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Yemen

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The Republic of Yemen, comprising the former (northern) Yemen Arab Republic (YAR) and (southern) People's Democratic Republic of Yemen (PDRY), was proclaimed in 1990. Following a brief but bloody civil war in mid-1994, the country was reunified under the Sana'a-based government. President Ali Abdullah Saleh is the leader of the General People's Congress (GPC), which dominates the Government. He was elected by the legislature to a 5-year term in 1994, and was elected to another 5-year term in the country's first nationwide direct presidential election in September 1999, winning 96.3 percent of the vote. The Constitution provides that the President be 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 did not receive the minimum number of votes required to run from the GPC-dominated Parliament (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 first Parliament elected by universal adult suffrage was convened in 1993. Parliamentary elections were held again in 1997, with the Yemeni Socialist Party (YSP), formerly the main party of the PDRY and a previous coalition partner of the GPC, leading an opposition boycott. The GPC won an absolute majority in the 1997 Parliament, with the opposition Islamist and tribal Yemeni Grouping for Reform (Islaah) as the only other major party represented. International observers judged the elections as reasonably free and fair, while noting some problems with the voting. The Parliament is not yet an effective counterweight to executive authority, although it increasingly demonstrates independence from the Government. Real political power rests with the executive branch, particularly the President. The judiciary is nominally independent, but is weak and severely hampered by corruption, executive branch interference, and the frequent failure of the authorities to enforce judgments.

The primary state security apparatus is the Political Security Organization (PSO), an independent agency that 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. The civilian authorities do not maintain effective control of the security forces. Members of the security forces, particularly the PSO, committed numerous, serious human rights abuses.

Yemen is a very poor country; about 40 percent of the population live in poverty. Its embryonic market-based economy, despite a major economic reform program, remains impeded by excessive government interference and widespread corruption. Its annual per capita gross national product (GNP) fell from \$377 in 1997 to \$342 in 1998, but rose to \$368 in 1999. Agriculture accounts for approximately 22 percent of GNP, industry for approximately 27 percent, and services for approximately 51 percent. Oil is the primary source of foreign exchange. Other exports include fish, livestock, coffee, and detergents. Remittances from citizens working abroad (primarily in Saudi Arabia and other Arab Persian Gulf states) also are important. However, remittances were reduced sharply 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 Western aid was reduced. Foreign aid has begun to reemerge as an important source of income. The unemployment rate is estimated at 35 percent, and is highest in the southern governorates, where, prior to unity, most adults were employed by the PDRY Government.

The Government generally respected its citizens' human rights in some areas and continued to improve its human rights performance; however, its record was poor in several other areas, and serious problems remain. There are significant limitations on citizens' ability to change their government. Security forces committed a number of extrajudicial killings. Members of the security forces tortured and otherwise abused persons, and continued to arrest and detain citizens arbitrarily, especially oppositionists in the south and other persons regarded as "secessionists." However, during the year, the Government issued directives intended to align the country's arrest, interrogation, and detention procedures more closely with internationally accepted standards, and such directives generally were implemented in practice. Prison conditions are poor, and some detainees were held in private prisons not authorized by the Government. However, during the year, with the cooperation of the Government, the International Committee of the Red Cross conducted a comprehensive inspection of the country's prisons. PSO officers have broad discretion over perceived national security issues. Despite constitutional constraints, security officers routinely monitor citizens' activities, search their homes, detain citizens for questioning, and mistreat detainees. The Government fails to hold members of the security forces accountable for abuses, and there were no convictions of security officials for abuses during the year. Prolonged pretrial detention is a serious problem, and judicial corruption, inefficiency, and executive interference undermine due process. The Government continued to implement a comprehensive long-term program for judicial reform. The law limits freedom of speech and of the press, and the Government frequently harassed, intimidated, and detained journalists. However, harassment of journalists lessened during the year.

Nonetheless, journalists practice self-censorship. The Government at times limits freedom of assembly. The Government imposes some restrictions on freedom of religion, and places some limits on freedom of movement. The Government adopted measures to decentralize government authority by establishing locally elected governorate and district councils. In February the Government hosted a major symposium of the U.N. Commission on Human Rights (UNCHR), chaired by U.N. High Commissioner Mary Robinson, on the human rights aspects of international development. The Government displayed official receptiveness to and support for donor-funded democracy and human rights programs. Violence and discrimination against women are problems. Female genital mutilation (FGM) is practiced on a limited scale, primarily along the coastal areas of the Red Sea. Although the practice is discouraged publicly, the authorities do not prohibit it. There is some discrimination against the disabled. Discrimination against religious, racial, and ethnic minorities is a problem. The Government influences labor unions. Child labor is a problem.

There was a significant decrease in the number of kidnappings of foreigners, which was at least in part the result of the Government's establishment of a special court to try kidnapers and other violent offenders. The campaign of bombings--the devices sometimes were little more than noise bombs--that had continued for several years, particularly in the southern governorates, appears to have abated, although there were a few explosions during the year. Observers attribute these bombings to tribal disputes, religious extremists, and antigovernment political groups based in the country and abroad.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

Security forces committed a number of extrajudicial killings. There were some reports during the year that security forces at checkpoints killed or injured persons whom they believed were engaging in criminal activity and resisting arrest.

In May security forces killed Ghassan Qasim Mani, a student in Al-Dalah governorate, during a violent confrontation between security forces and armed citizens. Another student and four police officers were injured in the confrontation, which occurred while security officials were conducting a weapons search in the vicinity of Al-Jalilah.

In August Sabah Seif Salem reportedly died while being detained in a prison in the Al-Udain district of Ibb governorate. Her family claimed that security officials tortured her to extract a confession of adultery. The director of Ibb security ordered that an autopsy be performed and called in the head of Al-Udain's security office for questioning. The investigation found that Salem was pregnant when she was detained for questioning and went into labor while in police custody. She was transported to a clinic, but died as a result of complications during childbirth. Salem's baby also died. The investigation concluded that Salem had not been tortured (see Section 1.c.).

One police officer was killed and eight others wounded after intervening to settle a land dispute in the village of Qud Qarow in Aden governorate; several villagers were wounded, but none were reported killed. The circumstances of the police officer's death were unclear (see Section 1.f.).

No security officials were tried or convicted for abuses during the year.

In July 1999, a court in Tawila in Al-Mahweet governorate convicted the town's security chief and two police officers of first-degree murder for torturing to death a teenager taken into their custody on theft charges in March 1999. All three officials were fired. The security chief was sentenced to 10 years in jail and ordered to pay \$19,000 (3,116,000 riyals) in compensation to the victim's family. The two police officers each were sentenced to 5 years in jail.

There was credible evidence that security forces killed a prisoner in detention in late 1997 or early 1998. Wadia Al-Shaibani, a 22-year-old who was arrested in connection with the July 1997 bombings in Aden, apparently died after suffering a beating at the Soleyban police facility in Aden. Government authorities declined to investigate; they claimed that Al-Shaibani committed suicide. The Human Rights Committee of the Consultative Council (an advisory board to the President) in 1998 investigated Al-Shaibani's death; however, it was unable to persuade the authorities to investigate the death or to bring charges against security officials.

On October 12, terrorists in a small bomb-laden boat attacked the USS Cole, a U.S. naval ship, as it refueled in Aden harbor. The explosion killed 17 sailors and wounded 39 others. The investigation into the attack was ongoing, and 6 suspects were in custody at year's end.

Tribal violence resulted in a number of killings and other abuses, and the Government's ability to control tribal elements remained limited. In addition, tensions between the Government and various tribes periodically escalated into violent confrontations (see Section 5).

Persons continued to be killed and injured in unexplained bombings and shootings that occurred during the year. In most cases, it was impossible to determine who was responsible for such acts or why they occurred, and there were no claims of responsibility. The Government accused southern oppositionists of perpetrating some incidents, but the opposition denied any involvement. Some cases appeared to have criminal, religious, or political motives; others appeared to be cases of tribal revenge or land disputes. In June 1998, the President established a committee to study the phenomenon of revenge killings and to make recommendations on how to combat the problem. There was no news on the committee's work or its findings at year's end.

In December 1998, a group of 16 Western tourists was kidnaped by terrorists in Abyan governorate near Mudiayah. The next day, government forces surrounded the area and attempted a rescue operation. Four of the hostages and three of the terrorists were killed. There were varying reports as to whether the government forces inadvertently killed any of the hostages in the crossfire. However, at least two apparently were shot deliberately by the kidnapers. The Government has stated that its decision to intervene was based on its belief that the hostages' lives were in immediate danger. The trial of the four surviving terrorists, including Aden-Abyan Islamic Army (AAIA) leader Zein Al-Abidine Al-Mihdar (also known as Abu Hassan), began in January 1999, and in May 1999 they all were found guilty. Abu Hassan, who during his trial publicly and repeatedly admitted to all charges against him, a second Yemeni, Abdallah Al-Jundaydi, and a Tunisian, were sentenced to death; the remaining defendant was sentenced to 20 years' imprisonment. The Tunisian's sentence was commuted to 20 years' at the first appellate review, and the Supreme Court in October 1999 commuted Al-Jundaydi's sentence to 20 years as well. Abu Hassan's death sentence was upheld by the Supreme Court in October 1999 and approved by President Saleh. He was executed by firing squad on October 17, 1999. There were no allegations of lack of due process in Abu Hassan's trial or during the subsequent appeal process. The trial of seven additional AAIA members on terrorism charges began in October 1999 and ended in June; the group's leader and a second defendant were convicted and received jail sentences of 7 and 3 years; the remaining five defendants were acquitted (see Section 1.e.).

b. Disappearance

Members of the security forces continue to arrest and detain citizens for varying periods of time without charge or notification to their families. Many detainees are associated with the YSP or other opposition parties and are accused of being "secessionists." Such detentions are temporary; detainees typically are released within weeks or, at most, months. Those who are not released eventually are charged.

