



Yemen

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The Republic of Yemen is a republic with an active bicameral legislature. Constitutional power is shared among the popularly elected President, the appointed 111-member Shura Council, and a popularly elected 301-seat House of Representatives. President Saleh is the leader of the General People's Congress (GPC), which dominates the Government. In September 1999, President Ali Abdullah Saleh was directly elected in a popular vote to another 5-year term. 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 problems, including the lack of a credible voter registration list and election-related violence. In addition, the President was not opposed by a competitive candidate because his sole opponent was a member of the GPC. In 1997 parliamentary elections were held and the GPC won an absolute majority. The elections were reasonably free and fair, although there were some problems with voting procedures. The Parliament was not yet an effective counterweight to executive authority, although it increasingly demonstrated independence from the Government. The elected House of Representatives was led by the head of the Islaah, the leading opposition party, who effectively blocked some legislation favored by the Executive. Real political power rested with the executive branch, particularly the President. In February 2001, local elections were held with all major opposition parties participating. The nominally independent judiciary was 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), which 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. Civilian authorities generally maintained effective control of the security forces, although there were some instances during the year in which elements of the security forces acted independently of the Government. Members of the security forces committed serious human rights abuses.

Yemen is a very poor country with a population of approximately 19 million; more than 40 percent of the population live in poverty and the unemployment rate is 36 percent. Its embryonic market-based economy, despite a reform effort, remained impeded by government interference and corruption. The economy is mixed; oil and remittances from workers in other Arabian Peninsula states are the primary sources of foreign exchange. The economy suffered due to other Arab governments' reaction to the Government's lack of support for the U.N. coalition during the Gulf War. However, international foreign aid and worker's remittances have reemerged as important sources of income.

The Government generally respected its citizens' human rights in some areas; however, its record was poor in several other areas, and serious problems remained. There were limitations on citizens' ability to change their Government. There were no reports of arbitrary or unlawful deprivation of life by the Government or its agents. Members of the security forces tortured and otherwise abused persons, and continued to arrest and detain citizens arbitrarily. During the year, there were efforts to implement directives intended to align arrest, interrogation, and detention procedures more closely with internationally accepted standards. Prison conditions were poor. PSO officers have broad discretion over perceived national security issues. Despite constitutional constraints, security officers routinely monitored citizens' activities, searched their homes, detained citizens for questioning, and mistreated detainees. The Government usually failed to hold members of the security forces accountable for abuses; however, at year's end, there were two ongoing trials against security officials. Prolonged pretrial detention was a serious problem, and inefficiency, judicial corruption, and executive interference undermine due process. The Government continued 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 displayed official support for donor-funded democracy and human rights programs. Violence and discrimination against women were problems. Female genital mutilation (FGM) was practiced on a limited scale. The Government publicly discouraged FGM, and sponsored initiatives through its National Women's Committee to combat the practice. There was some discrimination against persons with disabilities and against religious, racial, and ethnic minorities. The Government influenced labor unions. Child labor was a problem. Yemen was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as an observer.

Bombings and targeted shooting increased during the year, with several bombings in Sana'a and one in Marib, a grenade attack on the U.S. Embassy, an attack on the oil tanker Limburg, a political killing and the killing of three American hospital workers. The Government and international observers attributed these bombings and shootings to terrorism, religious extremism, 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

There were no reports of arbitrary or unlawful deprivation of life by the Government or its agents. There were some reports during the year that security forces killed or injured persons whom they believed were engaging in criminal activity and resisting arrest.

For example, in January two persons reportedly were killed during a clash between security forces and the bodyguards of Sheikh Mansur al-Hanik, a Member of Parliament. In October several persons were killed during a fight between security forces protecting a foreign embassy and the bodyguards of family members of the Speaker of Parliament. Both incidents illustrate the clashes that occasionally escalate between private bodyguards of prominent figures and government forces. No arrests were made in either incident.

There reportedly was no action taken against the members of the security forces responsible for the following killings in 2001: The January death in custody of Mohammed al-Yafia; the April killing of a demonstrator in al-Dalah; the December death of four tribal members in Marib and Shebwa governates; and the 2000 death in custody of Sabah Seif Salem.

Four security officials were tried for abuses committed in previous years. During the year, in Hadramaut, three security officers were on trial for torturing two young boys. In Damar a former Security Director was on trial for torture and bribery. These cases still were pending at year's end.

Approximately seven persons were killed in election-related violence in October (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). In May 2001, the President gave the Shura Council the task of developing a strategy to address the phenomenon of violent tribal revenge; however, the Council had not done so by year's end. During the year, the Shura Council issued a report stating that more than 2,000 persons died in 2001 as a result of tribal revenge.

