. In April 2008 a group of men entered, ransacked, and destroyed two homes in Saada governorate that belonged to a member of the Jewish community living in Sana'a. The attack was believed to have been the work of Houthi rebels.

During the year Zaydis--especially in the northern governorates of Sana'a, Amran, and Saada--continued to report harassment and discrimination by the government. There were reports that the government removed Zaydi imams from their positions in mosques, monitored their speech, and ignored defamatory literature published by Salafi institutions against Zaydis. Authorities reportedly targeted and harassed Sayyid Zaydi families, who are believed to be descendants of the Prophet Muhammad.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government respected these rights 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. The government also obstructed domestic travel by refusing to issue travel permits to areas deemed "dangerous," and the army and security forces maintained checkpoints on major roads. IDPs were a significant problem across the northern governorates.

In certain areas, armed tribesmen frequently operated their own checkpoints or operated them alongside military or security officials; they subjected travelers to physical harassment, extortion, or theft.

According to the law, government officials required women to have the permission of 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 and that authorities strictly enforced this requirement when women traveled with children. During the year authorities reportedly turned back several women at the airport because they did not have the permission of, or were not accompanied by, a male relative.

Security officials at government checkpoints often required immigrants and refugees traveling within the country to show that they possessed resident status or refugee identification cards. There were reports that at times local officials did not honor official documents.

The law prohibits forced exile, and there were no reports of forced exile during the year.

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

Internally Displaced Persons

The sixth round of fighting in the five-year conflict in Saada between the government and the group of rebels led by Abdul-Malik al-Houthi broke out in August, and fighting continued at year's end. Although there were no reliable approximations, it is estimated that tens of thousands were displaced as a result of the fighting (see section 1.g.). The Office of the UN High Commissioner for Refugees (UNHCR) estimated there were more than 175,400 IDPs in the four northern governorates of Saada, Hajja, Amran, and Jawf. Most IDPs lived outside official refugee camps wherever they could find shelter, including under trees and bridges and in school buildings. For the first time, fighting took place in the capital of Saada, traditionally a gathering point for IDPs from the governorate's rural areas. At times both the government and the Houthi rebels, who according to journalists controlled the majority of territory in Saada, limited access to the region, preventing food and medical supplies from reaching IDPs. The IDPs were unable to return home by year's end. Journalists reported that many of the IDPs were starving and lacked basic requirements such as clean water, food, and medicine. The UNHCR reported that IDP children showed signs of chronic malnutrition and did not attend school.

#### Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The government does not have a national law addressing the granting of refugee status or asylum in accordance with the convention and protocol, and the government has not established a system for providing protection to refugees. In practice the government sometimes provided protection against the return of persons to a country where there is reason to believe they fear persecution. The government continued to grant refugee status to Somalis who arrived in the country after 1991. Non-Somali asylum seekers must undergo an individual refugee status determination conducted by the UNHCR, as the government has no ability to conduct refugee status determinations on its own. Since 2007 the government has challenged the ability of the UNHCR to perform refugee status determinations for non-Somalis. Immigration authorities have deported some non-Somalis without giving the UNHCR access to conduct screenings. The government does not issue documentation to any non-Somali asylum seekers, according to an HRW report issued during the year.

The government continued to provide temporary protection for thousands of individuals from Iraq and the Darfur region of Sudan who may not qualify as refugees, although there were some reports of deportations. There were reports that authorities denied some Iraqis readmission into the country, blocking them from reuniting with their families.

Generally, authorities allowed refugees to work and travel freely within the country, although refugees faced some difficulties. There were reports of refugees refused employment or passage at checkpoints because they lacked legal documentation. Refugee children attended local schools, although facilities were limited and could not meet the demand in full.