In 1998 at the invitation of authorities, delegations from the UNHRC and Amnesty International visited the country to investigate the whereabouts of persons who have "disappeared" in custody since unification. In 1997 the Government had promised AI that it would look into 27 cases of persons who died after they reportedly "disappeared" while in government custody during the violence associated with the civil war in 1994. In its follow-up report issued in July 1999, AI criticized the Government for not keeping this promise. The Government claims that it responded to AI and passed the results of its investigations to the UNHRC, but that the information AI provided was inadequate for effective investigation and conclusive action. Both the U.N. Committee on Disappearances and AI also continue to allege that there are hundreds of unresolved disappearances dating from the preunity period in the former PDRY, particularly from its 1986 civil war. The Government asserts that it cannot be held responsible for cases that took place within the former PDRY prior to unity; however, it has set up a computer database in the Ministry of Foreign Relations to track disappearances, including those dating from the preunity period. The Government states that the scarcity of records resulting from the country's lack of an effective national registry hindered its attempts during the year to create database files, especially for persons who disappeared in the PDRY in the 1970's. AI has received no credible reports of new disappearances in the last 6 years.

Some tribes seek to bring their political and economic concerns to the attention of the Government by kidnapping and holding hostages. Foreign businessmen, diplomats, and tourists are the principal targets. During the year, eight foreigners were kidnaped (six men, one woman, and one child), as well as a much higher number of citizens. A total of 159 foreigners have been kidnaped since 1992. The legal magazine Al-Qistas, in a 1998 study, found that Sana'a, Marib, and Shabwa are the areas in which a foreigner is most likely to be kidnaped. Kidnaping victims rarely are injured, and the authorities generally have been successful in obtaining the negotiated release of foreign hostages. However, in June a Norwegian diplomat on vacation was killed near Sana'a during an exchange of fire between checkpoint police and his abductors.

There has been a marked decline in tribal kidnappings of foreigners, from 13 cases involving 41 persons in 1997 to 10 cases involving 27 persons in 1998 to 9 cases involving 21 persons in 1999 to 6 cases involving 8 persons during the year. Kidnapings had been a persistent problem in the past, due to the judiciary's frequent failure to impose sentences against accused kidnapers because some persons linked to kidnappings were members of prominent tribes or had links with such tribes. In most cases, the kidnappings were settled out of court, with no suspects facing trial; however, this practice has changed. In August 1998, the Government issued by presidential decree a law that stipulated severe punishments up to and including capital punishment for persons involved in kidnaping, "carjacking," attacking oil pipelines, and other acts of banditry and sabotage. In October 1999, the Government announced the establishment of a special court in Sana'a to implement this law and created a special prosecutor to investigate and try those charged under its provisions. In May the court sentenced an individual who had kidnaped three German tourists in November 1999 to 12 years in jail. In June the kidnaper of an American in 1997, and later a group of European tourists, received a 20-year sentence; in July two additional kidnapers received 15-year jail sentences. The arrests, trials, and convictions continue. The Government's prosecution of persons charged with kidnaping appears to have had a deterrent effect.

There were no reports of tribal opposition or interference in the arrests or the judicial process connected with these cases.

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

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

The Government has acknowledged publicly that torture takes place but has claimed that the use of torture is not government policy. Nevertheless, the Government has not taken effective steps to end the practice or to punish those who commit such abuses. A government prosecutor has cited illiteracy and lack of training among police and security officials as reasons for the persistence of the use of undue force in prisons; a human rights activist has suggested that corruption and pressure from superiors to produce convictions also plays a role. The immunity of all public employees from prosecution for crimes allegedly committed while on duty also hinders 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, about \$37 to \$56 (6,000 to 9,000 riyals) per month, also contribute to corruption and police abuse.

In August Sabah Seif Salem reportedly died while being detained in a prison in the Al-Udain district of Ibb governorate. Her family claimed that security officials tortured her to extract a confession of adultery. The director of Ibb security directed that an autopsy be performed and called in the head of Al-Udain's security office for questioning. The investigation found that Salem was pregnant when she was detained for questioning and went into labor while in police custody. She was transported to a clinic, but died as a result of complications during childbirth. Salem's baby also died. The investigation concluded that Salem had not been tortured (see Section 1.a.).

In July 1999, a court convicted three security force officials of murder for torturing a teenager to death (see Section 1.a.); however, there were no reported convictions of security officers for abuses during the year. In February Major Hisham Al-Ghazali, the most senior of three CID officials convicted of torture in 1998, was reassigned to investigative duties. Abdullah Al-Qaradi, the prosecutor for investigation and security for Sana'a governorate, objected to the reassignment, but he was overruled by the CID's Director General, Hussein Ali Haitham.

In April 1999, Sana'a municipality police arrested Naji Saleh Al-Khowlani for his alleged involvement in a car theft ring. Al-Khowlani was held for 2 months, during which time prison officials reportedly tortured him during regular nightly interrogation sessions in which officials would attempt to elicit a confession and extract information by burning him with a cigarette lighter. A medical report documented burn marks and other injuries on Al-Khowlani's body. No action was taken during the year to investigate this case.

The trial of seven alleged members of the AAIA on terrorism charges, which began in October 1999, ended in June. The group's leader, Saleh Haidara Al-Atwi, and another defendant, Haidara Nasser Al-Mashraqi, were sentenced to 7 and 3 years in prison, respectively. The remaining five defendants were acquitted. Two of the defendants were tried in absentia. Four claimed that the prosecution coerced and tortured them into making self-incriminating statements and confessions (see Section 1.e.). The judge issued a ruling prohibiting the publication of details about the trial.

The eight Britons and two Algerians convicted in Aden in August 1999 of possession of illegal weapons and explosives and conspiring to commit terrorist acts in Aden claimed during their trial during the year that they had been tortured; two claimed that they had been abused sexually (see Section 1.e.).

In 1998 several individuals on trial in Aden in connection with a series of bombings in 1997 testified publicly that they had been tortured. One defendant claimed that he had been raped while in custody. There is credible evidence that one other person arrested in connection with the same bombings died as a result of beatings inflicted by security officials. According to eyewitnesses who also claimed to have been tortured, Wadia Al-Shaibani was beaten first in a criminal security office in Aden, then transferred to the Soleyban police facility, where he was tortured to death (see Section 1.a.). No charges have been filed against security officials.

In a related case in 1998 in which 31 persons were accused of conspiracy in Mahra governorate in 1997, several of the suspects claimed that they had confessed only because they had been tortured. Defense attorneys asserted the existence of films that would prove their clients' allegations that they had been beaten, and asked the judge to view the films. The judge denied this request. In late October 1998, the court sentenced three of the defendants to death, found one innocent, and sentenced the others to jail for periods ranging from 6 to 10 years.

The Constitution may be interpreted as permitting amputations in accordance with Shari'a (Islamic law). There have been no reports of amputations since 1991. However, a small number of persons who have been found guilty of theft and sentenced to amputation remain in jail awaiting the implementation of their sentences. The Shari'a-based law permits physical punishment such as flogging for some crimes. For example, in July two individuals convicted of kidnapping were sentenced to 80 lashes (the penalty for the consumption of alcohol) in addition to a period of imprisonment because they had been intoxicated during the commission of their crime. In Ibb governorate in January, Mohamed Tahbit Al-Su'mi, after being tried and convicted, was stoned to death.

for the 1992 rape and murder of his 12-year-old daughter. Capital punishment usually is carried out by firing squad; stoning is almost unheard of, but was approved in this case due to the unusual brutality of the crime. In rare cases involving particularly egregious crimes, such as the rape and murder of children, the law permits the ritual display in public of the bodies of executed criminals. The ostensible purpose of this practice is to demonstrate to the families of victims that justice has been served and to prevent blood feuds between tribes.

Police used excessive force in September when they intervened to settle a land dispute in the village of Qud Qarow in Aden governorate (see Sections 1.a. and 1.f.).

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

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 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 misuse 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. Refugees, persons with mental problems, and illegal immigrants sometimes are arrested without charge and placed in prisons with common criminals.

Conditions are equally poor in women's prisons, in which children likely are to be incarcerated along with their mothers. By custom and preference, babies born in prison generally remain in prison with their mothers. Female prisoners sometimes are subjected to sexual harassment and violent interrogation by male police and prison officials. The law requires male members of the families of female prisoners to arrange their release; however, female prisoners regularly are held in jail past the expiration of their sentences because their male relatives refuse to authorize their release due to the shame associated with their alleged behavior. The Government's Supreme National Committee for Human Rights, working with the National Women's Committee, has developed a plan to establish a shelter in Sana'a that would house 50 of these abandoned women and provide them with vocational education. The committee is seeking donor assistance and hopes to establish additional shelters in other governorates.

Unauthorized "private" prisons are a problem. Most such prisons are in rural areas controlled by tribes, and many are simply a room in a tribal sheikh's house. Persons detained in such prisons often are held for strictly personal or tribal reasons and without trial or sentencing. There are credible reports of the existence of private prisons in government installations, although these prisons are not sanctioned by senior officials. In July Mohamed Naji Alao, a parliamentarian and founder of the human rights NGO the Organization for the Defense of Human Rights, discovered that several private prisons were being operated at government facilities in Sana'a. He reported them to the President, who immediately ordered the unlawful prisons closed, and the offenders arrested. In April 1999, the chairman of the Sana'a governorate prosecutor's office, Salem Ahmed Al-Shaiba, inspected several illegal prisons operated by the Sana'a governor's office and sent his findings to the Attorney General. According to Al-Shaiba's findings, 19 individuals had been imprisoned beyond their legal sentence; several prisoners were being detained in handcuffs illegally; numerous individuals were being detained illegally in connection with civil or commercial cases or because they had disobeyed a tribal sheikh; and 43 persons from one region (Shibam Al-Gharas) were being detained on the same charge (shooting at a truck). Al-Shaiba informed the Attorney General that he had requested then-Sana'a governor Naji Al-Sufi to release the illegally imprisoned individuals, but that the governor had taken no action. Later that year, Al-Shaiba reported being harassed by then-governor Al-Sufi. The Attorney General took no action on the findings of the inspection report. Al-Shaiba took a voluntary leave of absence from his post, and eventually left the country. Governor Al-Sufi was relieved of his post in October 1999, but was never charged with a crime (see Section 1.e.).

