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## Yemen

### Country Reports on Human Rights Practices - [2005](#)

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Yemen is a republic under the leadership of President Ali Abdullah Saleh since 1978, and has a population of approximately 21 million. The law provides that the president be elected by popular vote from among at least two candidates endorsed by parliament. A 2001 referendum extended the president's term from five to seven years allowing President Saleh, who has been president of the unified Republic of Yemen since 1990, to remain in office, subject to reelection in 2006, until 2013. The prime minister is appointed by the president and as head of government, in consultation with the president, selects the Council of Ministers to assist in the duties of the executive branch. Although the country maintains a multiparty system, the General People's Congress (GPC) dominates the government. The bicameral legislature is composed of an elected 301-seat House of Representatives (Majlis al-Nuwaab) and an appointed 111-member Consultative Council (Majlis al-Shura). The 2003 parliamentary elections were considered to be generally free and fair; however, there were problems with underage voting, confiscation of ballot boxes, voter intimidation, and election-related violence. Although the parliament was not an effective counterweight to executive authority, it demonstrated increased independence from the government for a second consecutive year. While 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.

The government generally respected human rights in some areas; however, its record remained poor in other areas. The government and unidentified parties usually associated with the government or security forces intensified harassment of journalists and political critics.

The following human rights problems were reported:

- limitations on citizens' ability to change government
- acknowledged torture
- poor prison conditions
- arbitrary arrest
- prolonged pretrial detention
- weak judiciary
- significant restrictions on freedom of press and assembly, and limited restrictions on speech
- intensified harassment of journalists
- limited freedom of association, religion, and privacy
- government corruption and lack of transparency
- discrimination against women
- child marriage
- trafficking in persons
- child labor
- restricted worker rights

### 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 no politically motivated killings by the government or its agents; however, security forces killed or injured suspects during apprehensions.

In March the government resorted to military force after an armed rebellion in the northern governorate of Saada resumed. The rebellion was led by the "Shabab al-Moumineen" (The Believing Youth), a movement that follows the teachings of Shiite cleric Hussein Badr Eddine al-Houthi, who was killed by security forces in September 2004. The government confirmed that 500 troops were killed; however, press reports estimated that approximately 500 troops and "hundreds" of rebels were killed during the fighting. Unofficial sources estimated the death toll to be near 800 troops, 600 rebels, and less than 100 civilians. No official estimates of civilian deaths are available. Opposition media and political leaders claimed the government used excessive force in suppressing the rebellion. Some al-Houthi supporters captured during the first and second conflict remained in detention or were prosecuted at year's end (see section 1.d.). Intermittent clashes between rebels and government troops in the north continued.

From July 19-20, during violent demonstrations in several cities, approximately 43 persons were killed and 471 were injured. Demonstrators were protesting the rise in gas prices after the government lifted fuel subsidies (see section 2.b.).

From March 28 through mid-April, a series of grenade attacks aimed at security personnel and installations killed 5 civilians and injured 28 others in the capital city. The attacks were carried out by followers of the Shabab movement in retaliation for the government's actions in Saada. At year's end 37 defendants were standing trial for the Sana'a attacks.

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

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

#### b. Disappearance

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

On August 7, tribesmen held 3 Spanish tourists for 12 hours to demand the release of a tribal member being held in an Aden jail. On August 17, tribesmen kidnapped 10 employees of the office of the UN High Commissioner for Refugees (UNHCR) in the Shebwa governorate to demand that the government resolve a land dispute. On November 21, two Swiss tourists were kidnapped in Marib governorate. On December 21, two Austrian tourists were also held for three days by area tribesmen. In both cases captors demanded that the government release imprisoned fellow tribal members. On December 28, the former German deputy vice-minister of foreign affairs and his family were kidnapped while touring southern Yemen. In that case tribesmen also requested the release of fellow tribe members from government prisons. In all the cases the government sent negotiators who secured the hostages' release. There were some known instances of carjacking during the year perpetrated by economically motivated tribal elements.

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

The law prohibits such practices; however, members of the Political Security Office (PSO) and Ministry of Interior (MOI) police forces tortured and abused persons in detention. Authorities used force during interrogations, especially against those arrested for violent crimes. Although penal law permits amputations and physical punishment such as flogging for some crimes, which the government maintains is in accordance with Shari'a (Islamic law), there were no reports of amputations or floggings during the year.

The government acknowledged that torture occurred; however, it claimed that torture was not official policy. For the second consecutive year, journalists, government, and human rights nongovernmental organization (NGO) officials reported that both instances and severity of torture in MOI prisons declined. In cases where there was torture, illiteracy, lack of training among police, corruption, and pressure from superiors to produce convictions usually played a role.

Torture continued to remain a problem in PSO prisons, which were not monitored by other government agencies. There were credible reports pointing to a preferred use of nonphysical abuse, such as sleep deprivation, cold water, and threats of sexual assault, as the primary form of torture in PSO prisons. In October two former PSO prisoners reported being repeatedly tortured and made to sleep without blankets in cold cells while being held without charge. There were reports that the MOI's Criminal Investigative Department (CID) routinely used torture to obtain confessions. On February 4, CID forces investigating a theft case in Dhamar governorate rounded up five suspects who were reportedly beaten during interrogation. One suspect confessed to the crime and was referred to the Attorney General's office for prosecution. The other four were released. Defense attorneys and some human rights NGOs observed that most confessions introduced as evidence against defendants in criminal courts were obtained through torture. Government sources vehemently denied this.

During the year approximately 14 police officials were disciplined or prosecuted for abuses. From those cases, seven officers were dismissed, and seven were referred to the courts for prosecution. Those cases remained pending at year's end.

On September 3, two MOI officers were put on trial for the 1999 torture-induced death of an Aden bombing suspect. Some human rights NGOs claimed that the defendants did not appear in court and were possibly being tried in absentia. There was no further information on this case at year's end.

In October 2004 seven Taiz police officers who were on trial for the severe torture of a juvenile murder suspect had their case suspended after they failed to appear for court. At year's end it was reported that the officers were free and living in Taiz and that authorities refused to re-apprehend them. There was no further action on the case.

