

YEMEN (66)

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Yemen Report on Human Rights Practices for 1997

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YEMEN

The Republic of Yemen, comprising the former (northern) Yemen Arab Republic and (southern) People's Democratic Republic of Yemen, was proclaimed in 1990. The first democratically elected parliament was convened in 1993. Following a brief but bloody civil war in mid-1994, the country was reunified under the rule of the Sana'a-based government. Later in 1994, a new postwar governing coalition was formed, composed of the General People's Congress (GPC) and the Yemeni Grouping for Reform (Islaah). Field Marshal Ali Abdullah Saleh is the President and leader of the GPC. He was elected by the legislature in 1994 to a 5-year term. A constitutional amendment provides that henceforth the president is to be elected by popular vote from at least two candidates selected by the legislature. Parliamentary elections were held in April, with the Yemeni Socialist Party (YSP), formerly the main party of the south and a previous coalition partner, leading an opposition boycott. The GPC won an absolute majority of the new parliament. International observers judged the April parliamentary elections, which, like the 1993 voting, were held on the basis of universal adult suffrage, as reasonably free and fair. However, the Parliament is not yet an effective counterweight to executive authority. Real political power rests with a few leaders, particularly the President. The judiciary, nominally independent, is weak and severely hampered by corruption, executive branch interference, and the frequent failure of the authorities to carry out sentences.

The primary state security apparatus is the Political Security Organization (PSO), which reports directly to the President. It is independent of the Ministry of Interior. The Criminal Investigative Department (CID) of the police conducts most criminal investigations and makes most arrests. The Central Security Organization (CSO), a part of the Ministry of Interior, maintains a paramilitary force. The civilian authorities did not maintain effective control of the security forces. Some members of the security forces, particularly the PSO, committed numerous, serious human rights abuses.

Yemen is a very poor country. Its embryonic market-based economy, despite a major economic reform program, remains impeded by excessive government interference and endemic corruption. Its annual per capita gross national product (GNP) is estimated at \$325. Agriculture accounts for approximately 18 percent of GNP and industry for approximately 8 percent. Oil is the primary source of foreign exchange. Other exports include fish, agricultural products, cotton, and building materials. Remittances from citizens working abroad (primarily in Saudi Arabia) are also important. Remittances were sharply reduced after Saudi Arabia and other Gulf states expelled up to 850,000 Yemeni workers during the Gulf War because of the Government's lack of support for the U.N. coalition. The Gulf states also suspended most assistance programs, and much other western aid was reduced. Foreign aid is beginning to reemerge as an importance source of income.

The Government's human rights record continued to be poor, although late in the year the Government took initiatives to combat some human rights problems. There are significant limitations on citizens' right to change their government. There were unconfirmed reports of extrajudicial killing by some members of the security forces. Some members of the security forces tortured and otherwise abused persons. Prison conditions are poor. Some members of the security forces continued to arbitrarily arrest and detain citizens, espe-



Members of the security forces continue to arrest and detain citizens for varying periods of time without charge or notification to the families concerned. Many detainees, especially in southern governorates, are associated with the YSP or other opposition parties and accused of being "separatists." Most such disappearances are temporary, and detainees are released within months. Such was the case of persons arrested in connection with the July 28 bombings (see Section 1.d.)

Amnesty International presented a "sample" list of 28 persons who reportedly "disappeared" while in government custody in the years 1994 to 1996. The Government promised to look into these cases. AI also alleged that there were hundreds of unresolved disappearances dating from the pre-union period, and particularly from the year 1986. In late 1997, the Foreign Ministry created a special office for human rights. The office has set up a computer data base for tracking persons alleged to have "disappeared" in the past, particularly in the former People's Democratic Republic of Yemen during the 1986 southern civil war. This office was created specifically to respond to Amnesty International's continuing assertion that the Government refuses to account for "disappeared" persons.

c.

Torture and Other Cruel, Inhuman, or Degrading

Treatment or Punishment

The Constitution, which asserts that Shari'a (Islamic law) "is the source of all legislation," is ambiguous on its prohibition of cruel or inhuman punishment. However, there were reports that members of the security forces tortured and otherwise abused persons. Although there is no evidence of the systematic use of torture in detention facilities, arresting authorities are known to use force during interrogations, especially of those arrested for violent crimes. The Government in late 1997 banned the use of heavy leg-irons and shackles.