Persons continued to be killed and injured in unexplained bombings and shootings during the year. In most cases, it was impossible to determine the perpetrator or the motive, and there were no claims of responsibility. Some cases appeared to have criminal, religious, or political motives; others appeared to be cases of tribal revenge or land disputes. On November 29, a bomb detonated outside a state complex in Marib.

There were threats, attacks, and killing of high-profile persons during the year. For example, in December a high ranking official at the Yemeni Socialist Party, Jarallah Omar, was killed in Sana'a. On December 31, an individual smuggled a semiautomatic rifle into the hospital in Jibla and killed three American medical workers and injured one (see Section 2.c.). Both suspects were in custody by year's end.

During the year, the Government announced its intention to bring suspects to trial in the 2000 bombing of the USS Cole. The explosion killed 17 sailors and injured 39 others (see Section 1.e.).

b. Disappearance

There were no reports of politically motivated disappearances in the last 8 years. Disappearances that occurred during the 1994 war of secession have gone unresolved. The Government states that the scarcity of records, resulting from the country's lack of an effective national registry, hindered its attempts to create database files for those persons who have disappeared. Both Amnesty International (AI) and the U.N. Working Group on Enforced and Involuntary Disappearances continued to note that there were hundreds of unresolved disappearances dating from the preunity period in the former PDRY. AI has received no credible reports of new disappearances in the last 8 years.

There were no tribal kidnappings during the year. In the past, some tribes sought to bring their political and economic concerns to the attention of the Government by kidnapping and holding hostages. Foreign businessmen, diplomats, and tourists were the principal targets. A total of 166 foreigners have been kidnaped since 1992. Kidnaping victims rarely were injured, and the authorities generally were successful in obtaining the negotiated release of foreign hostages.

There has been a marked decline in tribal kidnappings of foreigners, from six cases involving eight persons in 2000 to seven cases involving seven persons in 2001 to no cases during the year. This decrease was at least in part the result of the Government's establishment of a special court and special prosecutor to try kidnapers and other violent offenders. 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 December 2001, a court convicted four men who had kidnaped a German citizen in November 2001. The perpetrator received a 25-year sentence and the others received 20-year sentences; however, in April an appeals court increased the sentence for Ahmed Nasser al-Zayidi, to a death sentence. The arrests, trials, and convictions continue. The

Government's prosecution appears to have deterred kidnappings. There were no reports of tribal opposition or interference in 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 were known to use force during interrogations, especially against those arrested for violent crimes. Detainees in some instances were confined in leg-irons and shackles, despite a law outlawing this practice.

The Government has acknowledged publicly that torture takes place, but it has claimed that the use of torture was not government policy. The Government has taken some effective steps to end the practice or to punish those who commit such abuses. However, 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; corruption and pressure from superiors to produce convictions also play 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 also contribute to corruption and police abuse.

There reportedly was no action taken against the members of the security forces responsible for the following killings: The January 2001 torture and death in custody of Mohammed al-Yafia and the 2000 torture and killing of Sabah Seif Salem (see Section 1.a.).

There were two reported prosecutions of security officers during the year for abuses committed in 2001. In Hadramaut three security officers were on trial for torturing two young boys. In Damar a former Security Director continued to be on trial for torture of persons. Both cases were ongoing at year's end (see Section 1.a.).

There have been numerous allegations and credible evidence that the authorities tortured and abused suspects and detainees to attempt to coerce confessions before or during trial. During the year, several families of persons detained in relation to terrorist activities have alleged that torture has been used during interrogation.

The Constitution may be interpreted as permitting amputations in accordance with Shari'a (Islamic law). However, the use of amputations as punishment is extremely rare. Prior to the 2001 Sharaf case, there had been no reports of amputations since 1991, although a small number of persons who have been found guilty of theft remain in jail awaiting the implementation of their amputation. The Shari'a-based law permits physical punishment for some crimes. For example, in Ibb governorate in 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 was carried out by firing squad; stoning was almost unheard of, but was approved in this case due to the unusual brutality of the crime.

In previous years, the Government at times used excessive force to put down demonstrations and riots (see Section 2.b.).

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

Prison conditions were poor and did not meet internationally recognized standards. Prisons were overcrowded, sanitary conditions were poor, and food and health care were inadequate. 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 misused 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 arrested without charge and imprisoned refugees, persons with mental disabilities, and illegal immigrants and placed them in prisons with common criminals.

Women were held in prison separately from men and conditions were equally poor in women's prisons, where children likely were incarcerated along with their mothers. At times male police and prison officials subjected female prisoners to sexual harassment and violent interrogation. The law requires male members of the families of female prisoners to arrange their release; however, female prisoners regularly were held in jail past the expiration of their sentences because their male relatives refused to authorize their release due to the shame associated with their alleged behavior.