Throughout the year the government took effective steps to curb torture in MOI prisons. From February and to October, the government, in conjunction with a national human rights NGO, the United Nations Development Program (UNDP), and the British government, trained over 340 MOI officers on the illegality of torture. Under the initiative, the same NGO printed and the government distributed a human rights guide for MOI officers. In the first week of July, 360 female officers completed similar training. The MOI, in conjunction with the Ministry of Human Rights (MHR), also intensified its monitoring of prison conditions around the country.

Security forces shot in the air and used tear gas against demonstrators and rioters on at least three separate occasions during the year (see section 2.b.). Reports indicated that troops burned fields during fighting with Shabab forces (see sections 1.g. and 2.d.).

#### Prison and Detention Center Conditions

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

During his six-month incarceration in the Sana'a Central Prison, Abdulkarim al-Khaiwani, who was imprisoned on violations of the press law and treason charges (see section 2.a.), was beaten several times by other prisoners.

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

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

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

Unauthorized "private" prisons, in rural areas controlled by tribes, remained a problem. Tribal leaders misused the prison system by placing "problem" tribesmen in "private" jails, either to punish them for noncriminal indiscretions or to protect them from retaliation. At times such prisons were simply rooms in a tribal sheikh's house. Persons detained in such prisons often were held for strictly personal or tribal reasons without trial or sentencing. Although senior government officials did not sanction these prisons, there were credible reports of the existence of private prisons in government installations. During the year the MOI and MHR continued to implement directives to align the country's arrest, interrogation, and detention procedures more closely with international standards. The government stepped up efforts to close down unauthorized prisons during the year with limited success.

Persons with mental illness who had committed crimes were imprisoned without adequate medical care. In some instances authorities arrested without charge persons with mental illness and placed them in prisons with criminals.

In 2003 the president declared the release of mentally disturbed prisoners into the custody of mental institutions. At year's end MOI-run prisons in Sana'a, Aden, and Taiz operated in conjunction with the Red Crescent semiautonomous units for mentally disturbed prisoners. Due to a lack of resources, conditions in these units were reportedly deficient. In many cases prisoners with mental disabilities were held with general prison populations throughout the country. This was primarily due to a lack of adequate facilities and staff.

During the year the government spent approximately 2 million dollars (383 million Yemeni riyals) to help MOI prisons meet international standards and to alleviate overcrowding. The government built new prisons in four governorates, refurbished or expanded six additional prisons, and increased funding to implement prisoner education programs throughout the country. The government also built halfway houses for juvenile offenders in Sana'a and Taiz.

Although limited access was granted to family members of PSO-held detainees, requests for access by parliamentarians and NGOs were routinely denied. Access to MOI prisons was at times permitted, although parliamentarians and NGOs complained that it was subject to several limitations. In June 2004 the International Committee of the Red Cross (ICRC) suspended a second round of visitations to PSO prisons citing a lack of understanding of its universally applied procedures. The ICRC reported that after an October 2004 meeting, the MOI demonstrated a clearer understanding of ICRC protocols that called for greater access to the ministry's prisons. However, the ICRC was still working on understandings of protocols for access to PSO prisons and ICRC visits to MOI or PSO prisons had not resumed by year's end.

#### d. Arbitrary Arrest or Detention

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

#### Role of the Police and Security Apparatus

The primary state security and intelligence gathering apparatus is the PSO, which reports directly to the president. The newer National Security Bureau (NSB) also reports directly to the president's office. Many of its duties were still not clearly delineated and appeared to overlap with 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 problem, and there were no government investigations of police corruption during the year. There were reports that some police stations maintained an "internal affairs" section commissioned to investigate abuses, and that any citizen has the right to raise an abuse case with the prosecutor's office commissioned to investigate cases. Enforcement of the law and effective investigations were irregular due to weak government power in tribal areas and lack

of resources.

## Arrest and Detention

According to the law, individuals cannot be arrested unless caught in a criminal act or served with a summons. Detainees must be arraigned within 24 hours of arrest or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. The law stipulates that a detainee may not be held longer than seven days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge or, if charged, without a public preliminary judicial hearing within a reasonable time remained common practices.

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

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

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

On April 3, military forces arrested 22-year-old Munif Damesh and his 50-year-old uncle Naif Damesh, both of whom working for two foreign journalists, and detained them without charge or trial. At year's end the two were still being held for unknown reasons and had not been allowed to contact their family or a lawyer.

According to the National Organization for Defending Rights and Freedoms (HOOD), four Cameroonian nationals have been held in a PSO prison for unknown reasons since March 1995. On September 17, parliament inquired about the case to the minister of interior, who subsequently promised to transfer the Cameroonians' cases to the attorney general's office. At year's end no further information was available on their case.

An unknown number of supporters of the rebel Shiite cleric al-Houthi were either arrested or remained in detention. Although most human rights NGOs and international observers estimated that one thousand persons remained incarcerated, it was unknown how many of those detained participated in the armed rebellion. The government acknowledged that 400 al-Houthi supporters were detained during the year as a result of the March rebellion in Saada. Of those, 181 were released, and 219 were referred to the attorney general's office for prosecution. An MOI source stated that 404 al-Houthi supporters had been released. While many of those arrested participated in the renewed March rebellion against the government, other detainees were arrested for their support of the rebellion or familial or tribal connections with al-Houthi supporters. On August 16, 37 Saada detainees were put on trial for a series of grenade attacks in March against security officials in Sana'a. On September 28, their trial was temporarily suspended after President Saleh announced a general amnesty for all Saada detainees. At year's end the trial was ongoing.

In July, Amnesty International (AI) reported that security forces carried out mass arrests of al-Houthi followers in Saada and Sana'a and that many of those arrested were detained incommunicado. On May 8, security forces arrested Ibrahim al-Saiani, whose parents alleged to be 14 years old, after storming his family home in Sana'a. AI reported on October 31 that al-Saiani's health deteriorated in custody and that authorities were not able to confirm that he was receiving treatment. Al-Saiani is an alleged follower of al-Houthi and, at year's end, remained in detention without access to legal counsel.

During the year the government also continued to detain suspects accused of links to terrorism. The government did not publish numbers of detainees held under suspicion of terrorist affiliations or activities; however, NGO estimates ranged from 200 to 300 individuals.