During the year, the Government issued directives intended to align the country's arrest, interrogation, and detention procedures more closely with internationally accepted standards. For example, the Ministry of Interior created new detention/interrogation centers in each governorate (including four in Sana'a), to prevent suspects from being detained with convicted criminals. The Government also formally instructed police and prison officials that detainees be provided adequate food, that prisoners be released upon completion of their sentences, and that juveniles (with the exception of those convicted of murder) be incarcerated in facilities separated from adults. In addition, the Government created a female police force and developed regulatory guidance for their activities to better respond to the needs of female prisoners and female victims of crimes. The Government's directives generally were implemented in practice.

In January the Government's Supreme National Committee for Human Rights led a government initiative to establish and finance, along with private sector contributions, a special "charity fund" to be used to enable the release of prisoners who, 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 President celebrated the Islamic holy month of Ramadan by appointing a high-level interministerial committee, chaired by the Minister of Interior, to inspect all major prisons in the country, both to identify prisoners whom the fund could help and to investigate conditions. The inspection committee immediately released persons being held illegally, developed recommendations for reform, and arranged for the eventual release of over 1,000 prisoners who had been held beyond their sentences (in violation of the law) until they could pay restitution. The Human Rights Committee of the Consultative Council continued to conduct spot checks of prisons and to arrange for the expeditious release of persons held improperly.

The Government tightly controls access to detention facilities by NGO's, although it sometimes permits local and international human rights monitors access to persons accused of crimes. During the year, the International Committee of the Red Cross (ICRC), with the Government's full cooperation, conducted a comprehensive inspection of the country's major prisons. While serious problems remain, the ICRC

acknowledged the Government's commitment to penal reform and noted that the Government had made significant improvements since the last ICRC inspection (in 1995), especially with regard to the incarceration of mentally ill persons.

The PSO does not permit access to its detention centers.

d. Arbitrary Arrest, Detention, or Exile

The law provides due process safeguards; however, security forces arbitrarily arrest and detain persons. Enforcement of the law 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 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 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. In April Parliament passed a new Police Law, which established the mandate, duties, and procedures for police. Draft provisions would have permitted police to conduct searches without a warrant and to open fire on gatherings of five or more persons if police suspected imminent violence or criminal activity. Following a campaign by human rights organizations, opposition political parties, and the press, Parliament amended the law to remove the provisions.

In September forces from the CSO used excessive force in attacking the village of Qud Qarow in Aden governorate, reportedly arresting 30 persons (see Sections 1.a. and 1.f.)

During the year, journalists continued to be detained briefly for questioning concerning articles that they wrote that were critical of the Government or that the Government considered sensitive (see Section 2.a.). However, there was a significant decrease in the number of such incidents from the previous year.

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 abide by these provisions only if bribed.

Defense lawyers claimed that the eight Britons and two Algerians arrested in December 1998 for possessing illegal weapons and explosives and conspiring to commit terrorist acts in Aden (see Sections 1.c. and 1.e.) were denied their right to legal counsel. They also contended that defense doctors were not permitted to examine their clients in order to investigate allegations of torture and sexual abuse. Several months after the defense's request, the Government arranged for an independent physician to examine those arrested; however, it did not allow the defense to observe the examination and did not provide a report. The trial concluded in August 1999, although according to the law, the violation of the right to counsel should have suspended the case. The court sentenced the main suspects to jail terms of 7 and 3 years, respectively. Five other defendants received jail terms ranging from 5 to 7 years. The seven defendants appealed the verdict. Two of the Britons received 7-month sentences and were ordered released for time served; another, for reasons of poor health, was ordered released for time served. The three returned to the United Kingdom in October 1999.

Citizens regularly complained 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 complaints that private individuals hired lower-level security officials to intervene on their behalf and harass their business rivals. Security forces sometimes detained demonstrators (see Section 2.b.). In August 1999, then-governor of Sana'a Naji Al-Sufi reportedly ordered the arrest of Hafed Fadhil, a lawyer representing the opposing party in a case involving one of the governor's friends. In September 1999, he illegally detained judge Mohammed Saad Amer, a member of the Sana'a appeals court, for 2 days (see Section 1.e.). The governor was relieved of his post in October 1999.

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, commonly is 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. There have been allegations that a large number of persons have been imprisoned for years without documentation concerning charges against them, their trials, or their sentences.

Aziz Mohamed Musaid, who was arrested in Taiz in September 1998 and charged with intent to commit adultery, has not yet been brought to trial and remains in prison because the presiding judge, Abdul Jabar Taha Al-Kharasani, has refused to adjudicate the case. The charges did not appear to be supported by solid evidence, and the local press has characterized Al-Kharasani as corrupt. In October 1999, Al-Kharasani was ordered by the Minister of Interior to turn over his cases, including Musaid's, to another judge, but he has refused to do so.

While some cases of those being held without charge have been redressed through the efforts of local human rights groups and government inspection missions (and some illegally detained prisoners released), the authorities have not investigated or resolved these cases adequately.

Unauthorized, private prisons also exist in tribal areas in which the Government does not exercise authority effectively. Persons detained in these prisons often are held for strictly personal reasons and without trial or

sentencing (see Sections 1.c. and 1.e.).

The Government does not use forced exile. However, at the end of the 1994 civil war, the Government denied amnesty to the 16 most senior leaders of the armed, secessionist Democratic Republic of Yemen (DRY) who fled abroad. Although they were not forced into exile, they are subject to arrest if they return. The trial of the so-called "16" concluded in March 1998 (see Section 1.c.).

e. Denial of Fair Public Trial

The Constitution provides for an "autonomous" judiciary and independent judges; however, the judiciary is not fully independent, and is weak and severely hampered by corruption, executive branch interference, and the frequent failure of the authorities to enforce judgments. Judges are appointed by the executive branch, and some have been harassed, reassigned, or removed from office following rulings against the Government. For example, there were credible reports that in 1999 then-governor of Sana'a Naji Al-Sufi repeatedly interfered with and attempted to intimidate members of the judiciary, including by assaulting a defense lawyer, detaining at least two judges, and harassing the chairman of Sana'a governorate's prosecutor's office, Salem Ahmed Al-Shaiba, after Al-Shaiba reported to the Attorney General that the governor's office was running illegal prisons (see Section 1.c.). Governor Al-Sufi was relieved of his post in October 1999, but no legal action was taken against him. Al-Shaiba has left the country. 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. Many judges are poorly trained, and some closely associated with the Government often render decisions favorable to it. The judiciary is hampered further by the Government's frequent reluctance to enforce judgments. Tribal elements sometimes threaten and harass members of the judiciary. For example, in August members of the Bani Dhubian tribe kidnaped judge Abdu Rahman Abu Taleb, who was presiding over a land dispute case involving the tribe.

There are five types of courts: Criminal; civil and personal status (for example, divorce and inheritance); kidnapping/terrorism; commercial; and court martial.

All laws are codified from Shari'a, under which there are no jury trials. Criminal cases are adjudicated by a judge, who plays an active role in questioning witnesses and the accused. Under the Constitution and by law, the Government must provide attorneys for indigent defendants; however, in practice this never occurs. Despite a stipulation that the Government provide (and fund) legal aid to indigent defendants, the law does not explicitly prohibit trying criminal defendants without a lawyer, and the judicial budget currently does not allow for defense attorneys. Judges sometimes "appoint" attorneys present in their courtrooms to represent indigent defendants; however, such attorneys are not required legally to take the case, although most accept in order 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 look upon themselves as an extension of the police. They do not receive the normal judicial training that judges do, nor do they practice their legal obligation to prosecute police who delay reporting arrests and detentions.

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 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 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, although in practice tribal "judges" often adjudicate 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 are not charged formally with a crime but stand publicly accused of their transgression.

Prior to unification, approximately half of the judges working in southern Yemen were women. However, after the 1994 civil war, conservative leaders of the judiciary reassigned many southern female judges to administrative or clerical duties. Although several female judges continue to practice in Aden, there are no female judges in northern courts.

The Government continued the program it began in late 1997 to reform the judiciary. This comprehensive, long-term reform program is intended to improve the operational efficiency and statutory independence of the judiciary by placing reform-minded personnel into the courts; forming an inter-ministerial council to oversee the reform project; publishing a judicial code of ethics; and making the Supreme Court smaller, more efficient, and less corrupt. Foreign donors have offered to provide assistance in implementing judicial reform, which the Government has accepted. While the program has not yet been completed, some attorneys cite improvements, including a reduction in the number of Supreme Court justices from 90 to 40, an increase in judges' salaries in order to deter corruption, an increase in the Ministry of Justice's budget, and participation by judges in workshops and study tours conducted by foreign judicial officials. However, the reform program's effect is not yet clear. In October 1999, the Government established a special court to try persons charged with kidnapping, "carjacking," attacking oil pipelines and other acts of banditry and sabotage (see Section 1.b.). Several persons tried in this special court have received lengthy jail sentences, which appears to have had a deterrent effect on tribal kidnappings.