There was continued attention focused during the year on the circumstances of women prisoners. Several Nongovernmental Organizations (NGOs), often with government support, undertook activities to address the legal and other problems of female prisoners (see Section 4). For example, the Women's National Committee published a report outlining the problems and suggesting solutions to the plight of women in prison during the year.

Unauthorized "private" prisons were a problem. Most such prisons were in rural areas controlled by tribes, and many were simply a room in a tribal sheikh's house. Persons detained in such prisons often were held for strictly personal or tribal reasons and without trial or sentencing. There were credible reports of the existence of private prisons in government installations, although senior officials did not sanction these prisons.

During the year, efforts continued to implement directives intended to align 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.

In November the President celebrated the Islamic holy month of Ramadan by arranging for the release of dozens of prisoners. During the year, the Government's Supreme National Committee for Human Rights continued the 2000 government initiative, which permits the release of prisoners who, in keeping with tribal or Islamic law, were being held in prison pending payment of restitution to their victims, despite having completed their sentences.

The Government tightly controlled access to detention facilities by NGOs, although in some cases it permitted 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.

Patients with mental illness, particularly those who commit crimes, were imprisoned and even shackled when there was no one to care for them. In some instances, authorities arrested persons with mental illness without charge and placed them in prisons alongside criminals. The ICRC, in cooperation with the Yemeni Red Crescent Society, built and staffed separate detention facilities for prisoners with mental illness.

The PSO did 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 was 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 were common practices.

During the year, in concert with partners in the war on terrorism, the Government continued to detain suspects accused of links to terrorism. According to the Yemen Times, in July, the Government released 104 detainees. A parliamentary report issued in September contained an acknowledgement by the Minister of Interior that such detentions violated the Constitution; however, it asserted that they were necessary for national security. In November the President celebrated the Islamic holy month of Ramadan by arranging for the release of approximately 30 detainees; at year's end, approximately 80 persons remained in detention.

Amar Mahmoud Ali Abdo al-Madhagi reportedly was in prison and awaiting trial at year's end.

During the year, the Government continued to detain journalists for questioning concerning articles critical of the Government or that the Government considered sensitive. For example, in May the PSO detained journalist Abdul-Rahim Muhsen and held him incommunicado for 6 days and did not release him from prison for 19 days (see Section 2.a.). An increase in the number of such incidents occurred for the first time since 1999.

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 were 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.).

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

The Government failed to ensure that detainees and prisoners were incarcerated only in authorized detention facilities. Unlike in previous years, the Ministry of Interior and the PSO operated 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.

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 (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 war of secession, 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, some were 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 war of secession returned to the country, including Salim Saleh (see Section 1.e.).

During the year, the Government deported more than 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 was not fully independent, and it was weak and severely hampered by corruption, and executive branch interference. The executive branch appointed judges, and some have been harassed, reassigned, or removed from office following rulings against the Government. Many litigants maintain, and the Government acknowledges, that a judge's social ties and bribery at times influence the verdict more than the law or the facts. Many judges were poorly trained; some closely associated with the Government often render decisions favorable to it. The judiciary was hampered further by the Government's frequent reluctance to enforce judgments. Tribal members at times threatened and harassed members of the judiciary.

There were five types of courts: Criminal; civil and personal status; kidnaping/terrorism; commercial; and court-martial.

All laws are codified from Shari'a, under which there are no jury trials. Criminal cases were 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. Judges at times "appoint" attorneys present in their courtrooms to represent indigent defendants; however, most accept to avoid displeasing judges before whom they must appear later.

By law prosecutors were a part of the judiciary and independent of the Government; however, in practice prosecutors considered themselves as an extension of the police.

Defense attorneys were 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 were 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 were not charged formally with a crime but stood publicly accused of their transgression.

A special court tried persons charged with kidnaping, carjacking, attacking oil pipelines, and other acts of banditry and sabotage (see Section 1.b.). In May this court handed down a sentence to an offender who had thrown two grenades over the U.S. Embassy wall on March 15; however, the sentence subsequently was reduced to 10-years on grounds that the perpetrator suffered from psychological problems.

The Government continued its program begun in 1997 to reform the judiciary. 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 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 impacts on the administration of justice.

During the year, the country's Higher Judicial Council, chaired by the President, dismissed 35 judges and prosecutors for violating the law. In 2001 the Higher Judicial Council dismissed 20 judges and prosecutors 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.

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 in these cases.

In September the Parliament issued a report on detainees held in connection with terrorist activities. In the report, detainees' family members alleged that detainees were held without family notification, without counsel, without charges, and without basic privileges such as health care. Family members alleged that some were held in isolation and tortured. The Minister of Interior acknowledged that the detainees were held, but asserted that it was necessary for national security. He denied the torture charges and said that the detainees related to the USS Cole attacks would be charged and prosecuted after investigation in cooperation with international law enforcement partners. By year's end, the investigation into the attack was transferred to the General Prosecutor to prepare for trial, and several suspects were in custody (see Section 1.a.). In 2001 the lawyer claimed that authorities denied him access to his clients. There also were expressions of concern that the prosecution had postponed proceeding to trial to give security officials more time to investigate. However, there have been no reports of allegations of torture from persons detained in connection with the USS Cole investigation.

