

Yemen

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## U.S. Department of State

### Yemen Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

#### YEMEN

The Republic of Yemen, comprising the former (northern) Yemen Arab Republic (YAR) and (southern) People's Democratic Republic of Yemen, was proclaimed in 1990. Following a brief but bloody civil war in mid-1994, the country was reunified under the Sana'a-based Government. Ali Abdullah Saleh is the President and leader of the General People's Congress (GPC.) He was elected by the legislature in 1994 to a 5-year term. The Constitution provides that henceforth the President is to be elected by popular vote from at least two candidates selected by the Parliament. The Government has scheduled a popular election for president in late 1999. The first Parliament elected by universal adult suffrage was convened in 1993. Parliamentary elections were held in 1997, with the Yemeni Socialist Party (YSP), formerly the main party of the south and a previous coalition partner, leading an opposition boycott. The GPC won an absolute majority of the new Parliament, with Islaah the only other major party represented. International observers judged the elections as reasonably free and fair, while noting some problems with the voting. However, the Parliament is not yet an effective counterweight to executive authority, although it increasingly demonstrated independence from the Government. Real political power rests with a few leaders, particularly the President. The judiciary, nominally independent, is weak and severely hampered by corruption, executive branch interference, and the frequent failure of the authorities to carry out sentences.

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

Yemen is a very poor country. Its embryonic market-based economy, despite a major economic reform program, remains impeded by excessive government interference and endemic corruption. Its annual per capita gross national product (GNP) fell from \$325 in 1997 to \$260 in 1998. 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, agricultural products, cotton, and coffee. Remittances from Yemenis working abroad (primarily in Saudi Arabia) are also important. Remittances were sharply reduced after Saudi Arabia and other Gulf states expelled up to 850,000 Yemeni workers during the Gulf War because of the Government's lack of support for the U.N. coalition. The Gulf states also suspended most assistance programs, and much Western aid was reduced. Foreign aid began to re-emerge as an importance source of income. The unemployment rate is estimated at 35 to 40 percent, and is highest in the southern governorates, where, prior to unity, most adults were employed by the PDY government.

The Government's human rights record continued to be poor, although it took some steps to address human rights problems. There are significant limitations on citizens' rights to change their government. There were instances of extrajudicial killing by some members of the security forces. There was compelling evidence that at least one person died in the custody of the security forces, and the Government has not yet made a credible effort to investigate the death. Following the Government's lifting of subsidies on certain commodities, an estimated 50 to 250 persons, at least 40 of whom were security officials, died in clashes in late June and early July between the authorities and armed civilians.

Prison conditions are poor and some detainees were held in private prisons not authorized by the Government. Some members of the security forces tortured and otherwise abused persons, and continued arbitrarily to arrest and to detain citizens, especially oppositionists in the south and other persons regarded as "secessionists." PSO officers have broad discretion over perceived national security issues. Despite constitutional constraints, they routinely monitor citizens' activities and search their homes, detain citizens for questioning, and mistreat detainees. In fact, security forces sometimes countermanded orders from the President and the Interior Ministry. In general, the Government failed to hold members of the security forces accountable for abuses, although it did undertake to investigate three security officers who allegedly tortured a witness in a court case. Prolonged pretrial detention is a serious problem, and judicial corruption, inefficiency, and executive interference undermine due process. The Government began to implement a comprehensive program for judicial reform, but its impact is not yet clear. The Constitution limits freedom of speech and of the press, and the Government occasionally harassed, intimidated, and detained journalists. Journalists practice self-censorship. The Government imposes some restrictions on freedom of religion. There were some limits of freedom of movement. Discrimination based on sex, race, disability, social status, and to a lesser extent, religion, exists. Violence against women is a problem. Female genital mutilation 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. Child labor is a problem.

At the invitation of the authorities, delegations from the U.N. Human Rights Commission (UNHRC), Amnesty International (AI), and Prison Reform International (PRI) visited Yemen during the year to observe the human rights situation and make recommendations. The Government agreed to implement a program recommended by the PRI that consists mainly of technical training for prison officials. The Government also began to implement a comprehensive program for judicial reform. The Government codified penalties for the perpetrators of kidnappings and implemented regulations designed to minimize the carrying of unlicensed weapons in cities.

A campaign of bombings--the devices sometimes were little more than noise bombs--continued throughout the year, particularly in the southern governorates. The bombs caused a number of deaths, but damage to property was limited, and the perpetrators of and motives for the bombings remain unknown.

## **RESPECT FOR HUMAN RIGHTS**

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

#### **a. Political and Other Extrajudicial Killing**

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 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.

Faraj Bin Hammam, age 40, and Ahmad Omar Ba Rajash, age 42, died during an April demonstration in Mukallah that turned violent. Demonstrators claimed that police and security officials opened fire without provocation. The authorities claimed that the demonstrators themselves had thrown rocks and shot at security officials. Two parliamentary delegations came to differing assessments as to who was at fault (see Section 2.b.).

