



## Yemen

### Country Reports on Human Rights Practices - 2003

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Yemen is a republic with an active bicameral legislature. An elected President, an elected 301-seat House of Representatives, and an appointed 111-member Shura Council shared Constitutional power. President Ali Abdullah Saleh was the leader of the ruling party, the General People's Congress (GPC), which dominated the Government. The Constitution provides that the President be elected by popular vote from at least two candidates endorsed by Parliament. In 1999, President Saleh was directly elected in a popular vote to another 5-year term, amended in 2001 by referendum to a 7-year term. A competitive candidate did not oppose the President because his sole opponent was a member of the ruling GPC. In April parliamentary elections the GPC maintained an absolute majority. International observers judged elections to be generally free and fair and there was a marked decrease from previous years in election related violence; however, there were some problems with underage voting, confiscation of ballot boxes, voter intimidation and election related violence. The Parliament was not an effective counterweight to executive authority, although it increasingly demonstrated independence from the Government. The head of Islaah, the leading opposition party, led the elected House of Representatives, which effectively blocked some legislation favored by the Executive. Real political power rested with the executive branch, particularly the President. The Constitution provides for an "autonomous" judiciary and independent judges; however, the judiciary was weak, and corruption and executive branch interference severely hampered its independence.

The primary state security apparatus is the Political Security Organization (PSO), which reports directly to the President. The Criminal Investigative Department (CID) of the police reports to the Ministry of Interior and conducts most criminal investigations and makes most arrests. The Central Security Organization (CSO), also a part of the Ministry of Interior, maintains a paramilitary force. Civilian authorities generally maintained effective control of the security forces. Members of the security forces committed serious human rights abuses.

The country had a population of approximately 19.5 million; more than 40 percent of the population live in poverty and the unemployment rate was 37 percent. The country's market-based economy remained impeded by government interference and corruption. The economy was mixed; oil and remittances from workers in other Arabian Peninsula states were the primary sources of foreign exchange. The economy continued to suffer due to other Arab governments' reaction to the Government's lack of support for the U.N. coalition during the 1990-91 Gulf War. However, foreign aid and workers' remittances have since reemerged as important sources of income.

Although many problems remained, the Government's respect for human rights improved in a few areas during the year. There were limitations on citizens' ability to change their Government. Security forces continued to arbitrarily arrest, detain, and torture persons. The Government sometimes failed to hold members of the security forces accountable for abuses; however, the number of security officials tried for abuses increased since 2002. Prison conditions remained poor. Despite constitutional constraints, security officers routinely monitored citizens' activities, searched their homes, detained citizens for questioning, and mistreated detainees. Prolonged pretrial detention, judicial corruption, and executive interference undermined due process. There continued to be limits on freedom of speech and of the press, and the Government continued to harass and intimidate journalists despite a decline in detention of journalists from last year. Journalists practiced self-censorship. The Government at times limited freedom of assembly. The Government imposed some restrictions on freedom of religion and placed some limits on freedom of movement. Violence and discrimination against women remained problems. Female genital mutilation (FGM) was practiced on a limited scale. There was some discrimination against persons with disabilities and against religious, racial, and ethnic minorities. The Government imposed restrictions on labor unions. Child labor remained a problem.

#### 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 political killings; however, there were some reports during the year that security forces killed or injured persons whom they believed were engaging in criminal activity and resisting arrest.

In March, security forces killed and injured demonstrators after a gunfight broke out between demonstrators and security forces protecting an embassy. Security forces used tear gas and shots in the air to disperse demonstrators. A policeman and an 11-year-old male citizen reportedly were killed during the shootout (see Section 2.b.). Amnesty International (AI) reported that police detained dozens of demonstrators and subjected some to beatings upon arrest (see Section 1.d.). The Government had previously allowed several peaceful anti-war demonstrations (see Section 1.b.); however, in this instance, the demonstrators, led by pro-Iraqi politicians, initiated violence aimed at an embassy (see Section 2.b.). Several members of the security forces were also injured.

In June, security forces took action against persons involved in an attack by elements of the Aden-Abyan Islamic Army, a militant domestic group, on a medical convoy in Abyan. Arrests were made in both incidents.

Unlike in the past, there were no reports of high-profile clashes between security forces and private bodyguards of prominent figures. There were no developments in the 2002 cases of persons killed during such clashes and there were no arrests by year's end.

During the year, approximately 40 security officials were disciplined or tried for abuses with sentences ranging from 20 days to more than 10 years imprisonment for attacks during investigation, shootings, accidental and intentional killings, fraud and extortion (see Section 1.b.). For example, one security official was tried and sentenced to one and a half years in prison for attacking a person during an investigation. In separate incidents, two security officials received 10-year sentences for attacking citizens. In 2002, in Hadramaut, three security officers were on trial for torturing two young boys. In Damar, a former Security Director was on trial for torture and bribery. These cases still were pending at year's end.

In April, election-related violence resulted in three documented deaths (see Section 3).

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 (see Section 4).

Persons continued to be killed and injured in shootings and violence during the year. In December, police arrested a suspect accused of stabbing three foreigners in Sana'a. The case remained pending at year's end. In most cases, it was impossible to determine the perpetrator or the motive, and there were no claims of responsibility. Some cases appeared to have criminal, religious, or political motives; others appeared to be cases of tribal revenge or land disputes. There were no reported developments on the President's 2001 strategy to address the phenomenon of tribal revenge.

In 2002, there were threats, attacks, and killing of high-profile persons. In December 2002, Ali al-Jarallah reportedly killed Jarallah Omar, a high ranking official of the Yemeni Socialist Party, in Sana'a. In December 2002, Abed Abdul Razak Kamal smuggled a semiautomatic rifle into the hospital in Jibla and killed three American medical workers and injured one (see Section 2.c.). Both suspects were convicted and sentenced during the year.

There was no action taken during the year to bring suspects to trial in the 2000 bombing of the USS Cole (see Section 1.e.).

#### b. Disappearance

There were no reports of politically motivated disappearances; however, disappearances that occurred during the pre-unity period in the former People's Democratic Republic of Yemen (PDRY) and during the 1994 war of secession remained unresolved. The Government stated that the scarcity of records, resulting from the country's lack of an effective national registry, hindered its attempts to create database files for those persons who have disappeared. A media campaign to ask families for information was undertaken; however, by year's end no families had come forward. Although the Government submitted information to resolve the cases, both AI and the U.N. Working Group on Enforced and Involuntary Disappearances continued to report that there were less than 100 cases of unresolved disappearances dating from the preunity period in the former PDRY. AI has received no credible reports of new disappearances in the last 9 years.