In 2005 the government and UNHCR signed a memorandum of understanding to establish six registration centers to register and provide greater legal protection to refugees. To date, only one of these centers, located in Sana'a, has been opened. The UNHCR operated three reception centers in the south of the country, the newest of which opened in March 2008. The replacement of the head of the security force has reduced harassment and abuse by security forces at a Somali refugee camp. Some potential asylum seekers have been imprisoned while their status determinations were pending with the UNHCR, which had uneven access to these refugees; authorities generally released refugees 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, but there were limitations in practice. The president, who has been in office since 1978, held almost total decision-making authority. The president appoints the prime minister, who presides over a 35-member cabinet

chosen by the president. The latest cabinet reshuffle occurred in May 2008. In practice the president, in association with the ruling GPC party, dominated the government. The president can dissolve parliament, in which three parties were represented, and the parliament was not an effective counterweight to the executive branch.

#### Elections and Political Participation

Parliamentary elections scheduled for April were postponed for two years in an agreement the ruling GPC party and the six opposition Joint Meeting Parties (JMP) signed in February after the two sides failed to agree on electoral reform. As a result of this agreement, the parliament officially voted in April to extend its current six-year term by two years in order to avoid violating the constitution.

In December the government held hastily prepared by-elections for 12 vacant parliamentary seats, boycotted by the opposition JMP. The ruling GPC party won 10 seats, with two going to independent candidates.

In May 2008 the local councils of each of the 21 governorates elected governors. The election of governors, whom the president previously appointed, was proposed as an important step toward the decentralization of power. The influence of the ruling party in the majority of the local councils and a boycott by the opposition, however, resulted in continuing ruling party dominance.

According to a report by an international NGO, the 2007 by-elections in Aden and Ibb took place in a generally peaceful and orderly manner with only a few violations involving voting places for women.

According to local and international observers, the 2006 presidential and local council elections were considered open and competitive and a marked improvement over previous elections. For the first time, opposition candidates contested the presidential elections and had equal coverage in government-owned broadcast and print media. There were problems with voter registration, redistricting, and ballot counting, isolated incidents of election-related violence, and use of state resources on behalf of the ruling party.

Ali Abdullah Saleh won a seven-year term in the 2006 election, the country's second nationwide direct presidential race, securing 77 percent of the votes. JMP candidate Faisal bin Shamlan scored 22 percent. The remaining three opposition and independent candidates had less than 1 percent each. According to the Supreme Council for Elections and Referenda (SCER), approximately 65 percent of eligible voters participated in the elections, and approximately 42 percent of the voters were female.

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

As reported by NGOs, poorly trained administrative staff, registration of a large number of underage and dead voters, and interference by security officials marred the 2006 voter registration process. The JMP refused to participate in the voter registration process due to allegations of SCER bias. The SCER therefore recruited voter registration staff on short notice and without meaningful training.

Opposition parties or local constituencies never received a searchable electronic copy of the registration list to enable them to verify voter lists before the election. There were reports that the SCER mistakenly removed eligible voters from lists in several constituencies. Many constituencies were redistricted a month before the election with new boundaries

widely viewed as favoring the ruling party. Ballots for the local council elections went uncounted in some constituencies or were not secured after the count.

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 further 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 may 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 has been the dominant party since unification of the country. It controls 238 of the 301 seats in parliament. Islah, the largest opposition party, controls 46 seats. At times tribalism distorted political participation and influenced the central government's composition. Observers noted that individuals often were selected to run for office or given jobs in particular ministries based on their tribal affiliations. Because patriarchal systems dominated tribal areas, some tribal leaders reportedly influenced tribal members' votes.

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 YSP, including land and buildings seized after the 1994 civil war. In 2005 the president publicly accused two minor parties of attempting to overthrow the government by fomenting the Houthi uprising. Armed men seized the headquarters of the Union for Popular Forces, and the party was reconstituted under duress.

In 2007 the government dissolved the al-Haq Party for reportedly violating the political parties law. Civil society observers claim the government abolished the party because of its affiliation with the Houthi rebels and for its Zaydi appeal.

Women voted and held office, but increasingly conservative cultural norms rooted in tribal traditions and patriarchal religious interpretation often limited their exercise of these rights. 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. The SCER women's department, responsible for addressing gender equality in the electoral process, conducted informational campaigns prior to the 2006 elections on the importance and mechanism of voting. In the elections, 164 women competed in local and provincial councils, and 38 won seats. Women's rights activists and female parliamentary candidates accused the ruling party and authorities of rigging the elections against women.

