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Freedom House

Freedom in the World 2019 - Yemen

Not Free

11 /100

Overview:

Yemen has been devastated by a civil war that began in 2015, when foreign powers led by Saudi Arabia intervened to support the government of President Abd Rabbu Mansur Hadi against the Houthi rebel movement—rooted in the Zaidi Shiite community, which forms a large minority in Yemen—and allied forces linked to former president Ali Abdullah Saleh. The civilian population has suffered from direct violence by both sides, as well as from hunger and disease caused by the interruption of trade and aid. Elections are long overdue, normal political activity has halted, and key state institutions have ceased to function.

Key Developments:

Key Developments in 2018:

- In September, UN-brokered peace talks in Geneva planned between the Hadi government and Houthi rebels broke down after the Houthi delegation failed to show.
- In December, both sides signed a cease-fire to halt the fighting in the strategic port city of Hodeidah. However, almost immediately after the deal took effect, fighting broke out in the city, violating the cease-fire. By year’s end, the skirmishes had dissipated and the cease-fire remained in place.
- Yemen’s humanitarian crisis resulting from the war worsened significantly in 2018, with the United Nations reporting in December that 20 million people in the country were hungry.
- Throughout the year, journalists and human rights defenders continued to face violent attacks from all parties in the conflict.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 1 / 40

A. ELECTORAL PROCESS: 0 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 0 / 4

Under the existing constitution, the president is elected for seven-year terms. In 2011, under sustained pressure from the United States, the United Nations, and the Gulf Cooperation Council, longtime president Saleh signed a Saudi-brokered agreement that transferred his powers to then vice president Hadi in exchange for immunity from prosecution for his role in a violent crackdown on antigovernment protests. In 2012, Yemeni voters confirmed Hadi, who ran unopposed, as interim president with a two-year term. In 2014, the multiparty National Dialogue Conference (NDC), a months-long initiative in which more than 500 delegates aimed to reach agreement on Yemen's political future, concluded with a plan to transform the country into a federated state of six regions. The NDC also extended Hadi's term for one year so that the proposed reforms could be finalized in a new constitution.

However, the constitutional drafting process and election schedule were thrown into disarray by the Houthis, an armed rebel movement rooted in the Zaidi Shiite population of northwestern Yemen. Houthi forces took over large swaths of the country, eventually occupying Sanaa in September 2014. The Houthis subsequently refused to evacuate the capital as part of a tentative power-sharing agreement, leading Hadi and his cabinet to flee into exile in early 2015. Meanwhile, the Houthis assumed control of state institutions. Hadi retained international recognition as president but had no clear mandate and little control over the country.

A2. Were the current national legislative representatives elected through free and fair elections? 0 / 4

Under the existing constitution, the president selects the 111 members of the largely advisory upper house of Parliament, the Majlis al-Shura (Consultative Council). The 301 members of the lower house, the House of Representatives, are elected to serve six-year terms. The original six-year mandate of the last Parliament expired in 2009, and elections were put off again in 2011 amid the popular uprising against Saleh. In January 2014, the NDC declared that parliamentary elections would occur within nine months of a referendum on the new constitution being drawn up. The constitutional drafting committee completed its work in January 2015, but due to the outbreak of the civil war and the Saudi-led intervention in March of that year, no vote has yet taken place. The incumbent Parliament was disbanded after the Houthis seized control of the capital.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 0 / 4

Presidential and legislative elections are now many years overdue, and no side in the civil war has been able to assert enough territorial control to implement any electoral framework.