According to a local human rights organization, many instances of torture have taken place at Amran prison. The organization reported that it had received first-hand evidence of the torture of one prisoner in Amran. Another credible source confirmed the torture of a non-Yemeni citizen in a Sanaa detention facility. Amnesty International reported numerous cases of torture from previous years for which no security officials have been held accountable. The Government acknowledged to Amnesty International that torture takes place, but said that the use of torture is not government policy. A high-level prosecutor reported to a Yemeni newspaper in late 1996 that six cases of torture by security officials had been referred to the courts that year. The prosecutor cited illiteracy and lack of training among police and security officials as one of the reasons for the persistence of undue force in the prisons.

There were reports that security forces tortured two men arrested after the July bombings in Aden, causing their deaths. The Government stated that only one man died, and that he committed suicide (see Section 1.a.).

The Constitution states that the Government may not impose "illegal" punishments—a formulation that could be interpreted as permitting amputations according to Shari'a. There were no reports of amputations since 1991. The Shari'a-based law permits physical punishments such as flogging for minor crimes (e.g., the penalty for the consumption of alcohol is 80 lashes). It also provides for the ritual display in public of the bodies of executed criminals. In August, a judge in Seiyun sentenced two tribesmen to death by firing squad and ordered their bodies to be displayed in public. The judgment was in reaction to the pair's brutal slaying of a family of three persons. The sentence was upheld by President Saleh and carried out on August 4 with thousands of onlookers watching. The culprits were first shot by a military firing squad, which hung the bodies on the city wall for a 24-hour period. The purpose of this practice is to demonstrate to the families of victims that justice has been done and to avoid blood feuds between tribes.

Prison conditions are poor and do not meet internationally recognized minimum standards. Prisons are overcrowded, sanitary conditions are poor, and food and health care are inadequate. Inmates must depend on relatives for food and medicine. Many inmates lack mattresses or bedding. Prison authorities often exact money from prisoners and refuse to release prisoners until family members pay a bribe. Tribal leaders misu-

se the prison system by placing "problem" tribesmen in jail, either to punish them for non-criminal indiscretions or to protect them from angry mobs.

Conditions are equally poor in women's prisons, where children are likely to be incarcerated along with their mothers. Female prisoners are regularly held in jail past the expiration of their sentences, and are not released until a male relative arranges their release. Female prisoners are sometimes subjected to sexual harassment, rape, and violent interrogation by male police and prison officials. At the urging of AI, the Attorney General agreed to investigate the conditions of women in prison.

The Government tightly controls access to detention facilities. It allows local and international human rights monitors access to persons accused of crimes. However, it allows no access to political prisoners. For example, it did not permit access to any of the detainees arrested in the wake of the July 28 bombings in Aden.

In December the Human Rights Committee of the Consultative Council (an advisory board to the President) conducted a tour of the major prisons and reported that many prisoners were in jail without "proper legal basis." The visits prompted the immediate release of 112 persons, including several women and children. The Committee fired (with the backing of President Saleh) six prison officials found to be corrupt and incompetent. The Consultative Council is calling for a restructuring of responsibilities among the three bureaucracies responsible for the prisons—the Ministry of Interior, the offices of the district attorneys, and the court system.

d.

Arbitrary Arrest, Detention, or Exile

The law provides for due process, however, security forces arbitrarily arrest and detain persons. Enforcement is irregular and in some cases nonexistent, particularly in cases involving security offenses. According to the law, detainees must be arraigned within 24 hours of arrest or 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 be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge are common practices.

Following a series of explosions that took place in Aden in July, October, and November, security forces rounded up several groups of suspects and the Government announced that it had unearthed a terrorist "ring" with links to foreign powers. The Government said that the terrorists were planning a large conspiracy to destabilize the Government, to include the killing of Yemeni and foreign officials. The final total of those arrested is estimated at more than 200 persons. Eventually most of those arrested were released without ever being charged with any crime. However, two separate groups of 31 and 27 individuals, respectively, were formally charged and brought to trial in late November. The cases were still under way at year's end.

The law 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. In practice, many authorities respect these rights only if bribed. The majority of persons detained in connection with the Aden bombings were not permitted contact with their families or lawyers and were denied bail.

In cases where a criminal suspect is at large, security forces sometimes detain a relative while the suspect is being sought. The detention may continue while the concerned families negotiate compensation for the alleged wrongdoing. Arbitration, rather than the court system, is commonly used to settle cases.