On August 29, the government arrested 15 men in the Abyan governorate and 45 men in Aden governorate for their alleged affiliations with Jihadist movements. All the men remained incarcerated at year's end.

During the year the government arbitrarily arrested an increased number of persons with views critical of the government. On May 15, the government arrested journalist and activist Abdul Rahim Mohsen, who founded an organization to advocate political reform. Mohsen was held incommunicado for three days before he was released and charged with possessing alcohol. At year's end Mohsen was still not prosecuted on the charge.

A large percentage of the total prison population consisted of pretrial detainees, some of whom have been imprisoned for years without charge.

During the year the government increased inspection missions to secure the release of persons held without charge; however, in some instances the government did not resolve the cases it did investigate.

Throughout the year the government sponsored ideological dialogues led by Islamic scholars as part of a program aimed at convincing

detainees to renounce extremist beliefs, denounce terrorism, pledge to obey the laws and the government, respect non-Muslims, and refrain from attacking foreign interests. Detainees who agreed to these conditions were released. These efforts reportedly had limited success. According to a human rights NGO, some detainees who were released under this program were re-arrested during the year.

#### Amnesty

On September 26, President Saleh announced a general amnesty to all Saada detainees. On September 28, a local newspaper printed the names of 651 Saada detainees expected to be released. In an October 5 follow-up to his amnesty, the president ordered the formation of a committee to carry out his directives. An unspecified number of Saada detainees, likely fewer than 100, reportedly were released in October. There were no further developments at year's end.

On September 28, the government announced the release of 254 persons imprisoned during the July riots under a general amnesty (see section 1.a).

On October 30, the government reported that it would release 1,400 prisoners, including the 651 Saada detainees noted above, as part of its annual Eid al-Fitr Amnesty. The actual number of prisoners released could not be confirmed at year's end.

#### e. Denial of Fair Public Trial

The law provides for an "autonomous" judiciary and independent judges; however, the judiciary was weak and severely hampered by corruption and executive branch interference. The executive branch appoints judges, removable at the executive's discretion. There were reports that some judges were harassed, reassigned, or removed from office following rulings against the government. Many litigants maintained, and the government acknowledged, that a judge's social ties and occasional bribery influenced the verdict more than the law or the facts. Many judges were poorly trained; some were closely associated with the government. The judiciary was hampered further by the government's frequent reluctance to enforce judgments. Tribal members at times threatened and harassed members of the judiciary.

There are six types of courts: criminal; civil and personal status; special cases (covering cases such as kidnapping, carjacking, attacking oil pipelines, and other acts of banditry and sabotage); commercial; and court-martial. In recent years other limited jurisdiction courts have been established under executive authority, such as a juvenile and public funds court. The judicial system is organized in a three-tiered court structure. At the base are the courts of first instance, which are broadly empowered to hear all manner of civil, criminal, commercial, and family matters. A single judge may hear a case in these courts. Decisions taken in the courts of first instance may be appealed to the courts of appeal, of which there is one in each province and one in the capital. Each court of appeal includes separate divisions for criminal, military, civil, and family issues. Each division is composed of three judges. Above the courts of appeals is the Supreme Court.

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

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

The government continued judicial reform efforts. During the year the UNDP, in conjunction with the Ministry of Justice (MOJ), established two model penal courts in Sana'a and Aden. These courts, which abided by higher standards of accountability and transparency than normal courts, were designed to provide greater access to under-represented groups such as women and the poor (see section 5). In January the Civic Democratic Forum, in conjunction with a foreign government, conducted training for 350 judges nationwide on judicial transparency. In April the government implemented a program to reform the infrastructure of eight courts of appeals to allow better access to litigants. During the year the MOJ also continued to conduct conferences around the country to strengthen the reform process.

#### Trial Procedures

All laws are based on a mixture of old Egyptian laws, Napoleonic tradition, and Shari'a. 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 high crime (felony) cases; however, in practice, this did not always occur. By law, prosecutors are a part of the judiciary and independent of the government; however, prosecutors also have a role in investigating 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 various shootings, explosions, and other acts of violence. Citizens and human rights groups alleged that the security forces and judiciary did not observe due process in most cases.

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

The law, social custom, and Shari'a, as interpreted in the country, discriminated against women, particularly in domestic matters. For

example, men were permitted to take as many as four wives, although very few did so. Husbands were also allowed to divorce their wives without justifying their action in court. A woman was also permitted to divorce; however, she usually had to provide a justification, such as her husband's nonsupport, impotence, or taking of a second wife without her consent. Laws mandating that a wife must obey her husband were abolished by presidential decree in 2004.

In addition to regular courts, there is a system of tribal adjudication for non-criminal issues; however, in practice, tribal "judges" often adjudicated criminal cases as well. 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.

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

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

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

#### Political Prisoners

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

On March 23, Abdulkarim al-Khaiwani, who the government maintained was not a political prisoner since he was convicted lawfully in September 2004 for violations of the press law and treason (see section 2.a.), was released after being granted a presidential amnesty.

On May 29, a Sana'a court sentenced two imams, Yahia Hussein al-Dailami and Muhammed Ahmad Miftah, to death and eight years' imprisonment, respectively, for establishing contacts with Iran for the purpose of harming the country. The two men publicly opposed the government's action in Saada and formed the Sana'a Youth Organization, a group that supported al-Houthi. Both men maintained that they only advocated peaceful dissent against government action in Saada. On December 3, an appeals court upheld both verdicts and forwarded Dailimi's case to the Supreme Court for ratification.

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

The law prohibits such action; however, PSO and MOI police forces routinely searched homes and private offices, monitored telephones, read personal mail, and otherwise intruded into personal matters for alleged security reasons. Activities were conducted without legally issued warrants or judicial supervision. PSO and MOI police forces routinely detained relatives of suspects while the suspect was being sought (see section 1.d.). According to HOOD, over 100 such cases were reported throughout the country during the year.

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

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

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

In April the PSO arrested an 85-year-old man to secure the custody of a former Jihadist detainee who fled the country; the man had vouched that the detainee would remain in the country if he was released early. In Dhamar governorate, an 80-year-old man remained in MOI custody for the second year after MOI forces arrested him to secure the return of his son, who was wanted on murder charges. There were credible reports of entire families being detained in Saada to secure the custody of wanted individuals. Government informers monitored meetings and assemblies (see section 2.b.).

