

Yemen (66)

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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 that the elections were reasonably free and fair, while noting some problems with voting procedures. 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 country's first local elections were held in February, with all major opposition parties participating. 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 with a population of approximately 18 million; 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. Annual per capita gross national product (GNP) rose to \$403 in 2000, up from \$373 in 1999. Agriculture accounts for approximately 22 percent of GNP; industry, including construction and trade, for approximately 45 percent; and services for approximately 33 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, with Saudi Arabia and Kuwait resuming soft loan programs during the year. 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. Members of the security forces killed a number of persons during the year. 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." Directives intended to align the country's arrest, interrogation, and detention procedures more closely with internationally accepted standards generally were implemented during the year. Prison conditions were poor, and some detainees were held in private prisons not authorized by the Government. However, during the year, the Government conducted prison inspections, released prisoners

being held after their sentences had been completed, and cooperated with international nongovernmental organizations (NGO's) to study and improve conditions for female prisoners. 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 usually failed to hold members of the security forces accountable for abuses; however, there were two convictions of security officials for abuses in late 2000. 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 limited freedom of speech and of the press, and the Government continued to harass, intimidate, and detain journalists. Journalists practiced self-censorship. The Government at times limited freedom of assembly. The Government imposed some restrictions on freedom of religion, and placed some limits on freedom of movement. The Government adopted measures to decentralize government authority by establishing locally elected governorate and district councils; the first elections to the councils were held in February. The new Minister of State for Human Rights was the country's first female minister. The Government displayed official receptiveness to and support for donor-funded democracy and human rights programs, and in April created a new human rights ministerial portfolio. Violence and discrimination against women were problems. Female genital mutilation (FGM) was practiced on a limited scale, primarily along the coastal areas of the Red Sea. The Government publicly discouraged FGM, and in January the cabinet issued a decree making it illegal for public or private health service practitioners to perform it. There was some discrimination against persons with disabilities and against religious, racial, and ethnic minorities. The Government influences labor unions. Child labor was a problem.

The number of tribal kidnappings of foreigners has steadily decreased over the past 4 years, which is 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 makers—that had continued for several years, particularly in the southern governorates, appeared to have abated, although there were several explosions during the year, including the detonation of three small bombs in Aden early in the year. Observers attributed 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. Arbitrary or Unlawful Deprivation of Life

Members of the security forces killed a number of persons during the year. 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 January the human rights organization Forum for a Civil Society reported that Mohammed al-Yafia, who was convicted in 1996 for his involvement in a series of bombings in Aden and who had complained of being tortured in 1997, had died under suspicious circumstances in al-Mansura Prison in Aden (see Section 1.c.).

In April a demonstrator was killed and another wounded when a soldier fired into a crowd protesting a zoning decision in the al-Dalah governorate. The soldier reportedly was arrested, but at year's end there was no information about whether he was disciplined (see Section 2.b.).

On December 18, military and security forces conducted armed operations in Marib and Shebwa governorates in an attempt to apprehend terrorists affiliated with the al-Qaida organization. The operation began peacefully, but, due to circumstances that were unclear, the confrontation escalated into a shootout when tribal members opened fire on security forces. Nineteen security forces personnel were killed and 30 wounded; reportedly four tribal members were killed and seven wounded. The al-Qaida suspects escaped and were still being sought by the Government at year's end.

In August 2000, 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 (see Section 1.c.).

No security officials were tried or convicted for abuses committed during the year. However, in December 2000, the penal court in Hodeidah governorate found two security officials guilty of torturing a citizen to death in 1995. The officials were demoted, dismissed, and sentenced to 3 years in prison (see Section 1.c.).

On October 12, 2000, 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 several suspects were in custody at year's end (see Section 1.e.).

Approximately 28 persons were killed in election related violence in February (see Section 3).

Tribal violence resulted in a number of killings and other abuses, and the Government's ability to control tribal elements remained limited. 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. Presumably in response to the committee's inability to produce results, the President in May gave the new Shura Council (see Section 3) the task of developing a strategy to address the phenomenon of violent tribal revenge. In November the Dar al-Salam Arbitration Organization, a local NGO, held the country's first "anti-revenge conference."

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 (AI) visited the country to investigate the whereabouts of persons who allegedly 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 allegedly 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 7 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, seven foreigners were kidnaped (six men and one woman), as well as a much higher number of citizens. There also were two failed kidnapping attempts against foreign diplomats. A total of 166 foreigners have been kidnaped since 1992. In a 1998 study, the legal magazine al-Qistas 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 2000 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 10 cases involving 27 persons in 1998 to 9 cases involving 21 persons in 1999 to 6 cases involving 8 persons in 2000, to 7 cases involving 7 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 kidnapping, "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 December a court convicted four men who had kidnaped a German citizen in November. The perpetrator received a 25-year sentence, and the others received 20-year sentences. In 2000 the court sentenced an individual who had kidnaped three German tourists in 1999 to 12 years in jail; the kidnaper of an American and a group of Europeans (in 1997) to 20 years; and two additional kidnapers to 15 years. In February the kidnaper of three American tourists (in 1999) received a 12-year jail sentence. The arrests, trials, and convictions continue. The Government's prosecution of persons charged with kidnapping 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 regarding the prohibition of cruel or inhuman punishment, and 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 in some instances are confined in leg-irons and shackles, despite a 1998 law outlawing this practice.

The Government has acknowledged publicly that torture takes place, but it 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 \$35 to \$53 (6,000 to 9,000 riyals) per month, also contribute to corruption and police abuse.

In January the human rights organization Forum for a Civil Society reported that Mohammed al-Yafia, who was convicted in 1996 for his involvement in a series of bombings in Aden and who had complained of being tortured in 1997, died under suspicious circumstances in al-Mansura Prison in Aden on December 16, 2000.

In August 2000, 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 summoned 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.).

There were no reported prosecutions or convictions of security officers for abuses committed during the year. However, in December 2000, the penal court in Hodeidah governorate found two security officials guilty of torturing a citizen to death in 1995 (see Section 1.a.). The officials were demoted, dismissed, and sentenced to 3 years in prison.

There have been numerous allegations and credible evidence that in past years the authorities tortured and abused suspects and detainees, in cases resulting in death, in order to attempt to coerce confessions before or during trial. However, there were no such allegations during the year.