The Government has failed to ensure that detainees and prisoners are incarcerated only in authorized detention facilities. The Ministry of Interior and the PSO operate extrajudicial detention facilities. A large percentage of the total prison population consists of pretrial detainees. Thousands of people have been imprisoned for years without documentation concerning charges against them, their trials, or their sentences. It is

believed that at least some of these persons are political detainees. Most of the persons arrested after the Aden bombings apparently had nothing to do with the crime and were detained merely because of their affiliation with the political opposition.

While a few cases of those being held without charge have been redressed through the efforts of local human rights groups (and a few illegally detained prisoners have been released), the authorities have done nothing to investigate or resolve these cases. However, the Government acknowledged to AI that security officials must be held more accountable to the judicial system.

Unauthorized, private prisons also exist in tribal areas, where the central government exercises very little authority. People detained in these prisons are often held for strictly personal reasons and without trial or sentencing.

Some tribes seek to bring their political and economic concerns to the attention of the Government by kidnapping and holding hostages. Victims include foreign businessmen, diplomats, and tourists, as well as Yemenis. According to a 1997 study by the newspaper al-Wadah, for example, there were 105 kidnapping cases in 1995 alone. Foreign victims are rarely injured, and the authorities generally have been successful in obtaining the quick release of foreign hostages. However, it is widely believed that kidnappings continue because the judiciary fails to implement sentences against accused kidnapers. Indeed, in most cases the kidnappings are settled out of court, and no suspects go to trial.

The Government does not use forced exile. At the end of the 1994 civil war, the President pardoned nearly all persons who had fought against the central Government, including military personnel and most leaders of the unrecognized, secessionist Democratic Republic of Yemen (DRY). The Government denied this amnesty only to the 16 most senior leaders of the DRY, who fled abroad, and one of whom is now presumed dead. Although they were technically not forced into exile, they are subject to arrest if they return. The so-called "trial of the 16," which began in late 1996, is in progress. The accused are being tried in absentia on various charges, including forming a secessionist government, conspiracy, and forming a separate military. Defense lawyers claim that the prosecution's case is illegal because it depends on the application of pre-unification laws that had been superseded by post-unification laws prior to the commission of the alleged offenses.

e.

Denial of Fair Public Trial

The judiciary is not fully independent, even though the Constitution provides for an "autonomous" judiciary and "independent judges." Judges are appointed by the executive branch, and some have been reassigned or removed from office following rulings against the Government. Many litigants maintain, and the Government acknowledges, that a judge's social ties and susceptibility to bribery sometimes have greater influence on the verdict than the law or the facts of the case. Some judges appointed since mid-1994 are poorly trained, and some of those closely associated with the Government often render decisions favorable to it. The judiciary is further hampered by the frequent reluctance of the authorities to implement sentences.

There are five types of courts: criminal, civil (i.e., divorce and inheritance), administrative, commercial, and military.

All courts are governed by Shari'a law. There are no jury trials under Shari'a. Criminal cases are adjudicated by a judge who plays an active role in questioning witnesses and the accused. By law, defense attorneys are allowed to counsel their clients, to address the court and to examine witnesses. Defendants, including those in commercial courts, have the right to appeal their sentences. Trials are 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 reported winning cases against Yemeni defendants and seeing the decisions enforced.

The law permits, in addition to regular courts, a system of tribal adjudication. The results of such mediation carry the same weight as court judgments. This provision of law explains in part why so many persons who spend time in jail are never actually charged with any crime.

Prior to unification, approximately half of the judges working in southern Yemen were women. In the last few years, however, many female judges have been reassigned to administrative or clerical duties. There are no female judges in the north.

A total of 58 suspects were charged with conspiracy, espionage, and related crimes after a series of bombings in Aden in the latter half of the year. Their trials, which were under way at year's end, do not appear to meet minimum international standards for due process. There are reports that confessions were coerced, and that defendants were denied the opportunity to consult with their lawyers.

The Government claims that it holds no political prisoners, and releases no data on such cases. However, this claim is disputed by many local and international human rights groups, who report that various political prisoners were convicted after unfair trials.

f. **Arbitrary Interference With Privacy, Family,
Home, or Correspondence**

Despite constitutional provisions against government interference with privacy, security forces routinely search homes and private offices, monitor telephones, read personal mail, and otherwise intrude into personal matters for alleged security reasons. Such activities are conducted without legally issued warrants or judicial supervision. Security forces regularly monitor telephone conversations and have interfered with the telephone service of government critics and opponents. Security forces sometimes detain relatives of suspects (see Section 1.d.).