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

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts

As a result of the renewed fighting in Saada (see section 1.a.), approximately 100 homes and some small villages were destroyed and civilians were killed in crossfire. As many as 13 thousand persons may have been displaced by the conflict; most resided with other relatives in the area. Government forces exercised some degree of caution when fighting in civilian areas. The first 10-week Saada rebellion, which ended in September 2004 following the death of the rebel cleric Badr Eddine al-Houthi, claimed more than 600 lives. The actual number of civilians killed during that conflict was unknown.

## 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. Although most citizens were uninhibited in their private discussions of domestic and foreign policies, they generally were cautious in public, fearing harassment for criticism of the government.

The Ministry of Information influenced the media through its control of printing presses, subsidies to newspapers, and its ownership of the country's sole television and radio outlets. Three independent newspapers and no opposition newspapers owned their own presses. There were 8 government-controlled, 41 independent, and 30 party affiliated newspapers. There were approximately 90 magazines of which 45 were private, 27 were government-controlled, and 18 were party-affiliated. The government selected the items to be covered in news broadcasts, and it often did not permit broadcasts critical of the government. The government televised parliamentary debates and occasionally permitted broadcasts of aggressive criticism of ministries.

Press law regulations specify that newspapers and magazines must apply annually to the government for licensing renewal and that they must show continuing evidence of approximately \$4,375 (700 thousand Yemeni riyals) in operating capital. There were no reports of denied registrations; however, there were reports that the government did not act on the license applications of at least two independent newspapers. The government granted new press licenses to at least three newspapers. Those papers claimed to be independent, although many journalists alleged that they were closely affiliated with the ruling GPC party.

In line with a June 2004 presidential declaration ending the practice of detaining journalists, editor-in-chief of the *As-Shura* newspaper, Abdulkarim al-Khaiwani, was pardoned on March 23 after serving six months of a one-year prison sentence. *As-Shura* published articles critical of the president's handling of the al-Houthi rebellion and succession.

Although no additional journalists were incarcerated, the government and unidentified parties linked to the government or its security apparatus markedly increased pressure on independent and political party newspapers. Newspaper journalists reported that government harassment, including threatening phone calls to them and their families, attacks on their homes, brief imprisonments, and personal surveillance intensified during the year. Many journalists practiced self-censorship due to fear of government reprisal.

On November 26, the southwestern court in Sana'a issued a verdict against *Al-Tajamu*, a weekly affiliated with the Unionist Congregation Party, shutting down the newspaper and banning its distribution for six months. The court also condemned the paper's chief editor and a columnist for publishing an August 2004 article that allegedly contributed to ethnic conflicts. The court required the pair to pay a fine of \$773 (150 thousand Yemeni riyals) each and suspended the newspaper from publishing for six months.

Security forces continued to arbitrarily arrest and detain a number of persons with views critical of the government (see section 1.d.).

On January 3, police evicted all the staff and sealed the entrance to the building of the independent daily *Al-Hurriya*. In response to an October 2004 article criticizing the president, a Sana'a court shut down the daily in December 2004 and sentenced its editor, Abdulkareem Sabra, and one of its journalists, Abdulqawi al-Qubati, to two years in prison with hard labor. Both sentences were suspended on appeal.

On July 5, armed men, reportedly linked to the government, seized the offices of the *As-Shura* newspaper. The armed men subsequently permitted a new pro-government staff to occupy the paper's premises. The newspaper has since stopped publication, and the original staff created a news Web site with the same name.

On August 23, unidentified persons reportedly linked to security forces kidnapped and took to an undisclosed location Jamal Amer, the editor in chief of the independent *Al-Wasat* newspaper. During his six-hour ordeal, Amer was beaten, urinated on, interrogated about his contacts with foreign embassies, and threatened with death if he continued writing articles critical of the government. The attack came after *Al-Wasat* published an article on government scholarships being routed to government officials' children. The MOI promised to investigate the matter, although there were no developments by year's end. Military sources publicly denied involvement in the abduction.

On September 1, Air Force soldiers arrested Khalid Hammadi, a correspondent for the London-based *Al-Quds al-Arabi*, after he reported on a military plane crash. The soldiers required Hammadi to sign a pledge agreeing to not report on military issues as a condition to his release. The same day, a defense ministry official publicly warned journalists against writing on military issues without prior governmental approval.

According to the *Yemen Times*, on December 10, security forces detained Al-Jazeera's Yemen correspondent Ahmed al-Shalafi and cameraman Ali al-Baidhani, who were filming a protest by employees of a public textile company in the capital. The film that was recorded at the scene of the protest was confiscated and destroyed at the police station. Both were released more than an hour later after "high-level" instructions were given.

Other unidentified parties were also responsible for press harassment.

On July 17, Hajea al-Jehafi, the managing editor of the independent newspaper *An-Nahar*, was injured while opening a letter bomb. Sources attributed the attack to a tribal leader.

On August 25, Mohammed Saleh al-Hadhri, an independent journalist who wrote for the Yemen Socialist Party (YSP) affiliated *Al-Thawri* newspaper, was stopped by armed men, reportedly linked to tribal elements, and warned against writing for opposition newspapers.

On November 12, opposition journalist Nabil Sabaie was jostled and then stabbed in both shoulders by armed men in broad daylight on a main street of the capital. An MOI official attributed the attack to criminals attempting to steal Sabaie's cell phone. On November 14, defense ministry newspaper "26 September" reported that one of Sabaie's assailants was arrested. There was no further action on the case at year's end.

On December 8, journalist Mohamed Sadiq Al-Odaini was attacked by armed men near his house in the capital and held hostage in his house until early morning of December 9. Security forces did not arrive until the next day after the perpetrators had gone. On December 10, a MOI source attributed the attack to al-Odaini's landlord; Odaini had refused to leave his apartment.

In an attempt to counter dissent, elements close to the government or security apparatus attempted to clone two newspapers, *Al-Shura* and *Al-Thawri*, by publishing newspapers with similar names, fonts, and colors to the targeted newspapers, but that carried more progovernment editorials and stories.