In May Mohamed Thabit al-Zubeidi, a resident of al-Dhala, was shot and killed by security forces as he crossed a checkpoint in that town. His companions returned fire, killing three soldiers (see Section 2.d.).

Police killed three tribal sheikhs at a checkpoint in Jawf in August (see Section 2.d.).

An estimated 50 to 250 persons, including at least 40 security officials, died when demonstrations led to clashes between the authorities and armed civilians during late June and early July in some cities as well as in Marib governorate. The overwhelming majority of casualties occurred in Marib. The clashes in the cities initially were sparked by the Government's lifting of subsidies on certain commodities; political opponents of the Government apparently took advantage of the situation to encourage the demonstrations. Occasionally violent demonstrations, usually lasting not more than a day or two, occurred in Sana'a and other areas, including Taiz, Ibb, and Dhamar. Protests took the form of looting, vandalism and armed clashes between demonstrators and security officials. Military and riot police were dispatched to the streets in some cities.

In the wake of the initial clashes in the cities, heavy and more prolonged fighting broke out in Marib governorate, where confrontations took place between government forces in tanks and tribal nomads with antipersonnel and antitank rocket-propelled grenades (RPG's). A nomad settlement reportedly was destroyed by government helicopter gunships. Tribesmen cut off key highways and sabotaged oil pipelines and fuel trucks. A group of tribesmen stormed a bank in the town of Marib. Tribesmen also blocked the Saada-Sana'a road and several roads in Shabwa governorate. Scattered firefights took place throughout Shabwa and Jawf governorates. The conflicts in tribal areas stemmed from a variety of factors, including reaction to the price hikes and demands for government services, as well as opposition to government efforts to crack down on illegal tribal activities. Both the security forces and the tribes suffered heavy casualties.

On December 28, 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 killed any of the hostages. The Government has stated that its decision to intervene was based on its belief that the hostages' lives were in immediate danger. Three surviving terrorists were charged with murder, and their trial was to begin in early 1999.

The 1996 case of a YSP activist who died in police custody remained unresolved. The youth had been arrested following his participation in a peaceful demonstration in Mukallah. No member of the security forces has been charged in connection with his death.

Up to 20 persons were killed in a series of violent incidents--unexplained bombings and shootings--that occurred throughout the year, primarily in the southern governorates. Of these, eight died in three separate mosque bombings in Aden, Sana'a, and Hodeidah. 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. A prominent tribal figure and his 13-year-old nephew were killed in downtown Sana'a in late October in what appeared to be a tribal revenge killing. In June the President established a committee to study the phenomenon of revenge killings and to make recommendations on how to combat that problem. News reports and official discussions on the subject were continuing at year's end.

#### 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, especially in southern governorates, are associated with the YSP or other opposition parties and are accused of being "secessionists." Most such disappearances are temporary, and detainees typically are released within weeks or months.

Following an April opposition demonstration in Mukallah in which two persons were killed (see Section 1.a.), the authorities rounded up and detained a large number of demonstrators. The security forces released 14 of the detainees in late May. However, at year's end, oppositionists in Mukallah claimed that a number of persons remained unaccounted for, including Hassan Baoum, the leader of the YSP in Hadramaut and head of the opposition Coordination Council. The Government stated that it was not holding anyone except those charged with crimes, and asserted that Baoum is in hiding.

In late October, the Hadramaut Primary Court announced that a trial would begin in the case of Baoum and other oppositionists charged in connection with the April demonstration in Mukallah. However, the Governor of Hadramaut subsequently announced that this case would not be pursued if Baoum were to turn himself over to the authorities peacefully.

At the invitation of the authorities, delegations from the U.N. Human Rights Commission and Amnesty International visited the country to investigate the whereabouts of persons who have "disappeared" in custody since unification. The UNHRC and AI had not yet released reports on their findings by year's end. In 1997 the Government had promised AI that it would look into 28 cases of persons who died after they reportedly "disappeared" while in government custody in the years 1994-96. Both the U.N. Committee on Disappearances and AI also continued to allege that there were hundreds of unresolved disappearances dating from the pre-union period in the former PDRY, particularly from the 1986 civil war in the PDRY. The Government asserts that it cannot be held responsible for cases that took place in 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 pre-unity period.

Some tribes seek to bring their political and economic concerns to the attention of the Government by kidnaping and holding hostages. Victims include foreign businessmen, diplomats, and tourists, as well as Yemenis. Several women and at least one child were kidnaped during the year. The legal magazine al-Qistas, in a study that it conducted on 159 kidnapings perpetrated since unity, found that Sana'a, Marib and Shabwa are the areas where a foreigner is most likely to be kidnaped. Kidnaping victims rarely are injured, and the authorities generally have been successful in obtaining the quick release of foreign hostages. However, kidnapings continue because the judiciary fails to implement sentences against accused kidnapers. Moreover, some families linked to various kidnapings also are politically or tribally prominent or have links with such tribes. In most cases the kidnapings are settled out of court, with no suspects facing trial.