In January 2001, 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 Aden-Abyan Islamic Army (AAIA). Five persons were arrested and their trial began in April 2001. In August three of five persons were convicted of planning and carrying out the bombings and received sentences of 6, 2 ½, and 2 years, respectively. One defendant was acquitted for lack of evidence and the fifth defendant's fate was unknown.

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 war of secession, the President pardoned nearly all who had fought against the central Government, including military personnel and most leaders of the unrecognized DRY. In previous years, the Government tried in absentia the DRY leaders of the so-called "16." In January, Yemeni Socialist Party figure Salim Saleh, accompanied by President Saleh, returned from his self-imposed exile. At year's end, the President issued an amnesty to all but 4 of the "16."

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Despite constitutional provisions against government interference with privacy, security forces routinely searched homes and private offices, monitored telephones, read personal mail, and otherwise intruded into personal matters for alleged security reasons. Such activities were conducted without legally issued warrants or judicial supervision. Security forces regularly monitored telephone conversations and interfered with the telephone service of government critics and opponents. Security forces sometimes detained relatives of suspects while the suspect was being sought (see Section 1.d.). Government informers monitored meetings and assemblies (see Section 2.b.).

The Government reportedly blocked sexually explicit Web sites, but did not block politically oriented sites (see Section 2.a.). The Government claimed that it did not monitor Internet usage, but some persons suspected security authorities read their e-mail messages. There have been no reports that the Government has taken action against Internet users.

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

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.

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 influenced the media and restricted press freedom. Some security officials attempted to influence press coverage by threatening, harassing, and detaining journalists. Although most citizens were uninhibited in their private discussions of domestic and foreign policies, some were cautious in public, fearing harassment for criticism of the Government. The Penal Code criminalizes, with fines and sentences 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."

An atmosphere of government pressure on independent and political party newspapers continued at a higher level than before the war of secession, despite a presidential amnesty to all journalists in July. The Government used criminal

prosecution, censorship, arrests, and intimidation directed at journalists. For example, three journalists were convicted on June 4, of "religious sedition" and "harming national unity" and given 5-month suspended sentences. However, in June 2001, with the Government's permission and encouragement, eight prominent southern journalists who fled the country after the 1994 war of secession returned to the country and resumed their careers.

The Ministry of Information influenced 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, owned its own press. The Government selected the items to be covered in news broadcasts, and it often did not permit broadcast reporting critical of the Government. However, during the most recent presidential election campaign, the media extensively reported in full the many critical comments made by the President's opponent. The Government televised 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 claimed that the regulations were designed to drive some opposition newspapers out of business.

Although newspapers ostensibly were permitted to criticize the Government, journalists at times censored themselves, especially when writing on such sensitive issues as government policies toward the southern governorates, relations with Saudi Arabia and other foreign governments, official corruption, and combating terrorism. Journalists were subject to arrest for libel, dismissal from employment, or extrajudicial harassment. However, during the year the press extensively covered the parliamentary report on detainees who criticized the Government for their treatment (see Section 1.d.).

Editors-in-chief legally were 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.). During the year, the Government enforced a 2001 circular prohibiting publication of information or news pertaining to the armed forces before "consulting" with the Ministry of Defense when journalists who reported on an alleged shooting of a military helicopter were harassed and detained by security officials.

Most individual journalists and the Yemeni Journalists Syndicate agreed that the number of such incidents increased during the year for the first time since 1999. In July the President issued amnesty for all journalists in detention or awaiting trial. The amnesty directed the General Prosecutor to stop all cases filed against journalists awaiting prosecution. The orders also required journalists to pledge to discontinue reporting that goes against the law, national norms, or national unity. Because of these orders, no journalist signed the pledge and while detainees have been released, no cases have been resolved. Some journalists claimed that most harassment comes from the police, in particular the CID, and no longer the PSO. Cases and ongoing trials involving journalists often were not resolved formally, but rather were settled through unofficial agreements between the Government and the journalists, or languished indefinitely.

During the year, approximately 30 journalists from 23 media institutions were investigated, charged, or imprisoned. By year's end, the Ministry of Interior also shut down three opposition newspapers. In May Abdul-Rahim Muhsen, a journalist for the Yemeni Socialist Party's newspaper Al-Thawri, was arrested by the PSO. He was interrogated and detained until July, despite a court sentence of 5 months imprisonment. He had written articles that were critical of the Government. On June 5, Ibrahim Hussein, an Al-Thawri journalist, also was sentenced to 5 months in jail. Two weeks later, Hussein was rearrested and imprisoned by the PSO and held incommunicado. On July 9, he was released pending trial. The case was pending at year's end.