In April security personnel broke into the Aden headquarters of the League of the Sons of Yemen (RAI), an opposition party affiliated with the exiled, foreign-financed Mawj opposition. According to the RAI, the security forces rummaged through files and desks, confiscated office supplies and equipment, and sealed the offices. Also in April, the secretary general of the Yemeni Socialist Party (YSP) was stopped while being driven through Aden. His bodyguards were disarmed, interrogated, and physically abused.

The law prevents arrests between the hours of sundown and dawn. However, most of those detained in connection with the Aden bombings were taken from their homes in the middle of the night, without search warrants.

Some of those detained in connection with the Aden bombings reportedly were pressured to renounce their affiliations with opposition parties. They were threatened with continuing confinement in prison if they did not give up political activity or join the President's party, the GPC.

Section 2 **Respect for Civil Liberties, Including:**

a. **Freedom of Speech and Press**

The Constitution restricts the freedom of speech and press "within the limits of the law." Although most citizens are uninhibited in their private discussions of domestic and foreign policies, some are cautious in public, fearing harassment for criticism of the Government. The Press Law criminalizes "the humiliation of the State, the Cabinet, or parliamentary institutions," and the publication of "false information" that "threatens public order or the public interest." The Government influences the media and limits press freedom.

The relative freedom of the press permitted between unification (1990) and the civil war (1994) has not been reestablished fully. An atmosphere of government pressure on independent and political party journals continues that was not present before the civil war. The international human rights group, the Committee to Protect Journalists, criticized the Government on at least two occasions for restrictions, harassment, and arbitrary detention directed at journalists.

The Ministry of Information influences the media by its ownership of the country's sole television and radio outlets, by its control of most printing presses, and by subsidies to certain newspapers. Only one newspaper, the twice-weekly Aden independent Al-Ayyam, owns its own press. The Government selects the items to be covered in news broadcasts, and does not permit broadcast reporting critical of the Government. Televised debates in the Parliament are edited to delete such criticism.

Although newspapers are allowed to criticize the Government, journalists sometimes censor themselves, especially when writing on such sensitive issues as government policies toward the southern governates, relations with Saudi Arabia and other foreign governments, or official corruption. The penalties for exceeding these self-imposed limits can be arrest for libel, dismissal from employment, or extralegal harassment.

In a case from 1995, two journalists for Al-Shoura newspaper were found guilty in May of slander and character assassination against an important sheikh, one of the leaders of the Islaah party. The presiding judge ordered that the newspaper be shut down; that the journalists be flogged with 80 lashes and stopped from work for 1 year; and that they pay a compensation of approximately \$800 (100,000 yr). The Ministry of Justice has suspended this judgment while reviewing its conformity with law and judicial procedure. Al-Shoura continued to operate at year's end. Al-Shoura had suffered government harassment in the past; security officials closed the paper from mid-1995 through mid-1996, when a judge ruled that the closure was illegal.

In early 1997, a trial began against Muhammad Al-Saqaf, a journalist and former university professor who had written articles critical of the Government in the weekly government-controlled paper Al-Wahda in 1996. Specifically, Al-Saqaf had questioned the Government's handling of preparations for the 1997 election. The Committee to Protect Journalists interceded with the Government on his behalf. The case is continuing.

The weekly opposition newspaper Al-Tajammu' continued to be subjected to minor harassment from government authorities. In 1996 the paper's publishers temporarily had been denied access to government presses because of criticism of the Government.

There were reports throughout the year of journalists (particularly in the south) being subjected to minor but frequent physical harassment, abuse, and short periods of arbitrary incarceration. At least six of the persons arrested in connection with the Aden bombings were journalists. The Committee to Protect Journalists and other international and local human rights organizations protested to the Government on their behalf. The journalists eventually were released without charge.

Customs officials confiscate foreign publications regarded as pornographic or objectionable because of religious or political content. The Ministry of Information routinely delayed the distribution of international Arabic-language dailies such as Al-Hayat and Al-Sharq Al-Awsat in an apparent effort to decrease their sales in Yemen. In almost all cases, this was because they carried news about or statements by leaders of the 1994 secession attempt.

