



## 2008 Human Rights Report: Yemen

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

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Yemen, with a population of more than 21 million, is a republic whose law provides that the president be elected by popular vote from among at least two candidates endorsed by parliament. In 2006 citizens re-elected 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 is a multiparty system, President Saleh's General People's Congress Party (GPC) dominates the government. Although civilian authorities generally maintained effective control of the security forces, there were a few instances in which elements of the security forces acted independently of government authority.

During an ongoing internal conflict that began in 2004, the government used heavy force in an attempt to suppress the al-Houthi rebels in Saada governorate. In May the conflict spread for the first time beyond Saada to Bani Hushaish, a village on the outskirts of the capital. Both sides agreed to a fragile ceasefire in July. Although total deaths resulting from the conflict during the year are unknown, an estimated 1,000 government troops were killed and 3,000 wounded in the month of May alone. No reliable estimates for the number of rebel or civilian deaths were available.

Significant human rights problems persisted. There were limitations on citizens' ability to change their government due to corruption, fraudulent voter registration, and administrative weakness. There were reports of arbitrary and unlawful killings by government forces, politically motivated disappearances, and torture in many prisons. Prolonged pretrial detention, judicial weakness and fiat, serious corruption, and poor prison conditions were also problems. During the year excessive government force was reportedly used against participants in public demonstrations. Arbitrary arrest and detention and other abuses increased, particularly of individuals with suspected links to the Zaydi Shia al-Houthi movement in and around the northern governorate of Saada and to the series of political demonstrations in Lahj governorate in the southern part of the country. International humanitarian groups estimated that in the summer there were as many as 75,000 internally displaced persons (IDPs) as a result of the Saada conflict. By the end of the year, about 6,000 persons were living in refugee camps in Saada. Academic freedom was restricted. Restrictions on freedom of speech, the press, and peaceful assembly increased, and harassment and intimidation of journalists and oppositionists continued. Pervasive and significant discrimination against women continued to occur, as did child labor and child trafficking. The right of workers to associate was also restricted.

### 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 committed arbitrary or unlawful killings during the year. Unlike in the previous year, politically motivated killings by the government or its agents occurred during the year. Security forces reportedly killed or injured suspects during apprehensions and public demonstrations in actions that appear to have been politically motivated.

During protests in the southern governorates that took place throughout the year, security forces killed at least four persons and arrested and injured hundreds.

On January 13, security forces reportedly fired bullets and tear gas at demonstrators in the southern city of Aden, killing Saleh Abubakr al-Sayed, Mohamed Ali Mohamed, and Saleh Talib Saeed. No investigation into their death had been conducted at year's end.

On April 2, security forces in the city of al-Habileen in Lahj governorate reportedly arbitrarily fired upon and killed Abdelfatah Saif Abdullah while he was trying to enter the city. No investigation into his death had been conducted at year's end.

On November 15, police shot and killed 16-year-old Hisham Ahmed Muhsen during clashes between police and protesters demonstrating at a voter registration center in Lahj governorate. The police declined to comment and said they opened fire in self-defense. No investigation had been conducted at year's end.

No investigation had been conducted at year's end into the 2007 deaths of Muhammad Muhammad Ahmad al-Qadi, Muhammad al-Shoaibi, or Hashem Abdullah Yahya Hajar.

There were no new developments in the following unlawful death cases from 2006: Abed al-Osaily, a journalist from the newspaper Al-Nahar; killings in al-Jawf, Lahj, and Dhamar provinces during the time of the presidential and local council elections; and police officer Muhammad Said Abdu while he was in custody.

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

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

Terrorist activity increased sharply during the year. Numerous attacks against government, foreign, and oil interests occurred, causing injuries and deaths.

On January 18, two Belgian tourists and a Yemeni driver were killed in Hadhramout governorate when four gunmen ambushed their four-car convoy. The Yemen Soldiers Brigade (YSB), an al-Qa'ida in Yemen (AQY) affiliated group, later claimed responsibility for the attack in addition to the July 2007 attack on a convoy of Spanish tourists in Ma'rib.

On March 18, mortars fired at a foreign embassy in Sanaa hit a neighboring girls' school. One embassy military guard and several schoolgirls were injured. In a March 21 statement, the YSB claimed responsibility for the attack.

On April 6, three mortars hit residential complex housing Western workers in Sanaa.

On April 30, two mortars hit the Customs Administration parking lot, causing a large explosion adjacent to a foreign

embassy, which many believed to have been the intended target.

In May an AQY affiliated group claimed it mortared the presidential palace in Sanaa, but no official statement was released acknowledging the incident.

In July AQY claimed responsibility for a suicide car bomb attack on a central security forces compound in Hadhramout governorate that killed eight persons.

On September 17, a suicide attack on an embassy in Sanaa killed 18 persons, including seven attackers. Islamic Jihad in Yemen, reportedly a second AQY affiliated group, claimed responsibility for the attack.

The country was contaminated with mines and unexploded ordnance as a result of 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 laid in border areas between the former North Yemen and South Yemen and in the southern governorates. Mines in the southern governorates were unmapped and strewn along beach areas and valleys that lead to the southern coast.

Beginning in April, there were several reports of the use of antipersonnel mines, including antitank and improvised mines, during the conflict in the northern Saada province between government troops and rebel forces led by Abdul-Malik al-Houthi. At least 60 people, including military personnel, were reportedly admitted to hospitals with injuries resulting from mine explosions in Saada. The media also reported at least four deaths from mine explosions in the region during the year.

According to the Yemen Executive Mine Action Center (YEMAC), eight people died from antipersonnel mines during the year. YEMAC tallied at least 18 mine and explosive remnants of war (ERW) casualties in 2007, including 12 killed and six injured. In 2006 there were at least 19 mine and ERW casualties, including seven killed and 12 injured, according to YEMAC.

At year's end YEMAC reported that approximately 215 square kilometers of land remained to be demined.

#### b. Disappearance

During the year there were reports of politically motivated disappearances of individuals associated with southern protests and the conflict in Saada. These disappearances were generally characterized by short-term arrests and releases. Civil society groups accused the government of using sporadic disappearances to intimidate the populace. There were also some reports of tribal kidnappings, traditionally carried out to attract government attention to specific grievances.

On March 31 the Political Security Organization (PSO), a security apparatus reporting to the president, raided the homes of and arrested three leaders of the southern political protests: Hassan Ahmed Baom, Ali Mounasser, and Yahya Ghalib Shuaibi. No information was provided as to their whereabouts until April 4, when a leading human rights organization gained access to them. The PSO released all three men in mid-September.

In March and April the PSO arrested approximately 35 other individuals related to the southern movement, including lawyers and journalists. They were reportedly held in isolation and some were moved from one prison to another to create confusion as to their whereabouts. In September President Saleh pardoned all of the detainees during Ramadan, a tradition in the country, and all were released from prison.

On April 7, security forces took Nahr Abdullah Abdulmalik and other persons from a hotel in Aden allegedly because

of their participation in political demonstrations and sit-ins in the south. No information was provided as to their whereabouts until April 22, when a leading human rights organization gained access to them. Abdulmalik and the others were released on May 26.

On May 21, cleric and chairman of the dissolved al-Haq party's Shura Council Mohamed Miftah was kidnapped and detained in a PSO prison because of his alleged affiliation with the Saada conflict. The PSO denied holding him during his disappearance. He was released on September 12 by a pardon from President Saleh.

On June 30, human rights activist Luay al-Muayed was arrested, reportedly in connection with the Saada conflict. No information was provided as to his whereabouts until his September 12 release.

On July 7, Ali Yahya al-Imad was arrested, allegedly in connection with the Saada conflict. There was no information regarding his whereabouts at year's end.