In February 1999, a U.N. Development Program (UNDP) team visited the country to conduct an assessment that would serve as the basis of a second judicial reform program, which was scheduled to begin in January

and end in 2002. In March 1999, the team noted the Government's willingness to address long-standing issues of accountability and transparency, and to implement laws more effectively. The program's goals are to modernize Ministry of Justice equipment, improve the country's legal libraries, provide special training for the Attorney General's office, enhance public awareness of the rule of law, and secure a building for the Supreme Court. The UNDP continues to seek donor funding for the program.

Another judicial reform program, financed by international assistance, was initiated in January and is to last through March 2002. The program focuses on the Ministries of Justice and of Legal and Parliamentary Affairs and is to provide training in business and commercial law for judges; a diagnostic study of judicial education curriculum; training on drafting of legislation; and a review of the country's commercial laws to identify and fix gaps or inconsistencies. The program is ongoing.

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

Eight Britons and two Algerians who were arrested in December 1998 were tried from February to August 1999 in Aden on charges of possessing illegal weapons and explosives and conspiring to commit terrorist acts. The 6-month trial did not meet minimum international standards for due process. Defense lawyers claimed that the prosecution lacked adequate evidence, and that the defendants were tortured, sexually abused, and denied access to their lawyers (see Section 1.c.). In August 1999, the court sentenced the main suspects, the 18-year-old stepson and 17-year-old son of Islamic militant Abu Hamza Al-Masri, to jail terms of 7 and 3 years, respectively. The Government has accused Al-Masri, head of the London-based organization Supporters of Shari'a, of involvement with the AAIA, which has carried out at least one fatal terrorist act in Yemen. Five other defendants received jail terms ranging from 5 to 7 years. The seven defendants appealed the verdict. Two of the Britons received 7-month sentences and were ordered released for time served; another, for reasons of poor health, was ordered released for time served in early summer 1999. Their release was delayed because both the defense and the prosecution appealed the verdicts. The Appeals Court upheld the verdicts, and the three were released. They returned to the United Kingdom in October 1999.

The trial of seven additional AAIA members on terrorism charges, which began in October 1999, ended in June. Two were found guilty and given jail sentences; the remaining five were acquitted. Two of the defendants were tried in absentia. Four claimed that the prosecution coerced and tortured them into making self-incriminating statements and confessions (see Section 1.c.). The judge issued a ruling prohibiting the publication of details about the trial.

The Government claims that it does not hold political prisoners. Local opposition politicians and human rights activists generally accept this claim; however, some international human rights groups and members of the opposition-in-exile dispute the claim.

At the end of the 1994 civil war, the President pardoned nearly all who had fought against the central Government, including military personnel and most leaders of the unrecognized DRY. The Government denied amnesty to the 16 most senior leaders of the DRY (one of whom now is presumed dead), who fled abroad. The DRY leaders are subject to arrest if they return. In 1997 and 1998, the so-called "16" were tried in absentia on various charges, including forming a secessionist government, conspiracy, and forming a separate military. All but two were found guilty, and in March 1998, a judge sentenced five of the defendants to death and 3 to 10 years in jail. Six persons received suspended sentences, and two were acquitted. Many opposition figures have urged the President to issue an amnesty for those who received sentences, in the interest of promoting reconciliation between the north and south. The President has stated that it is up to the judicial system to pass judgment. Defense attorneys have appealed to a higher court, but no judgment has yet been rendered.

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 interfere with the telephone service of government critics and opponents. Security forces sometimes detain relatives of suspects (see Section 1.d.). Government informers monitor meetings and assemblies (see Section 2.b.).

The law prohibits arrests or the serving of a subpoena between the hours of sundown and dawn. However, persons suspected of crimes sometimes are taken from their homes in the middle of the night, without search warrants.

In September forces from the CSO used excessive force when they intervened to settle a land dispute in the village of Qud Qarow in the Buraiah district of Aden governorate. The dispute was between a businessman, who claimed to have purchased land in the adjacent mountains where he had built a quarry, and armed villagers, who claimed that they, not the Government, owned the land and were due compensation. During an initial confrontation, one police officer was killed and eight others wounded; several villagers were wounded, but none were reported killed. The circumstances of the police officer's death were unclear. In response, CSU forces charged the village, reportedly arresting 30 persons, mistreating citizens, looting and destroying houses, and leaving 200 families homeless.

Jews traditionally face social (but not legal) restrictions on their residence and their employment (see Section

5).

According to a 1995 Ministry of Interior regulation, 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. However, some human rights groups have raised concerns about the regulation.

An estimated 16,000 persons use the Internet, and 5,371 persons subscribe to it. The Government does not impose restrictions on Internet use, but most persons find that equipment and subscriptions costs are prohibitively high. Teleyemen, a parastatal company under the Ministry of Telecommunications, is the country's sole Internet service provider. According to Teleyemen (see Section 2.a.), the Government blocks sexually explicit web sites; however, with the exception of mowj.com, which is the web site of the Yemeni National Opposition Front (MOWJ), it does not block politically oriented web sites. For example, Abu Hamza's web page (see Section 1.e.) is not blocked. The Government claims that it does not monitor Internet usage, but some persons suspect their e-mail messages are read by security authorities. There have been no reports that the Government has taken action against Internet users.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution restricts freedom of speech and of the press "within the limits of the law," and the Government influences the media and limits press freedom. Some security officials attempt to influence press coverage by threatening, harassing, and detaining journalists. 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 Penal Code criminalizes, with fines and 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 Yemen."

The relative freedom of the press permitted between unification (1990) and the civil war (1994) has not been reestablished. An atmosphere of government pressure on independent and political party journals continues at a higher level than before the civil war. The international human rights group the Committee to Protect Journalists continued to criticize the Government for restrictions, harassment, and arbitrary detention directed at journalists.

The Ministry of Information influences the media by its control of most printing presses, by subsidies to certain newspapers, and by its ownership of the country's sole television and radio outlets. Only one newspaper, the thrice-weekly Aden independent Al-Ayyam, owns its own press. The Government selects the items to be covered in news broadcasts, and often does not permit broadcast reporting critical of the Government. However, during the 1999 presidential election campaign, the media extensively covered both candidates and reported in full the many critical comments made by the President's opponent. The Government televises parliamentary debates but may edit them selectively to remove criticism.

In 1998 the Government implemented regulations for the 1990 Press Law. The new regulations specify that newspapers must apply annually to the Government for licensing renewal, and that they must show continuing evidence of about \$4,375 (700,000 riyals) in operating capital. Some journalists welcomed the new regulations, saying that they were long overdue. Others claimed that they were designed to drive some opposition newspapers out of business.

Although newspapers ostensibly are permitted to criticize the Government, journalists sometimes censor themselves, especially when writing on such sensitive issues as government policies toward the southern governorates, relations with Saudi Arabia and other foreign governments, and official corruption. The penalties for exceeding these self-imposed limits can be arrest for libel, dismissal from employment, or extrajudicial harassment. Editors-in-chief legally are responsible for everything printed in their newspapers, regardless of authorship. Some journalists reported being threatened by security officials to change the tone and substance of their reporting. Journalists must have a permit to travel abroad, although there were no reports that this restriction was enforced during the year (see Section 2.d.).

During the year, journalists continued to be detained for questioning for short periods of time for writing articles that were critical of the Government or that the Government considered sensitive subjects, primarily issues involving Saudi Arabia. However, there was a decline in the number of such incidents from the previous year, and most individual journalists and the Yemeni Journalists Syndicate agree that extralegal governmental harassment is less of a problem now than it was in the recent past. Some journalists claim that most harassment now comes from the police, in particular the CID, and no longer the PSO. Cases and ongoing trials involving journalists often are not resolved formally, but rather are settled through unofficial agreements between the Government and the journalists.

Two cases during the year involved articles that criticized the Government of Saudi Arabia. In February the Ministry of Information filed a lawsuit against Dr. Qasim Sallam, the secretary general of the opposition Arab Socialist Baath Party, and the party's newspaper, Al-Ihya Al-Arabi, for an article Sallam wrote entitled "The Danger-dom of Saudi Arabia," which alleged that there were supporters of Israel in the Saudi leadership. The case was pending at year's end. In August 1999, Jamal Ahmed Amer, a journalist for Al-Wahdawi newspaper and member of the opposition Nasserist Party, was detained and held incommunicado for 6 days for writing an article critical of Yemeni-Saudi relations. Al-Wahdawi's editor, Abdelaziz Sultan, also was called in for questioning. In February Amer was tried and found guilty of "harming national interests" and "publishing an article not based on accurate documents." The judge suspended publication of Al-Wahdawi for 1 month, banned Amer from practicing journalism for 1 year, and fined Amer \$31 (5,000 riyals). The editors of Al-

Wahdawi and Al-Ihya Al-Arabi claimed that the actions taken against them by the Ministry of Information were a direct result of pressure by the Government of Saudi Arabia. Amer's lawyer appealed the case, which was pending at year's end. Amer continued to write for another newspaper, Al-Usbu'. He has filed a suit against the Minister of Interior; this suit also was pending at year's end.

In March Ali Al-Sarari, editor-in-chief of the YSP newspaper Al-Thawri, received a suspended 3-month prison sentence for publishing a story alleging that two soldiers were being held in the Mukallah prosecutors office on attempted rape charges. The Government claimed that the story was published to inflame north-south tensions.

Also in March, a Sana'a court dismissed the cases brought against the Ministry of Information by the opposition Islaah, YSP, and Nasserist parties. The parties had claimed that the official media had neglected to broadcast the final communiques issued at the conclusion of their party meetings and conferences in violation of the Constitution's provision of equal media time for all political parties. The official media provides extensive coverage of the GPC.

In May a CID officer destroyed journalist Khaled Al-Hammadi's camera as he attempted to photograph a student demonstration at Sana'a University, despite the fact that he had received permission to cover the event.