The law stipulates severe punishments up to and including capital punishment for persons involved in kidnapping, carjacking, attacking oil pipelines, and other acts of banditry and sabotage. Unlike in previous

years, there were no tribal kidnappings of foreigners for political and economic purposes during the year. There has been a marked decline in tribal kidnappings of foreigners, from six cases in 2000 and seven cases in 2001 to no cases in 2002 and during the year. This decrease was at least in part the result of the Government's establishment of a special court and special prosecutor to try kidnappers and other violent offenders. During the year, there was one reported instance of a non-citizen Arab foreigner detained briefly in a business dispute by a rival, who was later released. In the past, some tribes used kidnapping to bring their political and economic concerns to the attention of the Government. Foreign businessmen, diplomats, and tourists were the principal targets. A total of 166 foreigners have been kidnapped since 1992; however, the kidnapping victims rarely were injured and were generally released shortly thereafter.

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

The Constitution is ambiguous regarding the prohibition of cruel or inhuman punishment, and members of the security forces tortured and otherwise abused persons in detention. Arresting authorities were known to use force during interrogations, especially against those arrested for violent crimes. Detainees in some instances were confined in leg-irons and shackles, despite a 1998 law outlawing this practice.

The Government has acknowledged publicly that torture occurred, but claimed that torture was not official policy. The Government has taken some effective steps to end the practice or to punish those who commit such abuses. However, a government prosecutor cited illiteracy, lack of training among police and security officials and a human rights activist has suggested that corruption and pressure from superiors to produce convictions also played a role as reasons for the use of undue force. During the year, it was reported that the Government reportedly increased training and awareness programs on human rights for police and security.

The immunity of all public employees from prosecution for crimes allegedly committed while on duty also hindered accountability; prosecutors must obtain permission from the Attorney General to investigate members of the security forces, and the head of the Appeals Court formally must lift their immunity before they are tried. Low salaries for police officers of approximately \$35 to \$53 (6,000 to 9,000 riyals) per month also contribute to corruption and police abuse.

More than 40 security officials were tried and imprisoned for abuses committed during the year with sentences ranging from 20 days to more than 10 years' imprisonment for attacks on citizens during investigation and shootings (see Section 1.a.). During the year, there were two reported prosecutions of security officials for abuses committed in 2001. The trials of security officers charged with torture in 2002 remained ongoing at year's end.

There were numerous allegations and credible evidence that authorities tortured and abused suspects and detainees to attempt to coerce confessions before or during trial. During the year, several families of persons detained in relation to terrorist activities have alleged that torture has been used during interrogation (see Section 2.d.).

The Constitution may be interpreted as permitting amputations in accordance with Shari'a (Islamic law) and physical punishment such as flogging, for some crimes; however, the use of amputations as punishment was extremely rare and there were no reported floggings during the year. Only one reported case of amputation has occurred since 1991, although a few persons convicted of theft remained in jail awaiting their amputation. Unlike in the past, firing squads were not used for capital punishment.

In March, the Government used force to prevent a demonstration against an embassy (see Section 1.a.).

Tribal violence continued to be a problem during the year, causing numerous deaths and injuries (see Section 5).

Prison conditions were poor and did not meet internationally recognized standards. Prisons were overcrowded, sanitary conditions were poor, and food and health care were inadequate. Prison authorities often exacted bribes from prisoners to obtain privileges or refused to release prisoners who completed their sentences until family members paid. Tribal leaders misused the prison system by placing "problem" tribesmen in jail, either to punish them for noncriminal indiscretions or to protect them from retaliation or violence motivated by revenge. Authorities in some cases arrested without charge and imprisoned refugees, persons with mental disabilities, and illegal immigrants in prisons with common criminals.

Women and children were held separately from men and conditions were equally poor in women's prisons. Children were likely to be incarcerated along with their mothers. By custom and preference, babies born in prison generally remained in prison with their mothers. At times, male police and prison officials subjected female prisoners to sexual harassment and violent interrogation. The law requires male members of the families 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.

Several nongovernmental organizations (NGOs), often with government support, undertook activities to address the legal and other problems of female prisoners (see Section 4). During the year, the Government released 10 women after making arrangements for their release via a government committee led by the Chief of the Supreme Judicial Council and composed of representatives from the Ministries of Justice, Human Rights, Public Health and Population, Technical and Vocational Education, Legal Affairs, and Interior. The Committee inspected prison conditions in several governorates and noted problems with a lack of resources and infrastructure to improve conditions and to provide job training for prisoners.

Unauthorized "private" prisons, in rural areas controlled by tribes and sometimes simple rooms in a tribal sheikh's house, remained a problem. Persons detained in such prisons often were held for strictly personal or tribal reasons and without trial or sentencing. There were credible reports of the existence of private prisons in government installations, although senior officials did not sanction these prisons.

During the year, efforts to implement directives intended to align the country's arrest, interrogation, and detention procedures more closely with internationally accepted standards continued. In 2002, the Ministry of Interior created detention and interrogation centers in each governorate (including four in Sana'a), to prevent suspects from being detained with convicted criminals.

In November, the President released 1,700 prisoners in honor of the Islamic holy month of Ramadan. The prisoners were released because they either completed three-fourths of their sentence and behaved well or, in keeping with tribal or Islamic law, were being held in prison pending payment of restitution to their victims, despite having completed their sentences.

The Government tightly controlled access to detention facilities by NGOs; however, during the year, it permitted local and international human rights monitors access to some prisoners.

Patients with mental illness, particularly those who committed crimes, were imprisoned and even shackled when there was no one to care for them. In some instances, authorities arrested persons with mental illness without charge and placed them in prisons alongside criminals. In July, the President declared the release of mentally disturbed prisoners into the custody of mental institutions. However, there were not enough mental institutions despite the International Committee for the Red Cross (ICRC), in cooperation with the Yemeni Red Crescent Society, building and staffing separate detention facilities for prisoners with mental illness.

The PSO did not permit access to its detention centers.

#### d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention or exile; however, security forces arbitrarily arrested and detained persons. Enforcement of the law was irregular and in some cases nonexistent, particularly in cases involving security offenses. The Police CID reports to the Ministry of Interior and conducts most criminal investigations and makes most arrests. The CSO, also a part of the Ministry of Interior, maintains a paramilitary force.