Many members of the Akhdam community, a small ethnic minority descended from East Africans, did not participate in the political process due to socioeconomic factors and discrimination. There were no members of minority groups in parliament or the cabinet.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. The World Bank's Worldwide Governance Indicators reflected that there is a serious corruption problem, and a perception of corruption in every branch and level of government was widespread. Government officials and parliamentarians were presumed to benefit from insider arrangements and embezzlement.

Procurement was a regular source of corruption in the executive branch. The high tender board was established in 2007 to review government tenders up to 213 million riyals (\$1,000,000) and assess them for legality. The board conducted training sessions for government officials during the year.

The Central Organization for Control and Audit (COCA) is the country's national auditing agency for public expenditures and investigative body for corruption. COCA presented its reports to parliament but did not make them publicly available. The president appointed its top officials. In cases involving high-level officials, COCA submitted reports directly to the president, who had the power to veto them. Only low-ranking officials have been prosecuted for corruption since COCA's inception in 1999. The actual number of corruption cases was generally considered significantly higher than reported.

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

The independent Supreme National Authority for Combating Corruption (SNACC) includes a council of government, civil society, and private sector representatives. In 2007 parliament elected 11 members to the SNACC, whose chair and deputy chair serve a two-and-a-half-year term and can serve another two-and-a-half-year term, subject to SNACC consent, whereas regular SNACC members can serve only one five-year term. The SNACC did not investigate any high-profile corruption cases during the year. Of the 100 cases pending in the SNACC, only one person had been officially charged with corruption. The public prosecutor's office, which conducts investigations into cases referred to it by the SNACC, reported that it investigated 2,400 cases in 2008.

Yemen Parliamentarians Against Corruption (Yemen PAC), the local branch of Arab PAC, was founded in 2006 to fight corruption by legislative branch action. Yemen PAC monitors the activities of anticorruption institutions like the SNACC and provides limited oversight for their activities. It also attempted to push anticorruption laws through parliament. During the year the group formed and worked with anticorruption networks across the country, including in Marib, Taiz, and Aden governorates, and established local monitoring and awareness committees.

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; in practice the government offered few procedures to ensure transparency. The law requires public disclosure of government officials' assets, and the SNACC worked to implement this requirement during the year. The government provided limited information via the Internet; however, few citizens had access to the Internet.

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Domestic and international human rights groups operated with varying degrees of government restriction, generally investigating and publishing their findings on human rights cases with little constraint. NGOs reported that government officials were not always cooperative and responsive to their views. The law for associations and foundations regulates the formation and activities of NGOs. The law exempts NGOs from taxes and tariffs and requires the government to provide a reason for denying an NGO registration, such as if it perceives an NGO's activities as detrimental to the state. It also requires that any organization have at least 41 members to continue operations and forbids them from involvement in political activities.

The law permits some foreign funding of NGOs and requires government observation of NGOs' internal elections. In 2008 the MOHR sponsored several initiatives to advance cooperation with local NGOs such as the Yemeni Women's Union and Violence Against Women.

Domestic human rights NGOs operated throughout the year. Although progovernment NGOs received support from the government or ruling party, others received support from opposition parties or were fully independent. Some of the most active included the Human Rights Information and Training Center, HOOD, YOHR, the Democracy School, Media Women

Forum, the Arab Sisters Forum for Human Rights, YODPRL, Seyaj, Shawthab Foundation, National Organization for Developing Society, Society for the Development of Women and Children, and the WJWC.

Some NGOs limited their activities to avoid negative government attention. Some ministries reportedly harassed NGOs critical of the government by delaying the procedures required for annual registration and licensing and through bureaucratic funding criteria. In 2007 the MSAL refused to reissue the license for the Arab Sisters Forum for Human Rights due to its criticism of the government for limiting media freedom. The group received a temporary two-year license from the government during the year. The government requires NGOs to register annually or be declared illegal, but NGOs that were not granted licenses continued to operate during the year. In some instances, the government reportedly registered a progovernment clone version of an NGO, 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 resubmitted under a new name. The government reportedly did not process some registration applications and placed unofficial freezes on new licenses ahead of the 2007 by-elections.