To publish a book in Yemen, the author must obtain a permit from the Ministry of Culture. In the end most books are approved, but the process is time-consuming for the author. The author must submit copies of the book to the Ministry. Officials at the National Library must read and endorse the text. It is then 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 do not usually deal with an author who has not yet obtained the permit.

Academic freedom is somewhat restricted by the extreme politicization of university campuses. Many administrators, professors, and students align themselves with either the ruling GPC party or the opposition Islaah party. Each group closely monitors the activities of the other. Islaah members have intimidated students and professors from discussing topics of which they disapprove. Top administrative positions are usually awarded to political allies.

b. Freedom of Peaceful Assembly and Association

There are no constitutional restrictions on the right to assemble peacefully, although the Government requires a permit for these purposes. Government informers monitor meetings and assemblies.

Angry citizens launched several sit-ins, hunger strikes, and other peaceful demonstrations in reaction to the Government's security crackdown following the Aden bombings. In at least one instance demonstrators were refused a permit to assemble. On September 10, several thousand persons demonstrated in Mukallah against the continued holding of detainees. The demonstrators had applied for but been denied a permit. The Government allowed the demonstration to take place without interference.

There are no constitutional restrictions on the freedom of association, and the Government generally respects this right in practice. Associations must obtain an operating license from the Ministry of Labor and Social Affairs, usually a routine matter.

c. Freedom of Religion

Islam is the state religion. Although followers of other religions are free to worship according to their beliefs, there are some restrictions on their other activities. Most notably, they are prohibited from proselytizing.

Virtually all citizens are Muslims, either of the Zaydi branch of Shi'a Islam or the Shafa'i branch of Sunni Islam. There are also some Ismailis in the north. Private Islamic organizations may maintain ties to pan-Islamic organizations and operate schools, but the Government monitors their activities.

Most Christians are foreign residents, except for a few families of Indian origin in Aden. There are several churches and Hindu temples in Aden, but no non-Muslim public places of worship in the former north Yemen. Church services are regularly held without harassment in private homes or facilities such as schools. However, occasionally the security authorities censor the mail of Christian clergy who minister to the foreign community, ostensibly to prevent proselytizing.

Nearly all Yemen's once sizable Jewish population has emigrated. There are no legal restrictions on those Jews who remain, although there are traditional restrictions on places of residence and choice of employment (see Section 5).

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

In general, the Government does not obstruct domestic travel, although the army and security forces maintain checkpoints on major roads. Likewise, the Government does not routinely obstruct foreign travel or the right to emigrate and return. Journalists must have a permit to travel abroad. Women must obtain permission from a male relative before applying for a passport or departing the country. However, enforcement of the restrictions on journalists and women are irregular. The Constitution prohibits the extradition of a citizen to any country.

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

The Government in 1997 offered first asylum to some 51,500 Somali refugees who were forced to flee the fighting in that country. It also cooperated with the United Nations High Commissioner for Refugees (UNHCR) in assisting refugees from Eritrea (2,500 persons), Ethiopia (1,200 persons) and various other countries (750 persons). It permitted the UNHCR to monitor the situation of 20,000 Iraqis in Yemen, many of whom could become of concern to UNHCR because of the situation in Iraq.

The UNHCR provides food and medical assistance to up to 7,000 Ethiopians in a temporary refugee camp at Al Jahin. The Government has approved a new UNHCR facility to be built at a site in Lahaj Governorate in the near future.

The Government has granted refugee status to some persons and resettled them. Approximately 30,000 Somali refugees have now been integrated into Yemeni society and are no longer receiving food from the UNHCR. However, they are still eligible for medical treatment at UNHCR facilities.

In past years, human rights organizations had alleged that the Government forced certain refugees to return to countries in which they feared prosecution. However, this has not been a problem in recent years.

The UNHCR facilitated the voluntary repatriation of Eritrean and Ethiopian refugees, and also facilitated the voluntary return of some Somali refugees to areas of Somalia that are considered safe.

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

Although the Government is by law accountable to the Parliament, there are significant limitations on the ability of the people to change their government. International observers judged the April parliamentary elections as "reasonably free and fair" despite some problems associated with the voting. To date, the Parliament is not an effective counterweight to executive authority; it does little more than debate issues. Decisionmaking and real political power still rest in the hands of a few leaders, particularly the President.