In June the Supreme Court upheld a lower court's 2001 decision to suspend publication of Al-Shumu for approximately 1 year for alleging corruption in the Ministry of Education. The Supreme Court also fined Seif al-Hadhri, Al-Shumu's editor-in-chief \$59 (10,000 riyals). The Court also sentenced al-Hadhri to 6 months in prison and banned him from practicing journalism for 10 months. Human rights groups criticized the verdict and the sentence had not been carried out by year's end. Al-Hadhri continues to practice journalism and in late summer resumed publication of Al-Shumu'. During the year, al-Hadhri reported negatively about the Ministry of Interior, and subsequently the entire editorial board was arrested and held for 21 days in jail. The editorial board was released, and the case was pending at year's end.

There were no developments in two cases involving articles that criticized the Government of Saudi Arabia: The 2000 court cases of Jamal Ahmed Amer, a journalist for al-Ussbu' newspaper and a member of the opposition Nasserist Party and Dr. Qasim Sallam, the general secretary of the opposition Arab Socialist Baath Party. Amer was detained and held incommunicado for 6 days for writing an article critical of Yemeni-Saudi relations. Sallam wrote an article that alleged that there were supporters of Israel in the Saudi leadership.

There were no developments in the 2000 case of Hisham Ba Sharahil, the editor of al-Ayyam who 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 in 1999. He also was charged with "insulting public institutions" for publishing an article critical of 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.

The Yemeni Journalists Syndicate defends freedom of the press and publicizes human rights concerns. Critics claim that the syndicate was ineffective because it has too many nonjournalist members who support government policy. In previous years, 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 2001, PSO officials in Taiz detained Faysal Said Fara'a, the director of a private cultural center, for 1 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.

An author must obtain a permit from the Ministry of Culture to publish a book. Most books were approved, but the process was time-consuming. The author must submit copies of the book to the Ministry. Officials at the National Library must read and endorse the text, and 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.

In June the Western Court of Sana'a asked the public prosecutor to arrest Wajdi al-Ahdal, a novelist, for allegedly "abusing Islam and undermining the country's conventions." The Ministry of Culture ordered copies of his book removed from shelves and ordered the closing of the publisher. In May al-Ahdal left the country.

Internet use increased significantly. An estimated 46,400 persons used the Internet, and 11,600 persons subscribed to it. There were more than 80 Internet cafes in Sana'a and approximately 30 in other cities. The Government did not impose restrictions on Internet use, but most persons claimed that equipment and subscriptions costs were prohibitively high. Teleyemen, a parastatal company under the Ministry of Telecommunications, and YemenNet were the country's Internet service providers. The Government did not block politically oriented Web sites.

The Government restricted academic freedom to some extent because of the extreme politicization of university campuses. A majority of professors and students aligned themselves with either the ruling GPC party or the opposition Islaah party. Each group closely monitored the activities of the other. Top administrative positions usually were 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 assembly; however, the Government limited this right in practice. The Government claimed that it banned and disrupted some demonstrations to prevent them from degenerating into riots and violence. The Government required a permit for demonstrations, which it issued routinely. Government informers monitored meetings and assemblies. The opposition claimed that the Government sometimes detained activists for questioning to prevent them from organizing demonstrations.

Unlike in previous years, there were no reports of members of the security forces using excessive force to disperse demonstrations. There were a number of small, peaceful demonstrations during the year.

Authorities reportedly arrested the soldier responsible for the April 2001 killing of a demonstrator in al-Dalah governorate, 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.

The Constitution provides for the freedom of association, and the Government generally respected this right in practice. Associations must obtain an operating license from the Ministry of Social Affairs or the Ministry of Culture, usually a routine matter. Government informants monitor meetings and assemblies.

The Government cooperates to some extent with NGOs, although NGOs complain that there is a lack of response to their requests from government officials. Some part of the Government's limited responsiveness was due to a lack of material and human resources. In January 2001, the Parliament passed the controversial Law for Associations and Foundations, which regulates the formation and activities of NGOs (see Section 4).

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 respected this right in practice; however, there were some restrictions.

Followers of other religions were 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.

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

The Government did not allow the building of new non-Muslim public places of worship without permission. Weekly services for Catholic, Protestant, and Ethiopian Christians were held in various locations in Sana'a without government interference. Christian church services were 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.

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

Public schools provided instruction in Islam but not in other religions. However, almost all non-Muslims were foreigners who attended private schools.

The Government has taken steps to prevent the politicization of mosques in an attempt to curb extremism. This included the monitoring of mosques for sermons that incite violence or other political statements that it considered 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 monitored their activities.