Also in May, Hisham Ba Sharahil, the editor of Al-Ayyam, 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 (see Section 1.e.) in August 1999. He also was charged with "insulting public institutions" for publishing an article critical of the Director of Aden Security. The trial was suspended to allow Ba Sharahil to undergo medical treatment. In February Ba Sharahil also was called in for questioning in connection with an article published in Al-Ayyam criticizing the Aden municipal government's allowing the destruction of a building that once had been a synagogue. He again was called in for question in April following publication in Al-Ayyam of a letter of support for Ba Sharahil in his dispute with the Director of Aden Security from the secessionist Movement of Self-Determination for South Arabia (HATAM).

In June Al-Tajammu newspaper and its editor in chief, Abdulrahman Abdullah, were tried for an article published in November 1999, which accused the Supreme Court of corruption. Abdullah received a 6-month suspended sentence, and the newspaper was fined.

In July security officials detained a journalist for Al-Balagh newspaper for 6 days for reporting that an Iraqi teacher had raped six female students in Amran governorate's College of Education. The story turned out to be false, and the newspaper later apologized for circulating it. Also in July, security officials harassed the correspondents of the London-based Arabic Sayyidaty and the United Arab Emirates-based Sahrat Al-Khalij magazines when they tried to report on alleged serial killings at Sana'a University's medical school (see Section 5).

In August Saif Al-Hadhri, the editor in chief of Al-Shumu newspaper, was convicted of libel in connection with a series of articles reporting high-level corruption in the Ministries of Electricity, Agriculture, Education and Finance. The judge fined Al-Hadhri \$437 (70,000 riyals) and suspended him for 7 months. Al-Hadhri also was ordered to pay the Minister and Deputy Minister of Education's legal fees and \$12,500 (2 million riyals) in compensation. Al-Hadhri appealed the judgment, and the case was pending at year's end. In July Al-Hadhri was abducted from his office for 1 day by 30 armed men, whom he claimed were security officials.

In February 1999, the Ministry of Information closed Al-Shoura, the newspaper of the Islamist opposition party Union of Popular Forces (UPF), as well as a new, competing version of the same newspaper. The second version of Al-Shoura appeared following an ideological split in the UPF. Under the Press Law, it is illegal for more than one newspaper to use the same name. Some journalists allege that the Government financed the second Al-Shoura in order to create a pretext to shut down the outspokenly critical original Al-Shoura. A court allowed the original Al-Shoura to resume publication and upheld the suspension of the second Al-Shoura, but an appeals court later ordered the original newspaper to cease publication pending the Supreme Court's decision as to which faction had the right to Al-Shoura's name. The original Al-Shoura resumed publication in August.

In August 1999, journalist and lawyer Nabil Al-Amoudi was brought before the Abyan preliminary court for writing an article critical of the Government and the human rights situation in the country. The case still was pending at year's end.

In August 1999, security officials detained Jamil Al-Samit, a journalist for the Taiz-based official newspaper Al-Jumhuriyah, for writing an article about the use of excessive force by the military in putting down a civilian protest in the village of Quradah. He was detained in prison for several weeks.

The Yemeni Journalists Syndicate defends freedom of the press and publicizes human rights concerns. For example in September it sponsored a symposium on the media and human rights. Critics claim that the Syndicate is ineffective because it has too many nonjournalist members who support government policy. In 1999 several independent and opposition party journalists formed a rival union, the Committee for the Defense of Journalists, under the leadership of Hisham Ba Sharahil, the publisher of Al-Ayyam newspaper, to defend more vigorously journalists harassed by the Government.

Customs officials confiscate foreign publications regarded as pornographic or objectionable because of religious or political content. In April PSO officials in Taiz detained Faysal Said Fara'a, the director of a private cultural center, for a day of questioning following his alleged receipt of banned books dealing with the

opposition. There were no 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, as had occurred in previous years. However, authorities monitor foreign publications, banning those that they deem harmful to national interests. For example in April the owner of a Sana'a bookstore was arrested by the PSO for selling banned copies of an edition of the London-based Arabic magazine *Al-Magalah*, which featured a cover story on President Saleh's son Ahmed, the Commander of the Republican Guard.

An author must obtain a permit from the Ministry of Culture to publish a book. 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 usually do not deal with an author who has not yet obtained a permit.

An estimated 16,000 persons use the Internet, and 5,371 persons subscribe to it. The Government does not impose restrictions on Internet use, but most persons find that equipment and subscriptions costs are prohibitively high. Teleyemen, a parastatal company under the Ministry of Telecommunications, is the country's sole Internet service provider. With the exception of *mowj.com*, the web site of the Yemeni National Opposition Front, the Government does not block politically oriented web sites (see Section 1.f.).

Academic freedom is restricted somewhat because of the extreme politicization of university campuses. A majority of 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. Top administrative positions usually are 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

There are no constitutional restrictions on the right to assemble peacefully; however, the Government limited this right in practice. The Government claims that it bans and disrupts some demonstrations to prevent them from degenerating into riots and violence. The Government requires a permit for demonstrations, but it issues them routinely. In August police in Aden briefly detained five members of the YSP who convened a political meeting without a permit. Government informers monitor meetings and assemblies. In September 1998, following violent demonstrations earlier that year, the Government sent a draft law to Parliament that would impose significant limitations on the right to assemble and to demonstrate. The draft law was criticized by many lawyers, human rights activists, and members of Parliament. The Parliament continues to withhold action on this proposed law. Draft provisions of a new Police Law would have permitted police to open fire on gatherings of five or more persons if police suspected imminent violence or criminal activity; however, the provisions were removed after a campaign by human rights organizations, opposition political parties, and the press (see Section 1.d.).

Although it banned a similar demonstration in 1999, in April the Government allowed the opposition to organize a rally in Mukallah in Hadramaut governorate to commemorate the deaths of the two persons who were killed by police during violent demonstrations there in April 1998. Five thousand persons reportedly attended the rally. Also in April, the Government detained 19 opposition activists in Abyan governorate for questioning for several days; the opposition claims this was done to prevent them from holding a similar rally. In May hundreds of persons in Al-Dalah governorate peacefully marched to protest Government security policies and to demand an investigation into the death of a student during a violent confrontation between security forces and armed citizens earlier in the month (see Section 1.a.). During the year, the opposition organized mass demonstrations in Al-Dalah and Lahaj governorates and a number of smaller marches throughout the country. In May thousands of students at Sana'a University organized a peaceful march to protest the university administration's delay in investigating alleged serial killings at the medical school (see Section 5). In September 300 women demonstrated in Al-Ghaida in Al-Mahra governorate to protest the preface to a book of statistics on the governorate written by the governor, which they believed contained derogatory comments about residents of the governorate. In November an estimated 30,000 to 50,000 citizens, mostly women and children, peacefully demonstrated in Sana'a to protest Israeli actions against Palestinians in Israel, the West Bank, and Gaza during the fall.

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 Social Affairs or the Ministry of Culture, which usually is a routine matter.

c. Freedom of Religion

The Constitution declares that Islam is the state religion and also provides for freedom of religion, and the Government generally respects this right in practice; however, there were some restrictions. Followers of other religions are free to worship according to their beliefs and to wear religiously distinctive ornaments or dress; however, the Government forbids conversions, requires permission for the construction of new places of worship, and prohibits non-Muslims from proselytizing. The Constitution states that Shari'a is the source of all legislation.

Under Islam the conversion of a Muslim to another religion is considered apostasy, a crime punishable by death. There were no reports of cases in which the crime was charged or prosecuted by government authorities. In January the director of the Aden office of the U.N. High Commissioner for Refugees (UNHCR) received a report that a Somali refugee, Mohammed Haji, who allegedly had converted from Islam to Christianity after his arrival in the country, had been arrested for apostasy. The UNHCR's investigation found

that the refugee had been detained previously by police in Aden and at the UNHCR's Al-Jahin camp. The refugee was registered with the UNHCR under a Christian name but maintained an address in Sana'a under a Muslim name. He is married to a Muslim woman and has an Islamic marriage certificate. The UNHCR believed that authorities detained the refugee on criminal rather than religious grounds. In August Haji's case was dismissed, and he was remanded to immigration detention. Later that month, UNHCR resettled Haji and his family to New Zealand.

Official government policy does not prohibit or provide punishment for the possession of non-Islamic religious literature. However, there are unconfirmed reports that foreigners, on occasion, have been harassed by police for possessing such literature. In addition, some members of the security forces occasionally censor the mail of Christian clergy who minister to the foreign community, ostensibly to prevent proselytizing.

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

The Government does not allow the building of new non-Muslim public places of worship without permission; however, in 1998 the country established diplomatic relations with the Vatican and agreed to the construction and operation of a "Christian center" in Sana'a. The Papal Nuncio, resident in Kuwait, presented his credentials to the Yemeni Government in March. Yemen's ambassador to Italy was accredited to the Vatican in July 1999. President Saleh paid an official visit to the Vatican at the time of his state visit to Italy in April.

Public schools provide instruction in Islam but not in other religions. However, almost all non-Muslims are foreigners who attend private schools.

In February the Government revised its travel regulations to allow Yemeni-origin Jews on third-country passports to travel to Yemen, as well as Yemeni-origin Israelis with laissez-passer travel documents. The first such visitors arrived in March.

The Government has taken steps to prevent the politicization of mosques in an attempt to curb extremism. Private Islamic organizations may maintain ties to pan-Islamic organizations and operate schools, but the Government monitors their activities.

Following unification of North and South Yemen in 1990, owners of property previously expropriated by the Communist government of the former People's Democratic Republic of Yemen, 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 any previous owner.

Nearly all of the country's once sizable Jewish population has emigrated. There are no legal restrictions on the few hundred 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

The Government places some limits on freedom of movement. In general the Government does not obstruct domestic travel, although the army and security forces maintain checkpoints on major roads. There were a few reports during the year that security forces at checkpoints killed or injured persons whom they believed were engaging in criminal activity and resisting arrest (see Section 1.a.).