B. POLITICAL PLURALISM AND PARTICIPATION: 1 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 1 / 4

The Houthis have harshly suppressed political dissent in areas under their control since 2015. Reham al-Badr, a prominent and outspoken opponent of the Houthi forces and advocate for the return of the Hadi government, was killed by a Houthi sniper in February 2018 while distributing food aid in the city of Taiz. Political groups, including members of the al-Islah Party, an offshoot of the Muslim Brotherhood in Yemen, have been targeted for arrest and detention, as well as enforced disappearances, by security forces associated with the United Arab Emirates (UAE), which is part of the coalition fighting on behalf of the Hadi government.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 0 / 4

Parliamentary elections have not been held in Yemen since 2003 and have been on hold since 2009. The most recent presidential election, in 2012, featured only one candidate. No date has been set for future elections, and peaceful political opposition has been suppressed in the context of the civil war.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 0 / 4

Ordinary political activity is impeded by the presence of multiple armed groups throughout Yemen, including Houthi-led rebel forces, Sunni extremist groups, southern separatists, foreign troops from the Saudi-led coalition, Hadi government troops, and local or partisan militias.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 0 / 4

All segments of the population lack political rights under current conditions in Yemen. Thirty percent of the NDC's delegates were women, and its final agreement called for similar representation in all branches of government under a new constitution, but the draft constitution has been on hold since the outbreak of war. Only one woman won a seat in the last parliamentary elections. A caste-like minority group with East African origins, known as the Akhdam or Muhamasheen, accounts for as much as 10 percent of the population but has long been marginalized in politics and in society. The group had one representative at the NDC.

C. FUNCTIONING OF GOVERNMENT: 0 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 0 / 4

Yemen has no functioning central government, and any state institutions that continue to operate are controlled by unelected officials and armed groups. The Hadi government is largely dependent on its foreign patrons, particularly Saudi Arabia and the UAE.

C2. Are safeguards against official corruption strong and effective? 0 / 4

Government transparency and accountability were minimal even before the outbreak of war in 2015, as a network of corruption and patronage established under Saleh remained entrenched in public institutions, and formal anticorruption mechanisms were largely ineffective. The disruption to legal commerce caused by the civil war has increased the role of the black market and created further opportunities for graft. Food aid is often stolen and sold on the black market by officials on all sides of the conflict, including Houthis and armed forces linked to the Saudi military coalition, exacerbating a food-security crisis that has left millions at risk of malnutrition.

C3. Does the government operate with openness and transparency? 0 / 4

The only truly national institution that had continued to function during the civil war, the central bank, has been split between a government-backed version in Aden and a rebel-backed version in Sanaa since 2016, causing politicized disruptions to public-sector salaries and further reducing the transparency of state finances.

CIVIL LIBERTIES: 10 / 60 (-2)

D. FREEDOM OF EXPRESSION AND BELIEF: 3 / 16 (-2)

D1. Are there free and independent media? 0 / 4 (-1)

The state has historically controlled most terrestrial television and radio, though there have been several privately owned radio stations. Since the outbreak of the war, the belligerents have either taken over or enforced self-censorship at any surviving media outlets in the country. Houthi-backed authorities reportedly block certain news websites, online messaging and social media platforms, and satellite broadcasts. The Saudi-led coalition and Hadi government forces have also harassed and arrested reporters.

The war has made Yemen increasingly dangerous for journalists, who endure violent attacks, airstrikes, and enforced disappearances from all sides in the conflict. In April 2018, photographer Abdullah al-Qadry of the private outlet Belqees TV was killed in a missile attack while covering skirmishes in the province of Bayda; three other journalists were injured. Belqees TV accused Houthi forces of carrying out the attack. A Saudi airstrike hit the Al-Maraweah Radio Broadcasting Center in Hodeida in September, killing three employees and a civilian. In June, Anwar al-Rakan, a journalist who had previously worked for the government newspaper *Al-Gomhouria*, died two days after his release from a year-long detention by Houthi forces, where he was reportedly tortured. Al-Rakan was detained after Houthi authorities found his press card for the Yemeni Journalists Syndicate.