The government monitored NGO finances. The government reportedly used financial reviews as a pretext to harass or close NGOs, and some NGOs allegedly kept less than transparent records.

The government provided AI, HRW, the EU parliament, and the Committee to Protect Journalists limited access to records, detention centers, and prisons. The ICRC maintained a resident office to inspect prisons during the year, although access to PSO prisons was suspended. The ICRC also carried out humanitarian missions in Saada to support displaced populations during the war. The ICRC, Islamic Relief Yemen, the UNHCR, the UN Children's Fund, the UN World Food Program, and the UN Food and Agriculture Organization provided humanitarian assistance to Saada's displaced population. The ICRC did not face governmental restrictions in providing humanitarian assistance, but because of the dangerous security situation in Saada, it was unable to respond to emergencies in an adequate manner. Other organizations reported significantly restricted access to conflict areas of Saada that hindered their ability to support the displaced population.

The MOHR attempted to raise awareness of human rights via public information campaigns, training of civil society organizations, and participation in numerous conferences in cooperation with NGOs. During the year the MOHR launched what it described as a major campaign to educate citizens about their rights under the law. The MOHR donated computers to orphanages and juvenile centers in 2008. The MOHR also presented regular reports regarding its international commitments, such as a report on economic, social, and cultural rights and an antiviolenence report.

During the year the parliamentary committee on human rights was largely inactive, as was the consultative council's committee on human rights.

#### Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law provides for equal rights and equal opportunity for all citizens. The government did not effectively enforce the law. Discrimination based on race, gender, and disability remained a serious problem. There was no specific discrimination based on social status with the exception of the Akhdam. Entrenched patriarchal cultural attitudes limited women's access to equal rights.

#### Women

The law criminalizes rape, although spousal rape is not criminalized because a woman may not refuse sexual relations with her husband. The government did not effectively enforce the law. The punishment for rape is imprisonment up to 15 years; however, the maximum sentence had never been imposed. There were no reliable statistics on the number of

rapes. Most rape victims did not report the crime for fear of shaming the family and incurring violent retaliation. Rape victims were often prosecuted on charges of fornication after the perpetrator was freed. According to the law, if the accused does not confess, the defense must provide four female or two male witnesses to the crime. The government had yet to introduce DNA technology in criminal rape cases, and without witnesses cases were difficult to prosecute. Flagrant corruption often hindered investigation of rape cases. A leading local women's rights organization asserted that the judicial system failed to bring justice to victims of rape.

The appeals process for the 2003 rape case of Anisa al-Shuaibi was ongoing at year's end. In April 2008 a judge convicted one of her three assailants, whose prison sentence was postponed, and awarded Al-Shuaibi one million riyals (\$4,854) as compensation. In 2003 Al-Shuaibi was detained and charged with the murder of her husband, who was later found alive. During her illegal detention, two high-level CID officers allegedly raped and tortured her.

The law provides women with protection against violence, but the law was rarely enforced. Although spousal abuse occurred, it generally was undocumented. In June 2008 a government report disclosed 2,964 cases in 2007 of violence against women. Of those cases, 130 resulted in death, and 970 in injuries. Violence against women and children was considered a family affair and usually went unreported to police. Due to social norms and customs, an abused woman was expected to take her complaint to a male relative (rather than to authorities) to intercede on her behalf or provide sanctuary to avoid publicizing the abuse and shaming the family.

A small shelter for battered women in Aden assisted victims, and telephone hotlines operated with moderate success in Aden and Sana'a. The MOHR announced in 2007 it was launching a nationwide hotline to receive complaints about abuses of human rights, but it did not receive any calls during the year due to cultural sensitivities, according to the MOHR.

The media and women's rights activists continued to investigate and report on violations of women's rights. During the year NGOs sponsored several women's rights conferences dealing with issues such as violence against women, increasing the political representation of women, and economic empowerment. The Ministry of Information broadcast programs on official television and radio stations promoting women's rights during the year.