A leading human rights organization recorded a total of 56 forcible disappearances during the year in connection with the fighting in Saada. Other human rights groups believe the number to be much higher.

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

The law prohibits such practices; however, according to human rights non-governmental organizations (NGOs) and former detainees, authorities tortured and abused persons in detention. The PSO stated in the previous year that torture does not occur at its facilities and 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 will be punished according to the law. The 2008 Amnesty International (AI) report alleged that many detainees were tortured in PSO custody. Reported torture tactics included beatings with fists, sticks, and rifle butts; scalding with hot water; excessively tight handcuffs; prolonged blindfolding; denial of water and access to toilets; 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. Penal law, based on the government's interpretation of Shari'a (Islamic law), permits amputations and physical punishment such as flogging for some crimes. AI reported that floggings occurred during the year in cases related to alcohol consumption and sexual offenses.

Government sources acknowledged that torture occurred; however, they claimed that torture was not official policy.

The domestic NGO National Organization for Defending Rights and Freedoms (HOOD) alleged that Adel al-Azani died on May 18 as a result of torture in a Criminal Investigation Department (CID) prison. Security elements reported that al-Azani's cause of death was suicide. His family, however, affirmed that al-Azani died of torture, reporting that wounds were still visible on his body when they retrieved him from the prison.

During the year, the Ministry of Human Rights (MOHR) reported it received 16 complaints concerning the alleged torture of individuals at the hands of the National Security Bureau (NSB) and the Criminal Investigative Department (CID). Throughout the year the MOHR followed up on cases of torture that were either reported in the press or were forwarded to the ministry from NGOs.

No investigation had been conducted at year's end in the 2007 torture case of Shaif al-Haimi. In January 2007 National Security Bureau (NSB) officers allegedly broke into al-Haimi's house and arrested him on charges of theft and disguising himself as an NSB officer. Al-Haimi alleged that authorities tortured him during his one-month prison detention, paralyzing his right hand. Human rights groups accused the authorities of fabricating the charge of

impersonating an NSB officer as a pretext to involve the NSB. The NSB said al-Haimi injured himself after a partner in crime confessed to their guilt. Al-Haimi was re-arrested and then released for health reasons in October 2007. At year's end he was still awaiting trial in a Ministry of Justice (MOJ) specialized criminal court.

There were reports that the MOI's CID routinely used torture to obtain confessions. Defense attorneys and some NGOs claimed that most confessions introduced as evidence against defendants in criminal courts were obtained through torture. The MOI denied that torture was part of its policy. Local NGOs asserted that in several instances in which prison abuse cases were referred to the Attorney General's office for prosecution, the complainants withdrew their cases after being threatened. Government sources denied this allegation.

The MOHR was unable to provide any updated information on the torture case of Muhammad Saleh al-Amari, which it first reported to the cabinet in June 2007. Al-Amari was detained by the security department for seven months at the Radaa Central Prison in al-Bayda governorate for allegedly refusing to disclose information on a murder case. He said he was tortured during his detention.

Security forces reportedly beat detainees and prisoners during the year.

The 2007 case of Azim Hasan Abdullah al-Wosabi was ongoing at year's end. According to a leading local NGO, al-Wosabi was beaten when he was arrested for stealing in May 2007. He was transferred to a rehabilitation center the day after his arrest with wounds still visible from the beating. Al-Wosabi was released from the rehabilitation center in December 2007. The officer accused of beating al-Wosabi, Jamal Abdul Naser al-Maghreb, was ordered to court during the year. His case was still with the courts at year's end.

During the year, 21 CID detainees who were arrested and held without trial or charges against them in 2006 were released and referred to the public funds prosecution. The detainees, who held a one-week hunger strike in May 2007, said they would sue the CID for material losses and psychological complications resulting from alleged mistreatment in prison, according to the Web site NewsYemen.

On December 14, three foreigners were kidnapped by tribal members in the Bait Bous area of Sanaa. The captives were released unharmed on December 19 after the government reportedly paid the tribe's requested ransom.

#### Prison and Detention Center Conditions

Local and international observers reported that prison conditions remained poor and did not meet internationally recognized standards. The MOHR and a number of NGOs were granted limited access to MOI prisons. The government severely limited access to PSO prisons by independent human rights observers, a claim the PSO denied in 2007.

Many prisons, particularly in rural areas, were overcrowded, with poor sanitary conditions and inadequate food and 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 the authorities.

Women were held separately from men under equally poor conditions. However, men's and women's prisons differed in important respects. By custom, young children and babies born in prison were likely to remain in custody with their mothers. Local tradition requires male relatives of female prisoners to arrange for their release. Female prisoners regularly were held in jail after the end of their sentences when male relatives refused to authorize their release because of the shame associated with the arrest of a female family member.

In some rural and women's prisons, children were held with adults, and pretrial detainees were held with convicted

criminals. Security and political detainees generally were held in separate facilities operated by the PSO.

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, either to punish them for noncriminal actions or to protect them from retaliation. At times such prisons were simply rooms in a tribal sheikh's house. Persons were often detained in such prisons for strictly personal or tribal reasons without trial or judicial sentencing. Although senior government officials did not officially sanction these prisons, there were credible reports of the existence of other private prisons located within government installations.

Persons with mental illness who had committed crimes were imprisoned without adequate medical care. The MOI denied this charge and asserted that nurses and doctors watched over mentally ill detainees. In some instances, authorities detained without charge persons with mental illness and placed them in prisons with criminals. The MOI reported that at times, family members brought mentally ill relatives to MOI-run prisons, asking officers to imprison the individuals. At year's end, MOI-run prisons in Sanaa, Aden, and Taiz operated in conjunction with the Red Crescent semi-autonomous units for prisoners with mental illnesses; conditions in these units were reportedly deficient. In 2005 the MOI requested from the cabinet that the Ministry of Health (MOH) establish centers for mentally ill detainees. At year's end, neither the cabinet nor the MOH had acted on this request.

Limited access was granted to family members of PSO-held detainees, but requests for access by parliamentarians and NGOs to investigate human rights violation claims were routinely denied. PSO argued, however, that visitors failed to comply with proper notification procedures, necessitating refusal of access.

Individuals working for NGOs were allowed to meet with MOI prisoners as private visitors. Representatives of the MOHR met with domestic NGO monitors and responded to inquiries, particularly in matters relating to prisoners. NGOs had no access to CID prisons.

The MOHR stated that it visited nine prisons in nine governorates and four detention centers in Sanaa during the year and in March recommended improvements for prison and detention facility conditions to the cabinet. The MOHR reports that most of its recommendations from the July 2007 report on prisons were implemented, such as the separation of incarcerated adults and minors and providing educational instruction to prisoners.

Since 2004 the International Committee of the Red Cross (ICRC) has suspended visits to PSO prisons, citing a lack of PSO agreement to ICRC's universally applied procedures, which include regular access to and private interviews with all detainees to assess the conditions of detention and treatment. In response to the conflict in Saada during the year, the ICRC sought to visit detainees according to its standard procedures. By year's end no visits had been made and ICRC dialogue with the authorities to obtain access to all PSO places of detention was ongoing.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

The primary state security and intelligence-gathering apparatuses, the PSO and the NSB, report directly to the president. Many of the NSB's duties are not clearly defined and appear to overlap with those of the PSO. The police CID reports to the MOI and conducts most criminal investigations and arrests. The Central Security Organization (CSO), also a part of the MOI, maintains a paramilitary force.

Corruption was a serious problem 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. However, enforcement of this right was irregular and there were no effective investigations reported. MOI also had a fax line for citizens to file claims of abuse for investigation. It was unknown at year's end how many fax complaints MOI received and how many it investigated.