In August the Government issued by presidential decree a law that stipulated severe punishments up to and including capital punishment for persons involved in kidnaping and banditry. Persons charged with helping a foreign state or gang in a kidnaping or theft by force face sentences of 10 to 15 years, subject to doubling if the instigators are military officers or otherwise employed by the state.

In late December, three persons arrested after the December 28 terrorist incident in Mudiya were charged with abduction and murder; their trial was to begin in early 1999 (see Section 1.a.).

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

The Constitution is ambiguous on its prohibition of cruel or inhuman punishment; however, there were numerous reports that members of the security forces tortured and otherwise abused persons in detention, particularly in Aden and elsewhere in the south. 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 during the year outlawing this practice.

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 in custody. At least 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 first beaten 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.

In a related case 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 overruled this request. In late October, 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 (see Section 1.e.).

There was credible information that in February officers of the Rawdah police station assaulted Mohamed Noman Muqbil, an Adeni human rights activist and oppositionist.

During an April demonstration in Mukallah in which two persons died, police and security officials used tear gas to break up the crowd. Some persons reported that they were treated roughly by officials. The Government claimed that the demonstrators had fired on their forces and therefore had to be subdued (see Section 1.a.).

The Government has acknowledged publicly that torture takes place, but has claimed that the use of torture is not government policy. A government prosecutor has cited illiteracy and lack of training among police and security officials as one of the reasons for the persistence of the use of undue force in prisons. It appears that at least some cases of torture by security officials have been referred to the courts. In late November, the newly-appointed Attorney General ordered that three officers from the criminal investigation department be detained and investigated in connection with the use of torture of a witness in a family dispute case. The three officers included the head of the antiterrorism unit within the Interior Ministry. This officer also had been implicated in the abuse of defendants in the Aden bombing case (see Section 1.e.).

The Constitution may be interpreted as permitting amputations in accordance with Shari'a. 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 minor crimes (e.g., the penalty for the consumption of alcohol is 80 lashes). The law also provides for 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 done and to prevent blood feuds between tribes.

Prison conditions are poor and do not meet internationally recognized minimum standards. Prisons are overcrowded, sanitary conditions are poor, and food and health care are inadequate. Inmates must depend on relatives for food and medicine. Many inmates lack mattresses or bedding. Prison authorities often exact money from prisoners and refuse to release prisoners until family members pay a bribe. Tribal leaders misuse the prison system by placing "problem" tribesmen in jail, either to punish them for non-criminal 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 alongside criminals. The newspaper al-Ayyam reported that two mentally disabled persons were arrested and imprisoned in the central security prison in al-Dhala following armed confrontations between authorities and civilians in May and June (see Section 1.a.). According to a local human rights organization, many instances of torture have taken place at Amran prison.

Conditions are equally poor in women's prisons, where children are likely to be incarcerated along with their mothers. By custom and preference, babies born in prison generally remain in prison with their mothers. Female prisoners regularly are held in jail past the expiration of their sentences, and are not released until a male relative arranges their release. Female prisoners sometimes are subject to sexual harassment and violent interrogation by male police and prison officials. In September the Government permitted a delegation from AI to visit the central prison in Taiz, specifically to check on the condition of female prisoners in that facility. The Government also cooperated with Prison Reform International, which visited many of the country's main prisons and designed a program to train prison and security officials.

The Government tightly controls access to detention facilities by nongovernmental organizations (NGO's), although it sometimes permits local and international human rights monitors access to persons accused of crimes. However, the Government does not permit access to political prisoners.

The Human Rights Committee of the Consultative Council (an advisory board to the President) continued to conduct spot checks of prisons and to arrange for the expeditious release of persons held improperly. The Committee also investigated the death of Wadia al-Shaibani, a youth who apparently was beaten to death while in an Aden jail (see Section 1.a.). However, the Committee was unable to persuade the authorities to investigate the death or to bring charges against security officials.

#### 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.

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. The majority of those detained in late 1997 in connection with the Aden bombings (see Section 1.e.) were not permitted contact with their families or lawyers until many months after their arrest. The trial of 27 of these persons concluded in October, although, according to the law, the violation of the right to counsel should have suspended the case.

Citizens in southern governorates regularly complained that security officials did not observe due process procedures when arresting and detaining suspects, particularly those accused of involvement in the various bombings and explosions that continued to occur in the south during the year. Security forces sometimes detained demonstrators (see Section 2.b.).