Score Change: The score declined from 1 to 0 because the country has grown increasingly dangerous for journalists, who have endured violent attacks, airstrikes, and enforced disappearances since the civil war began in 2015.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 1 / 4 (-1)

Islam is the official religion, and the constitution declares Sharia (Islamic law) to be the source of all legislation. Yemen has few non-Muslim religious minorities; their rights have traditionally been respected in practice, though conversion from Islam and proselytizing to Muslims is prohibited. The civil war has inflamed sectarian tensions between the Shiite Houthis and Sunni militant groups. Members of Yemen's Baha'i community in the north have reported increased persecution by Houthi-controlled rebel forces, which they see as a sign of growing Iranian influence. Baha'i members have increasingly faced spurious criminal charges, including 24 people who were arrested by Houthi forces in September 2018 and charged with apostasy and espionage. Legal proceedings in the case were ongoing at year's end.

Attacks on clerics have increased since the war's outbreak. In the two years leading up to August, up to 27 clerics were killed in the Aden area. Many of the clerics killed were members of an Islamist group favored by Saudi Arabia but viewed as an extremist organization by the UAE. No suspects had been identified in the murders at year's end.

Both Houthi and Saudi forces have destroyed many religious sites and mosques across the country during their military campaigns.

Score Change: The score declined from 2 to 1 due to attacks on clerics and religious sites in the context of the civil war as well as growing persecution of the Baha'i minority by Houthi forces in the north.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 1 / 4

Strong politicization of campus life, including tensions between supporters of Saleh's General People's Congress (GPC) party and the opposition al-Islah party, historically infringed on academic freedom at universities. Since 2015, Houthi forces have detained scholars as part of their crackdown on dissent. The civil war has also led to damage to school facilities across the country, suspension of classes and other activities at schools and universities, and deaths of children caught in either errant or deliberate military attacks on schools. Millions of students no longer attend school due to the war.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 1 / 4

Freedom of private discussion is severely limited as a result of intimidation by armed groups and unchecked surveillance by the Houthi authorities.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 3 / 12

E1. Is there freedom of assembly? 1 / 4

Yemenis have historically enjoyed some freedom of assembly, with periodic restrictions and sometimes deadly interventions by the government. Demonstrations against both the Hadi government and Houthi authorities occurred in 2018. In October, Houthi officials arrested dozens of people protesting over declining living standards and high commodity prices in Sanaa, and Houthi supporters reportedly attacked a number of demonstrators at the event.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights- and governance-related work? 1 / 4

A number of nongovernmental organizations (NGOs) work in the country, but their ability to function is restricted by interference from armed groups in practice. Houthi forces have closed or raided NGO offices and detained activists, and both sides in the civil war have blocked or seized humanitarian aid. Human rights defenders risk arrest and detention by both Saudi and Houthi forces. In June 2018, Radhya al-Mutawakel and Abdulrasheed al-Faqih, of the NGO Mwatana for Human Rights, which has provided information about human rights abuses committed by all sides in the conflict, were arrested and briefly detained by Saudi forces at the Sayun Airport, en route to an event in Norway.

E3. Is there freedom for trade unions and similar professional or labor organizations? 1 / 4

The law acknowledges the right of workers to form and join trade unions, but in practice these organizations have had little freedom to operate. Virtually all unions belong to a single labor federation, and the government is empowered to veto collective bargaining agreements. Normal union activity has been disrupted by the civil war and the related breakdown of the economy.

F. RULE OF LAW: 2 / 16

F1. Is there an independent judiciary? 1 / 4

The judiciary, though nominally independent, is susceptible to interference from various political factions. Authorities have a poor record of enforcing judicial rulings, particularly those issued against prominent tribal or political leaders. Lacking an effective court system, citizens often resort to tribal forms of justice and customary law, practices that have increased as the influence of the state has continued to deteriorate.

F2. Does due process prevail in civil and criminal matters? 0 / 4

Arbitrary detention is common, with hundreds of cases documented in recent years. Many amount to enforced disappearances, with no available information about the victims' status or location. Detainees are often held at unofficial detention sites. As with

other state institutions, security and intelligence agencies like the Political Security Organization (PSO) have been split into parallel Houthi- and Hadi-controlled structures, with each operating in territory controlled by its side in the civil war. In areas that lie within the UAE's sphere of influence in southern Yemen, Emirati special forces have been accused of operating a network of secret prisons and detention centers where torture is said to be rife.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 0 / 4

The civil war has resulted in widespread violence across the country. Coalition air strikes have failed to distinguish between military and civilian targets, and artillery fire from Houthi forces has been similarly indiscriminate. A Saudi airstrike in August 2018, which hit a school bus in Saada and killed 40 children, led to international outrage and calls for accountability for civilian casualties in the conflict. A number of other armed factions, including foreign military units and extremist groups like Al-Qaeda in the Arabian Peninsula (AQAP), operate in the country with impunity for any abuses. According to the Armed Conflict Location & Event Data Project, as of November, more than 57,000 people had been killed in the conflict since the beginning of 2016.