#### Arrest and Detention

The law provides that an individual cannot be arrested unless apprehended in a criminal act or served with a summons. A detainee must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. The law stipulates that a detainee may not be held longer than seven days without a court order. Despite the law, arbitrary arrest and prolonged detention without charge or, if charged, without a public preliminary judicial hearing within a reasonable time were common practices. For example, numerous southern demonstration leaders and persons with alleged associations to the al-Houthi movement were arbitrarily arrested throughout the year and detained for prolonged periods of time. A leading human rights organization asserted that there were more than 200 of these cases during the year.

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

Citizens regularly claimed that security officials did not observe due process when arresting and detaining suspects and demonstrators. Members of the security forces continued to arrest or simply detain persons for varying periods of time without charge, family notification, or hearings. Detainees were often unclear as to the investigating agency, 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 that they detained relatives only when the relatives obstructed justice. Human rights organizations rejected this claim.

The government failed to ensure that detainees and prisoners were incarcerated only in authorized detention facilities. The MOI and the PSO operated extrajudicial detention facilities; both MOI and PSO denied this claim. Unauthorized private prisons also existed. During the year, Yasser Abdullah al-Idrisi, the last of the 2007 Yemen Economic Corporation (YECO) prisoners, was released and referred to the public funds prosecution. In November 2007 a leading local NGO visited an unauthorized private prison within YECO, formally under the Ministry of Defense (MOD), and confirmed that five persons were being detained in a small room adjacent to the main building. The four other detainees were released shortly after the visit.

Other unauthorized private prisons reportedly existed at the National Drug Company, the Yemen Television Corporation, the MOI, and the Ministry of Religious Guidance. Local NGOs considered these prisons unconstitutional and called for their abolition. The MOI claimed it did not operate unauthorized private prisons.

There were numerous reports that security forces arrested hundreds of individuals in relation to the Saada conflict and the southern political demonstrations and detained them without charge.

Members of the security forces continued to detain journalists for publishing articles the government deemed

controversial.

During the year, the government also continued to detain suspects accused of links to terrorism, at times without due process. At year's end it was unknown how many persons the government held on suspicion of terrorist affiliations or activities. A large percentage of the total prison population consisted of pretrial detainees, some of whom had been imprisoned for years without charge. In 2007, a leading human rights NGO estimated the number to be between 50 and 100 persons, attributing the significant decrease to amnesties and prison escapes. In February 2006 the MOI reported that 172 individuals were being held for suspected terrorism links.

#### Amnesty

Prisoners related to the Saada conflict were arrested, released, and rearrested in what local human rights NGOs referred to as a "revolving door" policy. This practice made it difficult to enumerate how many prisoners were released during the year. According to September 2007 press reports, President Saleh ordered the release of 67 prisoners detained on charges of suspected links with the al-Houthi movement. In October 2007, Saleh granted a general amnesty and released approximately 300 prisoners on the occasion of Eid al-Fitr.

#### e. Denial of Fair Public Trial

The constitution provides for an autonomous judiciary and independent judges; however, a weak judiciary was severely hampered by corruption and executive branch interference.

Many 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 judiciary was further hampered by the government's frequent reluctance to enforce judgments. Tribal members at times threatened and harassed members of the judiciary.

The judicial system is organized in a three-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 taken in the courts of first instance may be appealed to the Courts of Appeal, of which there is one in each province and one in the capital. Each Court of Appeal includes separate divisions for criminal, military, civil, and family issues. Each division is composed of three judges.

Above the Courts of Appeal is the Supreme Court, 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 empowered to determine the constitutionality of laws and regulations.

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

A specialized criminal court, not a military tribunal, was first established in 1999 under the MOJ to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts considered to be a "public danger," such as banditry and sabotage. However, cases that were not security-related were referred to this court during the year. According to a leading local NGO, this court does not provide defendants with the same rights provided in the regular courts. AI and local NGOs reported specialized criminal courts to be unconstitutional. Defense lawyers reportedly did not have full access to their clients' charges or relevant government-held evidence and court files.

## Trial Procedures

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

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

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

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

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

## Political Prisoners and Detainees

The number of political prisoners or detainees and conditions in which they were held was unclear. PSO reported in 2007 that no political prisoners were detained in PSO prisons. Human rights activists were able to provide limited data on any such persons, and access to such detainees by local or international humanitarian organizations was severely restricted or not permitted. During the year, there was a significant increase in the number of political prisoners and detainees related to the southern protest movement (see section 1.g.).

## Civil Judicial Procedures and Remedies

The law provides for an independent and impartial judiciary in civil matters; however, there were limitations in practice. In 2006 local NGO HOOD filed the first-ever civil suit against the president, on behalf of Ahmad Ali bin Maeili. Maeili claimed the PSO detained him without charge for six years. After the court rejected the case, HOOD appealed to the Supreme Court. Maeili's case remained with the court of appeals at year's end.

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

The law prohibits such action; however, police forces from the PSO and MOI routinely searched homes and private offices, monitored telephone calls, read personal mail and e-mail, and otherwise intruded into personal matters for alleged security reasons. Activities were conducted without legally issued warrants or judicial supervision. PSO and

MOI rejected these claims. According to the PSO, the attorney general must personally authorize monitoring of telephone calls and reading of 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 officers are accompanied on the search by two neighbors who serve as witnesses.

Local NGOs and journalists reported an increase in interference due to the Saada conflict and southern political discontent. For example, journalist Abdelkarim al-Khaiwani was re-arrested and in June was sentenced to six years in jail for alleged connections with terrorism and the war in Saada. He was released in September. Another journalist who covered both topics, Mohamed al-Maqaleh, was arrested on April 22, allegedly on charges of humiliating the judge in al-Khaiwani's trial. Al-Maqaleh was released on August 29.

Throughout the year various human rights activists and journalists reported receiving repeated threatening phone calls throughout the day and into the night. Activists and journalists charged this is a form of intimidation by authorities attempting to quiet the opposition, most specifically in regard to the Saada conflict and southern political discontent.

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

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

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

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

During the year, fighting continued between the government and the al-Houthi rebels of Saada in the conflict that initially began in 2004. The conflict spread in May to Bani Hushaish, a village on the outskirts of the capital. The government repeatedly used heavy force in an attempt to suppress the rebels' uprising, which was suspended with a fragile ceasefire in July. The government also reportedly used excessive force to suppress southern demonstrations during the year. A leading human rights organization claimed there were more than 200 cases of arbitrary arrests of individuals linked to these internal issues during the year.

According to an October Human Rights Watch (HRW) report, since 2007, the extent of arbitrary arrests and "disappearances," mainly in the context of the Houthi rebellion but also relating to the government's domestic counterterrorism efforts and its crackdown on social unrest in the southern part of the country, expanded. Estimates of the numbers of persons disappeared or detained vary – local NGOs have documented dozens of disappeared persons, and hundreds arbitrarily arrested since 2004. In August, according to HRW, officials spoke of approximately 1,200 political prisoners still detained, some 130 of whom were gradually being released. On August 31, President Saleh ordered the release of 131 detainees arrested in the context of the Saada conflict. On September 24, a credible NGO reported that at least 63 persons remained arbitrarily detained as a result of the Saada conflict.

According to HRW, among those released in August are former mediation committee member Shaikh Salih al-Wajman, who had been jailed at the MOI for two years, and Shaikh Naji Bukhtan and dozens of other detained Houthi loyalists.

During the year HRW investigated 62 cases of disappearance and arbitrary arrest linked to the Houthi rebellion. In nearly all of the cases, arresting officials did not identify themselves or inform the detainee or his family why he was being arrested and where he was being taken. The families of persons forcibly disappeared did not know for weeks or months after their arrest whether their loved ones were alive, who their captors were, or where their relatives were being held.