The Government has taken steps to criticize publicly efforts by some clerics to foment hatred and announced a plan to deny the use of madrassahs (Islamic religious schools) for extremist purposes. The Government threatened religious academies with closure, and deported hundreds of foreign students. In May 2001, the Government mandated the implementation of a 1992 law to unify educational curriculums and administration of all publicly funded schools. Publicly funded Islamic schools would be absorbed into the national system. This process began in 2001, but the full implementation of the law remained ongoing.

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 the country on non-Israeli passports (see Section 2.d.).

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 (PDRK), 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 previous owners.

Shari'a-based law and social custom discriminate against women (see Section 5). Men were 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.

On December 30, an individual killed 3 foreign medical staff and injured 1 in a hospital in Jibla. The person was arrested immediately after the shooting.

There reportedly were no developments in the case of the five individuals who were arrested in connection with the 2001 bombing of Christ Church in Aden. Their trial began in April 2001 and concluded in August. No details of the trial were released to the public. There reportedly were no developments in the case of a Muslim individual who opened fire on worshipers during evening prayers at the local mosque in Dhabyan. The shootings appeared to be criminally rather than religiously motivated.

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

For a more detailed discussion see the 2002 International Religious Freedom Report.

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 did not obstruct domestic travel, although the army and security forces maintained 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.

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

The Government did 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 were required by security officials at government checkpoints to show that they possessed 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 initiative was not applied to refugees, and there were no reports of due process violations.

The law does not include provisions for granting asylum or refugee 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 arrived in the country after 1991.

In 2000 the Government offered asylum to 56,524 Somalis. The Government also cooperated with the U.N. High Commissioner for Refugees (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 43,000 Somali refugees have been integrated into society and received medical treatment assistance from UNHCR. In January 2001, 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, to handle refugee questions.

There were no reports of the forced return of persons to a country where they feared persecution.

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 were limitations in practice. The Government by law is accountable to the Parliament; however, the Parliament was not an effective counterweight to executive authority. Decisionmaking and real political power still rested 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 1997 parliamentary elections and 2001 local council elections 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 is 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 was relegated to debating policies that the Government already had submitted, although it increasingly and successfully revised or blocked draft legislation submitted by the Government. In addition, the Government routinely consulted senior parliamentary leaders when it drafted important national legislation. Despite the fact that the President's party enjoyed 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 issue of detainees and aspects of the government's counterterrorism campaign. Ministers frequently were called to Parliament to defend actions, policies, or proposed legislation, although they may and sometimes do refuse to appear.

Parliamentarians at times were sharply critical during these sessions. Parliamentarians and parliamentary staff attend foreign NGO-sponsored training workshops designed to increase their independence and effectiveness.

In a national referendum held in February 2001, 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 an appointed 111-member Shura Council. The new Council, like the old, advises the President on a range of issues and consists of 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. The Local Authority Law, considered by the Government as an important part of its ongoing democratization program, decentralizes authority by establishing locally elected district and governorate councils. Government-appointed governors headed the councils. The first elections for the councils were held concurrently with the constitutional referendum in February 2001. A few local councils still were not constituted at year's end and many continued to lack sufficient resources.

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

In October voter registration was held for parliamentary elections scheduled to take place in April 2003. Total registration increased to more than 8 million voters, and women's registration increased 40 percent. Approximately seven persons were killed in registration-related violence. Forty-two persons were wounded in more than 400 incidents of violence.

In general the elections and referendum in 2001 appeared to be free and fair; however, there were problems. Approximately 28 persons were killed and 47 injured in election-related violence. There were some reports of fraud, as well as logistical problems in voting procedures.

The multiparty system remained weak. The GPC dominated the Parliament, and Islaah was the only other party of significance in Parliament. However, the Yemeni Socialist Party (YSP) declared its intention to participate in the April 2003 elections. 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 contended that they were unable to organize new parties because of the prohibitively high legal requirements regarding the minimum number of members and leaders. The YSP and several smaller parties boycotted the country's first nationwide direct presidential election in September 1999, but they returned to active political life by participating in the February 2001 local elections and constitutional referendum.

The Government provided 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 war of secession.

An extensive cabinet change in April 2001 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.

There were 2 women in the 301-seat legislature. There were no women in the Supreme Court. There was 1 woman in the Cabinet. 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 2001, and 35 women were elected to the local councils. Voter registration of women is less than half that of men although the October voter registration showed a 40 per cent increase in the levels of women's registration. Approximately 30 percent of women in the country voted in the last election.

Many Akhdam, a small ethnic minority who may be descendants of African slaves, did not participate in the political process. There were no credible reports that citizen members of religious minorities were not permitted to participate in the political process (see Section 2.c.).

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 1990s. During the year, several groups held workshops and other activities without government interference and often with government support.