The Constitution may be interpreted as permitting amputations in accordance with Shari'a (Islamic law). In January authorities amputated the right hand of Ahmed Mohammed Sharaf, a repeat offender convicted of murder (he was also sentenced to death, but had not been executed by year's end). However, the use of amputations as punishment is extremely rare. Prior to the Sharaf case, there had been no reports of amputations since 1991, although 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 2000, 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 2000, 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.

The Government at times uses excessive force to put down demonstrations and riots. In April a soldier killed a demonstrator and wounded another when he fired into a crowd protesting a zoning decision in the al-Dalah governorate (see Section 2.b.).

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 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 bribes from prisoners or refuse to release prisoners who have completed their sentences 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. Authorities in some cases arrest without charge and imprison refugees, persons with mental disabilities, and illegal immigrants and place them in prisons with common criminals.

Conditions are equally poor in women's prisons, where children likely are incarcerated along with their mothers. By custom and preference, babies born in prison generally remain in prison with their mothers. At times female prisoners 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. In 2000 the Government's Supreme National Committee for Human Rights initiated a project with the National Women's Committee to establish a shelter in Sana'a to house 50 of these abandoned women and provide them with vocational education; however, at year's end, the National Women's Committee was still seeking donor funding for the project.

There was increased attention focused during the year on the circumstances of women prisoners. Several NGO's, often with Government support, undertook activities to address the legal and other problems of female prisoners (see Section 4). For example, in March the Human Rights Information and Training Center (HRITC) organized a workshop to improve conditions for women in Taiz Central Prison, an initiative that it hopes to expand to other cities. In April the al-Afif Young Girls Forum organized a seminar to discuss legal and cultural obstacles to reforming women's prisons. In June under the patronage of the new Minister of State for Human Rights and in association with the International Human Rights Legal Group, the Arab Human Rights Forum, al-Shaiqi, conducted a 3-day program on protecting the rights of female prisoners. The program was attended by women's rights activists from Tunisia, Egypt, Pakistan, Malaysia, and the United States, as well as Yemen.

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 2000, 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 detained in handcuffs illegally; numerous individuals were detained illegally in connection with civil or commercial cases or because they had disobeyed a tribal sheikh; and 43 persons from the Shibam al-Gharas region were being detained on the same charge (shooting at a truck).

In 2000 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 detention and 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 November the President celebrated the Islamic holy month of Ramadan by arranging for the release of a reported 3,500 prisoners. All of those prisoners had been released by year's end. Other releases began in January 2000, when 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. In 2000 the President appointed 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 during 2000 of over 1,000 prisoners who had been held beyond their sentences (in violation of the law) until they could pay restitution.

The Government tightly controls access to detention facilities by NGO's, although in some cases it permits local and international human rights monitors access to persons accused of crimes. In 2000 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 1995 ICRC inspection, especially with regard to the incarceration of persons with mental disabilities.

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 legally be held longer than 7 days without a court order. Despite these constitutional and other legal provisions, arbitrary arrest and prolonged detention without charge are common practices. In April 2000, Parliament passed a revised Police Law, which established the mandate, duties, and procedures for police.

During the year, the Government continued to detain journalists briefly for questioning concerning articles that were critical of the Government or that the Government considered sensitive. In May the PSO detained journalist Hassan al-Zaidi and held him incommunicado for 16 days, at times in solitary confinement. In September the PSO again detained al-Zaidi for 2 weeks (see Section 2.a.). However, the decline in the number of such incidents from 1999 continued.

The law prohibits incommunicado detentions. 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.

Citizens regularly claim that security officials did not observe due process procedures when arresting and detaining suspects, particularly those accused of involvement in political violence. There also were claims that private individuals hired lower-level security officials to intervene on their behalf and harass their business rivals. Security forces at times detained demonstrators (see Section 2.b.).

The Yemeni Institute for Democratic Development (YIDD) reported that Amar Mahmoud Ali Abdo al-Madhagi was arrested by CID officials in May and held without charge for approximately 6 weeks. Al-Madhagi's family claimed that security officials detained al-Madhagi as he was walking down the street in Sana'a, coerced a confession from him regarding his purported involvement in terrorist activities, and then held him incommunicado. The Government denied the family's version of al-Madhagi's arrest. The Ministry of State for Human Rights looked into the YIDD report and stated that al-Madhagi had approached the authorities, claiming to have information regarding the October 2000 terrorist attack against the USS Cole (see Section 1.a.). The authorities determined that the information provided by al-Madhagi was a hoax, and arrested him for "intentionally providing inaccurate and misleading information." According to the Ministry, al-Madhagi was in prison and awaiting trial at year's end.

In cases in which a criminal suspect is at large, security forces in some instances 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 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, was released on bail in December 2000; however, his trial remained pending. Musaid's case had languished and he remained in jail because the presiding judge, Abdul Jabar Taha al-Kharasani, refused to adjudicate the case. The charges did not appear to be supported by solid evidence. In October 1999, the Minister of Interior ordered al-Kharasani to turn over his cases, including Musaid's, to another judge, but he refused to do so. Al-Kharasani was finally compelled to do so in December 2000, and another judge has taken the case.

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 nor resolved these cases adequately.

Unauthorized private prisons also exist in tribal areas in which the Government does not exercise authority effectively. Persons detained in such prisons often are held for strictly personal reasons and without trial or sentencing (see Sections 1.c. and 1.e.).

The law does not permit forced exile. 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. During the year, with the encouragement of the Government, prominent southern journalists, military officers, and their families who fled the country during the 1994 civil war returned to the country (see Section 1.e.).

In December the Government deported approximately 100 foreigners, many of whom were studying at Muslim religious schools, who allegedly were in the country illegally. The Government claimed that these persons were

suspected of inciting violence or engaging in criminal acts by promoting religious extremism. The Government deported them using existing laws that require all foreigners to register with the police or immigration authorities within a month of arrival in the country.

e. Denial of Fair Public Trial

The Constitution provides for an "autonomous" judiciary and independent judges; however, the judiciary is not fully independent, and it 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 assault on a defense lawyer, detaining at least two judges, and harassing the chairman of Sana'a governorate's prosecutor's office. Many litigants maintain, and the Government acknowledges, that a judge's social ties and susceptibility to bribery at times have greater influence on the verdict than the law or the facts of the case. Many judges are poorly trained; 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 members at times threaten and harass members of the judiciary. For example, in August 2000, 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); kidnaping/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 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 at times "appoint" attorneys present in their courtrooms to represent indigent defendants; however, such attorneys legally are not required 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 consider themselves as an extension of the police. They do not receive the normal judicial training that judges do, nor do they fulfill 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 generally 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.