In April the Rabeta Party reported that one of its officials, Mohsen Zein Hussein, was arrested by the PSO in Lahaj without a warrant and incarcerated in Sabr prison. Hussein was released 22 days later without being charged with a crime. He said that he had been circulating a petition calling for national reconciliation when the authorities detained him. In June the director of Central Security in Aden released five persons arrested in connection with the 1997 bombings in that city. The official apologized to the men, who had been incarcerated for 4 months, for having imprisoned them "in error."

In February Mohamed Noman Muqbil, a human rights activist and oppositionist, was arrested without a warrant, and later was released without being charged. According to reliable reports, he apparently was beaten during his detention in Rawdah police station in Aden (see section 1.c.).

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 compen-

sation 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. Thousands of persons have been imprisoned for years without documentation concerning charges against them, their trials, or their sentences. Local and international human rights organizations believe that at least some of these persons are political detainees.

While a few cases of those being held without charge have been redressed through the efforts of local human rights groups (and a few illegally detained prisoners released), the authorities have done nothing to investigate or resolve these cases.

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

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 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 (see Section 1.e.).

#### e. Denial of Fair Public Trial

Although the Constitution provides for an "autonomous" judiciary and independent judges, the judiciary is not fully independent. Judges are appointed by the executive branch, and some have been reassigned or removed from office following rulings against the Government. Many litigants maintain, and the Government acknowledges, that a judge's social ties and susceptibility to bribery sometimes have greater influence on the verdict than the law or the facts of the case. 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 implement sentences.

In June the Government announced a reform of the judiciary that included the dismissal of several judges alleged to have been corrupt, incompetent, or both, and the appointment of new, and reportedly more competent, judges. In July the Government cut the size of the Supreme Court from more than 90 judges to approximately 40. This reduction followed several months of internal debate over how to proceed with the Government's judicial reform program, approved by ministerial decree in late 1997. The comprehensive reform program envisions improving the operational efficiency and statutory independence of the judiciary by putting 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 to the Government in implementing judicial reform. The reform program's impact is not yet clear.

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

All courts are governed by Shari'a (Islamic law). There are no jury trials under Shari'a. Criminal cases are adjudicated by a judge who plays an active role in questioning witnesses and the accused. By law, the Government must provide attorneys for indigent defendants. In practice, however, this never occurs; neither the Criminal Code nor the judicial budget allows for defense attorneys.

By law prosecutors are a part of the judiciary and independent of the Government. In practice, however, prosecutors look upon themselves as an extension of the police. They do not receive the normal judicial training that judges do, nor do they take seriously their legal obligation to penalize 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 reported winning cases against local defendants and seeing the decisions enforced.

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

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

A trial continued throughout most of the year for a total of 27 suspects charged with conspiracy, espionage, and other crimes related to a series of bombings in Aden in 1997. The trial did not meet minimum international standards for due process. Many of the defendants' confessions apparently were coerced, and the defendants were not permitted to see their lawyers until after the trials began and other defendants already had testified. In late October, the court sentenced the main suspect, a Spanish-Syrian national, to death. Five persons were found innocent, 16 received prison sentences of from 1 to 3 years, and the rest were released after the judge ruled that they already had served enough time in jail. The Spanish Government and the European Union have asked the Government not to implement the death sentence against the Spanish-Syrian defendant.

The trial of another 31 persons accused of conspiracy against officials in Mahra governorate in 1997 also continued throughout the year in a Sana'a court. Several of the suspects claimed that they had confessed only because they had been tortured. The judge overruled a defense request to review evidence of torture. In late October, 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 (see Section 1.c.). The security services made several arrests, brought charges, and put on trial a number of persons alleged to be linked to various shootings, explosions, bombings, and other acts of violence that continued to

plague the southern governorates throughout the year. Citizens and human rights groups alleged frequently that the judiciary was not observing due process standards in these cases.

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

At the end of the 1994 civil war, the President pardoned nearly all had who fought against the central Government, including military personnel and most leaders of the unrecognized DRY. The Government denied this amnesty to the 16 most senior leaders of the DRY (one of whom is now presumed dead), who fled abroad and who 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 a judge sentenced five of the defendants to death and three 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 receiving sentences, in the interest of promoting reconciliation between 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.

#### 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.).

The law prevents arrests 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.

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. This regulation does not carry the force of law, and appears to be irregularly enforced. However, some human rights groups have raised concerns about the regulation.

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

#### a. Freedom of Speech and Press

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

of "false information" that "threatens public order or the public interest." The Government influences the media and limits press freedom. Some security officials attempt to influence press coverage by threatening, harassing, and detaining journalists.

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 that was not present before the civil war. The international human rights group, the Committee to Protect Journalists (CPJ), criticized 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 twice-weekly Aden independent Al-Ayyam, owns its own press. The Government selects the items to be covered in news broadcasts, and does not permit broadcast reporting critical of the Government. Televised debates in the Parliament are edited to delete such criticism.