Despite the July pause in hostilities, security forces continued to arbitrarily arrest persons from the conflict areas. Since 2004, an estimated 130,000 persons have been displaced from their homes in the northern governorates, although some may have returned since July. Displaced persons in the capital remained extremely fearful of arrest. Earlier in the year the government arrested persons who had attempted to visit recent conflict areas to assess damage to their property or to bring trapped relatives to safety.

In 2007 approximately 100 individuals from Saada were reportedly arbitrarily arrested and detained for suspected links with the al-Houthi movement. Authorities forcibly removed approximately 45 individuals, including some minors, from Saada and imprisoned them in the neighboring governorate of Hajja. There were reportedly 50 Saada detainees in Sanaa and 22 in Dhamar at the end of 2007. During the year, many of these were released, but others were arrested. Human rights organizations referred to the Saada arrests as a "revolving door" policy. Local NGOs accused the government of illegal and inhumane treatment of these detainees.

No investigation had been conducted at year's end into the Badr Center intimidation case. In October 2007 the Yemen Times reported that 14 military vehicles loaded with security personnel attacked the Badr Center for Islamic Studies in Sanaa after the head of the center, Dr. Al-Murtadha al-Mohatwari, demanded the releases of Saada detainees. Security authorities reportedly destroyed the main gate of the center.

There were no reliable estimates of numbers of rebels and civilians killed at year's end. An estimated 1,000 government troops were killed and 3,000 wounded in May. International NGOs providing humanitarian assistance in Saada estimated there were approximately 70,000 internally displaced persons (IDPs) from the Saada conflict.

In the wake of the Saada conflict, fighting broke out in November between the al-Osaimat tribe and al-Houthi-aligned Harf Sufian tribe in Amran governorate and continued through December. According to unsubstantiated local reports, half or more of the fighters were children ranging from 12 to 15 years of age.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

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

The Ministry of Information influenced the media through control of printing presses, subsidies to newspapers, and ownership of the country's sole television and radio outlets. Three independent newspapers and no opposition newspapers owned their own presses. According to the Yemeni Journalist Syndicate (YJS), there were approximately nine government-controlled, 50 independent, and 30 party-affiliated newspapers in the country. There were approximately 91 magazines, including 46 private, 27 government-controlled, and 18 party-affiliated

magazines. The government selected the items to be covered in news broadcasts and rarely permitted broadcasts critical of the government. The government televised parliamentary debates and occasionally permitted broadcasts of aggressive criticism of ministries.

Press law specifies that newspapers and magazines must apply annually to the government for licensing renewal and that they must show continuing evidence of 700,000 riyals (approximately \$4,375) in operating capital. There were reports that authorities made the registration process bureaucratically impossible for opposition figures or organizations, while pro-government or tribal newspapers were said to have received licenses immediately. Although exact numbers were unavailable during the year, sources indicated that very few licenses were granted and others were denied outright.

On March 4, according to a leading human rights organization, the Ministry of Information instructed printing houses not to print Al-Sabah weekly newspaper in retaliation for its coverage of protests in the south and for "criticizing the president."

On April 5, Minister of Information Hassan al-Lawzi issued a decree cancelling the license of Al-Wasat newspaper due to its publication of "materials prohibited by the law and against the national unity."

On April 22, Mohamed al-Maqaleh, editor-in-chief of Ishtiraki.net, was arrested on charges of humiliating the judge after laughing in court during the trial of journalist Abdelkrim al-Khaiwani. Al-Maqaleh was released on August 29.

During the year the Ministry of Information also refused to grant journalist Fikri Qasim a license to publish the newspaper Hadith al-Medina (Talk of the Town).

In June 2007 the government suspended the text message news service sponsored by Women Journalists Without Chains (WJWC). The head of WJWC, Tawwakul Karman, unsuccessfully appealed the decision. The government instead suspended all text message news services, eventually restoring all except those of WJWC and the Islah-affiliated Nass Mobile Service. Karman staged sit-ins throughout the summer of 2007 in an attempt to overturn the ruling. At year's end WJWC's news text message service remained suspended, despite a parliamentary order allowing it to be reestablished, according to WJWC.

In August 2007 a group of journalists and human rights activists released a list of individuals and groups responsible for violating press freedom since 2005. Violations included banning the issuance of papers, preventing journalists from practicing their duties, shutting down newspapers, beatings, harassment, and detention. Names of ministers and heads of government offices were included on the list. In November 2007 during a regional civil society conference in Sanaa where the list was displayed on a banner, a member of the PSO confiscated the banner and held it for the remainder of the conference. According to the PSO, the officer involved did not act on official orders and was reprimanded for confiscating the banner.

Physical attacks against journalists continued during the year, along with government harassment, including threats against journalists and their families, brief imprisonment, and personal surveillance.

Harassment of journalists who reported on the Saada conflict continued during the year. According to an October HRW report, the government attempted to prevent news about the details of the Saada conflict from becoming public by preventing journalists and humanitarian workers from going to the conflict zone, by disconnecting all but a select number of mobile telephone numbers in the governorate, by threatening journalists not to report on the conflict, and by arresting persons who transmitted information about the impact of the fighting or who could have such information because they had recently left the area.

On June 30, according to HRW, security forces arrested Lu'ai al-Mu'ayyad, editor of the Web site yemenhurr.net (Free Yemen), where he published critical reports on the Saada conflict. He was released by the end of the year.

On July 20, freelance Dutch journalist and videographer Willem Marx, along with his guide and interpreter, Ali al-Bukhaiti and Muhammad al-Bukhaiti, was stopped at a checkpoint half an hour outside Sanaa on their way to Ma'rib to report on the Saada conflict. They were escorted back to Sanaa by an intelligence officer and a soldier. Ali and Muhammad al-Bukhaiti were detained at National Security offices on the outskirts of Sanaa and Marx was escorted to the airport and summarily deported the same day. Authorities released Muhammad al-Bukhaiti the week of September 13, but Ali al-Bukhaiti remained detained at an unknown location at year's end.

On September 24, President Saleh ordered the release from prison of journalist Abdelkarim al-Khaiwani after he was sentenced to six years in jail on June 9 on charges of conspiring to overthrow the government and belonging to an armed group, the "Sanaa terrorist cell." In August 2007 a group of men, reportedly government officials, forcibly removed al-Khaiwani from the street and put him into a car, where he was beaten. Al-Khaiwani had been released on bail in July 2007 after authorities arbitrarily arrested and detained him. Al-Khaiwani was taken to a remote location in Khawlan district, approximately 9 miles from Sanaa. His captors allegedly tortured him and threatened that if he continued to write against his "masters," he and his wife and three children would be killed. His kidnapers stole his mobile phone and money and left him in Khawlan, after which he went to the hospital.

The July 2007 case of Al Shari'e newspaper was ongoing at year's end. In July 2007, 10 armed men in two military vehicles broke into the office of the newly established Al Shari'e newspaper, reportedly searching for its owners and editors, Nayef Hassan and Nabil Subaie, who were not there at the time. The intruders allegedly confiscated electronics. In July 2007 the defense ministry filed a complaint against Al Shari'e for publishing military secrets in reference to the Saada investigation. According to the law, cases related to the media are arbitrated by the Press and Publication Prosecution Office; however, Subaie and Hassan's cases will be tried by the specialized courts for terrorist-related activity. Al Shari'e is reported to be the first newspaper to be tried in a specialized criminal court.

No investigation had been conducted at year's end into the October 2007 attack on journalist Sadam al-Ashmori, who was attacked by more than 10 men during his coverage of demonstrations at Freedom Square in Sanaa. Al-Ashmori, who works as a freelance reporter for The Yemen Times, suspected that the attackers were plainclothes security officials. Police and other security officials who were present claimed they did not witness the incident.