The penal code allows leniency for persons guilty of committing an honor crime, a violent assault or killing committed against women for perceived immodest or defiant behavior. The law does not address other types of honor crimes, including beatings, forced isolation, imprisonment, and forced early marriage. The law regarding violence against women states that a convicted man should be executed for killing a woman. A husband who kills his wife and her lover may receive a maximum sentence of a fine or imprisonment for up to one year.

Prostitution is illegal, but it was a problem, particularly in Aden and Sana'a. Many prostitutes were third-country nationals who had traveled to the country looking for employment as domestic workers. There were reports that underage citizen girls worked as prostitutes in major cities. The punishment for prostitution is imprisonment for as long as three years or a fine. The MOI and PSO tolerated and unofficially facilitated prostitution and sex tourism through corruption for financial and operational gain. Although no laws addressed sex tourism, it was a problem, particularly in Aden and Sana'a.

There are no laws prohibiting sexual harassment, which occurred both in the workplace and in the streets.

There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children. However, societal pressure, a lack of women's education, and the young age of marriage for many women and girls meant that many women in reality had little control over reproduction. Contraception was available in cities, although it was cost prohibitive for much of the population. Most women gave birth at

home without skilled attendance and did not see a doctor during their pregnancies or after delivery. Information was not available regarding diagnosis and treatment of sexually transmitted infections.

Social custom and local interpretation of Shari'a discriminated against women. Men were permitted to take as many as four wives. There was no minimum age of marriage, and some girls married as young as age eight.

A husband may divorce a wife without justifying the action in court. A woman has the legal right to divorce, but she must provide a justification, and there are practical, social, and financial considerations that impede women from obtaining a divorce.

Women who seek to travel abroad must obtain permission from their husbands or fathers to receive a passport and to travel, according to the law. Male relatives were expected to accompany women when traveling internationally, but enforcement of this requirement was inconsistent. Some women reported they traveled freely without male escorts.

Some interpretations of Shari'a prohibit a Muslim woman from marrying a non-Muslim man. 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, but they may confer citizenship on children born of a foreign-born father 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 residency 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 to the MOI proof of her parents' approval. A foreign woman who wishes to marry a male citizen must prove to the ministry that she is "of good conduct and behavior" and "free from contagious disease."

According to the Ministry of Public Health and Population, approximately 67 percent of married women and 33 percent of men were illiterate. The high illiteracy rate had a significant effect on women's participation in the 2006 elections, limiting access to information on campaigns and political rights. Election observers also noted that illiteracy helped to perpetuate the belief that women were incapable of holding public office. The fertility rate was 6.2 children per woman, according to the Ministry of Public Health and Population. Most women had little access to basic health care.

Women in the south, particularly in Aden, were generally 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 conservative cultural pressure from the north and economic stagnation.

The law stipulates that women are equal to men in employment rights, but women's rights 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 MSAL there were more than 170 NGOs working for women's advancement. The Arab Sisters Forum for Human Rights worked with other NGOs, the government, and donor countries to strengthen women's political participation. The Yemeni Women's Union and Women's National Committee (WNC) conducted workshops on women's rights. The Arab Sisters Forum, with funding from the Netherlands, established a four-year project aimed at providing protection against violence for women and children.

#### Children

Children born to at least one citizen parent are eligible to receive citizenship. Children born in the country who do not have at least one citizen parent are eligible to file for citizenship, but the government rarely granted it. Children of foreign parents who did not receive citizenship were sometimes excluded from receiving government services, including education.

There was no universal birth registration, and many children, especially in rural areas, were never registered or were registered several years after birth. Hospitals maintained official birth registries, but not all hospitals insisted on registration, and most children were not born in hospitals. Theoretically, children must have birth certificates to register for school, but this requirement was not universally enforced. There were no reports of services being denied to children based on lack of registration.

The law provides for universal, compulsory, and free education from age six to 15; however, compulsory attendance was not enforced, and books and school uniforms raised the cost of attendance to approximately 2,000 riyals (\$9.70) per student per year, which some parents could not afford. Public schooling was available to children through the secondary school level. Attendance was mandatory through the ninth grade, but many children, especially girls, did not attend primary school.