In October 1999, the Government established a special court to try persons charged with kidnaping, "carjacking," attacking oil pipelines and other acts of banditry and sabotage (see Section 1.b.). Several persons tried by this special court have received lengthy jail sentences, which appears to have had a deterrent effect on tribal kidnappings.

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 interministerial 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 in 1998, an increase in judges' salaries in order to deter corruption, an increase in the Ministry of Justice's budget in 2000, and participation by judges in workshops and study tours conducted by foreign judicial officials. However, there have not yet been any tangible results.

In August the country's Higher Judicial Council, chaired by the President, dismissed 20 judges and prosecutors for violating the law and forced 108 others to retire. The council also strengthened the Ministry of Justice's authority to investigate and prosecute allegations of judicial abuse, and instructed the Accountability Council to accelerate its investigation of pending cases. Also in August, the Minister of Justice led an inspection tour of courts in several governorates to review the performance of officials, identify problems and take corrective action, if necessary.

In September the Cabinet approved a package of judicial reform measures aimed primarily at improving the country's commercial and public finance courts, which deal with taxes, customs, and foreign exchange law. Later in the month, the Ministry of Justice initiated a project to upgrade the country's judicial infrastructure, including construction of 55 new courthouses, prosecution offices, and residences for judges in several governorates. The Ministry completed 20 facilities by year's end.

In 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 originally was scheduled to begin in January 2000 and end in 2002. 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 would be 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, which had not begun by year's end.

A third judicial reform program, financed by international assistance, was initiated in January 2000 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 correct inconsistencies or close gaps. The program is ongoing.

The security services continued to arrest and prosecutors to 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.

In February the lawyer for two suspects detained in connection with the investigation into the October 12, 2000, terrorist attack against the USS Cole in Aden harbor (see Section 1.a.), claimed that authorities denied him access to his clients. There also were expressions of concern that the prosecution has postponed proceeding to trial to give security officials more time to investigate with their U.S. counterparts. There have been no reports of allegations of torture from persons detained in connection with the investigation.

On January 1 and 2, explosive devices were detonated in Aden outside the Anglican Christ Church, which is used as a transient hotel by seamen, and the official SABA News Agency office. Authorities attributed the bombings to religious extremists, possibly affiliated with the AAIA (see Section 1.a.). Five persons were arrested in January; their trial began in April and had not concluded by year's end. The accused leader, Abu Bakr Said Jayul, was convicted in July along with three others for planting a bomb at the British Embassy in Sana'a in October 2000. Jayul and a second defendant received a 15-year jail sentence; the remaining defendants were given 6 and 4 years. They appealed their sentences, and in October the Sana'a Penal Appeals Court reduced them to 10, 4, and 2 years, respectively. There were claims that there were procedural irregularities in the trial.

The trial of seven AAIA members on terrorism charges, which began in October 1999, ended in June 2000. 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 convicted leader, Hatem bin Fareed, appealed his 7-year jail sentence, but in April the Sana'a Appeals Court upheld it. Authorities maintain that bin Fareed was the putative successor to AAIA leader "Abu Hassan," who was executed in 1999.

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 it.

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 (1 of whom 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 others 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 appealed to a higher court, but by year's end the court had made no judgment on whether it would hear the appeal.

With the encouragement of the Government, in June and July, eight prominent southern journalists who fled the country during the 1994 civil war returned and have resumed their careers (see Section 2.a.). A number of southern military officers and their families who fled during the civil war reportedly returned in September.

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 while the suspect is being sought (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 in some instances 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 (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.

The Government reportedly blocks sexually explicit web sites, but does not block politically oriented sites (see Section 2.a.). 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 provides for freedom of speech and of the press "within the limits of the law;" however, the Government influences the media and restricts 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. However, in June with the Government's permission and encouragement, eight prominent southern journalists who fled the country after the 1994 civil war returned to the country and resumed their careers.

The Ministry of Information influences the media through its control of most printing presses, subsidies to certain newspapers, and its ownership of the country's sole television and radio outlets. Only 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 it 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 it may edit them selectively to remove criticism.

Press Law regulations specify that newspapers must apply annually to the Government for licensing renewal, and that they must show continuing evidence of about \$4,375 (700,000 riyals) in operating capital. Some journalists claim that the regulations were designed to drive some opposition newspapers out of business.

Although newspapers ostensibly are permitted to criticize the Government, journalists at times 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 may 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 have 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.). Following what it deemed was irresponsible reporting on an alleged military helicopter crash, in May the Ministry of Information issued a circular to local newspapers and magazines prohibiting publication of information or news pertaining to the armed forces before "consulting" with the Ministry of Defense.

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, primarily issues involving Saudi Arabia. However, the decline in the number of such incidents from 1999 continued, and most individual journalists and the Yemeni Journalists Syndicate agree that extralegal governmental harassment is less of a problem than it was in the past. Some journalists claim that most harassment 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, or languish indefinitely.

In January a Sana'a court found al-Shumu' newspaper guilty of libeling Egyptian President Hosni Mubarek and ordered it to suspend publication for a month. The article in question, which was published in October 2000, accused Mubarak of not being adequately responsive to the plight of the Palestinians. Al-Shumu's editor in chief, Seif al-Hadhri was also fined \$59 (10,000 riyals). In April al-Hadhri was detained for questioning by the PSO. In May, al-Shumu' again was closed for a month following its publication of allegations of corruption in the Ministry of Education. The court, finding no basis in fact for his allegations, also fined al-Hadhri \$6,471 (1.1 million riyals). Al-Hadhri appealed the verdict, but the appeals court not only upheld the lower court's decision, but also gave al-Hadhri a (suspended) 6 months prison sentence and banned him from practicing journalism for 10 months. Al-Hadhri again appealed, this time to the Supreme Court; the case was pending at year's end.