There were no developments in the following cases: the November 2006 attack and brief detention of al-Jazeera correspondent Ahmad al-Shalafi and his cameraman, Ali al-Baidhani; the March 2006 abduction and assault of Qaed al-Tairi, journalist for the Socialist Party weekly Al-Thawri; the April 2006 attack on journalist Abdulfatah al-Hakimi; and the April 2006 reported death threats against Abed al-Mahthari, editor-in-chief of the independent weekly Al-Deyar.

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, but carried more pro-government 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 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. Most books were approved, but the process was time-consuming. There were reports that both the MOC and the PSO monitored and sometimes removed books from store shelves after publication. A 2005 ban continued on publishers distributing books that espoused Zaydi-Shiite 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 to sites 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 site for the independent weekly Al-Ayyam newspaper. Adenpress.com, a Web site that covered the southern demonstrations, was intermittently blocked during the year. Yemenhurra.net, a Web site that covered the Saada conflict, was blocked at times, and on at least one occasion the content was allegedly changed by government officials.

The International Telecommunication Union estimated in 2007 that 156,000 of the country's population subscribed to the Internet, with 320,000 total users. Many could not afford the Internet, or were unfamiliar with the equipment and services needed to access it. The government limited the Internet content its citizens could access, using commercially available filtering technology and by controlling its two Internet service providers, TeleYemen (operators of the service YNET) and YemenNet, through the Ministry of Telecommunications and Information Technology. Human rights and other NGOs complained that the government restricted what journalists could write and how citizens used the Internet through a variety of intimidation tactics. Limited Internet access was available from homes or Internet cafes in major urban areas.

#### Academic Freedom and Cultural Events

The government restricted academic freedom, claiming it was necessary due to the politicization of university campuses. Political parties frequently attempted to influence academic appointments, as well as university faculty and student elections. During the year security officials were present on university campuses and at intellectual fora. 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 favoritism was commonly shown toward affiliates or supporters of the ruling General People's Congress (GPC) party.

A 2005 ban was intermittently enforced on new student associations at Sanaa University. Opposition sources contended that this regulation was not enforced against GPC-affiliated organizations.

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

##### Freedom of Assembly

The law provides for freedom of assembly; however, the government limited this right in practice. The government required a permit for demonstrations, which it issued routinely. Government informers monitored many meetings and assemblies.

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

On January 13, security authorities violently broke up a demonstration in Aden by southern military retirees,

unemployed youth and opposition figures. According to a leading local human rights NGO, the government reacted with tear gas and live bullets, leading to three deaths, 10 injured, and 27 detained.

On March 30, a sit-in in Dhale' of more than 200 young men protesting the lack of acceptance of southerners into military service was broken up by security authorities with live bullets and tear gas. No deaths or injuries were reported.

On April 6, the opposition coalition Joint Meeting Parties organized a sit-in in Taiz in solidarity with arrested artist Fahd al-Qarni and with those detained in previous demonstrations. This led to the arrest of 10 protestors, who were released the same day.

On April 8, civil society organizations attempted a sit-in in Sanaa to demand the right of freedom of assembly and in solidarity with those detained in relation to the southern movement and the Saada conflict. Security apparatuses, however, blocked access to Freedom Square, the location of the sit-in, and prevented the sit-in from taking place.

On July 7, massive rallies organized by southern activists took place in Aden and Dhale' in which protesters demanded, according to a human rights NGO, "the lifting of the northern military campaign from the southern governorates." Security authorities dispersed the crowds with tear gas and live bullets, and increased the presence of security in southern governorates, including additional roadblocks and checkpoints in Aden. According to a leading human rights NGO, a wide arrest campaign followed in which 306 protesters were detained in Aden, 18 protesters were detained in Dhale', and numerous others were wounded. The same NGO reported that all detainees were released from confinement in September and October.

In August 2007 clashes occurred between security forces and students enrolling at Sanaa University, with one student reported injured and taken to the hospital after a security official beat him on the head with the back of his pistol. Reportedly the incident coincided with student protests against the admissions committee at the Faculty of Trading and Commerce, accusing the faculty of distorting the admissions process.

After the 1994 civil war, the northern government forced thousands of southern military and civilian officials to retire. These individuals have continued to demand reintegration compensation and other redress and were especially active in 2007. Their movement expanded throughout the year with significant southern political support.

#### Freedom of Association

The law provides for freedom of association, and the government nominally respected this right in practice; however, the ruling party retained control of professional associations 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 legally recognized NGOs, which by law were provided with an annual stipend. Some ministries reportedly harassed NGOs critical of the government by denying their annual registration and subsidy. For example, the Yemeni Journalist Syndicate (YSJ) reported it had not been issued its stipend for the year. The MSAL also refused to register Women Journalists Without Chains (WJWC) or HOOD, both NGOs that were often critical of the government.

All political parties must be registered in accordance with the Political Parties Law, which stipulates that each party must have at least 75 founders, verified in a court of law, and 2,500 members. In March 2007 the opposition al-

Haq Party was dissolved for reportedly violating the Political Parties Law. However, civil society observers claim the party was abolished due to its affiliation with the al-Houthi rebels and for its Zaydi appeal. There were no political parties dissolved during the year.

### c. Freedom of Religion

Neither the constitution nor other laws protect or inhibit freedom of religion. The government generally respected religious freedom in practice; however, 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.

Government actions to counter the increase in political violence restricted some religious practice. The government took actions to counter the increase in political violence as a result of the uprisings by the al-Houthi rebels in the northern Saada governorate. Unlike the four previous years, the government allowed the people of Saada to celebrate Ghadeer Day, a holiday celebrated by some Shia. However, media outlets reported that government officials used the occasion to arrest individuals allegedly associated with the Houthis. According to an October HRW report, the government cracked down on Hashemite preachers and scholars in Zaidi religious institutions and mosques, apparently conflating the religious motivations that gave rise to the original Believing Youth movement with armed rebellion. HRW in October documented 14 cases of arrests where Hashemite identity or one's profession as a Hashemite scholar or preacher appeared to be the paramount reason for the arrest.

The government also reportedly limited the hours that mosques were permitted to be 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 and the constitution prohibited non-Muslims from being elected to the presidency or parliament. Non-Muslim citizens may vote but may not hold elected office.

Under 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 reports of arrests in cases related to proselytizing or apostasy during the year.

In June a convert to Christianity and two of his associates were reportedly arrested in Hodeida for "promoting Christianity and distributing the Bible." They were allegedly transferred by the authorities to a jail in Sanaa. Four other associates who evaded capture were also sought by the authorities. No further information was available at year's end.

On June 20, seven Baha'is (two Yemenis, four Iranians, and one Iraqi) were arrested in their homes during raids by police. The two Yemenis were subsequently released. The government released the four foreign detainees in October and gave them two months to leave the country or face deportation. The Baha'is remained in the country at year's end.

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

Catholic, Protestant, Ethiopian Orthodox Christian, Jewish, and Baha'i services were held without government

interference.

Public schools provided instruction in Islam, but not in other religions; however, most non-Muslims were foreigners who attended private schools. Jewish citizens also had private schools where Hebrew and Judaism were taught.

In 2007 the government shuttered 1,500 schools, bringing to 4,500 the total number of schools closed because they were deemed to have deviated from educational requirements or promoted militant ideology. At the same time, the Ministry of Endowments and Religious Guidance reportedly opened government-approved schools in the areas where schools had been closed. Private and national schools were prohibited from teaching courses outside the officially approved curriculum. The Ministry of Endowments and Religious Guidance indicated that an unknown number of school closures continued throughout the year.