The law provides for free medical care for children who hold citizenship; however, this was not always enforced. Male children received preferential treatment and had better health and survival rates.

The law does not define or prohibit child abuse, and there was no reliable data on its extent.

The law prohibits female genital mutilation (FGM), but it was a pervasive practice in the coastal areas on infants less than 40 days old. Although government health workers and officials discouraged the practice, women's groups reported FGM rates as high as 90 percent in some coastal areas, such as Mahara and Hudeidah. The WNC and the Ministry of Endowments and Religious Guidance provided a manual for religious leaders on women's health issues, including the negative health consequences of FGM.

Child marriage was a significant problem in the country. There was no minimum age of marriage, and many girls were married as young as age eight. A law setting the minimum age for marriage at age 15 was revoked in 1998. The law has a provision that forbids sex with underage brides until they are "suitable for sexual intercourse," an age that is undefined. An Oxfam International study calculated that among 1,495 couples, 52 percent of women and 7 percent of men were married at an early age. The report also highlighted that 15-16 years was generally considered the appropriate age of marriage for girls, depending on region and socioeconomic status. According to the MSAL, the government did not promote public awareness campaigns on the negative effects of child marriage due to the cultural sensitivity of the issue.

Media reports during the year highlighted the problem of child marriage in the country. In December the media reported the case of 12-year-old bride Sally Sabahi, who sought a divorce after two years of being raped by her 21-year-old husband. On September 14, Fawzia Abdullah Youssef, a 12-year-old bride, died after three days in labor; her baby was stillborn. In 2008 Nujoud Ali and Arwa, nine and eight years old, respectively, were forced to marry men in their 30s and subsequently obtained divorces after months of severe sexual and physical abuse. Reem, a 12-year-old girl who was forced into marriage by her father, obtained a divorce during the year after months of legal battles.

There was no law against statutory rape and no legal limits placed on the age for consensual sex.

Reports of child soldiers increased in a number of armed conflicts across the country. According to the NGO Small Arms Survey, direct involvement in combat killed or injured hundreds of children annually.

The intermittent conflict in Saada, which began again in August, reportedly drew underage soldiers fighting for the government and the rebel Houthis (see section 1.g.). The Houthis reportedly used children as runners in between groups of fighters as well as to carry supplies and explosives, according to local children's rights NGO Seyaj. Tribes the government armed and financed to fight alongside the regular army used children younger than 18 in combat, according to reports by international NGOs such as Save the Children.

Married boys, ages 12 to 15 years, were reportedly involved in armed conflict beginning in November 2008 in Amran governorate between the Harf Sufian and al-Osaimat tribes. According to tribal custom, boys who married were considered adults who owed allegiance to the tribe. As a result, half of the tribal fighters in such conflicts were children who had volunteered to demonstrate their tribal allegiance.

#### Trafficking in Persons

The law does not explicitly address or prohibit trafficking in persons, but other sections of the country's criminal code can be applied to prosecute trafficking offenses. The country is a point of origin for children, mostly boys, who are trafficked for forced begging, unskilled labor, and street vending.

There were reports of underage internal sex trafficking during the year. According to a local human rights NGO, an unknown number of women were trafficked from their homes to other regions within the country for the purposes of prostitution.

There were no official statistics available on the number of children trafficked out of the country. Press and NGO reports claimed that approximately 200 children--mostly from northern governorates--were trafficked out of the country to Saudi Arabia each week. The MSAL's child labor unit (CLU) acknowledged that high numbers of children were trafficked into Saudi Arabia for work. The CLU estimated that at least 10 children per day were trafficked into Saudi Arabia. Experts at international and intergovernmental organizations reported that girls younger than 15 years old were trafficked into the commercial sex trade in the three governorates of Mahweet, Aden, and Taiz.

Children were trafficked by adults, older children, and loosely organized syndicates that helped them cross the border by donkey, automobile, or foot. They worked predominantly in hotels, casinos, and nightclubs. Government investigations revealed that extreme poverty was the primary motivation behind child trafficking, and that victims' families were usually 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.