Journalists were tried and sentenced for writing articles critical of the president or for reporting on sensitive issues. More than 12 cases have been lodged against *Al-Thawri* and/or its editor-in-chief, Khalid Salman. On November 19, a Taiz court fined the paper \$3,800 (750 thousand Yemeni riyals) for libeling a Taiz city finance director. The remaining cases were unresolved at year's end. The paper published a series of articles critical of corruption and the president. The government did not follow through on its 2004 pledge to prosecute journalists whom it deemed supportive of the rebel cleric al-Houthi.

The Yemeni Journalists Syndicate (YJS) defended freedom of the press and publicized human rights concerns. The YJS has been vocal in condemning recent government actions that closed several publications and imprisoned journalists.

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

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

The government did not impose restrictions on Internet use; however, it intermittently blocked access to some political sites and Web pages deemed immoral (see section 1.f.).

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

## b. Freedom of Peaceful Assembly and Association

### Freedom of Assembly

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

The government banned and disrupted some demonstrations, allegedly to prevent them from degenerating into riots and violence. On March 18, small-scale demonstrations occurred in Sana'a, Aden, Hodeida, and Taiz when shopkeepers protested the implementation of a new sales tax. Although mostly peaceful, there were reports that demonstrations in Aden and Taiz erupted into riots and that security forces shot in the air and used tear gas against crowds of demonstrators. No serious injuries were reported.

From July 19 to 20, riots protesting the rise in gas prices erupted across the country after the government lifted fuel subsidies. The violence resulted in approximately 43 deaths and 471 injuries. Press reports asserted at least 23 civilians were killed, including a 12-year-old child. On July 23, the government reported that at least 255 security personnel and 120 protesters were injured. Parliament submitted an inquiry to the MOI on the shooting deaths of demonstrators. The investigation was still pending at year's end.

On December 17, 1 person was reportedly killed after MOI security personnel removed approximately 300 demonstrators who had been encamped since November 13 in front of the Sana'a UNHCR headquarters, demanding resettlement in third countries. Nine persons, four MOI security personnel and five demonstrators were injured during the resulting violence. On November 21, MOI security forces injured one female protester in clashes with the demonstrators (see section 2.d.).

In November 2004 a member of the security forces shot into a crowd of protesters in front of an Aden court. One person was killed and

another wounded. The protesters were monitoring the trial of a member of an intelligence agency who was accused of murder. Police claimed that the crowd was out of control. A fact finding committee was set up to investigate the incident the same week. There was no further action on the incident by year's end.

#### Freedom of Association

The law provides for freedom of association, and the government usually respected this right in practice. In some instances the ruling party retained control of professional associations and NGOs by influencing internal elections (see section 6.b.).

Depending on its mandate, an association or NGO must obtain an operating license, usually a routine matter, from one of five ministries: Labor and Social Affairs (MLSA), Culture, the Ministry of Education, Education, or Vocational Training and Technical Education.

The government cooperated to some extent with NGOs, although NGOs complained that there was a lack of response to their requests for more funding. By law the government provided all legally operating NGOs with an annual stipend. According to most NGO professionals, the government's limited responsiveness and funding was due to a lack of material and human resources. Some NGO professionals complained that NGOs that did not agree with government policy were subject to different registration and funding criteria than those deemed loyal by the ruling GPC party leadership.

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

#### c. Freedom of Religion

The law provides for freedom of religion; however, the government limited this right in some cases. The constitution declares that Islam is the state religion.

The government took actions to counter the increase in political violence as a result of the June 2004 and March uprisings by the "Shabab al-Moumineen" (The Believing Youth) in the northern governorate of Saada and the ensuing attacks against government officials in the capital (see section 1.a.). The government restricted some practice of religion, which some members of the Zaydi-Shiite establishment alleged focused on them (see section 2.a.). In January the government banned the celebration of Ghadeer Day, a holiday celebrated by some Shi'a, in the Saada governorate. The government also reportedly limited the hours that mosques were permitted to be open to the public, reassigned some Imams who were thought to espouse radical or Zaydi doctrine, and increased surveillance and detention of members of the Shabab.

Followers of religions other than Islam were free to worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, Shari'a forbids conversion from Islam and prohibits non-Muslims from proselytizing, and the government enforced this prohibition. The government required permission for the construction of all places of worship and prohibited non-Muslims from holding elected office.

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

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

Non-Muslim citizens may vote but may not hold elected office.

Services for Jewish, Catholic, Protestant, and Ethiopian Orthodox Christians were held in various locations without government interference.

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

In the last year the government significantly increased its efforts to prevent the politicization of mosques and schools in an attempt to curb religious extremism. This included the monitoring of mosques for sermons that incited violence or other political statements considered harmful to public security. By April the government closed over 2,000 unlicensed religious schools deemed to have deviated from formal educational requirements or promoted militant ideology. Private and national schools are prohibited from teaching courses outside of the officially approved curriculum.

The government also deported foreign students found studying in unlicensed religious schools. On July 5, the Ministry of Endowment and Religious Guidance announced a program to train over 300 women preachers on moderate Islam and religious tolerance.

There were credible reports that authorities banned the publishing of some materials that promoted Zaydi-Shiite Islam (see section 2.a.).

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

#### Societal Abuses and Discrimination

During the year Jews faced some incidents of anti-Semitism. Jewish citizens reported being attacked by a number of students chanting anti-American and anti-Israel slogans. The students damaged their cars and kicked them. Jewish children in the town of Raidah usually rode to school in a covered truck to protect them from stones. After the ruling party tried to put forward a Jewish parliamentary candidate, the General Election Committee adopted a policy barring all non-Muslims from running for parliament (see section 3). The Jewish population has diminished significantly over the last 50 years from tens of thousands to a few hundred due to voluntary emigration.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

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

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

Although not required by law, women customarily were asked if they had permission from a male relative before applying for a passport or leaving the country. One women's rights NGO asserted that women were barred from leaving the country upon a husband's or male relative's request and that this requirement was strictly enforced when women traveled with children. During the year there were several reports of women who were turned away at the airport because they did not have the permission of or were unaccompanied by a male relative. Immigrants and refugees traveling within the country often were required by security officials at government checkpoints to show that they possessed resident status or refugee identification cards.