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

The Ministry of Endowments and Religious Guidance 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

There were isolated incidents of anti-Semitism. In January 2007 the historic Saada community of 45 Jews was relocated to Sanaa after being threatened by a follower of the al-Houthis. Since fleeing their homes, the community has been under government protection in Sanaa. In April a large group of men entered, ransacked, and destroyed two homes in Saada governorate belonging to a member of the Jewish community now living in Sanaa. The attack was believed to have been the work of al-Houthi rebels.

Jewish residents of Rayda and Bait Harrash in Amran governorate experienced increased acts of violence, threats, and harassment by their Muslim neighbors. In one case, 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 remained incarcerated at year's end.

On December 11, Moshe Yaish Nahari, a prominent community member and teacher in Reyda, was murdered, allegedly by a religious extremist. The man accused of the murder was immediately arrested and his trial was ongoing at year's end.

In the weeks following the murder, the Reyda Jews reportedly could not leave their homes and Jewish children stopped going to school for fear of further violence. On December 14, an explosive device was thrown at a Jewish home.

Jewish citizens, who number fewer than 500 in the country, are excluded from certain occupations by social pressures and are not eligible to serve in the military or federal government. A General Election Committee policy bars all non-Muslims from running for parliament.

Following the January commencement of the third phase of fighting between the al-Houthi rebels and the government, some Zaydis reported harassment and discrimination by the government. Authorities reportedly targeted and harassed Sayyid Zaydi families, who are believed to be descendants of the Prophet Muhammad.

In Dhamar, celebrations of al-Ghadeer, a Shia holiday, in late December resulted in violent clashes that left four killed and six injured.

For a more detailed discussion, see the 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

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

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

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

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

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

The law prohibits forced exile, and 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 in the country illegally. 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 (IDPs)

The fifth round of fighting in the four-year conflict in Saada between the government and the group of rebels led by Abdul-Malik al-Houthi broke out in May. Fighting continued until the government declared a ceasefire in July. At the height of the fighting, HRW estimated there were as many as 70,000 internally displaced persons (IDPs) in Saada governorate. Most IDPs lived in camps or with family in Saada City, the regional capital. The government and the al-Houthi rebels, who still controlled territory in Saada, limited access to the region, preventing food and medical supplies from reaching many IDPs. After the end of fighting in July, some IDPs were able to return to their homes, but thousands remained in camps for fear of retaliation from the al-Houthi rebels, according to the Office of the UN High Commissioner for Refugees (UNHCR). The UNHCR also said IDP children showed signs of chronic malnourishment and did not attend school.

#### Protection of Refugees

The government does not have a national law addressing the granting of refugee status or asylum in accordance with the UN 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice, the government sometimes provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The government continued to grant prima facie refugee status to Somalis who arrived in the country after 1991. Non-Somali asylum-seekers must go through an individualized 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 UNHCR access to conduct screenings.

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 under the 1951 Convention and its 1967 protocol, although there were some reports of deportations. There were continued reports that some Iraqis were blocked from reuniting with their families because they had been denied readmission into the country.

Generally, refugees were allowed to work and travel freely within the country, although they 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. Currently, only one of these centers, located in Sanaa, has been established. The center has yet to open, awaiting approval from the government. UNHCR operates three reception centers in the south of the country, the newest of which opened in March. The harassment and abuse by security forces at a Somali refugee camp in 2006 has been improved by the replacement of the head of the security force. Some potential asylum-seekers have been imprisoned while their status determinations were pending with UNHCR. UNHCR had uneven access to these refugees, but refugees were generally released from prison upon the completion of UNHCR processing.

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

The law provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage; however, there were limitations in practice. Decision-making and effective powers were held by the president, who has been in office since 1978. The president appoints the prime minister, who presides over a 35-member cabinet chosen by the president. The latest cabinet reshuffle occurred on May 19. In practice the president, in association with the ruling GPC party dominated the government. The parliament, in which three parties were represented, was not an effective counterweight to the executive branch and can be dissolved by the president.

#### Elections and Political Parties

After several months of negotiations between the ruling GPC party and the opposition Joint Meeting Parties (JMP), the Supreme Commission for Elections and Referendum (SCER)--the body charged with conducting the April 2009 parliamentary elections--was announced in a controversial parliamentary session on August 25. The three JMP members of the SCER, a nine-member body, refused their appointments. In August the SCER began preparing for the April 2009 elections without the participation of the JMP, who at year's end continued to assert the illegality of the SCER and its actions. Nationwide voter registration took place in November with a boycott by supporters of the JMP. Violent protests occurred in some southern governorates.

On May 17, governors of the 21 jurisdictions were elected by a vote of each jurisdiction's local council. The election of governors, who previously were appointed by the president, was an important step toward the decentralization of power. The dominance of the ruling party in the majority of the local councils, however, meant that these elections did not appreciably reduce ruling party influence. This situation was exacerbated by an opposition boycott.

According to a report by an international NGO, the September 2007 by-elections in Aden and Ibb were conducted in

a generally peaceful and orderly manner with only a few violations. The voting and counting were generally considered to have been fair and efficient; however, there were some delays in opening and closing female sub-committees within voting centers. There were also numerous instances of confusion regarding the voting procedures, especially among illiterate and elderly voters. The report stated that some candidates wrongly used public resources to fund their campaigns, and campaigning continued on election day and in some cases within the polling stations. Military personnel were also employed as members of the field commissions.

According to local and international observers, the September 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 on government-owned broadcast and print media. There were problems, however, with voter registration, redistricting, ballot counting, isolated incidents of election-related violence, and use of state resources on behalf of the ruling party.

Ali Abdullah Saleh was elected to a seven-year term in this election, the country's second nationwide direct presidential race, securing 77 percent of the votes. Faisal bin Shamlan, candidate of the opposition coalition JMP, gained 22 percent. The remaining three opposition and independent candidates had less than one percent each. According to the SCER, approximately 65 percent of eligible voters participated in the elections. Approximately 42 percent of the voters were women. The constitution provides that the president is elected by popular vote from among at least two candidates endorsed by parliament.

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

An international NGO reported that the voter registration process conducted in April 2006 was marred by poorly trained administrative staff, registration of a large number of underage voters, and interference by security officials. Local NGOs also alleged that deceased citizens were registered as voters. The international NGO reported that the opposition coalition JMP refused to participate in the voter registration process due to allegations of bias on the part of the SCER, which conducted voter registration. The SCER therefore recruited staff members on short notice and was not able to provide them with meaningful training before voter registration began.

In 2006 the JMP and the GPC agreed on several items of contention, including the formation of a joint committee to review voter lists with the SCER and decide which names needed to be removed due to technical errors. Although the SCER requested that the courts expunge more than 200,000 names identified as underage or duplicate voters, a searchable electronic copy of the registration list was never provided to opposition parties or local constituencies so they could verify voter lists before the election. There were reports that the SCER mistakenly removed eligible voters from lists in several constituencies.

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

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

Election-related violence during the 30-day campaign period and on election day was markedly lower than in previous elections. The SCER reported that seven people were killed in election-related violence. There were no reports that government security agents killed anyone in election-related incidents.

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

The law stipulates that each party have at least 75 founders and 2,500 members. Parties based on regional, tribal, sectarian, class, professional, gender, or racial identities are not permitted. Candidates from any party 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 and controls 238 of the 301 seats in parliament (elected in 2003). Islah is the largest opposition party, and it controls 46 seats. At times tribalism distorted political participation and influenced the central government's composition. Observers noted that persons were often selected to run for office or given jobs in particular ministries based on their tribal affiliations. Because tribal areas were still run by patriarchal systems, some tribal leaders reportedly influenced tribal members to vote for certain candidates.

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

In 2007 the government dissolved the al-Haq Party for reportedly violating the Political Parties Law. However, civil society observers claim the party was abolished due to its affiliation with the al-Houthi rebels and for its Zaydi appeal.