The President has the authority to introduce legislation and promulgate laws by decree when Parliament is not in session. Decrees must be approved by Parliament 30 days after reconvening. In theory, if a decree is not approved, it does not become law; in practice, a decree remains in effect even if not approved. The President appoints the Prime Minister, who forms the Government. The Cabinet comprises 24 ministers, all of whom are now from the GPC.

Following the 1997 elections, the President announced the formation of a Consultative Council, a board of notables chaired by the former Prime Minister, to advise him on certain policy matters. Some observers have compared this council to an "upper chamber" like the United States Senate. The Council reviews and advises the President on all laws that are submitted to the Chamber of Deputies. However, the Council has no constitutional powers. It is not elected; it is appointed by the President.

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

The multiparty system is functional but arguably weaker than in 1993, when the first parliamentary elections were held. All parties must be registered in accordance with the Political Parties Law of 1991, which stipu-

lates that each party must have at least 75 founders and at least 2,500 members. Twelve parties participated in the April elections, compared with 16 in 1993. The YSP and several smaller parties boycotted the election, leading to lower voter turnout in the south than in 1993.

The Constitution prohibits the establishment of parties that are contrary to Islam, oppose the goals of the Yemeni revolution, or violate Yemen's international commitments. The Government provides financial support to all parties represented in Parliament. The parties are permitted to publish their own newspapers.

Although women may vote and hold office, these rights are limited by cultural and religious customs. Only 2 women were elected to the Parliament in April (the same number as in 1993), and few hold senior leadership positions in the government or political parties.

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

The Yemeni Human Rights Organization (YHRO) is the best organized local nongovernmental organization (NGO) devoted to human rights. Its head office is in Sanaa with branches in seven other cities. It was founded by the Government, and some experts have viewed some of its findings as not objective. The head of the organization is president of the Sanaa Court of Appeals and is a strong government supporter. In September the YHRO co-sponsored, along with the Taiz-based Human Rights Information and Training center and the Tunis-based Arab Institute for Human Rights, a training workshop in Sana'a.

Another group, the Yemeni Organization for the Defense of Liberties and Human Rights, is based in Aden. It was less active than in the past because of a lack of funds.

Several new NGO's devoted to human rights education and democratization began to organize. The Taiz-based Human Rights Information and Training Center held training workshops for some of these NGO's as well as for primary and secondary school teachers. It also sponsored activities in coordination with the YHRO and the Arab Institute for Human Rights in Tunis.

In late December, the Cabinet approved formation of the Supreme National Committee for Human Rights, under the chairmanship of the deputy Prime Minister and Foreign Minister. The Committee includes the Ministers of Legal and Parliament Affairs, Justice, Social Affairs, and Interior; the Attorney General; Chairman of the Political Security Office; and chief of the Office of Judicial Inspection. The main purpose of the council is to ensure that Yemen meets its obligations with respect to implementing the international human rights conventions. However, the Committee also is expected to look into specific instances of abuse.

In late 1997, the Consultative Council formed its own human rights committee. This committee invited various embassies and representatives of international organizations to present their concerns about the human rights situation in Yemen.

A parliamentary human rights committee has investigated some reports of human rights abuses. It suffers from lack of official and financial support and has no authority to do anything but issue reports.

Amnesty International, Human Rights Watch, and the Committee to Protect Journalists observe Yemen closely. The International Committee of the Red Cross (ICRC) maintains a resident representative in Yemen. The Government has given these groups relatively broad access to government officials, records, refugee camps, and prisons. The Government acknowledged some human rights abuses alleged in an Amnesty International report issued in March and promised to investigate them. However, the Government rejected other allegations in the Amnesty report.

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

Prior to 1994, the Constitution stated that "no discrimination shall be practiced due to sex, color, racial origin, language, occupation, social status, or religious beliefs." However, as amended in 1994, the Constitution now states that "all citizens are equal in general rights and duties". Discrimination based on race, sex, disability, and, to lesser extent, religion, exists.

Women

Although spousal abuse is reportedly common, it is generally undocumented. In Yemen's traditional society, an abused woman would be expected to take her complaints to a male relative (rather than the authorities), who would intercede on her behalf or provide her short-term sanctuary if required. Only recently has the press begun to investigate or report on violations of women's rights.

Women face significant restrictions imposed by law, social custom, and religion. Men are permitted to take as many as four wives, though few do so for economic reasons. By law the minimum age of marriage is 15. However, the law is largely unenforced, and some girls marry as early as age 12. The law stipulates that the wife's "consent" 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) sign the marriage contract; in the former south Yemen, the wife also signed. The practice of dowry payments is widespread, despite efforts to limit the size of such payments.