According to the law, 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. In no case may a detainee legally be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge remained common practices. During the year, directives were implemented to align arrest, interrogation, and detention procedures more closely with internationally accepted standards.

During the year, the Government decreased its practice of detaining journalists for questioning concerning articles critical of the Government or that the Government considered sensitive, with no cases of arbitrary detention reported. A Presidential amnesty issued in 2002 remained in effect and past specific cases against journalists were dropped (see Section 2.a.).

During the year, the Government continued to detain suspects accused of links to terrorism. In November, the Government arrested Saudi-born Mohammed Hamdi al-Ahdal (AKA Abu Assam al-Maki), who has been implicated in the 2000 attack on the USS Cole. During the year, the Government arrested Hadi Dulqum, a weapons dealer, al-Qa'ida associate, and supplier of weapons for the group. In November, the President released approximately 90 security detainees not facing charges in honor of Ramadan. A parliamentary report issued in September 2002 contained an acknowledgement by the Minister of Interior that such detentions violated the Constitution; however, it asserted that they were necessary for national security. The Government sponsored an ideological dialogue led by Islamic scholars to obtain assurances from detainees to repent past extremism, denounce terrorism, commit to obeying the laws and Government, respect non-Muslims, and refrain from attacking foreign interests. More than 150 detainees have undergone the dialogue process since 2002, most of whom were released. At year's end, more than 50 persons who were accused of specific crimes or unwilling to repent remained in detention.

Amar Mahmoud Ali Abdo al-Madhagi, who was arrested in 2001 for providing inaccurate information regarding terrorist attacks in 2000, reportedly remained in prison awaiting trial at year's end.

The law prohibits incommunicado detentions and provides detainees with the right to inform their families of their arrests and to decline to answer questions without an attorney present. There are provisions for bail. However, in practice, many authorities abide by these provisions only if bribed.

Citizens regularly claimed that security officials did not observe due process procedures when arresting and detaining suspects, particularly those accused of involvement in political violence. There also were claims that private individuals hired lower-level security officials to intervene on their behalf and harass their business rivals. Security forces at times detained demonstrators (see Section 2.b.). Members of security forces continue to arrest and detain citizens for varying periods of time without charge or notification to their families.

In cases in which a criminal suspect was at large, security forces in some instances detained a relative while the suspect was being sought. The detention may continue while the concerned families negotiate compensation for the alleged wrongdoing. Arbitration commonly was used to settle cases.

The Government failed to ensure that detainees and prisoners were incarcerated only in authorized detention facilities. The Ministry of Interior and the PSO operated extrajudicial detention facilities.

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

Some government inspection missions and local human rights groups helped in the release of some persons held without charge; however, overall the Government did not investigate or resolve these cases adequately.

Unauthorized private prisons also exist (see Sections 1.c. and 1.e.).

The law does not permit forced exile and the Government did not use forced exile. During the year, with the encouragement of the Government, prominent southern journalists, military officers, and their families who fled the country during the 1994 war of secession returned to the country, including prominent persons from the secessionists of the Democratic Republic of Yemen (DRY) (see Section 1.e.).

During the year, the Government continued to deport foreigners, many of whom were 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.

#### e. Denial of Fair Public Trial

The Constitution provides for an "autonomous" judiciary and independent judges; however, the judiciary was weak and corruption and executive branch interference severely hampered it. The executive branch appointed judges, and some have been 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 bribery at times influenced the verdict more than the law or the facts. Many judges were poorly trained; some closely associated with the Government often render decisions favorable to it. The judiciary further hampered by the Government's frequent reluctance to enforce judgments. Tribal members at times threatened and harassed members of the judiciary.

There are five types of courts: Criminal; civil and personal status; kidnapping/terrorism; commercial; and court-martial.

All laws are codified from Shari'a, under which there are no jury trials. A judge, who played an active role in questioning witnesses and the accused, adjudicates criminal cases. Under the Constitution and by law, the Government must provide attorneys for indigent defendants; however, in practice this never occurred. Judges at times appointed attorneys present in their courtrooms to represent indigent defendants; however, most accepted to avoid displeasing judges before whom they must appear later.

By law, prosecutors are a part of the judiciary and independent of the Government; however, in practice prosecutors considered themselves an extension of the police.

Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses. Defendants, including those in commercial courts, have the right to appeal their sentences. Trials generally

were public; however, all courts may conduct closed sessions "for reasons of public security or morals." Foreign litigants in commercial disputes have complained of biased rulings. However, some foreign companies have won cases against local defendants, and some such decisions have been enforced.

In addition to regular courts, the law permits a system of tribal adjudication for noncriminal issues; however, in practice, tribal "judges" often adjudicated criminal cases as well. The results of such mediation carry the same if not greater weight as court judgments. Persons jailed under the tribal system usually were not charged formally with a crime but stood publicly accused of their transgression.

A special court existed to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts of banditry and sabotage (see Section 1.b.).

The Government continued its ongoing program begun in 1997 to reform the judiciary. The newly appointed Minister of Justice undertook a series of conferences around the country to reinvigorate the reform process and establish a written plan for reform. Some improvements include a reduction in the number of Supreme Court justices, an increase in judges' salaries, an increase in the Ministry of Justice's budget and participation by judges in workshops and study tours conducted by foreign judicial officials.

During the year, the country's Higher Judicial Council, chaired by the President, dismissed more than a dozen judges and prosecutors for violating the law. In 2002, 35 judges and prosecutors were dismissed.

The security services continued to arrest, charge, and try persons alleged to be linked to various shootings, explosions, and other acts of violence. Citizens and human rights groups alleged that the judiciary did not observe due process in these cases.

During the year, the Government conducted a release program for detainees held in connection with terrorist groups and activities. In 2002, Parliament issued a report, on detainees held in connection with terrorist activities. In the report, detainees' family members alleged that detainees were held without family notification, counsel, charges, and basic privileges such as health care. Family members alleged that some were held in isolation and tortured. The Minister of Interior acknowledged that the detainees were held but asserted that it was necessary for national security. He denied the torture charges and said that the detainees related to the USS Cole attacks would be charged and prosecuted after investigation in cooperation with international law enforcement partners. By year's end, the investigation into the attack was transferred to the General Prosecutor to prepare for trial, and several suspects were in custody. On April 10 suspects in the USS Cole bombing escaped from prison. They remained at large at year's end and no suspects went to trial during the year (see Section 1.a.). In 2001, the lawyer claimed that authorities denied him access to his clients. However, there have been no reports of allegations of torture from persons detained in connection with the USS Cole investigation.