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials sometimes were cooperative and responsive to their views; however, NGOs complained that at times there was a lack of response to their requests. Some part of the Government's limitation in responsiveness was due to a lack of material and human resources. During the year, several government-sponsored initiatives were aimed at furthering cooperation with NGOs. For example, in October the Shura Council sponsored a workshop that brought together more than 20 NGOs with government officials and journalists.

The Taiz-based HRITC, domestic human rights NGO, placed particular emphasis on education and NGO training. During 2001 the HRITC sponsored numerous public lectures, training workshops, and conferences, and participated in several meetings of the international human rights community. During the year, the HRITC continued its work and developed a directory of NGOs operating in the country. 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) and is involved in anticorruption endeavors and prison reform. The group publishes the monthly *Al-Qistas*.

The Yemen Institute for Developing Democracy objective in creating the group, Yemeni Democratic Forum, was to create a mechanism that would promote democratic participation and government-civil society engagement. During the year, it monitored the voter registration process to ensure it was generally free and fair.

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

AI, Human Rights Watch, the Parliament of the European Union, and the Committee to Protect Journalists observed the country closely. The ICRC maintained a resident representative. The Government has given these groups broad access to government officials, records, refugee camps, and prisons (see Section 1.c.).

The Supreme National Committee for Human Rights (SNCHR), which reported to the Deputy Prime Minister, who also was Minister of Foreign Affairs, was dissolved in June 2001, 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.

The Government created a new Human Rights Ministry in April 2001, headed by the country's first female minister. The country's Minister of State for Human Rights, Dr. Wahibah Fare'e, was a prominent women's rights activist and the founder of Queen Arwa University. 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.

The Human Rights Committee of the President's Shura Council conducted numerous prison inspections, and suggested that those prisoners who had finished their sentences but did not pay their fines be released (see Section 1.c.).

The Parliament's human rights committee participated in prison inspections during the year. 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, 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, and disability, existed. Entrenched cultural attitudes often affected women's ability to enjoy equal rights.

Women

The law provides for protection against violence against women; however, such provisions rarely were enforced. Although spousal abuse reportedly was common, it generally was undocumented. Violence against women and children was considered a family affair and usually was not reported to the police. In the country's traditional society, an abused woman was 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. The only institutionalized aid program for victims was a small shelter for battered women in Aden.

The law prohibits rape; however, it was a widespread problem.

The press and women's rights activists only recently have begun to investigate or report on violations of women's rights. During the year and in 2001, NGO-sponsored conferences attempted to raise the media's awareness of violence against women.

Female genital mutilation (FGM) was practiced. The prevalence of the practice varied substantially by region. Citizens of African origin or those living in communities with strong African influence were more likely to practice FGM. In January 2001, 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 continued to discourage the practice actively and publicly. During the year, the January 2001 Cabinet decree was reissued as a presidential decree, making it illegal for health service practitioners to practice FGM. On December 28, some NGOs in Hodeidah and Aden held a conference on combating FGM to discuss specific ways to combat the practice.

Prostitution is illegal; however, it occurred 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 murdered 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, believed the phenomenon was not widespread. Some international NGOs claimed that the practice was more prevalent, but admitted to a lack of evidence to support such claims.

Women faced significant restrictions on their role in society. The law, social custom, and Shari'a, as interpreted in the country, discriminated against women. Men were 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 were 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.

The Cabinet issued the "House of Obedience" law, which contained provisions that forced women who left their husbands to return. During the year, the law was passed by Parliament. A grassroots effort to lobby against the provisions was conducted by NGOs, lawyers, journalists, and the National Women's Committee (NWC). Subsequently, Government removed the provisions that forced women to return to their husbands after they had left them.

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 were 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 an 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 were 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 supported women's rights as exemplified by local law and the expansion of the public role of women. The President frequently speaks publicly about the importance of women in politics and economic development. 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.

According to 2000 government statistics, approximately 68 percent of women were 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.

In general women in the south, particularly in Aden, were better educated and have had somewhat greater employment opportunities than their northern counterparts. However, since the 1994 war of secession, 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 were no laws prohibiting sexual harassment, and it occurs in practice.

Prior to unification, approximately half of the judges working in the PDRY were women. However, after the 1994 war of secession, 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 were no female judges in northern courts.

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 2001, 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 seven-member legal committee identified problems and recommended legal changes. The Cabinet approved the recommended changes in principle, with some revisions; however, Parliament passed no legislation regarding this matter by year's end. During the year, the NWC also pushed for a quota system to reserve at least 10 percent of the parliament seats for women. The Government passed no legislation regarding the guarantee by year's end.