In May the PSO detained journalist Hassan al-Zaidi and held him incommunicado for 16 days, at times in solitary confinement, in the detention center under the PSO headquarters in Sana'a. Authorities never formally charged al-Zaidi with any crime, but told him that he had "exceeded the red lines." In addition to being a reporter for the Yemen Times, al-Zaidi is a member of the Islamist opposition party Union of Popular Forces (UPF) and belongs to the al-Zaidi tribe, which has been responsible for kidnappings of foreigners and other destabilizing activity. In September the PSO in Marib arrested him again, and held him for about 2 weeks. At the time of his second arrest, al-Zaidi's Marib-based tribe was holding a Western diplomat whom it had kidnapped in July. Al-Zaidi denied knowledge of or complicity in kidnappings or other acts, claiming that security authorities had detained him because they wanted to punish the al-Zaidi tribe, because of his contacts with foreigners and because he had published interviews with kidnap victims. Al-Zaidi also claimed that when members of his tribe kidnapped a Swedish national in Marib governorate in 2000, security forces surrounded his house and impounded his car, which they have yet to return.

In June the Supreme Court upheld a lower court's 1997 decision to suspend publication of al-Shoura, the newspaper of the Islamist opposition party UPF, for 6 months for slandering an important sheikh and leader of the Islaah party. The Supreme Court also upheld the lower court's sentence of \$588 (100,000 riyals) fine for the newspaper and suspension for the editor in chief (who died in 1999). The Court also sentenced the editor and the author of the article (the editor's brother, Abd al-Jabbar Saad), to flogging with 80 strokes of a lash and 1 year journalistic suspension. Al-Shoura's new editor criticized the verdict, claiming that he believed that mediation and a published apology effectively had ended the case in 1999. The sentence had not been carried out by year's end; Saad continues to practice journalism. In May Al-Shoura resumed publication as Sawt al-Shoura, which the Ministry of Information recognizes as a new and legal newspaper.

In February 1999, the Ministry of Information closed al-Shoura 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 2000; at year's end, the Supreme Court had still not issued a verdict.

In June Sawt al-Mu'arada, the official publication of the National Opposition Council, one of the country's two coalitions of opposition parties, resumed publication after being inactive for 5 years.

Two cases involving articles that criticized the Government of Saudi Arabia, one from 2000 and one from 1999, were pending at year's end. In February 2000, the Ministry of Information referred a complaint from the Ministry of Foreign Affairs to the Sana'a Court 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. 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 and considered offensive to the Saudi royal family. Al-Wahdawi's editor, Abdelaziz Sultan, was called

in for questioning. In February 2000, 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 one month, banned Amer from practicing journalism for one 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. Amer continues to write for another newspaper, al-USbu'. He has filed a suit against the Minister of Interior; this suit also remained pending at year's end.

In May 2000, 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 2000, 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 questioning in April 2000 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). Ba Sharahil's case was ongoing at year's end, but in abeyance pending his recovery from illness.

In August 2000, 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; the case remained pending at year's end. In July 2000, al-Hadhri was abducted from his office for a day by 30 armed men; he claimed they were security officials.

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 remained pending at year's end.

The Yemeni Journalists Syndicate defends freedom of the press and publicizes human rights concerns. For example, in February they organized a seminar regarding legislation pertaining to journalism. 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 2000 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. Then it is submitted to a special committee for final approval. If a book is not deemed appropriate for publication, the Ministry simply does not issue a decision. Publishers usually do not deal with an author who has not yet obtained a permit.

Internet use has increased significantly. An estimated 30,400 persons use the Internet, and 7,600 persons subscribe to it. There are over 70 Internet cafes in Sana'a and approximately

30 in other cities. The Government does not impose restrictions on Internet use, but most persons claim 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. The Government does not block politically oriented web sites; mowj.com, the web site of the Yemeni National Opposition Front, which had been the only political site blocked by the Government, apparently has ceased operating (see Section 1.f.).

Academic freedom is restricted to some extent 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

The Constitution provides for freedom of peaceful assembly; 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. Government informers monitor meetings and assemblies. The opposition claims that the Government sometimes detains activists for questioning in order to prevent them from organizing demonstrations, for example, in April 2000, the Government held 19 opposition activists in Abyan governorate for questioning for several days to prevent a demonstration. Draft provisions of a Police Law enacted in 2000 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.).

In April a demonstrator was killed and another wounded when a soldier fired into a crowd protesting a zoning decision in the al-Dalah governorate. The dispute reportedly centered around a local official's decision to prevent a resident from building an extension on his house. According to press reports, the homeowner had obtained an official permit from municipal officials to build the extension and refused to stop work. Security officials were dispatched to enforce the official's decision, a crowd gathered, and tensions escalated. After the shooting, there was a brief spontaneous demonstration. Authorities reportedly arrested the soldier, but there was no information regarding whether he was disciplined. Residents of al-Dalah long have resisted central government authority, and the governorate for many years has been the scene of frequent (and at times violent) clashes between often armed residents and security forces.

In October police in Hajja governorate broke up a Nasserist Party-organized student demonstration protesting U.S. military strikes in Afghanistan. Several of the organizers were detained briefly for questioning; it is unclear whether they had a permit.

There were a number of small, peaceful demonstrations during the year, most of which were to protest U.S. foreign policies in the Middle East. In February a small group of Baathist demonstrators in Sana'a marched to U.N. Development Program headquarters in Sana'a and presented a letter condemning U.S. actions against the Palestinian and Iraqi persons. There were small pro-Palestinian demonstrations in April in Taiz governorate. In Sana'a in May, there was an "oratorical festival" at the Palestinian Embassy to commemorate the 53rd anniversary of "al-Nakbah," the 1948 Palestinian defeat. In September there were several demonstrations in Sana'a and other cities commemorating the first anniversary of the al-Aqsa Intifada. Also in September, students in Taiz governorate demonstrated against an increase in university fees. In October thousands of persons in Amran governorate protested peacefully against U.S. actions in Afghanistan; during the month, there were additional small demonstrations in other governorates.

The Constitution provides for 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. Government informants monitor meetings and assemblies.

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 January the Parliament passed the controversial Law for Associations and Foundations, which regulates the formation and activities of NGO's (see Section 2.b.). The Government introduced the proposed law in 1998, but as it typically does with Government initiatives with which it disagrees, Parliament indirectly asserted its legislative prerogative by refusing to take action. While more liberal than the law it was designed to replace, the 1998 proposal still contained significant limitations on NGO's. For example, the draft law would have made it illegal for NGO's to seek and obtain foreign funding, required that all NGO's be members of a national federation of NGO's, and prohibited nonmember participation in NGO deliberations or administration. Claiming that the bill, if passed, would severely restrict the development of civil society, a group of human rights activists and journalists vigorously campaigned against it. Parliament finally passed the new NGO law, but removed all the most problematic provisions.