The law stipulates 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. Women theoretically also have the legal right to divorce. However, in practice women divorce only when their husbands have failed to provide for them. Following a divorce, the family home and any children older than a certain age are often awarded to the husband. The divorced woman usually returns 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 cannot remarry until she proves that she is not pregnant.

Women seeking to travel abroad must obtain permission to receive a passport and to travel from their husbands or fathers and are expected to be accompanied by male relatives. However, this rule is not universally applied.

Islamic law permits a Muslim man to marry a Christian or Jewish woman, but no Muslim woman may marry outside of Islam. Married women do not have the right to confer citizenship on their foreign-born spouses; they may, however, confer citizenship on children born in Yemen of foreign-born fathers.

An estimated 80 percent of women are illiterate, compared with approximately 35 percent of men. The fertility rate is 7.5 children per woman. Most women have no access to basic health care. Even where clinics are available, many women do not use them because their male relatives, or they themselves, refuse to allow a male doctor to examine them.

In general, women in the south are better educated and have had somewhat greater employment opportunities than their northern counterparts. Since the 1994 civil war, however, the number of working women in the south appears to have declined, in part due to the stagnant economy, but also because of increasing cultural pressure from the north.

A Government-sponsored women's association promotes female education and civic responsibilities, and a NGO also has been established for the same purpose. Several women's groups are in the process of forming and registering with the Government.

Children

While the Government has asserted its commitment to protecting children's rights, it lacks the resources necessary to ensure adequate health care, education, and welfare services for children. The U.N. Development Program estimates that 30 percent of children are malnourished. The infant mortality rate is 106 deaths per 1000 births.

The law provides for universal free education for 9 years, but this provision is not enforced. Many children, especially girls, do not attend primary school. Some rural areas have no schools for their school-age population.

Child marriage is common, especially in rural areas. Although the law requires that a girl be 15 years old to marry, it is not enforced. Marriages of 12-year-old girls are not unusual. Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced by some Yemenis, including those of African origin, living mainly in the Red Sea coastal areas. It is rarely reported among the Shaf'ai religious sect, and adherents of the Zaydi sect reputedly do not practice it at all. According to a 1992 report issued by a European researcher, the practice is "prevalent" in Tihama province in southwest Yemen, "widely reported" for the Hadramaut area along the southern coast, "spotty" elsewhere, and "totally absent" from the inland highlands and desert areas. The European report describes the procedure in Yemen as mainly confined to excision, with infibulation being practiced only among east African immigrants and refugees. While some government health workers actively and publicly discourage the practice, the Government has not passed legislation to outlaw it, nor have women's groups adopted the problem as a major concern.

People With Disabilities

There are distinct social prejudices against persons with mental and physical disabilities. The disabled often face discrimination in education and employment. The Government has not enacted legislation or otherwise mandated accessibility for the disabled, nor provided special clinics or schools for them. Many disabled persons are reduced to begging in order to support themselves. Mentally ill patients, particularly those who commit crimes, are imprisoned and even shackled when there is no one to care for them. Since 1995, the ICRC, in cooperation with the Yemeni Red Crescent Society, has constructed and staffed separate detention facilities for mentally disabled prisoners. These new facilities are located in Sanaa, Ibb, and Taiz, and collectively can care for a population of 300 persons.

Religious Minorities

Apart from a small but undetermined number of Christians and Hindus in Aden, and a few Baha'is in the north, Jews are the only indigenous religious minority. Their numbers have diminished significantly due to voluntary emigration. Although the law makes no distinction, Jews are traditionally restricted to living in one section of a city or village and are often confined to a limited choice of employment, usually farming or handicrafts. Jews may, and do, own real property.

Christian clergy who minister to the foreign community are employed in teaching, social services, and health care.

A hospital in Jibla operated by the Baptist Church in the past experienced occasional threats and harassment from local Islamic extremists who feared that the hospital might be used to spread Christianity. There were no reports of harassment against the hospital in 1997.

National/Racial/Ethnic Minorities

Yemenis with a non-Yemeni parent, called "Muwalladin", may face discrimination in employment and in other areas. Persons seeking employment at Sanaa University or admission to the military academy must by law demonstrate that they have two Yemeni parents. Nonetheless, many senior government officials, inclu-

ding Members of Parliament and ministers, have only one Yemeni parent. In some cases, naturalization of the non-Yemeni parent is sufficient to overcome the "two-Yemeni parent" requirement.