Women voted and held office; however, 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. In 2005 the SCER established a Women's Department responsible for addressing gender equality in the electoral process. The department conducted informational campaigns on the importance and mechanism of voting prior to the 2006 elections. In the elections, 164 women ran for and 38 won seats on local and provincial councils. Women's rights activists and female parliamentary candidates accused the ruling party and the 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. There were no reports that persons with disabilities were prohibited from participating in the political process.

#### Government Corruption and 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.

In 2006 the Central Organization for Control and Audit (COCA), the country's investigative body for corruption, reported that between its creation in 1999 and 2005, COCA had investigated 518 official cases of corruption, of which 361 were filed with COCA in 2005. The cases represented a loss to the treasury of 4.8 billion riyals (approximately \$24.7 million). At year's end, of the 518 cases, 490 had been sent to the judiciary for action, and the remaining 28 cases were still under consideration. COCA's reports were rendered to the parliament but were not accessible to the general public. Only low-ranking officials have been prosecuted for corruption since COCA's inception. The actual number of corruption cases was generally considered to be significantly higher than what was reported by COCA.

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

In 2006 the president ratified an anticorruption law, creating the first Supreme National Authority for Combating Corruption (SNACC), a new independent authority to investigate cases of official corruption. The authority includes a council of government, civil society, and private sector representatives.

In June 2007 parliament elected 11 members to the SNACC, whose chair and deputy chair will 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. In July 2007 President Saleh signed a decree officially establishing SNACC and chaired SNACC's first meeting. SNACC elected former Minister of Telecommunications Ahmed al-Anesi as chair and Sanaa University associate professor of political science Bilquis al-Osbo'a as deputy chair.

In early June 2007 the local authority fired Director General of Taxes Hussein Ali al-Ameer, Director General of Public Health and Population Fadhl Muhammad al-Akwa'a, and Director General of Electricity Ahmad Sailan on charges of corruption in the Dhammar province.

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. In 2006 parliament passed a law requiring public disclosure of government officials' assets, and the SNACC worked to implement this during the year. The government provided limited information on Internet sites; however, few citizens had access to the Internet.

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

Domestic and international human rights groups 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. This law exempts NGOs from taxes and tariffs and requires the government to provide a reason for denying an NGO registration. However, it also requires that any organization have at least 41 members in order to continue operations and forbids them from involvement in political activities.

The law permits some foreign funding of NGOs and requires government observation of NGO internal elections. During the year the MOHR sponsored several initiatives to advance cooperation with local NGOs such as the Yemeni Women's Union (YWU) and the Violence Against Women network.

Domestic human rights NGOs operated throughout the year. Although progovernment NGOs were supported by the government or ruling party, others were clearly supported by opposition parties or were fully independent. Some of the most active included the Human Rights Information and Training Center, HOOD, the Yemen Observatory for Human Rights, the Democracy School, Media Women Forum, and the Arab Sisters Forum for Human Rights.

Some NGOs practiced self-censorship. 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 Ministry of Social Affairs and Labor (MSAL) refused to reissue the license for the Arab Sisters Forum for Human Rights due to its criticism of the government for limiting press 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. However, NGOs that were not granted licenses continued to operate during the year. WJWC did not receive a license 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 refiled under a new name. The government reportedly did not process some registration applications and placed unofficial freezes on new licenses ahead of the September 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 Amnesty International (AI), HRW, the Parliament of the EU, and The Committee to Protect Journalists (CPJ) 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. ICRC also carried out humanitarian missions in Saada to support displaced populations during the war. Both ICRC and the Islamic Relief and the UN World Food Program continued to provide humanitarian assistance to Saada's displaced population. ICRC did not face governmental restrictions in providing humanitarian assistance; however, because of the dangerous security situation in Saada, it was unable to respond to emergencies in an adequate manner.

The MOHR attempted to raise awareness of human rights via public information campaigns, training of civil society organizations in how to prepare reports, and participation in numerous conferences in cooperation with NGOs. The MOHR also donated computers to orphanages and juvenile centers during the year. The MOHR also succeeded in having the country ratify the Arab Charter on Human Rights and presented several regular reports regarding its international commitments, such as a report on economic, social and cultural rights, and an antiviolenence report.

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

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

The law provides for equal rights and equal opportunity for all citizens; however, the government did not effectively enforce the law. Discrimination based on race, gender, and disability remained a serious problem. Entrenched patriarchal cultural attitudes limited women's ability to access equal rights.

#### Women

The law criminalizes rape, but the government did not effectively enforce the law. The punishment for rape is imprisonment for up to 15 years; however, by year's end, this had not been imposed in any rape case. The rape victim was often prosecuted on charges of fornication after the perpetrator was set free. According to the law, the accused must confess or the defense needs to provide four female or two male witnesses to the crime. The government has yet to introduce DNA technology to criminal rape cases, and without witnesses cases were difficult to prosecute. Rape cases were also often hindered by excessive corruption. A leading local women's rights organization asserted that the judicial system fails to bring justice to victims of rape.

According to the law, a woman may not refuse sexual relations with her husband; accordingly, spousal rape is not criminalized. There are no reliable statistics on the number of rapes. Most women do not come forward, often remaining silent in fear of shaming the family and incurring violent retaliation.

The 2003 rape case of Anisa al-Shuaibi was ongoing at year's end. During the year al-Shuaibi claimed she was attacked by unidentified assailants who threw stones at her. She was also offered a bribe to drop her case. Al-Shuaibi continued to receive threats on her life and those of her children at year's end. In April a judge convicted one of her three assailants, whose prison sentence was postponed. Al-Shuaibi was also awarded one million riyals (approximately \$4,994) as compensation. At year's end an appeals process was ongoing. The CID detained Al-Shuaibi in 2003 with her two children and charged her with the kidnapping and murder of her husband, who was later found alive. According to her lawyers, al-Shuaibi was detained illegally for 38 days in a CID jail, where she was raped and tortured by two high-level CID officers.

The law provides women with protection against violence; however, the law was rarely enforced. Although spousal abuse occurred, it generally was undocumented. Violence against women and children was considered a family affair and usually went unreported to the police. Due to social norms and customs, an abused woman was expected to take her complaint to a male relative (rather than to the authorities) to intercede on her behalf or provide her sanctuary, to avoid making the abuse public and shaming the family.

A small shelter for battered women in Aden assisted victims, and telephone hotlines operated with moderate success in Aden and Sanaa. The MOHR announced in April 2007 it was launching a nationwide hotline to receive complaints on abuses of human rights; it was unclear how many domestic violence cases the MOHR hotline received. Hotline service was interrupted due to technical difficulties, but the MOHR reported work was under way to reactivate it as of the end of year.

The press, women's rights activists, and the MOHR 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 penal code allows leniency for persons guilty of committing a "crime against honor," a violent assault or killing committed against females for perceived immodest or defiant behavior. However, the law does not address other types of honor crimes, including beatings, forced isolation, imprisonment, forced early marriage, and deprivation of education. Legal provisions regarding violence against women state that a convicted man should be put to death for killing a woman. However, a husband who kills his wife and her lover may be fined or imprisoned for one year or less. In June a government report disclosed 2,964 cases in 2007 of violence against women. Of those cases, 130 resulted in death, and 970 in injuries.

Prostitution is illegal; however, it was a problem, particularly in Aden and Sanaa. The punishment for prostitution is imprisonment for up to 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 Sanaa.

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

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; however, she must provide a justification, and there are a number of negative practical, social, and financial considerations that impede women from obtaining a divorce.

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

Some interpretations of Shari'a prohibit a Muslim woman from marrying a non-Muslim man; however, a Muslim man is allowed to marry a non-Muslim woman. Women do not have the right to confer citizenship on their foreign-born spouses, 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 residence permit.