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

The Government does not obstruct routinely 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 are required by security officials at government checkpoints to show that they possess resident status or refugee identification cards.

The law does not include provisions for granting refugee or asylee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. However, the Government continues to grant refugee status on a group basis to Somalis who have arrived in Yemen after 1991.

In 1999 the Government offered asylum to 9,311 Somalis, who fled the fighting in that country. This brought the total number of registered Somali refugees in the country to 55,186. The Government also cooperated with the UNHCR in assisting refugees from Eritrea (2,500 persons), Ethiopia (2,403 persons) and various other countries (362 persons). The Government permitted the UNHCR to monitor the situation of 2,000 Iraqis in Yemen.

Approximately 32,862 Somali refugees have been integrated into society and are no longer receiving food or financial assistance from the UNHCR. However, they still are eligible for medical treatment at UNHCR facilities in Aden and Sana'a. In addition, the UNHCR provides small loans to refugee women who wish to initiate income-generating activities. Somali-language education is provided in urban areas of Aden.

The UNHCR provides food and medical assistance for up to 12,408 Somalis and Ethiopians in a refugee camp at Al-Jahin in Abyan governorate. Children receive schooling in the camp, and adults are eligible for vocational training. The Government in 1998 approved a new UNHCR facility to be built at a site in Lahaj governorate; the facility still was under construction at year's end. The UNHCR, in coordination with the Government, issues identification cards to Somali refugees and recognized refugees of other nationalities. The Government has developed plans to establish a national refugee commission composed of the Ministries of Interior and Foreign Affairs, and the Immigration Authority.

The UNHCR reports that the Government consults with it prior to returning illegal immigrants to their countries of origin in order to avoid the involuntary repatriation of refugees with a credible fear of persecution. There were no reports of the forced return of persons to a country where they feared persecution. The UNHCR facilitated the voluntary repatriation of some Eritrean and Ethiopian refugees, as well as the voluntary return of 1,856 Somali refugees to areas of Somalia that are considered safe. Additionally, the UNHCR in Yemen, in collaboration with several Western governments, resettles vulnerable refugees.

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

The Constitution provides citizens with the right to change their government; however, there are significant limitations in practice. The Government by law is accountable to the Parliament; however, the Parliament is not yet an effective counterweight to executive authority. Decisionmaking and real political power still rest 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 Yemeni revolution, or violate the country's international commitments.

The President appoints the Prime Minister, who forms the Government. The Cabinet consists of 24 ministers. Parliament is elected by universal adult suffrage; the first such election was held in 1993. International observers judged the most recent parliamentary elections (held in 1997) as "reasonably free and fair," despite some problems associated with the voting.

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 September 1999, winning 96.3 percent of the vote. The Constitution provides that the President be 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. There was no significant violence associated with the election.

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 unless it is later affirmatively rejected by Parliament. Although the Constitution also permits Parliament to initiate legislation, to date it has not done so. Parliament generally is relegated to debating policies that the Government already has submitted, although it sometimes successfully revises or blocks draft legislation submitted by the Government. Despite the fact that the President's party enjoys an absolute majority, Parliament has rejected or delayed action on major legislation introduced by the Government, and on occasion it has forced significant modification. The Parliament also has criticized strongly the Government for some actions, including the lifting of subsidies that led to widespread violence in June 1998. Ministers frequently are called to Parliament to defend actions, policies, or proposed legislation, although they may and sometimes do refuse to appear. Parliamentarians at times are sharply critical during these sessions. Parliamentarians and parliamentary staff attended foreign NGO-sponsored training workshops designed to increase their independence and effectiveness.

The President is advised by the 59-member Consultative Council, a board of appointed notables chaired by a former prime minister. The Council advises the President on a range of issues but has no constitutional powers.

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. Responding to these concerns, in January the Parliament passed the government-submitted Local Authority Law. The new law, considered by the Government as an important part of its ongoing democratization program, is intended to decentralize authority by establishing locally elected district and governorate councils. The councils would be headed by government-appointed governors. The first elections for the councils were scheduled for February 2001.

On November 19, Parliament approved several amendments to the Constitution, including amendments that would 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, abolish the President's ability to issue parliamentary recess decrees, and transform the Consultative Council into a presidentially appointed

Shura Council with limited legislative and candidate approval powers. The amendments were to be approved in a national referendum scheduled for February 2001.

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

The multiparty system remains weak. The GPC dominates the Parliament, and Islaah is the only other party of significance. 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 contend that they are unable to organize new parties because of the prohibitively high legal requirements on the minimum number of members and leaders. Twelve parties participated in the 1997 elections, compared with 16 in 1993. The YSP and several smaller parties boycotted the 1997 elections, leading to lower voter turnout in the south. These same parties also boycotted the country's first nationwide direct presidential election in September 1999. There was no significant violence associated with this election. Two new parties were established in 1999: The Yemeni Green Party and the Union of Democratic Forces.

The Government provides financial support to political parties, including a small stipend to publish their own newspapers. However, the YSP claims that the Government has yet to return the assets it seized from the party during the 1994 civil war.

Although women vote and hold office, these rights often are limited by cultural norms and religious customs, and women are underrepresented in Government and politics. Two women were elected to the Parliament in 1997 (the same number as in 1993), and an increasing number hold senior leadership positions in the Government or in the GPC. Voter registration of women is less than half that of men. Many Akhdam, a small ethnic minority that may be descendants of African slaves, are not permitted to participate in the political process, mainly due to their inability to obtain citizenship. There no longer are any credible reports that citizen members of religious minorities are not permitted to participate in the political process.

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

The concept of local nongovernmental human rights organizations is relatively new, with the first groups forming only in the years since unification. Several groups held workshops and other activities during the year without government interference and often with government support.

The Government cooperates with NGO's, although NGO's complain that there is a lack of response to their requests from government officials. The Government's ability to be responsive is limited in part by a lack of material and human resources. In 1998 the Government introduced a new draft law for regulating the formation and activities of NGO's. While more liberal than the law it is designed to replace, the proposal still contains significant limitations on such organizations. The Parliament again refused to take any action on the proposed new law during the year.

The Taiz-based Human Rights Information and Training Center (HRITC), perhaps the country's most respected domestic human rights NGO, places particular emphasis on education and NGO training. During the year, the HRITC sponsored numerous public lectures, training workshops, and conferences, and participated in several meetings of the international human rights community. The HRITC publishes the quarterly human rights journal *Our Rights* and regularly prints and distributes a brochure entitled *Know Your Rights*. During the year, the HRITC also published several works, including a translation of international human rights documents and laws, a book on violence against women, and a study on the role of women in local NGO's. Several donors have supported the HRITC. The HRITC, in cooperation with a foreign embassy, coordinated the series of events conducted by Penal Reform International from September 1998 to February 1999 (see Section 1.c.). The HRITC did not conduct any investigations into alleged human rights abuses during the year.

The Organization for the Defense of Human Rights, a lawyers' group formed in 1999 by attorney and parliamentarian Mohamed Naji Alao, discovered that several illegal private prisons were being operated at government facilities in Sana'a. He reported them to the President, who immediately ordered the unlawful prisons closed and offenders arrested (see Section 1.c.).

The Yemeni Organization for the Defense of Liberties and Human Rights is based in Aden. Although the organization continued to suffer from a lack of funds, it actively publicized human rights abuses, particularly in the south, and provided support to new human rights NGO's.

The activities of Al-Nushataa, or The Activists, a group formed in 1999 by former members of the Yemeni Human Rights Organization (YHRO), were limited to organizing a children's parliament, which familiarized secondary school children with the country's legislature. The activities of the National Center for Human Rights and Democratic Development (NCHRDD) were limited to an inspection tour of several Sana'a police stations.

In 1998 and 1999, Penal Reform International (PRI), a London-based NGO, conducted a fact-finding mission to Yemen and, with the support of a foreign embassy and the HRITC, organized prison management training workshops for prison and security officials. PRI identified several issues of concern, including the mistreatment of prisoners, lack of education and resources for prison officials, and unsanitary and overcrowded conditions.

Amnesty International, Human Rights Watch, the Parliament of the European Union, and the Committee to Protect Journalists observe the country closely. The International Committee of the Red Cross (ICRC) maintains a resident representative. The Government has given these groups broad access to government

officials, records, refugee camps, and prisons. The Government had acknowledged some abuses that were alleged in a 1997 Amnesty International report and rejected other allegations. Amnesty International's follow-up report, issued in July 1999, criticized the Government for not keeping its promise to investigate some of these abuses. The Government claims that it responded to Amnesty International and passed the results of its investigations to the UNCHR, but that the information the organization provided was inadequate for effective investigation and conclusive action.

In February the Government hosted a major symposium of the UNCHR, chaired by U.N. High Commissioner Mary Robinson, on the human rights aspects of international development. Robinson signed a Memorandum of Intent for a technical assistance grant of \$300,000, half of which would be used to fund a resident UNCHR consultant who, working under the umbrella of the UNDP, would serve as an advisor to the Supreme National Committee on Human Rights and oversee UNCHR programs in the country.

The YHRO is a local human rights group headquartered in Sana'a, with branches in seven other cities. It was founded by the Government. Oppositionists as well as some human rights experts have viewed its findings as unobjective. The head of the YHRO, a member of the judiciary, was transferred from his post as head of the Sana'a Court of Appeals to the Dhamar Court of Appeals in 1998. This was seen by some observers as a demotion or an attempt by the Government to marginalize the judge, who was seen as too independent on human rights questions.