All political parties must be registered in accordance with the Political Parties Law, which stipulates that each party must have at least 75 founders and 2,500 members (see Section 3).

c. Freedom of Religion

The Constitution declares that Islam is the official religion and also provides for freedom of religion, and the Government generally respects this right in practice; however, there are 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 and holding elected office. The Government does not designate religion on passports or identity cards. 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 2000, the director of the Aden office of the U.N. High Commissioner for Refugees (UNHCR) received a report that authorities arrested a Somali refugee, who allegedly had converted from Islam to Christianity after his arrival in the country, on charges of apostasy. The UNHCR's investigation found that police in Aden previously had detained the refugee on criminal charges in Aden and at the UNHCR's al-Jahin camp. Although the refugee was registered with the UNHCR under a Christian name, he maintained an address in Sana'a under a Muslim name, was married to a Muslim woman, and possessed an Islamic marriage certificate. The UNHCR believed that authorities detained the refugee on criminal rather than religious grounds. The refugee was not charged formally and his trial was canceled. Authorities remanded him to immigration detention, then released him in July 2000. With the Government's knowledge, the UNHCR arranged for the refugee to be resettled in New Zealand; he and his family departed the country in August 2000.

Official government policy does not prohibit or prescribe 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 Government in March. The country'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 2000. Weekly services for Catholic, Protestant, and Ethiopian Christians are held in the auditorium of a private company in Sana'a without government interference. Christian church services are held regularly in other cities without harassment in private homes or facilities such as schools, and these facilities appear to accommodate the small numbers involved.

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

In 2000 the Government suspended its policy (enacted earlier that same year) of allowing Yemeni-origin Israeli passport holders to travel to Yemen on laissez-passer documents. However, Yemeni, Israeli, and other Jews may travel freely to and within Yemen on non-Israeli passports.

The Government has taken steps to prevent the politicization of mosques in an attempt to curb extremism. This includes the monitoring of mosques for sermons that incite violence or other political statements that it considers harmful to public security. Private Islamic organizations may maintain ties to pan-Islamic organizations and, in the past, have operated private schools, but the Government monitors their activities. In May the Government mandated the implementation of a 1992 law to unify educational curriculums and administration of all publicly funded schools. Publicly funded Islamic schools will be absorbed into the national system. This process had begun by year's end, but the full implementation of the law is ongoing.

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.

A small bomb blasted a 12-foot hole in the wall of Christ Church in Aden on New Year's Day; there were no reported injuries. A few weeks later, the authorities arrested five individuals, whom they believe are linked to extremist Islamic groups. Their trial began in April but had not concluded by year's end (see Section 1.e.). Also in January, in the village of Dhabyan in Amran governorate, an armed (Muslim) individual opened fire on worshipers during evening prayers at the local mosque. Four men were killed and 17 wounded, 7 critically. The shootings appeared to be criminally rather than religiously motivated.

Nearly all of the country's once sizable Jewish population have 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 routinely obstruct foreign travel or the right to emigrate and return. However, journalists must have a permit to travel abroad. There were no reports that the restriction on journalists was enforced during the year (see Section 2.a.). Women must obtain permission from a male relative before applying for a passport or departing the country.

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

During the year, in an intensified effort to address terrorism and perceived religious extremism, the Government enforced existing laws that previously had been applied only erratically, and deported foreigners who were in the country illegally or whom it suspected of inciting violence or engaging in criminal acts. The new initiative was not applied to refugees and there were no reports of due process violations.

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 2000 the Government offered asylum to 8,043 Somalis, who fled the fighting in that country. This brought the total number of registered Somali refugees in the country to 56,524. The Government also cooperated with the UNHCR in assisting refugees from Eritrea (2,560 persons), Ethiopia (1,203 persons), and various other countries (252 persons). The Government permitted the UNHCR to monitor the situation of an estimated 2,000 Iraqis in Yemen.

Approximately 42,532 Somali refugees have been integrated into society and no longer are receiving food or financial assistance from the UNHCR. However, they remain 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 14,265 Somalis and Ethiopians at the new al-Kharaz refugee camp in Lahaj governorate. (Construction of the al-Kharaz camp was completed in December 2000; the UNHCR relocated all refugees to al-Haraz from the old al-Jahin camp in Abyan governorate in June, and al-Jahin is now closed.) Children receive schooling in the camp, and adults are eligible for vocational training.

The UNHCR, in coordination with the Government, issues identification cards to Somali refugees. The UNHCR is discussing with the Government the registration of Somali refugees, who are currently granted refugee status on a prima facie basis upon their arrival in the country. Other nationalities must apply for refugee status at UNHCR's offices in Sana'a or Aden. If accepted, they are issued a mandate refugee certificate, which is respected by the Government. In January the Government established the National Committee for Refugee Affairs, which is composed of the Ministries of Interior and Foreign Affairs, the Immigration Authority, and the Political Security Organization.

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 395 Somali refugees to areas of Somalia that are considered safe. Additionally, the UNHCR in Yemen resettles vulnerable refugees in collaboration with several foreign governments.

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

The Constitution provides citizens with the right to change their government; however, there 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 35 ministers. Parliament is elected by universal adult suffrage; the first such election was held in 1993. International observers judged the 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.

Although the Constitution 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 increasingly and successfully revises or blocks draft legislation submitted by the Government. In addition the Government routinely consults senior Parliamentary leaders when it drafts important national legislation. 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 has forced significant modification. The Parliament also has criticized strongly the Government for some actions, including the lifting of subsidies and other economic reform measures mandated by the International Monetary Fund (IMF). 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 attend foreign NGO-sponsored training workshops designed to increase their independence and effectiveness. Following a constitutional referendum in February, the President no longer has the authority to introduce legislation and promulgate laws by decree when Parliament is not in session.