According to a MOI regulation, any citizen who wishes to marry a foreigner must obtain the permission of the ministry. A woman wishing to marry a foreigner must present 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 "is free from contagious disease."

According to a 2006 Ministry of Public Health and Population survey, approximately 65 percent of ever-married women were illiterate. A 2004 Central Statistics Organization census estimated male illiteracy at 27 percent. 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 6.41 children per woman. Most women had little access to basic health care.

In general women in the south, particularly in Aden, were better educated and had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 war of secession, the number of women in government in the south has declined, due to conservative cultural pressure from the north and stagnation of the economy. According to the UN Development Program, female workers accounted for 29.7 percent of the paid labor force in 2005.

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

According to the 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, set up a four-year project aimed at providing protection against violence for women and children. This project plans to include lawyers who will handle cases of violence, a hotline to report sexual harassment against women and children, and a shelter to provide assistance to victims.

## Children

The government lacked the political will and necessary resources to ensure adequate education, health care, and welfare services for children. The law provides for universal, compulsory, and free education from age six to 15 years; however, compulsory attendance was not enforced and books and school uniforms raised the cost of attendance to about 2,000 riyals (approximately \$10) 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; however, many children, especially girls, did not attend primary school. According to 2006 government statistics, average student attendance in primary schools was 81.6 percent for boys and 61.7 percent for girls. The 2007 Community, Habitat and Finance (CHF) ACCESS-MENA report stated that 55 percent of children between the ages of six and 15 did not attend school.

The law provides for free medical care for children who hold citizenship; however, this was not always enforced. Malnutrition was common. According to 2008 UN Children's Fund (UNICEF) statistics, the infant mortality rate was 75 deaths per 1,000 births. Male children received preferential treatment and had better health and survival rates.

In 2007 hundreds of children reportedly marched in front of government buildings in Sanaa demanding more financial aid to solve their health, education, nutrition, child labor, and trafficking problems. The participants of the march, which was organized by local NGO Democracy School and was attended by children's rights activists, submitted a letter to the prime minister requesting that the government fulfill its promises of offering free education and health services to children.

The law prohibits female genital mutilation (FGM); however, it was a pervasive practice in the coastal areas on infants before they reach 40 days of age. 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 Hodeida. 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 as 15 years was revoked in 1998, and multiple attempts to reinstate the law have failed in parliament. The law does have a provision that forbids sex with underage brides until they are "suitable for sexual intercourse," an age that is undefined. An OXFAM study calculated that among 1,495 couples, 52.1 percent of women and 6.7 percent of men were married at an early age. The report also highlighted that 15 to 16 years is generally considered the appropriate age of marriage for girls. This varied, however, 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.

Stories that broke in the media during the year highlighted the problem of child marriage in the country. Nujoud 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, was still attempting to obtain a divorce at year's end.

Married boys, ages 12 to 15 years, were reportedly involved in armed conflict beginning in November in Amran governorate between the Harf Sufian and al-Osaimat tribes. Local customs in tribal areas reportedly dictated that when a boy is married he is an adult and owes allegiance to his tribe.

The law does not define nor prohibit child abuse, and there was no reliable data on the extent of child abuse.

## 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 no reports of underage internal sex trafficking during the year. However, according to a local human rights NGO, an unknown number of women, including those under the age of legal consent, were trafficked from their homes to other regions within the country for the purposes of prostitution. For example, there were reports that two underage girls, one in 2005 and one in 2006, were trafficked into prostitution in Aden after fleeing abusive homes or forced marriages in the northern governorates.

There were no official statistics available on the number of children trafficked out of the country. Press and NGO reports claimed children mostly from northern governorates were trafficked out of the country to Saudi Arabia at a rate of approximately 200 children per week. The MSAL's Child Labor Unit (CLU) acknowledged that high rates of children were trafficked into Saudi Arabia for work. The CLU estimated that at least 10 children per day were trafficked into Saudi Arabia. MSAL had no reports during the year indicating that children were trafficked into Saudi Arabia for commercial sex work. However, experts at international and intergovernmental organizations reported evidence in the three governorates of Mahweet, Aden, and Taiz indicating that girls younger than 15 were trafficked into the commercial sex trade in those areas.

Children were trafficked by adults, older children, and loosely organized syndicates who 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 the victims' families were almost always complicit. The traffickers were often well known by, if not related to, the family; parents were either paid or promised money in exchange for allowing their children to be trafficked. Many cases were also later discovered to be instances of illegal immigration.

The law, which does not differentiate between children and adult victims, allows for a prison sentence of up to 10 years for anyone convicted of crimes constituting trafficking in persons. Other laws forbid and 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. Notably, the government reportedly detained and prosecuted victims of trafficking under anti-prostitution laws.

The government continued discussions with Saudi Arabian officials to combat child trafficking. The MOHR ran a hotline for persons to report child trafficking.

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

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

## Persons with Disabilities

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

mandates the acceptance of persons with disabilities in universities, exempts them from paying tuition, and requires that schools be made more accessible to persons with disabilities. It was unclear to what extent these laws have been implemented. No national law mandates accessibility of buildings for persons with disabilities.

During the year the parliament ratified the Convention on the Rights of Persons with Disabilities, which specifically mandates that the government take the necessary legislative actions to make its provisions effective. Among these provisions is the right to participate in political and public life.

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 funded more than 60 NGOs to assist persons with disabilities.

#### National/Racial/Ethnic Minorities

The Akhdam (an estimated 2 to 5 percent of the population) were considered the lowest social class. They lived in poverty and endured persistent social discrimination. The government's Social Fund for Development provided basic services to assist the group. During the year human rights groups reported that some immigrants of African origin had difficulty in securing MOI permission to marry citizens.

During the year tribal violence continued to be a problem in Sanaa and throughout the country, and the government's ability to control tribal elements responsible for acts of violence remained limited. Tensions over land or sovereignty in particular regions continued between the government and a few tribes, periodically escalating into violent confrontations.

There were no public reports of discrimination based on sexual orientation or HIV/AIDS; however, these topics are 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 6 Worker Rights

##### a. The Right of Association

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

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 June 2007 elections. 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 GPC ruling party attempted to control professional associations by influencing internal elections or placing its own personnel, usually tied to the government, in positions of influence in unions and professional associations.

The law dictates that a labor union can be dissolved only by court order or its own members; however, the government did not respect this right in practice. For example, in September 2007 the MSAL threatened to dissolve the Yemen Teachers Union, Technical Education Syndicate, and the Physicians and Pharmacists Syndicate, claiming they had not obtained a 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.

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.

#### b. The Right to Organize and Bargain Collectively

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

The law generally protects employees from anti-union 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.

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

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. Yemeni girls were trafficked within the country for commercial sexual exploitation in hotels, casinos, and bars. A local NGO reported that more than 30,000 children worked on the streets of Sana'a alone. 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 that 3,000 Bangladeshis were trafficked to work in Yemen in conditions close to indentured servitude.

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

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

The established minimum age for employment was 15 years in the private sector and 18 years in the public sector. By special permit, children between the ages of 12 and 15 years could work. The government rarely enforced these

provisions, especially in rural and remote areas. The government also did not enforce laws requiring nine years of compulsory education for children.

Child labor was common, especially in rural areas. The 2007 CHF ACCESS-MENA report states 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 Ministry of Social Affairs and Labor was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement.

In 2006 the Ministry of Social Affairs and Labor 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. CHF 2007 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 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, children working outside the family are employed in small factories and shops. The government was an active partner with the International Labor Organization's International Program to Eliminate Child Labor. During the year the program offered 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 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.

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. 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 regularly exposed to toxic industrial products and developed respiratory illnesses. Some foreign owned companies and major manufacturers implemented higher health, safety, and environmental standards than the government required. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court.