The law, which does not differentiate between children and adult victims, allows for a prison sentence as long as 10 years for anyone convicted of crimes that constitute trafficking in persons. Other laws forbid and punish kidnapping and sexual assault. The child rights law mandates the protection of children from economic and sexual exploitation. The country reported 14 arrests and six convictions for child labor trafficking, but the government did not provide information regarding the sentences. The government reportedly detained and prosecuted victims of trafficking under antiprostitution laws.

The government continued discussions with Saudi Arabian officials to combat child trafficking. The MOHR hotline for child trafficking received four calls during the year.

In an attempt to prevent child trafficking, the MSAL conducted a campaign in regions known as points of origin of trafficked children and educated taxi drivers across the country of the signs and dangers of child trafficking. The MSAL warned potential victims' parents against the dangers of allowing their children to work in Saudi Arabia.

The Department of State's annual *Trafficking in Persons Report* can be found at [www.state.gov/q/tip](http://www.state.gov/q/tip).

#### Persons with Disabilities

Several laws mandate the rights and care of persons with disabilities, but there was discrimination against such persons. By law 5 percent of government jobs should be reserved for persons with disabilities, and the 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 accessibility of buildings for persons with disabilities.

Authorities imprisoned persons with mental disabilities who committed crimes without adequate medical care. According to the MOHR, nurses and doctors watched the inmates. In some instances, authorities detained without charge persons with mental disabilities and placed them in prisons with criminals. The MOI reported that at times, family members brought relatives with mental disabilities to MOI-run prisons, asking officers to imprison the individuals. At year's end MOI-run prisons in Sana'a, Aden, and Taiz operated in conjunction with the Red Crescent semiautonomous units for prisoners with mental disabilities; conditions in these units were reportedly deficient. At year's end neither the MOI nor Ministry of Health had acted on a 2005 MOI initiative to establish centers for persons with mental illness.

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

#### National/Racial/Ethnic Minorities

The Akhdam (an estimated 2-5 percent of the population) were considered the lowest social class. They lived in poverty and endured persistent social discrimination. According to a March study by the NGO Save the Children, the Akhdam were the social group most vulnerable to discrimination. The government's social fund for development provided basic services to assist the group.

During the year human rights groups reported that some immigrants of African origin had difficulty in securing MOI permission to marry citizens.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

Homosexual activity is a crime punishable by death under the country's interpretation of Islamic law. There were no lesbian, gay, bisexual, or transgender (LGBT) persons' organizations. There were no reports of official or societal discrimination based on sexual orientation in employment, housing, or access to education or health care, largely because of social pressure not to discuss LGBT issues. Few, if any, LGBT residents were open about their orientation or identity because of heavy societal pressure.

#### Other Societal Violence or Discrimination

There was no societal violence or public reports of discrimination against persons with HIV/AIDS; however, the topic was socially sensitive and not discussed publicly.

#### Incitement to Acts of Discrimination

Two inflammatory government newspapers, *Al Dostor* and *Akhbar Al Youm*, continuously published propaganda for the purpose of slander and incitement to discrimination or violence. In 2007 *Al Dostor* published an article with the names of the country's top 40 female activists, branding them as apostates. The newspaper also printed photos of four of the activists.

#### Section 7 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 with unions facing many impediments in implementation, administration, and networking. It was also difficult for unions to call strikes during the year because of bureaucratic hurdles.

Although not required by law, all current unions are federated within the General Federation of Trade Unions of Yemen (GFTUY), a national umbrella organization. The GFTUY claimed approximately 42,000 members in 21 unions during its 2007 elections. Each union had its own bylaws that organize its internal affairs, including elections. However, bylaws issued by the MSAL require that union elections take place at least every three years with MSAL officials present as witnesses. The GFTUY 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 ruling GPC 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. For example, there were two distinct teachers' unions during the year; one was tied to the ruling GPC party and the other was linked to the opposition JMP coalition. The parties worked separately and sometimes at odds in issues affecting teachers.