The Supreme National Committee for Human Rights, which was formed in 1997 and reports to the Deputy Prime Minister/Minister of Foreign Affairs, is responsible for ensuring that the country meets its obligations with respect to implementing international human rights conventions and investigating specific instances of abuse. The Committee views using education as a means to effect cultural change as its highest priority. To this end, it continued during the year to seek donor support for a project to incorporate human rights education into secondary school curricula and to provide 1-day human rights workshops for police officers, which it began in 1999. The committee has been less active in investigating specific cases of abuse. Many persons alleged that it has not followed up on its stated commitment to investigate allegations of human rights violations. For example, the committee has not investigated the alleged torture of Naji Saleh Al-Khowlani during detention by police in Sana'a in 1999 (see Section 1.c.), and it declined to investigate the case of Wadia Al-Shaibani, who reportedly died in late 1997 while in the custody of security forces in Aden (see Section 1.a.). In the latter case, it accepted the official coroner's report of death by suicide. The committee conducted no investigations of alleged human rights violations during the year, claiming that it had received no such reports. The committee continues to be hampered by a lack of human and material resources.

However, the committee has been active on prison reform. In January it led a government initiative to establish and, with the help of private sector contributions, to finance a special "charity fund" to be used to enable the release of prisoners who, 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 committee participated in the subsequent inspections conducted to identify prisoners whom the fund could help and to assess prison conditions (see Section 1.c.). Working with the National Women's Committee, the committee during the year developed a plan to establish a shelter in Sana'a that would house and provide vocational education for 50 abandoned women. The committee is seeking donor assistance and hopes to establish additional shelters in other governorates. In 1999 following an inspection of Sana'a central prison, the committee arranged for minors who were incarcerated with adults to be incarcerated separately in two age groups: 11 to 14 years old and 15 to 18 years old. Fifty juvenile inmates were moved from the prison to an orphanage run by the Ministry of Social Affairs, where they now attend school and participate in other activities (see Sections 1.c. and 4). The committee also initiated a project, with the support of local businessman, to build the country's first youth reformatory, but still is seeking financing to purchase land on which to build the reformatory (see Section 5).

In October the Human Rights Committee of the President's Consultative Council, in cooperation with the NCHRDD, inspected several police stations in Sana'a to determine whether police were following proper procedures and to develop recommendations for the Minister of Interior on training for police officers. The Committee has had limited success in investigating human rights abuses and conducted no other investigations during the year.

The Parliament's human rights committee in the past has investigated some reports of human rights abuses, but its activities during the year were limited to participating in various prison inspections. The committee's chairman claims that he would like to increase the activities of the committee, especially in the area of press freedoms, but cites lack of official and financial support as constraints. The committee has no authority except to issue reports.

The Committee to Combat Torture is composed of 100 senior parliamentarians and party leaders, including some opposition members, but apparently was inactive during the year.

The Center for Future Studies, a think tank affiliated with the Islaah Party, issues an annual report on human rights practices, providing a wide-ranging overview of human rights. There is little follow-up to the report.

Two delegations from the UNHRC visited in late 1998. One delegation looked into what progress the Government had made on cases of "disappearances" (see Section 1.b.). The other conducted an assessment of the Government's need for technical assistance, particularly for the Supreme National Committee on Human Rights.

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

The Constitution states that "all citizens are equal in general rights and duties," and that society "is based on social solidarity, which is based on justice, freedom, and equality according to the law;" however, discrimination based on race, sex, disability, and, to a lesser extent, religion, exists. Entrenched cultural attitudes often prevent women from enjoying equal rights.

Women

Although spousal abuse reportedly is common, it generally is undocumented. Violence against women and children is considered a family affair and usually is not reported to the police. In the country's traditional society, an abused woman would be 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. One survey conducted by Sana'a University and the Dutch Ministry of Justice found that nearly 50 percent of the 120 women interviewed stated that they had been beaten; 1 in 5 claimed to have been threatened with death. Despite the high incidence rates reported, only 3 percent of women had ever sought help from an outsider or the police. The laws pertaining to violence against women rarely are enforced. The only institutionalized aid for victimized women is a small battered-women's shelter in Aden. The press and women's rights activists only recently have begun to investigate or report on violations of women's rights. Violence against women was the subject of a women's conference held in Aden in July and of two conferences held in 1999, and the issue became a topic of heated public debate following rumors of serial killings of female students at Sana'a University's medical school. Rumors that 16 women were murdered now appear to be unfounded; police believe the Sudanese morgue attendant now on trial for the murder of two female students fabricated accounts of having killed more. However, the press' extensive coverage highlighted authorities' dismissive treatment of the female students' concerns and a lack of interest in their security. In May 5,000 students marched to protest the university administration's handling of the case (see Section 2.b.).

The Penal Code allows for leniency for persons guilty of committing a "crime against honor," a euphemism for 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, believe the phenomenon is not widespread. Some Western NGO's claim that the practice is more prevalent, but admit to a lack of evidence to support such claims.

Women face significant restrictions on their role in society. The law, social custom, and Shari'a discriminate against women. Men are permitted to take as many as four wives, although very few do so. By law the minimum age of marriage is 15. However, the law largely is not enforced, and some girls marry as early as age 12. In 1998 some conservative Members of Parliament attempted to eliminate the "minimum age" requirement on the grounds that parents should decide when their daughters are old enough to marry. Their draft law failed by a large majority. A 1998 draft law to raise the minimum age of marriage to 18 also failed by a large majority. 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) sign the marriage contract; in Aden and some outlying governorates, the wife also signs. The practice of bride-price payments is 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 is a significant deterrent, as is 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 creates an additional hardship. As the mahr usually is in the hands of her family, the refusal by a family to pay the mahr effectively can prevent a divorce. The family's refusal to accept the woman back into the home also may deter divorce, as few other options are available to women. When a divorce occurs, the family home and older children often are 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 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. They also are expected to be accompanied by male relatives. However, enforcement of this requirement is irregular.

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

According to a 1995 Interior Ministry regulation, any citizen who wishes to marry a foreigner must obtain the permission of the Ministry. A Yemeni woman wishing to marry a foreigner must present proof of her parents' approval to the Interior Ministry. A foreign woman who wishes to marry a Yemeni 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. Although the regulation does not have the force of law and is applied irregularly, some human rights groups have raised concerns about it.

The Government consistently supports women's rights and the expansion of the public role of women. The President frequently speaks publicly about the importance of women's political participation and economic development. In 1999 the Prime Minister mandated that all ministries must promote at least one woman to the director general level; at year's end, only the Interior Ministry had failed to do so, although it had initiated an

aggressive campaign to recruit, train, and deploy female police officers. Several ministries have a number of female directors general. In March the Prime Minister established the Supreme Council for Women, an independent governmental body charged with promoting women's issues in the Government. With the Government's active support, bilateral and multilateral donors have initiated long-term (1994-2004) projects worth \$31 million (4.96 billion riyals) aimed at advancing vocational education and reproductive health for women and girls.

According to the most recent Government statistics (1998), 64.15 percent of women are illiterate, compared with approximately 31.25 percent of men. The fertility rate is 6.5 children per woman. Most women have little access to basic health care. Only approximately 22 percent of births are attended by trained health-care personnel. In some cases, where clinics are available, women do not use them because they are unable to afford them or reach them from their remote villages, have little confidence in them, or their male relatives or they themselves refuse to allow a male doctor to examine them. Donor-funded maternal and child health programs attempt to address these issues through programs designed to train midwives who serve rural populations.

In general women in the south, particularly in Aden, are better educated and have had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 civil war, 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.

The National Women's Committee (NWC), a government-sponsored semi-independent women's association, promotes female education and civic responsibility through seminars and workshops and by coordinating donors' programs. The committee's chairwoman sits on the Prime Ministerial Supreme Council for Women. There are a number of recently formed NGO's working for women's advancement, including the Social Association for Productive Families, which promotes vocational development for women; the Women and Children's Department of the Center for Future Studies, which organizes seminars and publishes studies on women and children; the Woman and Child Development Association, which focuses on health education and illiteracy; and the Yemeni Council for Motherhood and Childhood, which provides microcredit and vocational training to women.

Children

While the Government has asserted its commitment to protect children's rights, it lacks the resources necessary to ensure adequate health care, education, and welfare services for children. The UNDP estimates that 30 percent of children are malnourished. The infant mortality rate in 1999 was 75 deaths per 1,000 births, down from 105 per 1,000 in 1998. Male children receive preferential treatment over female children; after the age of 1, male children have a 12 percent greater chance of survival than females, a result of the comparative neglect of female children.

The law provides for universal free education for 9 years, which is compulsory, but this provision is not enforced. Many children, especially girls, do not attend primary school. Education for females is not encouraged in some tribal areas, where girls often are kept home to help their mothers with child care, housework, and farm work. According to UNICEF's "Report on Children and Women in Yemen: 1998," an estimated 45 percent of primary-school-age children (ages 6 to 15) do not attend school. Some rural areas have no schools for their school-age population. In 1998 to encourage girls' attendance at school, the Government passed a law that eliminated school fees and the requirement of uniforms for girls. According to the UNICEF report, enrollment of girls in school increased by 4 percent in 1998. Enrollment of boys declined 10 percent because increasing numbers of older boys from poor families left school to work.

In 1999 following an inspection of Sana'a central prison, the Supreme National Committee for Human Rights arranged for minors who previously had been incarcerated with adults to be incarcerated separately in two age groups: 11 to 14 years old and 15 to 18 years old. Fifty juvenile inmates were moved from the prison to an orphanage run by the Ministry of Social Affairs, where they now attend school and participate in other activities (see Sections 1.c. and 4). The Committee also initiated a project, with the support of local businessmen, to build the country's first youth reformatory, but still is seeking financing to purchase land on which to build the reformatory (see Section 4).