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

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

#### Protection of Refugees

The law does not provide for the granting of refugee status or asylum in accordance with the UN 1951 Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. The government generally provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government continued to grant prima facie refugee status to Somalis who arrived in the country after 1991.

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

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

The government cooperated with the UNHCR in assisting refugees and asylum seekers. In December the government, in cooperation with UNHCR, established the first of six planned reception centers to register and provide greater legal protection to refugees. At times authorities arrested without charge and imprisoned an unknown number of undocumented refugees (see section 1.d.).

On December 17, MOI forces forcibly removed approximately 300 refugees protesting in front of the Sana'a UNHCR office since November 13 to demand resettlement in third countries. One demonstrator was reportedly killed, and five were injured (see section 2.b.).

#### 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; however, there were limitations in practice. Although the parliament increasingly demonstrated independence from the government, it was not an effective counterweight to the executive branch. Decision-making and effective power were held by the executive branch, particularly the president, and who can dissolve the parliament. The president appoints the prime minister who presides over a 35-member cabinet (Council of Ministers), whose members the prime minister chooses in consultation with the president.

#### Elections and Political Participation

The 2003 parliamentary elections were considered by international observers to be an improvement over previous elections; however, there were problems with underage voting, confiscation of ballot boxes, voter intimidation, and election-related violence. In addition, international observers reported that some officials were prevented from approving results that gave victory to opposition parties. There were reports that supporters of rival candidates shot and killed at least three persons and wounded another; no arrests were made. Due to security concerns there was no international monitoring in tribal areas. President Saleh's ruling GPC party increased its large majority in parliament.

Approximately 75 percent of those eligible voted (8 million); 43 percent of voters were women.

Ali Abdullah Saleh was elected president to a five-year term in the country's first nationwide direct presidential election in 1999, securing 96.3 percent of the votes. A 2001 referendum adopted term limits for the presidency in effect extending President Saleh's term from a five to seven-year term, and allowed him to remain in office, subject to reelection in 2006, until 2013. The constitution provides that the president is elected by popular vote from at least two candidates endorsed by parliament. Despite the fact that the president's sole opponent was a member of his own party, NGOs, foreign embassies, and UNDP observers found the election free and fair. The candidate selected by the leftist opposition coalition did not receive the minimum number of required votes from the GPC-dominated parliament in order to run in the election.

The law mandates that political parties be viable national organizations that cannot restrict their membership to a particular region. All parties must be registered in accordance with the Political Parties Law, which 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. The government provided financial support to most political parties, including a small stipend to publish party newspapers. 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.

There are 23 political parties, and candidates from any party could declare their candidacy for elections. The ruling GPC has been the dominant party since unification and controlled 238 seats in parliament. Islah is the only other significant party, and it controlled 46 seats. At times tribalism distorted political participation and influenced the central government's composition. Observers noted that persons were often selected to run for office or given jobs in particular ministries based on their tribal affiliations. Because tribal areas were still run by patriarchal systems, members of tribes voted mostly as directed by their leaders.

Although there were no formal restrictions limiting opposition participation, the government made it difficult for some parties to organize. In May the president publicly accused two relatively minor parties of attempting to overthrow the government by fomenting the Shabab movement. One of those parties' headquarters, the Union for Popular Forces, was subsequently seized by armed men and forcibly recreated under dubious circumstances. By year's end the government continued to hold substantial assets of the opposition YSP that were seized after the 1994 Civil War.

Although women voted and held office, cultural norms rooted in tradition and religious interpretation often limited their exercise of these rights, and the number of women in government and politics did not correspond to their percentage of the population (see section 5). Currently, one woman, elected in 2003, served as a member of parliament and another served in the cabinet as the minister of human rights. During the year, the Supreme Committee for Elections and Referenda established a Women's Department responsible for addressing gender equality in the electoral process.

Many Akhdam, a small ethnic minority who may be descendants of African slaves, did not participate in the political process due to socioeconomic factors. There were no reports that persons with disabilities were prohibited from participating in the political process.

#### Government Corruption and Transparency

There is a widespread perception of corruption in every branch and level of government. Government officials and parliamentarians alike were presumed to benefit from insider deals and embezzlement. Procurement was a regular source of corruption in the executive branch. In September the Ministry of Public Works acknowledged that only 20 percent of contracts were awarded by tender. The Central Organization for Control and Audit (COCA), the country's investigative body for corruption, reported 68 official cases of corruption for a total loss to the treasury of approximately \$14 million (2.7 billion Yemeni riyals). Another \$41 million (7.9 billion Yemeni riyals) was spent without adhering to legal procedures or in violation of financial laws. The report cited the ministries of Oil, Health, and Vocational Training as violators. COCA also noted other irregularities at the ministries of Education, Interior, and Electricity. The actual number of corruption cases was generally considered to be significantly higher than what was reported by COCA.

During the year, for the first time, parliament actively challenged the executive in a number of high-profile corruption cases. These included a 2004 oil scandal for the allegedly illegal sale of government property to the Yemen Petroleum Company. Petty corruption was widely reported in nearly every government office. Job candidates are 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.

The law requires a degree of transparency and public access to information, and the Press and Publications Law provides journalists with some access to government reports and information; however, in practice the government offered few procedures to ensure transparency. The government provided limited information on Web sites; however, most citizens did not have access to the Internet.

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

A number of domestic and international human rights groups generally operated without government restriction, investigation and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views; however, NGOs reported there was often a lack of response to their requests. The Law for Associations and Foundations regulates the formation and activities of NGOs. During the year, the MHR sponsored several initiatives to further cooperation with local NGOs. On August 17, the MHR released a National Human Rights Report to local NGOs and urged them to publish their own findings and recommendations shadowing the report.

Several domestic human rights NGOs continued to operate throughout the year. Groups included the Human Rights Information and Training Center, the National Organization for Defending Rights and Freedoms, the Arab Foundation for Supporting Women and Juveniles, and the Civic Democratic Foundation. Although some NGOs were supported by the government or ruling party, others were clearly supported by opposition parties or were fully independent. A few NGOs practiced self-censorship. Some ministries reportedly harassed NGOs critical of the government by registration and funding criteria (see section 2.b.). At times the government met with domestic NGO monitors and responded to inquiries particularly in matters relating to prisoners. Domestic NGOs complained that the government was significantly less responsive in matters concerning PSO detainees.