After more than 7 years, the Government implemented regulations for the 1990 Press Law. The new regulations specify, among other things, that newspapers must apply annually to the Government for licensing renewal, and that they must show continuing evidence of about \$5,000 (700,00 Yemeni riyals) in operating capital. Some journalists welcomed the new regulations, saying that they were long overdue. Others claimed that the regulations are designed to drive some opposition papers out of business. Al-Ayyam, the largest-circulating newspaper in the country, reported that the Government was using the new regulations to deny it a license to publish a newspaper about sports, even though the newspaper claimed to have complied with the requirements of the law.

Although newspapers are allowed to criticize the Government, journalists sometimes censor themselves, especially when writing on such sensitive issues as government policies toward the southern governorates, relations with Saudi Arabia and other foreign governments, or official corruption. The penalties for exceeding these self-imposed limits can be arrest for libel, dismissal from employment, or extralegal harassment. 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 enforcement of this restriction is irregular (see Section 2.d.).

In January author and journalist Ali Abdullah al-Kutheri and Mohsen al-Amoudi, both officials of the Rabeta party, were arrested at Rayan airport near Mukallah when they attempted to board a flight to Saudi Arabia. Their passports were confiscated temporarily (see Section 2.d.). An Aden reporter for al-Ayyam, Abdulrahman Ali Khubara, was held for questioning by the authorities following an August trip to Cairo (see Section 2.d.).

In March the Sana'a prosecutor responsible for press matters brought a case against al-Thawri, the newspaper of the Socialist Party, for articles criticizing the Government. Three al-Thawri journalists reported being interrogated at length by the prosecutor's office. The case was still under review at year's end.

In May three journalists from the British Broadcasting Corporation (BBC) were arrested after they traveled to a tribal area that the Government considered unsafe. The BBC crew claimed that it had

prior government permission to visit the area, but the authorities disputed this. Eventually the journalists were put on trial, but the judge dropped the case within 24 hours.

In June security officials ordered the newspaper al-Ayyam, which had been covering the Aden bombing trial on a regular basis, to cease publishing any news relating to that case. The Government also prohibited the local correspondent from the Qatar-based Jazeera television channel from transmitting footage of the trial. The Government claimed that reporting on the case would violate the press and national security laws.

The Government, purportedly to avoid inflaming the situation further, withheld film footage taken during riots that took place in Sana'a and other cities in late June (see Section 1.a.). The correspondent for the Qatar-based al-Jazeera television channel reported that his film was confiscated by security officials. However, the Government allowed televised coverage of the Parliament's criticism the Government's handling of the crisis. The Ministry of Information later referred five unnamed newspapers to the courts.

In July government officials called in journalists working for foreign media outlets and warned them about publishing news involving national security matters.

No judgment has yet been rendered in the Government's case against the newspaper al-Shoura, which dates to 1995. The case involved two journalists for the newspaper who had been found guilty of slander and character assassination against an important sheikh, a leader of the Islaah Party. The judge ordered that the newspaper be shut down, and that the journalists be flogged 80 lashes, stopped from working for one year, and fined 100,000 riyals (\$800). The Ministry of Justice suspended this judgment while reviewing its conformity with law and judicial procedure. Meanwhile, al-Shoura continues to operate.

In September a judge issued a ruling against Muhammad al-Saqqaf, a journalist and former university law professor accused of writing articles critical of the Government in the weekly Government-controlled newspaper al-Wahda in 1996. Specifically, al-Saqqaf had questioned the Government's handling of preparations for the 1997 election. The judge ordered both al-Saqqaf and the newspaper to each pay a fine of approximately \$35,000 (5 million riyals). Al-Saqqaf also was ordered to apologize to the Supreme Elections Committee.

In November the Special Media Court filed a case against Abdul Aziz al-Saqqaf, the editor of the English-language weekly Yemen Times, for publishing a story questioning the disposition of government profits from oil exports.

Customs officials confiscate foreign publications regarded as pornographic or objectionable because of religious or political content. The Ministry of Information routinely delayed the distribution of international Arabic-language dailies such as al-Hayat and al-Sharq al-Awsat in an apparent effort to decrease their sales in the country.

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 do not usually deal with an author who has not yet obtained the permit.

Academic freedom is somewhat restricted by the extreme politicization of university campuses. 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. In contrast to past years, there were no reports during the year of Islaah members harassing students and professors. Top administrative positions usually are awarded to political allies of these two major parties.

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

There are no constitutional restrictions on the right to assemble peacefully, although the Government requires a permit for these purposes. Government informers monitor meetings and assemblies. Following the demonstrations of June and July, the Government sent a draft law to Parliament in September that would impose significant limitations on the right to assemble and to demonstrate. The draft law aroused controversy among many lawyers, human rights activists, and members of Parliament. The Parliament so far has refused to take action on this proposed new law.