The Government claimed that it did not hold political prisoners. Local opposition politicians and human rights activists generally accepted this claim; however, some international human rights groups and members of the opposition-in-exile disputed it.

At the end of the 1994 war of secession, the President pardoned nearly all who had fought against the central Government, including military personnel and most leaders of the secessionists. In previous years, the Government tried in absentia the leaders of the so-called 16. By May, the President had granted amnesty to all 16.

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

The Constitution prohibits interference with privacy; however, security forces routinely searched homes and private offices, monitored telephones, read personal mail, and otherwise intruded into personal matters for alleged security reasons. Such activities were conducted without legally issued warrants or judicial supervision. Security forces regularly monitored telephone conversations and interfered with the telephone service of government critics and opponents. Security forces sometimes detained relatives of suspects while the suspect was being sought (see Section 1.d.). Government informers monitored meetings and assemblies (see Section 2.b.).

The Government reportedly blocked sexually explicit Web sites but did not block politically oriented sites (see Section 2.a.). The Government claimed that it did not monitor Internet usage, but some persons suspected security authorities read their e-mail messages.

The law prohibits arrests or the serving of a subpoena between the hours of sundown and dawn. However, persons suspected of crimes in some instances were taken from their homes in the middle of the night, without search warrants. Jews traditionally faced social (but not legal) restrictions on their residence and their employment; however, there were no reported cases during the year.

No citizen may marry a foreigner without Interior Ministry permission (see Section 5). This regulation does not carry the force of law and appears to be enforced irregularly.

## 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 influenced the media and restricted press freedom. Some security officials attempted to influence press coverage by threatening and harassing journalists. Although most citizens were uninhibited in their private discussions of domestic and foreign policies, some were cautious in public, fearing harassment for criticism of the Government. The Penal Code criminalizes, with fines and sentences up to 5 years in jail, "the humiliation of the State, the Cabinet, or parliamentary institutions," the publication of "false information" that "threatens public order or the public interest," and "false stories intended to damage Arab and friendly countries or their relations" with the country.

An atmosphere of government pressure on independent and political party newspapers continued at a lower level than in 2002, due to a reduction in cases of detention after a presidential amnesty to all journalists in July 2002. The Government dropped previous cases against journalists and media outlets but continued to use censorship and intimidation directed at journalists. Self-censorship was practiced despite the decrease in detention and prosecution.

The Ministry of Information influenced the media through its control of most printing presses, subsidies to certain newspapers, and its ownership of the country's sole television and radio outlets. Only two newspapers, the weekly Al-Shumu and the daily Aden independent Al-Ayyam, owned their own presses. The Government selected the items to be covered in news broadcasts, and it often did not permit broadcast reporting critical of the Government. The Government televised parliamentary debates, but it edited them selectively to remove criticism.

Press Law regulations specify that newspapers must apply annually to the Government for licensing renewal, and that they must show continuing evidence of approximately \$4,375 (700,000 riyals) in operating capital. There were no reports of denied registrations during the year.

Although newspapers ostensibly were permitted to criticize the Government, journalists at times censored themselves, especially when writing on such sensitive issues as government policies toward the southern governorates, relations with Saudi Arabia and other foreign governments, official corruption, and combating terrorism. Journalists were subject to arrest for libel, dismissal from employment, or extrajudicial harassment. Editors-in-chief legally were responsible for everything printed in their newspapers, regardless of authorship. Some journalists have reported threats from security officials to change the tone and substance of their reporting. Journalists must have a permit to travel abroad; however, there were no reports that this restriction was enforced during the year (see Section 2.d.). During the year, the Government continues to enforce a 2001 circular prohibiting publication of information or news pertaining to the armed forces before "consulting" with the Ministry of Defense.

In 2002 the President issued an amnesty for all journalists in detention or awaiting trial. The amnesty directed the General Prosecutor to stop all cases filed against journalists awaiting prosecution. The orders also required journalists to pledge to discontinue reporting that went against the law, national norms, or national unity. The General Prosecutor dropped past cases. Some journalists claimed that most harassment came from the police, in particular the CID.

Unlike in previous years, there were no journalists detained; however, harassment and intimidation continued. For example, the Press Freedom and Press Training Center, an NGO that tracks human rights violations against journalists and newspapers, still had not received a license to operate, since it applied in 2002. The Ministry of Information on occasion confiscated specific issues of opposition newspapers that contained anti-government reports. In 2002, the PSO arrested Abdul-Rahim Muhsen, a journalist for the Yemeni Socialist Party's newspaper Al-Thawri, for writing articles critical of the Government. In 2002, Ibrahim Hussein, an Al-Thawri journalist, was also sentenced to 5 months in jail for violating the press law. Two weeks later, the PSO rearrested and imprisoned Hussein; he was held incommunicado for more than 2 weeks until release. The cases were later dropped pursuant to the President's July 2002 amnesty.

In January, the Sana'a Appeals Court acquitted Jamal Ahmed Amer in a 2000 case involving an article that criticized the Government of Saudi Arabia.

The 2001 case of al-Shumu's editor-in-chief Seif al-Hadri was dropped during the year.

All cases against Hisham Ba Sharahil were dropped pursuant to the President's amnesty: The 2000 case the editor of al-Ayyam who was charged with "instigating the use of force and terrorism" and "publishing

false information" for publishing an interview with Islamic militant Abu Hamza al-Masri in 1999, and with "insulting public institutions" for publishing an article critical of the Director of Aden Security from the secessionist Movement of Self-Determination for South Arabia.

The Yemeni Journalists Syndicate defended freedom of the press and publicized human rights concerns. Critics claim that the syndicate was ineffective because it had too many non-journalist members who supported government policy. In 2002, the Press Freedom and Training Center, under the leadership of Mohammed Sadeq Al-Udaini, was established to document abuses against journalists and defend their rights; however, it still does not have a license to operate by year's end.

Customs officials confiscate foreign publications regarded as pornographic or objectionable because of religious or political content. There were some reports during the year that the Ministry of Information delayed the distribution of international Arabic-language dailies in an effort to decrease their sales in the country. Authorities monitored foreign publications, banning those that they deem harmful to national interests.

An author must obtain a permit from the Ministry of Culture to publish a book. The author is required to submit copies of the book to the Ministry. Officials at the National Library must read and endorse the text, and then it is submitted to a special committee for final approval. If a book is not deemed appropriate for publication, the Ministry simply does not issue a decision. Publishers usually did not deal with an author who had not yet obtained a permit. Most books were approved, but the process was time-consuming.