The government gave AI, Human Rights Watch, the Parliament of the European Union, and the Committee to Protect Journalists access to officials, records, refugee camps, and prisons (see section 1.c.). AI visited the country several times during the year. The ICRC maintained a resident representative to inspect prisons during the year, although access to PSO prisons was restricted. During the year AI and Freedom House International published reports on the country's human rights record during 2004. The ICRC also issued a report on its 2004 activities in the country. In September the government responded to the AI report.

The Ministry of Human Rights, established in 2003, attempted to raise awareness of human rights via public information campaigns, training of human rights activists and security forces, and participation in numerous conferences. Through a newly established complaint mechanism, the ministry resolved an unknown number of human rights cases out of approximately 1,200 submissions, primarily through coordination and correspondence with other ministries and human rights NGOs. Observers concluded that the new system was operational and beginning to show a positive effect. During the year the MHR also sponsored training of over 300 police officers across the country and established a Human Rights Information Center for the general public to raise human rights awareness.

The parliament's committee on human rights was largely inactive during the year. Members complained the committee did not operate independently due to personal conflicts of interest by its leadership. During the year the committee continued to work on prison conditions, torture, and child trafficking. In 2004 one committee report on prison conditions was discussed in parliament. In July 2004 the committee issued an unofficial report on child trafficking that has still not been issued to the full parliament.

The Majlis as-Shura also has a committee on human rights. During the year that committee issued reports on the rule of law and the UNDP Human Development report and conducted meetings with different NGOs to discuss human rights developments in the country.

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

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

#### Women

The law provides for protection against violence against women; however, the provision was rarely enforced. Although spousal abuse occurred, it generally was undocumented. Violence against women and children was considered a family affair, and usually not reported to the police. Due to social norms and customs, an abused woman was expected to take her complaint to a male relative (rather than the authorities) to intercede on her behalf or provide her sanctuary if required. A small shelter for battered women in Aden assisted victims, and telephone hotlines operated with moderate success in Aden and Sana'a.

The law criminalizes rape; however, it was a problem. The punishment for rape is imprisonment up to 15 years imprisonment; however, it was seldom imposed.

The press, women's rights activists, and the MHR continued to investigate or report on violations of women's rights. During the year, NGOs, in conjunction with each other and the MHR, sponsored several women's rights conferences dealing with issues such as violence against women, honor killings, and increasing the political representation of women. In May the Women's Forum for Research and Training held a workshop on eliminating violence against women and changing discriminatory laws. From December 3 to 5, the MHR sponsored a regional conference on women's rights in the Arab world. More than 300 government and civil society representatives from all over the Middle East attended.

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

The law prohibits female genital mutilation (FGM); however, it was practiced to a limited degree. The prevalence of the practice varied substantially by region. Government health workers and officials actively discouraged the practice. The Yemeni Women's Union collaborated with local religious leaders to educate society on the negative health consequences of FGM.

Prostitution is illegal; however, it was a problem. The punishment for prostitution is imprisonment of up to three years or a fine. Mostly Iraqi and other foreign women continued to travel to the country to work in the sex industry (see section 5, Trafficking).

The country is a destination for the trafficking for sexual exploitation of foreign women, and there were credible reports of trafficking of foreign women during the year (see section 5, Trafficking).

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

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

Husbands may divorce wives without justifying their action in court. A woman has the legal right to divorce; however, she must provide a justification, and there are a number of practical, social, and financial negative considerations. A 2004 presidential decree abolished the law stating that the wife must obey the husband.

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

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

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

During the year there were reports that on occasion female judges, lawyers, and clients were refused entry into court. Female judges and prosecutors were also discriminated against in the workplace. During the year the MOJ appointed women as the head of four juvenile and one general court. Many female judges were assigned "without portfolio," where they served in staff positions in a ministry or with the attorney general's office.

The government continued to support women's rights as exemplified by local law and the expansion of the public role of women. The president strongly encouraged women to vote and created a special office to address gender equality in the electoral process (see section 3). The government also supported several NGO-sponsored conferences to increase the role of women in political life.

According to 2003 government statistics, approximately 83 percent of women were illiterate, compared with approximately 43 percent of men. The fertility rate was 6.67 children per woman. Most women had little access to basic health care.

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

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

The government-sponsored National Women's Committee (NWC) completed a comprehensive review of discriminatory laws against female citizens and conducted a seminar with parliamentarians to discuss proposed legislative changes. The NWC also educated 337 police officers on women's rights issues.

The Civic Democratic Initiatives Support Foundation worked with women across the country to enhance their role in local councils and ensure gender equity in the distribution of local services. The Women's Forum for Research and Training held a workshop on eliminating violence against women and changing discriminatory laws. The Society for the Development of Women and Children conducted a media campaign to encourage women to obtain identification cards, thereby allowing women access to government services and the legal system without relying on their husbands.

There were a number of NGOs working for women's advancement, including: the Social Association for Productive Families, which promoted vocational development for women; the Women and Children's Department of the Center for Future Studies, which organized seminars and published studies on women and children; the Woman and Child Development Association, focused on health education and illiteracy; the Yemeni Council for Motherhood and Childhood, which provided micro credit and vocational training to women; and the Zahara Women's Association for Welfare, which conducted voter education and grassroots education.

## Children

While the government asserted its commitment to children's rights, it lacked the resources necessary to ensure adequate education, health care, and welfare services for children. The law provides for universal, compulsory, and free education from age 6 to 15 years; however, compulsory attendance was not enforced. Public schooling was available to children through the secondary school level. Attendance was mandatory through the ninth grade. Many children, especially girls, did not attend primary school. According to a 2003 UNDP report, average student attendance in primary schools was 76 percent for boys and 45 percent for girls. In rural areas 52 percent of children attended school, whereas the rate in urban areas was 81 percent.

The law provides for free medical care for citizen children; however, this was not always enforced. Malnutrition was common. According to statistics gathered during the year, the infant mortality rate was 61.5 deaths per 1,000 births. Male children received preferential treatment and had better health and survival rates.

FGM was performed in some cases on girls (see section 5, Women).