In April police killed two protesters in Mukallah during demonstrations that turned violent. Demonstrators claimed that police opened fire without provocation. The authorities claimed that demonstrators instigated the clashes (see Section 1.a.). In late June and July, demonstrations in the cities led to clashes between security forces and civilians in which some persons were killed (see Section 1.a.). Two opposition demonstrations took place in Lahaj and Mukallah on June 29 and 30, respectively, in the wake of intense public criticism directed against the Government's lifting of subsidies on commodities. Opposition leaders applied for and received permits, and both events occurred without violence. The opposition claimed that 21 of its leaders were arrested prior to the march. In August several opposition figures were briefly detained after a peaceful demonstration in Abyan. They later were released without charge.

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

#### c. Freedom of Religion

Islam is the state religion. Although followers of other religions are free to worship according to their beliefs, there are some restrictions on their other activities, including a ban on proselytizing.

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

Most Christians are foreign residents, except for a few families of Indian origin in Aden. There are several churches and Hindu temples in Aden, but no non-Muslim public places of worship exist in the former North Yemen. Church services are held regularly without harassment in private homes or fa-

cilities such as schools. However, security forces occasionally censor the mail of Christian clergy who minister to the foreign community, ostensibly to prevent proselytizing.

Nearly all Yemen's once sizable Jewish population has emigrated. There are no legal restrictions on 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

In general, the Government does not obstruct domestic travel, although the army and security forces maintain checkpoints on major roads. Human rights groups reported several violent incidents at checkpoints during the year, although responsibility for instigating the violence was not clear. In May Mohamed Thabit al-Zubeidi, a resident of al-Dhala, was shot and killed as he crossed a checkpoint in that town. His companions returned fire, killing three soldiers (see Section 1.b.). Three tribal sheikhs were killed at a checkpoint in Jawf in August (see Section 1.a.). It was not clear who was responsible for that incident.

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

The Government does not routinely obstruct foreign travel or the right to emigrate and return. Journalists must have a permit to travel abroad. Women must obtain permission from a male relative before applying for a passport or departing the country. Enforcement of the restrictions on journalists and women is irregular. In January the author and journalist Ali Abdullah al-Kutheri and Mohsen al-Amoudi, both officials of the Rabeta party, were arrested at Rayan airport near Mukallah when they attempted to board a flight to Saudi Arabia (see Section 2.a.). Their passports were confiscated temporarily. An Adeni reporter for Al Ayyam, Abdulrahman Ali Khubara, was held for questioning by the authorities following a trip to Cairo in August (see Section 2.a.).

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

The UNHCR provides food and medical assistance to up to 9,000 Somalis and Ethiopians in a temporary refugee camp at al-Jahin in Abyan governorate. Children receive schooling in the camp, and adults are eligible for vocational training. The Government has approved a new UNHCR facility to be built at a site in Lahaj governorate.

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. The Government has granted refugee status to some persons and resettled them. Approximately 30,000

Somali refugees have now 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. Also, the UNHCR provides small loans to refugee women who wish to initiate income-generating activities.

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 700 Somali refugees to areas of Somalia that are considered safe.

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

Although the Government is by law accountable to the Parliament, there are significant limitations on the ability of citizens to change their government. International observers judged the 1997 parliamentary elections as "reasonably free and fair" despite some problems associated with the voting. However, the Parliament is not yet an effective counterweight to executive authority. Decisionmaking and real political power still rest in the hands of a few leaders, particularly the President. 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.

The President has the authority to introduce legislation and promulgate laws by decree when Parliament is not in session. Decrees must be approved by Parliament 30 days after reconvening. In theory, if a decree is not approved, it does not become law; in practice, a decree remains in effect even if not approved. Although the Constitution also permits Parliament to initiate legislation, to date it has not done so. Its major activity consists of debating policies that the Government already has implemented. However, despite the fact that the President's party enjoys an absolute majority in Parliament, it has rejected or delayed action on legislation introduced by the Government. The Parliament also has criticized strongly the Government for some actions, including the June lifting of subsidies that led to widespread violence. The Parliament also called on the Government to investigate the continuing problem of violence, including bombings and explosions, in the south. Parliamentarians and parliamentary staff attended foreign nongovernmental organization (NGO)-sponsored training workshops designed to increase their independence and effectiveness.

By-elections were held in four constituencies during the year in order to fill vacant parliamentary seats. European observers reported no serious problems with these elections.

The President is advised by a 59-member Consultative Council, a board of appointed notables chaired by a former prime minister. The Council reviews and advises the President on all laws that are submitted to the Chamber of Deputies. The Council has no constitutional powers.

Government authority is centralized in Sana'a; many citizens, especially in the south, complain about the inability of local and governorate entities to make policy or resource decisions. In some governorates, tribal leaders retain considerable discretion in the interpretation and enforcement of the law. Central government authority in these areas is often weak.