The Government did not impose restrictions on Internet use, but most persons claimed that equipment and subscriptions costs were prohibitively high. Teleyemen, a parastatal company under the Ministry of Telecommunications, and YemenNet were the country's Internet service providers. The Government did not block politically oriented web sites.

The Government restricted academic freedom to some extent because of the extreme politicization of university campuses. A majority of professors and students aligned themselves with either the ruling GPC party or the opposition Islaah party. Each group closely monitored the activities of the other. Top administrative positions were usually awarded to political allies of these two major parties. There were several clashes between GPC- and Islaah-affiliated students during the year, but no serious violence.

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

The Constitution provides for freedom of assembly; however, the Government limited this right in practice. The Government claimed that it banned and disrupted some demonstrations to prevent them from degenerating into riots and violence. The Government required a permit for demonstrations, which it issued routinely. Government informers monitored meetings and assemblies. The opposition claimed that the Government sometimes detained activists for questioning to prevent them from organizing demonstrations.

In March, security forces killed and injured demonstrators after a gunfight broke out between demonstrators and security forces protecting a foreign embassy. Security forces used tear gas and shots in the air to disperse demonstrators. A policeman and an 11-year-old male citizen reportedly were killed during the shootout (see Section 1.a.). Al reported that police detained dozens of demonstrators and subjected some to beatings upon arrest (see Sections 1.c. and 1.d.). The Government had previously allowed several peaceful anti-war demonstrations (see Section 1.b.); however, in this instance, the demonstrators, led by pro-Iraqi politicians, initiated violence aimed at a foreign embassy. Several members of the security forces were also injured. There were also a number of peaceful demonstrations during the year.

Authorities arrested and were prosecuting the soldier allegedly responsible for the April 2001 killing of a demonstrator in al-Dalah governorate.

The Constitution provides for the freedom of association, and the Government generally respected this right in practice. Associations must obtain an operating license from the Ministry of Social Affairs or the Ministry of Culture, usually a routine matter. Government informants monitored meetings and assemblies.

The Government cooperated to some extent with NGOs, although NGOs complained that there was a lack of response to their requests from officials. Some part of the Government's limited responsiveness was due to a lack of material and human resources. In 2001, Parliament passed the controversial Law for Associations and Foundations, which regulates the formation and activities of NGOs (see Section 4).

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 Constitution provides for freedom of religion; however, there were some restrictions. The Constitution declares that Islam is the state religion and that Shari'a is the source of all legislation.

Followers of other religions were free to worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, the Government forbids conversion from Islam, requires permission for the construction of new places of worship, and prohibits non-Muslims from proselytizing and holding elected office. The Government did not keep track of an individual's religious identity.

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, there were unconfirmed reports that police have harassed foreigners for its possession. In addition, ostensibly to prevent proselytizing, some members of the security forces occasionally censored the mail of Christian clergy who ministered to the foreign community.

The Government did not allow the building of new non-Muslim public places of worship without permission. Weekly services for Catholic, Protestant, and Ethiopian Christians were held in various locations in Sana'a without government interference. Christian church services were held regularly in other cities without harassment in private homes or facilities such as schools, and these facilities appeared to accommodate the small numbers involved.

There were unconfirmed reports that some police, without the authorization or knowledge of their superiors, on occasion have harassed and detained persons suspected of apostasy to compel them to renounce their conversions.

Public schools provided instruction in Islam but not in other religions. However, almost all non-Muslims were foreigners who attended private schools.

The Government has taken steps to prevent the politicization of mosque activities in an attempt to curb extremism. This included the monitoring of mosques for sermons that incited violence or other political statements that it considered harmful to public security. Private Islamic organizations may maintain ties to pan-Islamic organizations and, in the past, have operated private schools; however, the Government monitored their activities.

In 2001, the Government mandated the implementation of a 1992 law to unify educational curriculums and administration of all publicly funded schools. The process of absorbing publicly funded Islamic schools into the national system was ongoing at year's end.

In 2000, the Government suspended its policy of allowing Yemeni-origin Israeli passport holders to travel to the country on laissez-passer documents. However, Yemeni, Israeli, and other Jews may travel freely to and within the country on non-Israeli passports (see Section 2.d.).

Following unification of North and South Yemen in 1990, owners of property previously expropriated by the Communist government of the former PDRY, including religious organizations, were invited to seek restitution of their property. However, implementation of the process, including for religious institutions, has been extremely limited, and very few properties have been returned to previous owners.

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

Nearly all of the country's once sizable Jewish population has emigrated. There were no legal restrictions on the few hundred Jews who remained, although there were traditional restrictions on places of residence and choice of employment (see Section 5).

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

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

The Government placed some limits on freedom of movement. In practice, the Government did not obstruct domestic travel; however, the army and security forces maintained checkpoints on major roads. There were a few reports during the year that security forces at checkpoints injured persons whom they believed were engaging in criminal activity and resisting arrest.

In certain areas, armed tribesmen occasionally manned checkpoints alongside military or security officials, and subjected travelers to physical harassment, bribe demands, or theft.

The Government did not routinely obstruct foreign travel or the right to emigrate and return. However, journalists must have a permit to travel abroad. There were no reports that the restriction on journalists was enforced during the year (see Section 2.a.). Women must obtain permission from a male relative before applying for a passport or departing the country.

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.

During the year, the government deported foreigners who were in the country illegally or whom it suspected of inciting violence or engaging in criminal acts.

Although the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, there were no reports of the forced return of persons to a country where they feared persecution. However, the Government continues to grant refugee status on a group basis to Somalis who arrived in the country after 1991.

The Government cooperated with the U.N. High Commissioner for Refugees in assisting refugees and asylum seekers from Somalia, Eritrea, Ethiopia, and various other countries.

At times, authorities arrested without charge and imprisoned refugees (see Section 1.d.).

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

The Constitution provides citizens with the right to change their government; however, there were limitations in practice. By law the Government is accountable to the Parliament; however, the Parliament was not an effective counterweight to executive authority. Decisionmaking and real political power still rested in the hands of the executive branch, particularly the President. In addition, 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 President appoints the Prime Minister, who forms the Government. The cabinet consists of 35 ministers. Parliament is elected by universal adult suffrage; the first such election was held in 1993. International observers judged April Parliamentary elections to be "generally free and fair"; however, there were some problems with underage voting, confiscation of ballot boxes, voter intimidation, and vote buying. In addition, international observers reported that some officials were allegedly prevented from approving results that gave victory to opposition parties. At least three people were reportedly killed and one person wounded in shootings involving supporters of rival candidates. Approximately 28 persons were killed and 47 injured in election-related violence in 1997 (see Section 1.a.). President Saleh's ruling GPC party maintained its large majority in Parliament. Eight million voters or 75 percent of eligible voters went to the polls, of which 43 percent were women. Throughout the country, 1396 candidates represented 21 political parties competed for 301 seats.