Child marriage was a significant social problem in the country. The law requires that a girl be 15 years of age to marry; however, it was not enforced, and marriages of girls as young as age 12 occurred. The UN Children's Fund (UNICEF) estimated that approximately 41 percent of citizen children under the age of 15 were married. According to the Ministry of Labor and Social Affairs, the government has not yet embarked on public awareness campaigns on the negative effects of child marriage because of the cultural sensitivity of the issue.

The law does not prohibit child abuse, and it was a problem; however, reliable data on the extent of child abuse was insufficient.

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

#### Trafficking in Persons

The law prohibits trafficking in persons; however, there were credible reports of trafficking in women and children. The law, which does not differentiate between children or adult victims, allows for a prison sentence of up to 10 years for anyone convicted of trafficking in persons. Other laws forbid and severely punish kidnapping, sexual assault, and the facilitation of prostitution. The Child Rights law mandates the protection of all children from economic and sexual exploitation.

Trafficking was a relatively new phenomenon in the country, and there were no reliable statistics available. During the year there were reports of foreign Arab women, particularly Iraqis, who were possibly trafficked to the country for the purpose of prostitution. They are located primarily in the southern port city of Aden and in Sana'a. As the problem of sex trafficking was new, authorities were unable to provide information on the scope and methods of sex trafficking, but they suspected that women were brought or trafficked to the country by organized syndicates. In 2004 the government took steps to address this problem by instituting a new visa requirement for Iraqi citizens traveling to the country.

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

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

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

During the year the government significantly increased its efforts to combat child trafficking. MOI security forces intensified patrolling the country's border with Saudi Arabia, resulting in the arrest of several traffickers. At least 14, up from 2 in 2004, traffickers of children were successfully convicted and sentenced to prison sentences that ranged from 6 months to a year. The government, in cooperation with UNICEF and the International Organization for Migration (IOM), also trained 42 border and airport officials on identifying and preventing child trafficking. At least 14 additional traffickers were apprehended by authorities at year's end. Parliament and the MLSA sent numerous delegations to areas known as points of origin for child trafficking to investigate the problem. The MHR established a hot line for persons to report cases of child trafficking.

In January the government and UNICEF released a joint study and held a two day conference that examined the problem of trafficking in children. UNICEF also helped the government establish a reception center in the northern part of the country for repatriated trafficked children. By year's end, the center received over 300 repatriated children.

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

#### Persons with Disabilities

There was discrimination against persons with mental and physical disabilities in education and employment. Several laws mandate the rights and care of the disabled. 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; however, it was unclear to what extent these laws have been implemented. Other laws mandate that 5 percent of government jobs be reserved for persons with disabilities. No national law mandates the accessibility of buildings for persons with disabilities. For the second consecutive year, public awareness regarding the need to address the

concerns of persons with disabilities appeared to be increasing.

During the year the Handicapped Society, the Challenge Society, the Yemeni Development Foundation, Al-Saleh Social Establishment, and the Islamic World Handicap and Training Council provided assistance to persons with disabilities, including rehabilitation assistance, vocational training, cultural and sports activities, and collaborative workshops on how to address the issue of disabilities in the country. The government's Social Fund for Development and Fund for the Care and Rehabilitation of the Disabled, administered by the MLSA, provided limited basic services and funded over 60 NGOs to assist persons with disabilities.

#### National/Racial/Ethnic Minorities

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

Human rights groups have reported that some immigrants of African origin had difficulty in securing MOI permission to marry citizens (see section 1.f.).

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

#### Section 6 Worker Rights

##### a. The Right of Association

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

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

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

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

The law generally protects employees from antiunion discrimination. Employers do not have the right to dismiss an employee for union activities. In June 2004 technicians working for the national airline, Yemenia, were restricted from unionizing. Several technicians and union officials reported that persons, likely associated with the PSO, removed union literature from public notice boards and prevented some technicians from reaching ballot boxes to participate in a unionization vote in August 2004. A deputy minister for unions was removed from office for supporting the technicians' efforts. His replacement subsequently invalidated the election results on the basis that the elections were suspect. Technicians reported that they were regularly harassed at work and have been blocked by Yemeni airline officials from seeking employment with other regional carriers.

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

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

The labor law provides workers, except public servants, foreign workers, day laborers, and domestic servants, the right to organize and bargain collectively without government interference. The government permitted these activities; however, at times it sought to influence them by placing its own personnel inside groups and organizations. The MLSA has veto power over collective bargaining agreements, a practice criticized by the International Labor Organization (ILO). 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." 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 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. There were reports of peaceful strikes during the year.

In March university professors throughout the country staged a series of peaceful strikes to demand higher wages. The strikes, which continued intermittently throughout the year, were suspended when the government agreed to examine the situation.

On March 4, the Yemeni Physicians and Pharmacists Syndicate (YPPS) staged a nationwide strike demanding a pay increase. The strike was suspended on March 4 after the government agreed to fulfill the demands of the syndicate within three months. The syndicate continued to strike intermittently throughout the year after it claimed that the government failed to follow through on its pledge.

On October 29, textile workers demonstrated in front of the Public Textile Corporation, a state-owned company located in Sana'a, demanding to be paid back wages. The demonstrations, which continued intermittently throughout the year, were also conducted in front of the parliament and cabinet buildings. The workers' demands were met after the minister of industry and trade and parliament intervened. There were reports that private sector employers discriminated against union members through transfers, demotions, and dismissals.

There are no export processing zones in operation.

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

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

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

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

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

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

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

The Ministry of Labor estimated that there were close to half a million working children, ages 6 to 14 years, and that working children equaled 10 to 15 percent of the total work force. The government was an active partner with the ILO's International Program to Eliminate Child Labor. During the year, this program offered remedial education, vocational training, counseling, and reintegration of child laborers into schools. In September 2004 the government entered into a grant agreement with a foreign government aimed at combating the worst forms of child labor in the country.

#### e. Acceptable Conditions of Work

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

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

The Ministry of Labor is responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the labor law; however, enforcement was weak to nonexistent. Many workers regularly were exposed to toxic industrial products and developed respiratory illnesses. Some foreign-owned companies and major manufacturers implemented higher health, safety, and environmental standards than the government required. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court. These laws were generally respected in practice.

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