UN-brokered peace talks in Geneva quickly broke down in September when the Houthi delegation failed to show, which the Houthi rebels and the UN special envoy for Yemen blamed on logistical difficulties. The Hadi government sharply criticized both the Houthis and the special envoy for the breakdown. In December, both sides signed a cease-fire to halt the fighting in the strategic port city of Hodeidah. However, almost immediately after the deal took effect, fighting broke out in the city, in violation of the cease-fire. By year's end, the skirmishes had dissipated and the cease-fire remained tenuously in place.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 1 / 4

Despite the growing sectarian rift between the Sunni Muslim majority and the large Zaidi Shiite minority, Yemen is relatively homogeneous in terms of language and ethnicity. However, the Muhamasheen face severe social discrimination and poverty. Women also continue to face discrimination in many aspects of life, and their testimony in court is equivalent to half that of a man. Same-sex sexual activity is illegal, with possible penalties including lashes, imprisonment, and death. Due to the severe threats they face, few LGBT (lesbian, gay, bisexual, and transgender) Yemenis reveal their identity.

Migrants and refugees fleeing war and poverty in the Horn of Africa continue to arrive in Yemen. More than 280,000 refugees and asylum seekers remained in Yemen as of November 2018, according to UN data. Many of those entering were seeking work in the Gulf states but faced harsh conditions, violence, and barriers to further travel once in Yemen.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 2 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 0 / 4

More than 2 million people were internally displaced in Yemen as of December 2018, according to the Office of the UN High Commissioner for Refugees. Movement within the country is impaired by combat, damage to infrastructure, and checkpoints at which a variety of armed groups engage in harassment and extortion.

Even in peacetime, a woman must obtain permission from her husband or father to receive a passport and travel abroad.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 1 / 4

Property rights and business activity have been severely disrupted by the civil war and unchecked corruption, as well as the retreat of state authorities from large areas of Yemen and the division of the country into Houthi- and Hadi-controlled spheres of influence. Women do not have equal rights in inheritance matters.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 1 / 4

Women face disadvantages in divorce and custody proceedings, and require a male guardian's permission to marry. Child marriage is a widespread problem. There are some restrictions on marriage to foreigners; a woman can confer citizenship on a child from a foreign-born spouse if the child is born in Yemen. The penal code allows lenient sentences for those convicted of "honor crimes"—assaults or killings of women by family members for alleged immoral behavior. Although female genital mutilation is banned in state medical facilities, it is still prevalent in some areas. Extremist groups have attempted to impose crude versions of Sharia in territory under their control, harshly punishing alleged violations related to sexual activity, personal appearance, and other matters.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 0 / 4

The war has increased the risk of human trafficking, and after 2015 the government was no longer able to pursue antitrafficking efforts it had previously begun. Migrants, refugees, and the internally displaced are especially vulnerable to exploitation. Border controls and naval blockades imposed by the Saudi-led coalition have contributed to shortages of food, medicine, fuel, and other essential imports, leaving the public more exposed to famine and disease as well as coercion and deprivation by armed groups and black-market traders. In December 2018, the United Nations reported that 20

million people were hungry in Yemen. An ongoing cholera outbreak, which killed more than 2,200 people in 2017, continued through 2018, resulting in 372 deaths as of November, according to the World Health Organization.

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Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

[T \(Telefon\)](#) +43 1 589 00 583

[F \(Fax\)](#) +43 1 589 00 589

info@ecoi.net

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