Ali Abdullah Saleh, the President and leader of the GPC, was elected to a 5-year term in the country's first nation-wide direct presidential election in 1999, winning 96.3 percent of the vote. In 2001, the 5-year term was later amended to a 7-year term. The Constitution provides that the President is elected by popular vote from at least two candidates endorsed by Parliament, and the election was generally free and fair; however, there were some problems, including the lack of a credible voter registration list. In addition, the President was not opposed by a truly competitive candidate because the candidate selected by the leftist opposition coalition did not receive from the GPC-dominated Parliament the minimum number of votes required to run (the other opposition party chose not to run its own candidate, despite its seats in Parliament). The President's sole opponent was a member of the GPC.

The Constitution permits Parliament to initiate legislation; however, to date it has not done so. Parliament debated policies that the Government submitted; however, it increasingly and successfully revised or blocked draft legislation submitted by the Government. In addition, the Government routinely consulted senior parliamentary leaders when it drafted important national legislation. Although the President's party, the GPC, enjoyed an absolute majority, Parliament has rejected or delayed action on major legislation introduced by the Government and has forced significant modification. The Parliament also has criticized the Government for some actions, including the issue of detainees and aspects of the Government's counterterrorism campaign. Ministers frequently were called to Parliament to defend actions, policies, or proposed legislation, although they may and sometimes did refuse to appear. Parliamentarians, at times, were sharply critical during these sessions. Parliamentarians and staff attended foreign NGO-sponsored training workshops designed to increase their independence and effectiveness.

In a national referendum in 2001, citizens approved several amendments to the Constitution, including amendments that extend the terms of Members of Parliament from 4 to 6 years and the President from 5 to 7 years, allow the President to dissolve Parliament without a referendum in rare instances, and abolish the President's ability to issue decrees while Parliament was in recess. Another approved amendment transformed the 59-member Consultative Council, an advisory board to the President, into an appointed 111-member Shura Council. The new Council, like the old, advised the President on a range of issues and consisted of appointed members chaired by a former prime minister. However, unlike its predecessor, which had no constitutional role, the Shura Council has limited legislative and candidate approval powers. In general, the elections and referendum in 2001 appeared to be free and fair; however, there were problems. Approximately 28 persons were killed and 47 injured in election-related violence. There were some reports of fraud, as well as logistical problems in voting procedures.

Formal government authority is centralized in Sana'a; many citizens, especially in urban areas, complain about the inability of local and governorate entities to make policy or resource decisions. The Local Authority Law, decentralizes authority by establishing locally elected district and governorate councils, headed government-appointed governors. The first elections for the councils were held concurrently with the constitutional referendum in 2001. A few local councils still were not constituted at year's end and many continued to lack sufficient resources.

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

The GPC dominated Parliament, and Islaah was the only other party of significance in Parliament. All parties must be registered in accordance with the Political Parties Law of 1991, which stipulates that each party must have at least 75 founders and 2,500 members. Some oppositionists contended that they were unable to organize new parties because of the prohibitively high legal requirements regarding the minimum number of members and leaders. The Yemeni Socialist Party and several smaller parties boycotted the country's first nationwide direct presidential election in 1999, but they returned to active political life by participating in the 2001 local elections, constitutional referendum, and the April parliamentary election.

The Government provided financial support to political parties, including a small stipend to publish their own newspapers. However, the YSP claimed that the Government has not returned the assets that it seized from the party during the 1994 war of secession.

In May, an extensive cabinet change occurred after the parliamentary election, with more than half of the ministries receiving new ministers.

Although women voted and held office, cultural norms and religious customs often limited these rights, and the numbers of women in Government and politics did not correspond to their percentage of the population. There was one woman in the 301-seat legislature and in the Cabinet, and none in the Supreme Court. During the year, one woman was elected to Parliament. Two women were elected to the Parliament in 1997. An increasing number held senior leadership positions in the Government or in the GPC. The country's first female minister was appointed in April 2001 and its second this year and 35 women were elected to the local councils in 2001. International observers reported that more than 40 percent of the electorate were women.

Many Akhdam, a small ethnic minority who may be descendants of African slaves, did not participate in the political process. There were no credible reports that citizen members of religious minorities were not permitted to participate in the political process (see Section 2.c.).

#### 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, investigating and publishing their findings on human rights cases. Government officials sometimes were cooperative and responsive to their views; however, NGOs complained that at times there was a lack of response to their requests. Some part of the Government's limitation in responsiveness was due to a lack of material and human resources. During the year, several government-sponsored initiatives were aimed at furthering cooperation with NGOs. In 2001, Parliament passed the Law for Associations and Foundations, which regulates the formation and activities of NGOs.

The Taiz-based Human Rights Information and Training Center placed particular emphasis on education, NGO training, and increasing human rights awareness in the country and in the region via workshops and public awareness campaigns.

During the year, the Sana'a-based NGO Forum for a Civil Society held training programs on prison reform and human rights in the family and community and distributed the Transparency International report on corruption.

During the year, the Yemen Institute for Democracy Development monitored the parliamentary elections, held discussion fora on the impact of elections on the democratization process and advocated on behalf of specific human rights cases.

The NGO Sisters Arabic Forum for Human Rights conducted several advocacy conferences on women in the law, women in elections, and women's political participation.

The NGO Civic Democratic Forum (CDF) monitored the April parliamentary election, including both pre- and post-election periods. CDF also conducted programs to train women candidates.

The Government gives AI, Human Rights Watch (HRW), the Parliament of the European Union, and the Committee to Protect Journalists broad access to officials, records, refugee camps, and prisons (see Section 1.c.). For example, the ICRC maintained a resident representative to inspect prisons during the year.