In a national referendum held in February, citizens 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, and abolish the President's ability to issue decrees while Parliament was in recess. Another approved amendment transformed the 59-member Consultative Council, an advisory board to the President, into a 111-member Shura Council. The new Council, like the old, advises the President on a range of issues and consists of presidentially appointed members chaired by a former prime minister. However, unlike its predecessor, which had no constitutional role, the Shura Council has limited legislative and candidate approval powers.

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 2000, the Parliament passed the government-submitted Local Authority Law. The law, considered by the Government as an important part of its ongoing democratization program, decentralizes authority by establishing locally elected district and governorate councils. The councils are headed by government-appointed governors. The first elections for the councils were held concurrently with the constitutional referendum in February.

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.

In general the elections and referendum appeared to be free and fair; however, there were several problems. Approximately 28 persons were killed and 47 wounded in election-related violence. On February 25, a reported shootout between GPC and Islaah supporters in Ibb governorate left 6 persons dead and 10 injured. In two separate incidents in Taiz governorate on February 21, four persons were killed in the GPC-Islaah exchange of gunfire, and four security officials were wounded when a dispute over vote counting reportedly turned violent. There were some reports of fraud, as well as logistical problems in voting procedures. Human Rights Watch (HRW) reported on claims that the Supreme Elections Committee issued a directive advising and monitoring candidates to prevent campaigning for a "no" vote in the referendum; however, this allegation could not be confirmed. There were unconfirmed reports that some authorities harassed opposition candidates during the time leading up to the elections.

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 regarding 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, but they returned to active political life by participating in the February local elections and constitutional referendum.

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 that it seized from the party during the 1994 civil war.

An extensive cabinet change in April expanded the Cabinet from 24 to 35 ministers, restructured existing ministries, and created several new ministries to place greater emphasis on important national issues, such as

population, the environment, and human rights. The new government program focuses on domestic reform, with particular attention to human development, including education, economic development, electoral reform, political decentralization, judicial reform, and human rights.

Although women vote and hold office, cultural norms and religious customs often limit these rights, and the numbers of women in Government and politics does not correspond to their percentage of the population. 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. The country's first female minister was appointed in April (see Sections 4 and 5), and 35 women were elected to the local councils. Voter registration of women is less than half that of men.

Many Akhdam, a small ethnic minority who 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. During the year several groups held workshops and other activities 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 (see Section 2.b.).

The Taiz-based 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. For example, in January it conducted a workshop on public participation in the electoral process to encourage and educate citizens on the February local elections and constitutional referendum. In March the HRITC organized a seminar to develop ways to address the legal and other problems of female prisoners in Taiz Central Prison, an initiative it hopes to expand to include other cities (see Section 1.c.). In February and May, it conducted NGO management training workshops. In October it held a forum to discuss women's rights. The HRITC publishes the quarterly human rights journal *Our Rights* and regularly prints and distributes a brochure entitled "Know Your Rights." Several donors have supported the HRITC. The HRITC did not conduct any investigations into alleged human rights abuses during the year.

The Sana'a-based NGO Forum for a Civil Society focuses on human rights within the context of establishing a legal framework for prosecuting violators and helping to reconcile draft legislation that is inconsistent with the Government's human rights policy or stated responsibilities. The forum was instrumental in raising public opinion and opposition to problems within the draft NGO and police laws (see Section 2.b.). The forum also is reviewing the Personal Status and Civil Procedure Laws to investigate how the laws affect women's rights (see Section 5). The forum also is involved in anticorruption endeavors. The group publishes the monthly *Al-Qistas*.

In June the reenergized Yemen Institute for Developing Democracy (YIDD), which had been relatively inactive in the past few years, organized the Yemeni Democratic Forum, an ad hoc group of political party, government, and NGO officials to debate and discuss the Government's draft Elections Law. The YIDD's objective for creating the group was to create a mechanism that would promote democratic participation and government-civil society engagement.

In 2000 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 Aden-based Yemeni Organization for the Defense of Liberties and Human Rights continued to suffer from a lack of funds, which limited its activities. It continued to publicize human rights abuses, particularly in the south.

During the year, al-Nushataa, or The Activists, a group formed in 1999 by former members of the Yemeni Human Rights Organization (YHRO), with financial assistance from a foreign embassy, established a human rights journal, which published its first edition in April. As it did in 2000, al-Nushataa also organized a children's parliament and other activities to familiarize secondary school children with electoral procedures and processes.

The National Center for Human Rights and Democratic Development (NCHRDD) participated with other organizations in prison inspection tours.

During the year, several NGO's, often with government support, focused on prison reform (see Section 1.c.). In addition to the March HRITC workshop, in April the al-Afif Young Girls Forum organized a seminar aimed at improving conditions in the country's women's prisons. In June under the patronage of the new Minister of State for Human Rights and in association with the International Human Rights Legal Group and the Arab human rights forum al-Shaqiq conducted a 3-day program on protecting female prisoners' rights. Women's rights activists attended the program from Tunisia, Egypt, Pakistan, Malaysia, and the United States, as well as Yemen.

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 Government and with the assistance of 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.

AI, HRW, the Parliament of the European Union, and the Committee to Protect Journalists observe the country closely. The 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 AI report and rejected other allegations. AI'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 AI 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.

The Yemeni Human Rights Organization (YHRO), which was founded by the Government, is headquartered in Sana'a, with branches in seven other cities. Oppositionists as well as some human rights experts have viewed its findings as unobjective. The YHRO appeared to be inactive during the year.

The Supreme National Committee for Human Rights (SNCHR), which was formed in 1997 and reported to the Deputy Prime Minister who is also Minister of Foreign Affairs, was dissolved in June, reconstituted, and then placed under the authority of the new Minister of State for Human Rights. The SNCHR had been responsible for ensuring that the country met its obligations with respect to implementing international human rights conventions and investigating specific instances of abuse. The committee viewed as its highest priority education as a means to effect cultural change. It undertook several human rights educational projects, including incorporating human rights education into secondary school curriculums and providing human rights workshops for police officers and other security officials. The committee was less active in investigating specific cases of abuse. Some observers believe the dissolution of the SNCHR and the reassignment of its experienced staff will impede human rights progress and delay action while a new committee begins to function within government bureaucracy after a complicated transition. Others believe that human rights issues will be more effectively addressed by activists and professionals in the field as opposed to Ministry of Foreign Affairs personnel.