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

Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced by some citizens. According to a 1997 demographic survey conducted by the Government, nearly one-fourth (23 percent) of women who have ever been married have been subjected to FGM. However, the prevalence of the practice varies substantially by region. Citizens of African origin or those living in communities with heavy African influence are more likely to practice FGM. For example, according to the survey, approximately 69 percent of women living in coastal areas were subjected to FGM, compared with 15 percent in mountainous regions, and 5 percent in the plateau and desert regions. The procedure is confined mainly to excision, with infibulation being practiced only among East African immigrants and refugees. FGM rarely is reported among Shafai Sunnis, and the Zaydi Shi'a reputedly do not practice it at all. The Government's publication of the data on FGM was an important first step in addressing this problem; however, while some government health workers and officials actively and publicly discouraged the practice, the Government has not proposed legislation to outlaw it nor have local women's groups adopted the problem as a major concern.

In January the Prime Minister established the Higher Council of Motherhood and Childhood (HCMC), a semiautonomous interministerial entity responsible for formulating policy and programs to improve the status of children. The HCMC participates in the World Bank's Child Development Program and the Arab Council for Childhood and Development's program for street children.

People with Disabilities

Persons with mental and physical disabilities face distinct social prejudices, as well as discrimination in education and employment. In 1998 the Government mandated acceptance of disabled students in schools, exempted them from paying tuition, and required that schools be made more accessible to disabled students; however, it is unclear to what extent these laws have been implemented. There is no national law mandating the accessibility of buildings for the disabled. Some disabled persons are reduced to begging to support themselves. During the year, donors financed the establishment of three new schools for the disabled in Taiz governorate. Mentally ill patients, particularly those who commit crimes, are imprisoned and even shackled when there is no one to care for them. Persons with mental problems sometimes are arrested without charge and placed in prisons alongside criminals (see Section 1.c.). The ICRC, in cooperation with the Yemeni Red Crescent Society, built and now staffs separate detention facilities for mentally disabled prisoners. These facilities are located in Sana'a, Ibb, and Taiz, and collectively are able to care for a population of 300 persons.

The Handicapped Society, the country's largest NGO involved in assisting the disabled, was founded in 1988 and has branches in 13 governorates. Funded by international donors (primarily the Swedish organization Radda Barnen) and a modest annual grant from the Government, the Handicapped Society provides rehabilitation assistance and vocational training, and sponsors cultural and sports activities for disabled persons. The Ministry of Education has assigned three teachers to teach students at the disabled-accessible classrooms at the Society's Sana'a branch. Believing that the needs of disabled women were not being addressed adequately by the Handicapped Society, activists in 1998 established with government support the Challenge Society. The Challenge Society provides 85 disabled females between the ages of 6 and 30 with medical care, support services, and vocational training. In March three disabled teenagers toured the country on specially adapted bicycles and, supported by the Ministry of Youth and Sports and private sector contributions, took their bike tour to several Arab countries.

Religious Minorities

Apart from a small but undetermined number of Christians and Hindus of South Asian origin in Aden, Jews are the only indigenous religious minority. Their numbers have diminished significantly—from several tens of thousands to a few hundred—due to voluntary emigration over the past 50 years. Although the law makes no distinction, Jews traditionally are restricted to living in one section of a city or village and often are 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. Occasionally the security authorities harass such clergy by censoring their mail, ostensibly to prevent proselytizing (see Section 2.c.).

In July 1998, a gunman killed three nuns belonging to the Sisters of Charity order in Hodeidah. The Government took swift action and immediately arrested the individual. The Government determined that he was deranged and committed him to a psychiatric institution.

A hospital in Jibla operated by the Baptist Church has experienced occasional harassment from local Islamic extremists who feared that the hospital might be used to spread Christianity. There have been no reports of threats of violence by extremists in several years.

National/Racial/Ethnic Minorities

Citizens with a noncitizen parent, called "muwalladin," sometimes face discrimination in employment and in other areas. Persons who seek employment at Sana'a University or admission to the military academy by law must demonstrate that they have two Yemeni parents. Nonetheless, many senior government officials, including 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 later were enslaved, are considered the lowest social class. Known as the "Akhdam" (servants), they live in squalor and endure persistent social discrimination. Beginning in September 1999, the Government's Social Fund for Development (SFD) initiated a program for "special needs groups," which focused particularly on the Akhdam. During the year, the SFD conducted an education project for Akhdam children in Hodeidah governorate, provided support to an NGO conducting field research on Akhdam needs in Sana'a governorate, and improved the quality of the water supply and built two classrooms for the Akhdam community in Taiz governorate.

There have been reports by human rights groups that some immigrants of African origin have difficulty in securing Interior Ministry permission to marry Yemeni citizens. An Interior Ministry regulation requires that marriages of citizens and foreigners be approved in advance by the Ministry (see also Section 1.f.).

Tribal violence continued to be a problem during the year, and the Government's ability to control tribal elements responsible for kidnappings, shootings, and other acts of violence remained limited. In January 22 persons were killed and 35 injured in tribal disputes in Shabwa and Al-Baida governorates. In one incident, 10 persons were killed and 3 injured when a fight at school between 2 children from different tribes escalated into

violence. In another incident, a member of the Ba Haider tribe killed a fellow tribesman in retaliation for the killing of his father 20 years ago. The Nehm and Al-Haymah tribes also are involved in an ongoing violent feud in which several persons have been killed. In February tribesmen from the Nehm blocked the Sana'a Highway, opening fire on and killing three of the police officers dispatched to dismantle the roadblock. Up to 16 persons reportedly were killed in the ensuing fighting. The Deputy Governor of Sana'a was shot to death in August in what police believe was a tribally related revenge killing. Tensions, which periodically escalate into violent confrontations, continue between the Government and the Khowlan and other tribes in Marib governorate.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides that citizens have the right to form unions; however, this right is restricted in practice. The Government seeks to place its own personnel in positions of influence inside unions and trade union federations. The 1995 Labor Law (amended in 1997) provides both for the right to form unions and for the right to strike.

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 such an establishment to be in its best interest.

By law civil servants and public sector workers, and some categories of farm workers, may not join unions. Only the General Assembly of the YCLU 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, nor does it limit them to a specific enterprise or firm. Thus, citizens may associate by profession or trade.

Strikes are 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 YCLU. Strikes for explicit "political purposes" are prohibited. In practice the law tends to discourage strikes.

There were several small strikes during the year. In February a group of school teachers in Taiz governorate struck for a day because they had not received their January salaries. Also in February, Sana'a municipality garbage collectors struck for a day, demanding payment of overdue wages and a salary increase. In June the staff of Sana'a University struck for a week to demand an increase in their salaries and overdue bonus payments. In August the staff of Al-Thawra public hospital in Sana'a struck for 10 days for higher wages. In September workers at the Yemen Hunt Oil Company in Marib governorate struck for a wage increase. There were no reports of violence in connection with these strikes.

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 1995 Labor Law provides workers with the right to organize and bargain collectively. The Government permits these activities; however, it seeks to influence them by placing its own personnel inside groups and organizations. All collective bargaining agreements must be deposited with and reviewed by the Ministry of Labor, a practice criticized by the International Labor Organization (ILO). Agreements may be invalidated if they are "likely to cause a breach of security or to damage the economic interests of the country." Despite these restrictions, several such agreements exist in fact. 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 law protects employees from antiunion discrimination. Employers do not have the right to dismiss an employee for union activities. Employees may appeal any disputes, including cases of antiunion discrimination, to the Ministry of 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 YCLU representative. Such cases often are disposed favorably toward workers, especially if the employer is a foreign company.

There are no export processing zones in operation; an EPZ is planned for Aden.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, and there were no reports of its practice. The law does not prohibit forced or bonded labor by children specifically, 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 required to work in subsistence farming because of the poverty of their families. Even in urban areas, children work in stores and workshops, sell goods on the streets, and beg. The law does not prohibit forced or bonded labor by children specifically, 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 laws requiring 9 years of compulsory education for children, and many school-aged children work instead of attending school, particularly in areas where schools are not easily accessible.

The results of the 1994 national census showed that 231,655 children between the ages of 10 and 14 years, or 6.5 percent of all children in that age group, were working. Experts believe that the number has increased since 1994.

After the Government ratified the ILO's Convention 182 on the Worst Forms of Child Labor in July, the Consultative Council adopted the ILO's Child Labor Strategy to address persistent child labor problems. A special council, under the leadership of the Minister of Labor, uses the strategy as a government-wide guideline for enforcing existing child labor laws and formulating and implementing new laws.

In June the Ministry of Labor signed a \$1.3 million agreement with the ILO's International Program on the Elimination of Child Labor (IPEC). Under the program, the Ministry will establish a child labor department, train teachers to make school curricula more relevant to rural children, mobilize media to discuss child labor, establish a microenterprise program to help families establish businesses that will allow their children to stay in school, and seek the support of civil society to remove children from hazardous jobs. In addition the Ministry of Insurance and Social Affairs has developed a plan to establish six centers for street children over the next 5 years.

The Ministry of Labor occasionally inspects factories in the major population areas. Ministry officials state that they lack the resources to enforce child labor laws more effectively. However, since a great percentage of the country's underage work force is in the agricultural sector in remote rural areas, it is difficult for the Government to protect most child workers.

e. Acceptable Conditions of Work

There is no established minimum wage for any type of employment. 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 wages of government civil servants." According to the Ministry of Labor, the average minimum wage of civil servants is approximately \$37 to \$56 (6,000 to 9,000 riyals) per month. Private sector workers, especially skilled technicians, earn a far higher wage. The average wage does not provide a decent standard of living for a worker and family. A combination of inflation and the loss of government-provided subsidies continued to erode wages.

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 workweek for government employees is 35 hours: 7 hours per day 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 is weak to nonexistent. Many workers regularly are exposed to toxic industrial products and develop respiratory illnesses. Some foreign-owned companies as well as major Yemeni manufacturers implement higher health, safety, and environmental standards than the Government requires. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court.

f. Trafficking in Persons

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

[End.]