The Supreme National Committee for Human Rights, which reported to the Prime Minister, was dissolved in December under a Republic Decree establishing the mandate of the Ministry of Human Rights. The Ministry's by-laws outline its general functions and tasks, the responsibilities of the Minister, Deputy Minister, Board and staff, and its regulatory structure. The Ministry's primary functions include: Proposing "policies, programs and procedures required for the enhancement of human rights and their protection in coordination with the bodies concerned"; studying legislation and laws to judge compatibility with international human rights conventions and treaties ratified by the country and proposing amendments as necessary; receiving complaints from citizens and organizations to study them and treat them in accordance with jurisdictions of Ministry of Human Rights in coordination with bodies concerned; enhancing "fields of cooperation" with civil society organizations; contributing to the preparation of human rights studies; reporting on the country's international human rights commitments; and coordinating and developing cooperation with the human rights-related international organizations.

During the year, the Ministry of Human Rights raised awareness of human rights via public information campaigns and provided training to activists on human rights. The Ministry resolved human rights cases through coordination with other Ministries and human rights NGOs and a newly established complaint mechanism. The Ministry cooperated with a U.N. Development Program (UNDP) project to increase its ability to combat human rights abuses by improving ministry management and staff training and establishing an information center and complaint mechanism.

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

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

#### Women

The law provides for protection against violence against women; however, such provisions rarely were enforced. Although spousal abuse reportedly was common, it generally was undocumented. Violence against women and children was considered a family affair and usually was not reported to the police. In the country's traditional society, an abused woman was expected to take her complaint to a male relative (rather than the authorities), who should intercede on her behalf or provide her sanctuary if required. A small shelter for battered women in Aden assisted victims, and telephone hotlines operated in Aden and Sana'a.

The law prohibits rape; however, it was a widespread problem. The punishment for rape is imprisonment up to 15 years depending on circumstances; however, it was seldom imposed.

The press and women's rights activists continued to investigate or report on violations of women's rights. During the year, NGO-sponsored conferences attempted to raise the media's awareness of violence against women

The law prohibits FGM; however, it was practiced. The prevalence of the practice varied substantially by region. Citizens of African origin or those living in communities with strong African influence were more likely to practice FGM. Government health workers and officials continued to discourage the practice actively and publicly. During the year, the National Women's Committee (NWC) in Aden provided awareness programs targeting health professionals, schools, and rural communities.

Prostitution is illegal; however, it occurred in practice. The punishment for prostitution is imprisonment up to 3 years or a fine.

The Penal Code allows for leniency for persons guilty of committing a "crime against honor," violent assaults or killings committed against a female for her perceived immodest or defiant behavior. Legal provisions regarding violence against women state that an accused man should be put to death for murdering a woman. However, a husband who murders his wife and her lover may be fined or imprisoned for a term not to exceed 1 year. Despite the apparent sanctioning of honor killings, most citizens, including women's activists, believed the phenomenon was not widespread. Some international NGOs claimed that the practice was more prevalent, but admitted to a lack of evidence to support such claims.

The law, social custom, and Shari'a, as interpreted in the country, discriminated against women. Men are permitted to take as many as four wives, although very few did so. By law the minimum age of marriage is 15; however, the law largely was not enforced, and some girls married as early as age 12.

The law stipulates that the wife's "consent" to the marriage is required; consent is defined as "silence" for previously unwed women and "pronouncement of consent" for divorced women. The husband and the wife's "guardian" (usually her father) signed the marriage contract; in Aden and some outlying governorates, the wife also signed. The practice of bride-price payments was widespread, despite efforts to limit the size of such payments.

The law provides that the wife must obey the husband. She must live with him at the place stipulated in the contract, consummate the marriage, and not leave the home without his consent. Husbands may divorce wives without justifying their action in court. A woman has the legal right to divorce; however, she must provide a justification, such as her husband's nonsupport, impotence, or taking of a second wife without her consent. However, the expense of hiring a lawyer was a significant deterrent, as was the necessity for rural women to travel to a city to present their case. A woman seeking a divorce also must repay the mahr (a portion of her bride price), which created an additional hardship. As a woman's family usually retains the mahr, the refusal by a family to pay the mahr effectively could prevent a divorce. The family's refusal to accept the woman back into the home also could deter divorce, as few other options were available to women. When a divorce occurs, the family home and older children often were awarded to the husband. The divorced woman usually returned to her father's home or to the home of another male relative. Her former husband must continue to support her for another 3 months, since she may not remarry until she proves that she is not pregnant.

Women who seek to travel abroad must 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 travelling. However, enforcement of this requirement was not consistent.

Shari'a-based law permits a Muslim man to marry a non-Muslim woman; however, no Muslim woman may marry a non-Muslim.

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 under certain circumstances as stipulated by law and determined by the Government.

According to an Ministry of Interior 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 Ministry of Interior. A foreign woman who wishes to marry a citizen man must prove to the Ministry that she is "of good conduct and behavior," and "is free from contagious disease." There are no corresponding requirements for men to demonstrate parental approval, good conduct, or freedom from contagious diseases.

The Government continued to support women's rights as exemplified by local law and the expansion of the public role of women. The President and Government strongly encouraged women to vote and strongly supported several NGO-sponsored conferences to increase the role of women in political life. The number of women in positions of leadership in government ministries increased during the year.

According to 2002 government statistics, approximately 67.5 percent of women were illiterate, compared with approximately 27.7 percent of men. The fertility rate was 6.5 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 working women in the south appears to have declined, due not only to the stagnant economy but also to increasing cultural pressure from the north. According to the UNDP, female workers accounted for 19 percent of the paid labor force. During the year, the Government amended a law to require that every public or private institution employing more than 50 female workers must provide assistance with the care of their children. There were no laws prohibiting sexual harassment, and it occurred in practice.

Prior to unification, approximately half of the judges working in the PDRY were women. However, after the

1994 war of secession, conservative leaders of the judiciary reassigned many southern female judges to administrative or clerical duties. Although several female judges continued to practice in Aden, there were no female judges in northern courts.

In July 2001, the NWC completed a 6-month review of 58 significant national laws to find and rectify provisions that discriminated against women or violated equal status requirements agreed to by the Government in international conventions. The NWC's seven-member legal committee identified problems and recommended legal changes. The Cabinet has approved the recommended changes in principle, with some revisions. Parliament passed several amendments relating to civil status by year's end and efforts continued to amend further laws. During the year and in 2002, the NWC also pushed for a quota system to reserve at least 10 percent of parliament any seats for women, but failed.

There were a number of NGOs working for women's advancement, including the Social Association for Productive Families, promoting vocational development for women; the Women and Children's Department of the Center for Future Studies, organizing seminars and publishing studies on women and children; the Woman and Child Development Association, focusing on health education and illiteracy; and the Yemeni Council for Motherhood and Childhood, providing microcredit and vocational training to women.