There were a number of recently formed NGOs working for women's advancement, including the Social Association for Productive Families, promoting vocational development for women; the Women and Children's Department of the Center for Future Studies, organizing seminars and publishing studies on women and children; the Woman and Child Development Association, focusing on health education and illiteracy; and the Yemeni Council for Motherhood and Childhood, providing microcredit and vocational training to women.

Children

While the Government asserts its commitment to protect children's rights, it lacked the resources necessary to ensure adequate health care, education, and welfare services for children. Malnutrition was common. The infant mortality rate in 1999 was 75 deaths per 1,000 births, down from 105 per 1,000 in 1998. Male children received preferential treatment and had better health and survival rates.

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 2001, 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. 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 an UNICEF report, enrollment of girls in school increased by 4 percent in 1998.

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.

The law does not prohibit Child abuse, and it was a problem.

FGM was practiced on a limited scale (see Section 5).

Persons with Disabilities

Persons with mental and physical disabilities faced distinct social prejudices, as well as discrimination in education and

employment. 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 was unclear to what extent these laws have been implemented. There is no national law mandating the accessibility of buildings for persons with disabilities.

Public awareness regarding the need to address the concerns of persons with disabilities appeared to be increasing. For example, during 2001 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 and the Challenge Society were involved in assisting persons with disabilities. These two NGOs provided rehabilitation assistance and vocational training, and sponsored cultural and sports activities.

National/Racial/Ethnic Minorities

Citizens with a noncitizen parent at times face discrimination in employment and in other areas. Persons who sought 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 noncitizen 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 the country who later were enslaved, were considered the lowest social class. Known as the "Akhdam" (servants), they live in poverty and endure persistent social discrimination. The Government's Social Fund for Development (SFD) for "special needs groups," focused particularly on the Akhdam. In July 2001, several Akhdam-origin citizens in Taiz governorate established the Free Black People's Charitable Organization to fight discrimination and improve conditions for their community.

Human rights groups have reported that some immigrants of African origin have difficulty in securing Interior Ministry permission to marry citizens. An Interior Ministry regulation required that marriages of citizens and foreigners be approved in advance by the Ministry (see Section 1.f.).

Tribal violence continued to be a problem during the year, and the Government's ability to control tribal elements responsible for acts of violence remained limited. For example, during January two persons were reported killed in tribal disputes between the al-Fukara and al-Saiad tribes in Mareb governorate. In March two persons were reported killed and four injured in Saada in a tribal leadership dispute between Bani Ghalfan and al-Bau Slamah tribes. In May five persons were killed and seven injured in a tribal dispute between al-Wahbi and al-Ubaysi tribes in al-Bayda governorate. Tensions, which periodically escalate into violent confrontations, continue between the Government and some tribes.

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 was restricted in practice. The Government sought to place its own personnel in positions of influence inside unions and trade union federations.

The General Federation of Trade Unions of Yemen (GFWTUY) remained the sole national umbrella organization. The GFWTUY claimed approximately 350,000 members in 14 unions and denied any association with the Government, although it worked 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 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 were disposed favorably toward workers, especially if the employer was a foreign company.

The GFWTUY is affiliated with the Confederation of Arab Trade Unions and since November 2001 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 2001.

b. The Right to Organize and Bargain Collectively

The Labor Law provides workers with the right to organize and bargain collectively. The Government permitted these activities; however, it sought to influence them by placing its own personnel inside groups and organizations. The Ministry of Labor has veto power over collective bargaining agreements, a practice criticized by the International Labor Organization (ILO). Several such agreements exist. Agreements may be invalidated if they were "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 Labor Law provides for the right to strike; however, strikes were 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" were prohibited.

There were very few strikes during the year, and there were no reports of violence in connection with these strikes.

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

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

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 enforced these provisions, especially in rural and remote areas. The Government also did not enforce laws requiring 9 years of compulsory education for children.

Child labor was common, especially in rural areas. Many children were required to work in subsistence farming because of the poverty of their families. Even in urban areas, children worked in stores and workshops, sold goods on the streets, and begged. Many school-aged children work instead of attending school, particularly in areas in which schools were not easily accessible.

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, used the strategy as a government-wide guideline for enforcing existing child labor laws and formulating and implementing new laws.

The Child Labor Unit at the Ministry of Labor implemented and enforced child labor laws and regulations. The unit is responsible for investigating and addressing cases and issuing guidelines to prevent child labor. They have offices in 11 provinces, and have established specific guidelines to prevent child labor under the age of 12. The Government was an active partner with the International Program to Eliminate Child Labor.

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 again increased civil servants' wages. 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.

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 35-hour workweek for government employees was 7 hours per day from Saturday through Wednesday.

The Ministry of Labor was responsible for regulating workplace health and safety conditions. The requisite legislation for regulating occupational health is contained in the Labor Law, but enforcement was weak to nonexistent. Many workers regularly were 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 required. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals in court. These laws were generally 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.