The multiparty system is functional but arguably weaker than in 1993, when the first parliamentary elections were held. The GPC clearly 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 at least 2,500 members. Some oppositionists complain that they cannot organize new parties because of the prohibitively high legal minimums on the 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 elections, leading to lower voter turnout in the south than in 1993.

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

Although women vote and hold office, these rights often are limited by cultural and religious customs. Two women were elected to the Parliament in 1997 (the same number as in 1993), and few hold senior leadership positions in the Government or political parties. GPC members attended a foreign NGO-conducted workshop on how to better include women in the party's membership, leadership positions, and deliberations. Many Akhdam, a small ethnic minority that may be descendants of African slaves, and some members of religious minorities are not permitted to participate in the political process, mainly due to their inability to obtain citizenship.

#### **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 occasionally 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. 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 has yet to take any action on the proposed new law.

Several new NGO's devoted to human rights education and democratization have organized in recent years. The Taiz-based Human Rights Information and Training Center (HRITC), the most prominent of these, has sponsored training workshops for other NGO's. Several donors have contributed support to the HRITC.

The Yemeni Organization for the Defense of Liberties and Human Rights, the only NGO without government sponsorship that engages in human rights advocacy as such, 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. In September in conjunction with the Aden branch of Amnesty International

the organization sponsored a photographic exhibition of human rights abuses committed in the course of the 1994 civil war.

The Committee to Combat Torture was formed in April. The Committee is composed of 100 senior parliamentarians and party leaders, including some opposition members. Several members of the Committee investigated the violent incidents that occurred in al-Dhala in May and June in which four persons died (see Sections 1.a. and 2.d.).

The Yemeni Human Rights Organization (YHRO) is the most well-organized local human rights group. It is headquartered in Sana'a with branches in seven other cities. It was founded by the Government, and oppositionists as well as some human rights experts have viewed its findings as not objective. However, the head of the YHRO, a prominent member of the judiciary, was transferred in June from his post as head of the Sana'a Court of Appeals to the Dhamar Court of Appeals. 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. In May the YHRO sponsored a training seminar for judges, prosecutors, and security officials.

The Center for Future Studies, a think tank affiliated with the Islaah party, issues a report on human rights practices.

In June Prison Reform International (PRI), a London-based international organization, conducted a fact-finding mission to Yemen. It identified several issues of concern, including the mistreatment of prisoners, lack of education and resources for prison officials, and unsanitary and overcrowded conditions. In late 1998, the PRI opened a temporary office in Sana'a and organized training workshops and other activities for prison and security officials.

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 in Yemen. The Government has given these groups broad access to government officials, records, refugee camps, and prisons. The Government had acknowledged some abuses alleged in a 1997 AI report and had promised to investigate them. However, the Government rejected other allegations in the Amnesty report.

The Supreme National Committee for Human Rights, which was formed in 1997 and reports to the Deputy Prime Minister/Minister of Foreign Affairs, is charged with ensuring that Yemen meets its obligations with respect to implementing international human rights conventions. The Committee is also expected to look into specific instances of abuse. In March the Supreme Committee sponsored human rights education training in four cities. However, the Supreme Committee has been less active in looking into specific cases of abuse. Many persons alleged that the Committee has not followed up on its stated commitment to investigate allegations of human rights abuses. For example, the Supreme Committee declined to investigate the case of Wadia al-Shaibani, who reportedly died while in the custody of security forces in Aden (see Section 1.a.). Instead, the Committee accepted the official coroner's report of death by suicide. The Committee is hampered by a lack of human and material resources.

The Human Rights Committee of the President's Consultative Council had limited success in investigating human rights abuses. However, members of the Committee expressed frustration at the lack of subsequent action by the authorities.

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

The UNHRC, while maintaining a file on Yemen, elected to take no actions against the Government during the year, pending an assessment of the Government's action on current and past cases. Two delegations from the UNHRC visited late in the year. The purpose of one delegation was to determine 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**

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

#### **Women**

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

Women face significant restrictions imposed by law, social custom, and religion. Men are permitted to take as many as four wives, though few do so. By law the minimum age of marriage is 15. However, the law largely is unenforced, and some girls marry as early as age 12. During the year, 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, leaving the minimum age at 15. A 1998 draft law to raise the minimum age of marriage also failed by a large majority. The law stipulates that the wife's "consent" is required; "consent" is defined as "silence" for previously unwed women and "pronouncement of consent" for divorced women. The husband and the wife's "guardian" (usually her father) sign the marriage contract; in the former South Yemen, the wife also signs. The practice of dowry payments is widespread, despite efforts to limit the size of such payments.

The law stipulates that the wife must obey the husband. She must live with him at the place stipulated in the contract, consummate the marriage, and not leave the home without his consent. Husbands may divorce wives without justifying their action in court. Theoretically women have the legal right to divorce. However, in practice women divorce only when their husbands have failed to provide for them. Following a divorce, the family home and 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 cannot remarry until she proves that she is not pregnant.