#### Children

While the Government asserted its commitment to protect children's rights, it lacked the resources necessary to ensure adequate health care, education, and welfare services for children. Malnutrition was common. Most recent figures showed that the infant mortality rate in 1999 was 75 deaths per 1,000 births, down from 105 per 1,000 in 1998. Male children received preferential treatment and had better health and survival rates.

The law provides for universal, compulsory, and free education from ages 6 to 15; however, the provision regarding compulsory attendance was not enforced. Many children, especially girls, did not attend primary school. According to a UNDP report released during 2001, average student attendance in primary schools was 76 percent for boys and 40 percent for girls. In rural areas, 52 percent of children attended school; the rate in urban areas was 81 percent.

Child marriage was common in rural areas. Although the law requires that a girl be 15 years of age to marry, the law was not enforced, and marriages of girls as young as age 12 occurred.

The law does not prohibit child abuse and it was a problem.

FGM was practiced on a limited scale (see Section 5, Women).

In 2002, the Supreme Council for Childhood and Motherhood developed the Child Rights Law passed by Parliament, which explicitly prohibits child labor.

#### Persons with Disabilities

Persons with mental and physical disabilities faced social prejudices, as well as discrimination in education and employment. The Government mandated the acceptance of persons with disabilities in universities, exempted them from paying tuition, and required that schools be made more accessible to persons with disabilities; however, it was unclear to what extent these laws have been implemented. There is no national law mandating the accessibility of buildings for persons with disabilities.

Public awareness regarding the need to address the concerns of persons with disabilities appeared to be increasing. In 2001, NGOs established a privately funded center for persons with hearing and speaking impairments in Taiz.

At times authorities arrested without charge imprisoned persons with mental disabilities (see Section 1.d.).

During the year, the Handicapped Society and the Challenge Society were involved in assisting persons with disabilities. These two NGOs provided rehabilitation assistance and vocational training and sponsored cultural and sports activities.

#### National/Racial/Ethnic Minorities

A small group of persons claiming to be the descendants of ancient Ethiopian occupiers of the country, who later were enslaved, were considered the lowest social class. Known as the "Akhdam" (servants), they lived in poverty and endure persistent social discrimination. The Government's Social Fund for Development for "special needs groups" focused particularly on the Akhdam. In 2001, several Akhdam-

origin citizens in Taiz governorate established the Free Black People's Charitable Organization to fight discrimination and improve conditions for their community.

Human rights groups have reported that some immigrants of African origin had difficulty in securing Interior Ministry permission to marry citizens. An Interior Ministry regulation requires that marriages of citizens and foreigners be approved in advance by the Ministry (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, which periodically escalated into violent confrontations, continue between the Government and some tribes.

Citizens with a non-citizen parent, at times faced discrimination in employment and in other areas. Persons who sought employment at Sana'a University or admission to the military academy by law must demonstrate that they have two citizen parents. Nonetheless, many senior officials, including Members of Parliament and ministers, had only one citizen parent; at times, naturalization of the non-citizen parent fulfilled this requirement

## Section 6 Worker Rights

### a. The Right of Association

The Constitution and Labor Law provide that citizens have the right to form and join unions; however, this right was restricted in practice. The Government sought to place its own personnel in positions of influence inside unions and trade union federations.

The law permits trade unions to establish only under federation. The General Federation of Trade Unions of Yemen (GFWTUY) remained the sole national umbrella organization. The GFWTUY claimed approximately 350,000 members in 14 unions and denied any association with the Government, although it worked closely with the Government to resolve labor disputes through negotiation. Observers suggest that the Government likely would not tolerate the establishment of an alternative labor federation unless it believed such an establishment to be in its best interest.

Only the General Assembly of the GFWTUY may dissolve unions. The law provides equal labor rights for women, and it confirms the freedom of workers to associate. The Labor Law does not stipulate a minimum membership for unions, or limit them to a specific enterprise or firm. Thus citizens may associate by profession or trade.

The law generally protects employees from anti-union discrimination. Employers do not have the right to dismiss an employee for union activities. Employees may appeal any disputes, including cases of anti-union discrimination, to the Ministry of Social Affairs and Labor. Employees also may take a case to the Labor Arbitration Committee, which is chaired by the Ministry of Labor and also consists of an employer representative and a GFWTUY representative. Such cases often were disposed favorably toward workers, especially if the employer was a foreign company.

The GFWTUY is affiliated with the Confederation of Arab Trade Unions and the Brussels-based International Confederation of Free Trade Unions.

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

The Labor Law provides workers with the right to organize and bargain collectively. The Government permitted these activities; however, it sought to influence them by placing its own personnel inside groups and organizations. The Ministry of Labor 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 for the right to strike; however, strikes were not permitted unless a dispute between workers and employers is "final" and "incontestable" (a prior attempt must have been made to settle through negotiation or arbitration). The proposal to strike must be submitted to at least 60 percent of all concerned workers, of whom 25 percent must vote in favor of the proposal. Permission to strike also must be obtained from the GFWTUY. Strikes for explicit "political purposes" were prohibited.

There were some peaceful strikes during the year.

There are reports that private sector employers discriminated against union members by transfers,

demotions, and dismissals.

There are no export processing zones (EPZs) in operation.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The law prohibits child labor. The established minimum age for employment is 15 years in the private sector and 18 years in the public sector. By special permit, children between the ages of 12 and 15 may work. The Government rarely enforced these provisions, especially in rural and remote areas. The Government also did not enforce laws requiring 9 years of compulsory education for children.

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

In 2000, the Shura Council adopted the ILO's Child Labor Strategy to address persistent child labor problems. A special council, under the leadership of the Minister of Social Affairs and Labor, used the strategy as a government-wide guideline for enforcing existing child labor laws and formulating and implementing new laws. In late 2002, the Supreme Council for Childhood and Motherhood developed the Child Rights Law later passed by Parliament that explicitly prohibits child labor.

The Child Labor Unit at the Ministry of Labor is responsible for implementing and enforcing child labor laws and regulations. The unit is responsible for investigating and addressing cases and issuing guidelines to prevent child labor. They had offices in 11 provinces and have established specific guidelines to prevent child labor under the age of 12. The Government was an active partner with the ILO's International Program to Eliminate Child Labor.

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. During the year, the Government again increased selected civil servants' wages. Private sector workers, especially skilled technicians, earned a far higher wage. The average 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, but many workshops and stores operate 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, but 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.

f. Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.