The Government created a new Human Rights Ministry in April. The country's first Minister of State for Human Rights, Dr. Wahibah Fare'e, is a prominent women's rights activist and the founder of Queen Arwa University. She is the country's first female minister. Dr. Fare'e has identified women's rights, the rights of children and persons with disabilities, and prison reform as her priorities. Since her appointment, she has attended a number of human rights conferences and workshops.

In October 2000, the Human Rights Committee of the President's Consultative Council (now the Shoura 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 regarding training for police officers (see Section 1.c.).

The Parliament's human rights committee participated in prison inspections in Hodeidah, Hadramaut, Abyan, and Lahaj governorates during the year. The committee publicized its findings and developed a set of reform recommendations for the Government. The committee's chairman claims that he would prefer 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.

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 affect women's ability to enjoy equal rights.

Women

The law provides for protection against violence against women; however, such provisions rarely are enforced. 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 is 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 only institutionalized aid program for victims is a small shelter for battered women in Aden.

Rape is prohibited by law; however, it is a widespread problem.

The press and women's rights activists only recently have begun to investigate or report on violations of women's rights. NGO-sponsored conferences in April and September attempted to raise the media's awareness of violence against women. The Women's Forum on Research and Training, with assistance from a foreign embassy, conducted a workshop on domestic violence for security and NGO officials in September. The issue of violence against women became a topic of heated public debate in 2000 following the murder of two female students at Sana'a University's medical school and extensive press reports documenting the authorities' dismissive treatment of the female students' concerns and inadequate attention to their security.

Prostitution is illegal; however, it occurs in practice.

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 a 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.

Female genital mutilation (FGM), which is condemned widely 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 mainly is confined 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. In January the Cabinet issued a decree making it illegal for public or private health service practitioners to practice FGM, and some government health workers and officials continue to discourage the practice actively and publicly. However, FGM technically remains legal, and local women's groups have not adopted the problem as a major concern.

Women face significant restrictions on their role in society. The law, social custom, and Shari'a, as interpreted in the country, 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.

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 a woman's family usually retains the mahr, 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 (see Section 2.d.). They also are expected to be accompanied by male relatives. However, enforcement of this requirement is not consistent.

Shari'a-based law permits a Muslim man to marry a Christian or Jewish woman, but no Muslim woman may marry outside of Islam. Women do not have the right to confer citizenship on their foreign-born spouses; however, they may confer citizenship on children born in the country 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 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 citizen man must prove to the Ministry that she is "of good conduct and behavior," and "is free from contagious disease." There are no corresponding requirements for men to demonstrate parental approval, good conduct, or freedom from contagious diseases. 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 in politics and economic development. In 1999 the Prime Minister mandated that all ministries must promote at least one woman to the director general level; during the year, the Interior Ministry, which in 2000 was the only Ministry without a female director general, appointed one. In addition in late 2000, the Ministry of Interior initiated an aggressive campaign to recruit and train female police officers; the new officers completed training and were deployed in March. Several ministries have a number of female directors general. In 2000 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 2000 Government statistics, approximately 68 percent of women are illiterate, compared with approximately 28 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, women do not use clinics 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. According to the UNDP, female workers account for 19 percent of the paid labor force. There are no laws prohibiting sexual harassment, and it occurs in practice.

The National Women's Committee (NWC), a government-sponsored semi-independent women's association, promotes women's 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. In July the NWC, in a legal reform project financed by the World Bank, completed a 6 month review of 58 significant national laws to find and rectify provisions that discriminated against women or violated equal status requirements agreed to by the Government in international conventions. The NWC's 7-member legal committee, consisting of lawyers, women's rights experts, and Islamic scholars, found that 10 laws contained discriminatory language or "negligence with respect to women" and that 15 others were ambiguous because the laws used the masculine impersonal pronoun when the statutes governed women as well as men. The team identified sections of the law with such problems, developed revised language, provided a legal justification, and offered an Islamic interpretation to validate the change. The Cabinet has approved the recommended changes in principle, with some revisions; the NWC is working with Parliament to formally change the law; however, Parliament passed no legislation regarding this matter by year's end.

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 asserts its commitment to protect children's rights, it lacks the resources necessary to ensure adequate health care, education, and welfare services for children. The Government does not provide free medical care to children. The UNDP estimates that 30 percent of children are malnourished; a 1997 demographic study by the Government put this figure at 50 percent, and indicated that half of all children under 5 years of age exhibit stunted growth. 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 a year, 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, compulsory, and free education from ages 6 to 15; however, the provision regarding compulsory attendance is not enforced. Many children, especially girls, do not attend primary school. According to a UNDP report released during the year, average student attendance in primary schools is 76 percent for boys and 40 percent for girls. In rural areas, 52 percent of children attend school; the rate in urban areas is 81 percent. Education for females is not encouraged in some tribal areas, where girls often are kept at home to help their mothers with childcare, housework, and farm work. According to UNICEF's "Report on Children and Women in Yemen: 1998," an estimated 40 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.

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 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 (see Section 4). In February the U.N. High Commission on Human Rights and the Government entered into a mutual agreement to develop specific programs to address the problem of juvenile delinquency by establishing a national mechanism for the administration of juvenile justice.

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

Child abuse is not prohibited by law, and it was a problem.

Child labor was common (see Section 6.d.).

Female genital mutilation (FGM) was practiced mainly on young girls (see Section 5, Women).

The new Minister of State for Human Rights stated in April that the issue of children's rights would be at the top of her agenda. In 2000 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.

Persons 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 the acceptance of persons with disabilities in universities, exempted them from paying tuition, and required that schools be made more accessible to persons with disabilities; however, it is unclear to what extent these laws have been implemented. There is no national law mandating the accessibility of buildings for persons with disabilities. Some persons with disabilities are reduced to begging to support themselves. Patients with mental illness, particularly those who commit crimes, are imprisoned and even shackled when there is no one to care for them. In some instances, authorities arrest persons with mental illness without charge and place them 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 prisoners with mental illness. These facilities are located in Sana'a, Ibb, and Taiz, and collectively are able to care for a population of about 300 persons.

Public awareness regarding the need to address the concerns of persons with disabilities appears to be increasing. For example, during the year a privately-funded center for persons with hearing and speaking impairments was established in Taiz. In 2000 donors financed the establishment of three new schools for persons with disabilities in Taiz governorate.