Women seeking 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.

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

An estimated 80 percent of women are illiterate, compared with approximately 35 percent of men. The fertility rate is 6.7 children per woman. Most women have no access to basic health care. Only approximately 16 percent of births are attended by trained health-care personnel. Even where clinics are available, many women do not use them because their male relatives, or they themselves, refuse to allow a male doctor to examine them.

In general, women in the south, 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.

A government-sponsored women's association promotes female education and civic responsibilities, and an NGO also has been established for the same purpose. Several women's groups have formed and registered with the Government.

### 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 U.N. Development Program estimates that 30 percent of children are malnourished. The infant mortality rate is 105 deaths per 1,000 births.

The law provides for universal free education for 9 years, but this provision is not enforced. Many children, especially girls, do not attend primary school. An estimated 6.5 percent of primary school-aged children do not attend. Some rural areas have no schools for their school-age population. The

Parliament in mid-year passed a law eliminating school fees and the requirement of uniforms for girls. This law is designed to encourage girls' attendance at school.

Child marriage is common, especially in rural areas. Although the law requires that a girl be 15 to marry, it is not enforced. Marriages of 12-year-old girls are not unusual. Female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health, is practiced by some 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 engage in 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 mainly confined to excision, with infibulation being practiced only among East African immigrants and refugees. FGM rarely is reported among the Shafai religious sect, and adherents to the Zaydi sect reputedly do not practice it at all. The Government's publication of the data on FGM is an important first step in addressing this problem. While some government health workers actively and publicly discourage the practice, the Government has not passed legislation to outlaw it, nor have women's groups adopted the problem as a major concern.

#### People With Disabilities

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

#### Religious Minorities

Apart from a small but undetermined number of Christians and Hindus in Aden, and a few Baha'is in the north, Jews are the only indigenous religious minority. Their numbers have diminished dramatically--from several tens of thousands to a few hundred--due to voluntary emigration. 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 a gunman murdered three nuns belonging to the Sisters of Charity order in Hodeidah. The attack did not appear to be part of an organized campaign against Christians or foreigners.

A hospital in Jibla operated by the Baptist church in the past experienced occasional threats and harassment from local Islamic extremists who feared that the hospital might be used to spread Christianity.

#### National/Racial/Ethnic Minorities

Yemenis with a non-Yemeni 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 must by law 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.

There were reports by human rights groups that some immigrants of African origin were having 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.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides that citizens have the right to form unions. While the Government permits this right in practice, it also seeks to place its own personnel in positions of influence inside unions and syndicates. The 1995 Labor Law (amended in 1997) provides both for the right to form unions and for the right to strike. For example, a strike is not allowed 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. Strikes for explicit "political purposes" are prohibited. In practice the law tends to discourage strikes. The law provides equal labor rights for women, and it renews the freedom of workers to associate. The Labor Law does not stipulate a minimum membership for unions, nor does it limit them to a specific enterprise or firm. Thus, citizens may associate by profession or trade.

The Yemeni Confederation of Labor Unions (YCLU) remains the sole national umbrella organization. The YCLU claims 350,000 members in 15 unions and denies any association with the Government, although it works closely with the Government to resolve labor disputes through negotiation. Observers suggest that the Government likely would not tolerate the establishment of an alternative labor federation unless it believed it to be in its best interests.

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

In September there was a 2-day strike by personnel of the Yemen-Hunt petroleum company.

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; such agreements exist. Unions may negotiate wage settlements for their members and can resort to strikes or other actions to achieve their demands.

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

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

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

d. Status of Child Labor Practices And Minimum Age For Employment

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

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

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.

At the suggestion of the Swedish NGO Radda Barnen (Save the Children), the Government in late 1997 established a national inter-ministerial committee to combat child labor. It is headed by the Mi-

nister of Labor and includes representatives of various government agencies and nongovernmental groups. The Government is working to develop a national strategy, a work plan, and a time frame for completion of its activities. It is also consulting with the International Labor Organization in formulating its strategy.

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 for 1994-95 was approximately \$45 to \$53 (6,000 to 7,000 riyals) per month. Private sector workers, especially skilled technicians, do far better. The average wage does not provide a decent standard of living for a worker and a family. A combination of inflation, the loss of government-provided subsidies, and an erosion in the exchange value of the national currency has eroded wages substantially during the past few years.

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

The Ministry of Labor has the responsibility for regulating workplace health and safety conditions. However, according to officials in the Ministry, the requisite legislation for regulating occupational health is nonexistent. They claim that many workers regularly are exposed to toxic industrial products and respiratory illnesses. Some foreign-owned companies implement higher health, safety, and environmental standards than the Government requires. Workers have the right to remove themselves from dangerous work situations and can challenge dismissals in court.

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