A small group of persons claiming to be the descendants of ancient Ethiopian occupiers of Yemen, who were later enslaved, are considered the lowest social class. Known as the "akhdam" (servants), they live in squalor and endure persistent social discrimination.

Section 6 Worker Rights

a. *The Right of Association*

The Constitution provides that citizens have the right to form unions. A 1995 labor law governs labor relations. Workers have the right to strike. The law provides equal labor rights for women, and it renews the freedom of workers to associate. The Labor Law does not stipulate a minimum membership for unions, nor does it limit them to a specific enterprise or firm. Thus, citizens may now associate by profession or trade.

The Yemeni Confederation of Labor Unions (YCLU) remains the sole national umbrella organization. The YCLU claims 350,000 members in 15 unions and denies any association with the Government, although it works 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 it to be in its best interests.

By law, civil servants and public sector workers, and some categories of farm workers, may not join unions. Only the General Assembly of the Yemeni Confederation of Labor Unions may dissolve unions.

In 1997 there were two brief strikes by pilots and ground personnel of Yemenia, the national airline.

The YCLU is affiliated with the Confederation of Arab Trade Unions and the formerly Soviet-controlled World Federation of Trade Unions.

b. *The Right to Organize and Bargain Collectively*

The 1996 Labor Law provides workers with the right to organize and bargain collectively. All collective bargaining agreements must be deposited with and reviewed by the Ministry of Labor; such agreements exist. Unions may negotiate wage settlements for their members and can resort to strikes or other actions to achieve their demands.

The law protects employees from antiunion discrimination. employers do not have the right to dismiss an employee for union activities. Employees may appeal cases of antiunion discrimination to the ministry of labor. Employees may also take a case to the labor courts, which are often favorably disposed toward workers especially if the employer is a foreign company.

There are no export processing zones.

c. *Prohibition of Forced or Compulsory Labor*

The Constitution prohibits forced or compulsory labor. There were no reports of its practice. The law does not specifically prohibit forced or bonded labor by children, but such practices are not known to occur.

d.

Status of Child Labor Practices and Minimum Age for Employment

Child labor is common, especially in rural areas. Many children are compelled to work in subsistence farming by virtue of the substandard economic situations of their families. Even in urban areas, children may be observed working in stores and workshops, selling goods on the streets, and begging. The law does not specifically prohibit forced or bonded labor by children, but such practices are not known to occur (see Section 6.c.).

The established minimum age for employment is 15 in the private sector and 18 in the public sector. By special permit, children between the ages of 12 and 15 may work. The Government rarely enforces these provisions, especially in rural and remote areas. The Government also does not enforce the laws regarding compulsory education for children, and the likelihood that many school-age children are working instead of attending school is high.

According to a 1994 survey undertaken by the Ministry of Labor, the number of children (between the ages 10 and 14) engaged in work was more than 79,000 boys and 35,000 girls. Experts believe that the number has grown substantially since the survey was taken.

e.

Acceptable Conditions of Work

There is no established minimum wage for any type of employment in Yemen. The Labor Law states that "it shall not be permissible that the minimal level of the wage of a worker should be less than the minimal level of wages of government civil servants." According to the Ministry of Labor, the average minimum wage of civil servants for 1994-1995 was approximately \$45 to \$53 (6,000-7,000 rials) per month. Private sector workers, especially skilled technicians, do far better. A combination of inflation, the loss of government-provided subsidies, and an erosion in the exchange value of the national currency has substantially eroded wages during the past few years.

The law specifies a 40-hour workweek with a maximum 8-hour workday, but many workshops and stores operate 10- to 12-hour shifts without penalty. The workweek for government employees is 35 hours, 6 hours per day Saturday through Wednesday, and 5 hours on Thursday.

Workers have the right to remove themselves from dangerous work situations and can challenge dismissals in court. The Ministry of Labor has the responsibility for regulating workplace health and safety conditions. However, according to an August newspaper interview given by a senior official in the Ministry of Labor, the requisite legislation for regulating occupational health is nonexistent. The official reported that many workers regularly are exposed to toxic industrial products. Some foreign-owned companies implement higher health, safety, and environmental standards than the Government requires.

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