The Handicapped Society, the country's largest NGO involved in assisting persons with disabilities, 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. 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 women with disabilities were not being addressed adequately by the Handicapped Society, concerned citizens in 1998 established, with government support, the Challenge Society. The Challenge Society provides 85 females with disabilities between the ages of 6 and 30 with medical care, support services, and vocational training. In 2000 three teenagers with disabilities 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 property.

Non-Muslims may vote, but they are prohibited from holding elective office. 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.).

National/Racial/Ethnic Minorities

Citizens with a noncitizen parent, called "muwalladin," at times 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 citizen parents. Nonetheless, many senior government officials, including Members of Parliament and ministers, have only one citizen 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 poverty 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 continued to conduct an education project for Akhdam children in Hodeidah governorate, provided support to an NGO conducting field research on Akhdam needs in Sana'a governorate, improved the quality of the water supply and built two classrooms for the Akhdam community in Taiz governorate, and coordinated with NGO's in Sana'a, Taiz, and Dhamar governorates on issues regarding education and Akhdam street children. In July several Akhdam-origin citizens in Taiz governorate established the Free Black People's Charitable Organization to fight discrimination and improve conditions for their community.

There have been reports by human rights groups that some immigrants of African origin have difficulty in securing Interior Ministry permission to marry citizens. An Interior Ministry regulation requires that marriages of citizens and foreigners be approved in advance by the Ministry (see 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. During March persons were reported killed and 11 wounded in tribal disputes between the al-Usaimat and Wadeah tribes in Amran governorate. In January ten tribesmen were killed and seven injured in confrontations between the Dahma and Wa'ila tribes in Sa'ada governorate. In May five persons were killed in a drive-by shooting in Sana'a. Witnesses said that the incident involved the Abu Nashtun and al-Faqih tribes and was related to an incident between the two tribes that had occurred 10 years previously. Also in May, in the ongoing feud between the Marib-based al-Zaydi tribe and the Sana'a-based Sanhan tribe, a child was killed and two adults injured in Marib when security forces were dispatched to rescue five kidnaped Sanhani children. In July in Marib governorate, 15 tribesmen were killed when a reported land dispute between the Jahm and Nahm tribes escalated into violence. Also in Marib in July, 11 soldiers and 2 tribesmen were killed when security forces were deployed in the region to arrest 2 Jahm tribesmen suspected of bombing the country's main oil pipeline. In October 6 tribesmen were killed and 16 injured during 2 days of tribal violence stemming from a land dispute in Hajja governorate. Tensions, which periodically escalate into violent confrontations, continue between the Government and the Khowlan, al-Zaydi and Jahm tribes in Marib governorate.

Section 6 Worker Rights

a. The Right of Association

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

The General Federation of Trade Unions of Yemen (GFWTUY) remains the sole national umbrella organization. The GFWTUY claims approximately 350,000 members in 14 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.

Only the General Assembly of the GFWTUY may dissolve unions. The law provides equal labor rights for women, and it confirms the freedom of workers to associate. The Labor Law does not stipulate a minimum membership for unions, nor does it limit them to a specific enterprise or firm. Thus, citizens may associate by profession or trade.

The Labor Law provides for the right to strike; however, 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 GFWTUY. Strikes for explicit "political purposes" are prohibited.

There were several small strikes during the year. In April workers at the National Dockyard in Aden struck for 3 days to demand equal employment benefits with workers at the Port of Aden. These demands were met. In May employees at the General Corporation for Foreign Trade and Grain in Sana'a held a 1-day strike to protest the plan to transfer the building in which they worked to the Ministry of Higher Education; the Government agreed to seek another building for the Ministry. Also in May, the staff at the al-Thawra public hospital struck for 3 days for higher wages; a compromise solution was reached. The national teachers' union conducted a 2-day strike in several governorates in September to pressure the Government to implement the new Teachers' Law, which increases benefits. Teachers at Sana'a University struck for approximately 3 weeks in September to demand equal pay as foreign instructors at the university. There were no reports of violence in connection with these strikes.

The GFWTUY is affiliated with the Confederation of Arab Trade Unions and since November with the Brussels-based International Confederation of Free Trade Unions. The GFWTUY withdrew from the formerly Soviet-controlled World Federation of Trade Unions in January.

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). Several such agreements exist. Agreements may be invalidated if they are "likely to cause a breach of security or to damage the economic interests of the country." Unions may negotiate wage settlements for their members and may resort to strikes or other actions to achieve their demands. Public sector employees must take their grievances to court.

The law generally protects employees from antiunion discrimination; however, during the year the International Confederation of Labor Unions identified weaknesses within this law. 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 Social Affairs and Labor. Employees also may take a case to the Labor Arbitration Committee, which is chaired by the Ministry of Labor and also consists of an employer representative and a GFWTUY representative. Such cases often are disposed favorably toward workers, especially if the employer is a foreign company.

There are no export processing zones (EPZ's) 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

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 years in the private sector and 18 years in the public sector. By special permit, children between the ages of 12 and 15 may work. The Government rarely enforces these provisions, especially in rural and remote areas. The Government also does not enforce laws requiring 9 years of compulsory education for children.

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.

Many school-aged children work instead of attending school, particularly in areas in which 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.

In 2000 the President's Consultative Council (now the Shura Council) adopted the ILO's Child Labor Strategy to address persistent child labor problems. A special council, under the leadership of the Minister of Social Affairs and Labor, uses the strategy as a government-wide guideline for enforcing existing child labor laws and formulating and implementing new laws.

In June 2000, the Ministry of Social Affairs and Labor signed a \$1.3 million agreement with the ILO's International Program on the Elimination of Child Labor (IPEC). During the year under the program, the Ministry established a child labor department and will begin to train teachers to make school curriculums 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 in 2000, the Ministry of Insurance and Social Affairs in 2000 developed a plan to establish six centers for street children in six governorates over the next 5 years. Two centers were completed during the year.

The Ministry of Social Affairs and 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." During the year, the Government increased civil servants' wages. According to the Ministry of Civil Service and Social Security, the average minimum wage of civil servants is approximately \$44 to \$56 (7,500 to 9,500 riyals) per month, up from \$37 to \$56 (6,000 to 9,000 riyals) per month in 2000. 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 from Saturday through Wednesday.

The Ministry of Labor is responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the Labor Law, but enforcement 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 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. These laws are respected in practice.

f. Trafficking in Persons

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

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