The law dictates that only a court order or a union's own members can dissolve a labor union; however, the government did not respect this right in practice. For example, in 2007 the MSAL threatened to dissolve the teachers' union, the technical education syndicate, and the physicians and pharmacists' syndicate, claiming they had not obtained an MSAL-issued license and thus were operating illegally. This announcement from MSAL came after months of sit-ins and demonstrations staged around the country by the teachers' union to demand a pay increase. Union supporters said that the government was worried that the union was collaborating too closely with opposition parties.

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. In reality, a union's ability to strike depends on its political strength and closeness to the ruling party. For example, the physicians and pharmacists' syndicate has never conducted a general strike, while the teachers' union successfully struck for a salary increase.

#### 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. For example, the drivers' union conducts annual negotiations with the government regarding rights and benefits. 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. The MSAL has veto power over collective bargaining agreements, although it has not exercised this power in recent years. 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 law generally protects employees from antiunion discrimination. An employer does not have the right to dismiss an employee for union activities; however, there were reports that private sector employers discriminated against union members through transfers, demotions, and dismissals. The majority of employers in the private sector only register five to 10 employees, which allows them to avoid many social security and labor union regulations. Fewer than 100,000 employees work for companies with more than 100 employees, making it difficult for the vast majority of workers to enjoy

union protection and benefits. Discrimination in the private sector against union members was generally handled privately outside of court.

Employees may appeal any dispute, including cases of antiunion discrimination, to the MSAL. Employees also may take a case to the labor arbitration committee, which the MSAL chairs, composed of an employer representative and a GFTUY representative. Generally, all parties want to resolve cases via the committee system since court proceedings are costly and the system is often corrupt. Although national statistics on how many unionized employees used this system during the year were unavailable, the Hudeidah governorate committee solved 400 disputes in 2008.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports of such practices during the year. Citizen girls were trafficked within the country for commercial sexual exploitation in hotels, casinos, and bars. Their impoverished families forced most of these girls into sex work. A 2005 central statistics organization report indicated that there were more than 400,000 working children under the age of 18 in the country. A local NGO reported that more than 30,000 children worked on the streets of Sana'a. Children were also reportedly trafficked from the country to work as child laborers in other countries, especially from the governorates of Hajja, Hudeidah, and Saada. The NGO blog *Human Trafficking Project* reported in April 2008 that 3,000 Bangladeshis were trafficked to work in the country in conditions close to indentured servitude.

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

The child rights law prohibits child labor; however, the government has not effectively implemented the law.

The established minimum age for employment is 15 years in the private sector and 18 years in the public sector. By special permit, children between the ages of 12 and 15 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. A 2007 report from the NGO Cooperative Housing Foundation (CHF) International stated that children in the country were predominantly employed in agriculture and fishing. 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 where schools were not easily accessible. Local observers reported that half or more of the fighters involved in armed conflict between the al-Osaimat and Harf Sufian tribes in Amran governorate, which broke out in November, were boys ranging from 12 to 15 years of age.

The child labor unit at the MSAL was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement. Due to extensive budget cuts, MSAL employees were unable to travel to conduct their work during the year.

In 2006 the MSAL estimated that there were more than 500,000 working children, ages six to 14 years, and that working children equaled 10 to 15 percent of the total work force. In 2007 CHF International estimated that approximately 52 percent of male children between the ages of 10 and 14 were in the workforce, compared to 48 percent of female children in the same age group. CHF International estimated that 83 percent of working children worked for their families (including street beggars), and 17 percent worked outside the family. According to the MSAL, small factories and shops employed

children working outside the family. The government partnered with the International Labor Organization to offer remedial education, vocational training, counseling, and reintegration of child laborers into schools.

e. Acceptable Conditions of Work

There was no established minimum wage. The labor law provides equal wages for public-sector 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 eight-hour workday; however, many workshops and stores operated 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was seven hours per day from Saturday through Wednesday.

The MSAL 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 lack of MSAL capacity. The MSAL has a vocational safety department that relies on committees to conduct primary and periodic investigations of safety and health conditions in workplaces. Many workers were exposed to toxic industrial products regularly 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.