

COUNTRY INFORMATION

REPUBLIC OF YEMEN

YEMEN COUNTRY INFORMATION BULLETIN 1/2004

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1. INTRODUCTION

1.1 This Bulletin has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information about the Republic of Yemen obtained from a wide variety of recognised sources. It does not contain any Home Office opinion or policy.

1.2 This Bulletin has been prepared for background purposes for those involved in the asylum/human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum/human rights claims made in the United Kingdom.

1.3 This Bulletin is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 This Bulletin replaces Yemen Country Information Bulletin 1/2003.

1.5 This Bulletin and the accompanying source material are publicly disclosable. Paper copies of the sources have been distributed to nominated officers in the Asylum Caseworking Directorate and all Presenting Officer Units.

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2. GEOGRAPHY

2.1 According to the "Europa World Year Book 2004", the Republic of Yemen is situated in the south of the Arabian peninsula, bounded to the north by Saudi Arabia, to the east by Oman, to the south by the Gulf of Aden, and to the west by the Red Sea. The islands of Perim and Kamaran at the southern end of the Red Sea, the island of Socotra, at the entrance to the Gulf of Aden, and the Kuria Muria islands, near the coast of Oman, are also part of the Republic. The climate in the semi-desert coastal strip is hot, with high humidity and temperatures rising to more than 38 degrees C. Inland, the climate is milder, with cool winters and relatively heavy rainfall in the highlands. The eastern plateau slopes into desert. The capital city is Sana'a. The majority of the population are Muslim. Most are Sunni Muslims of the Shafi'a sect, except in the north west of the country, where Zaidism, a moderate sect of the Shi'a order, is the dominant Islamic sect [2] (page 4700).

2.2 The US State Department (USSD) Background Note on Yemen, published in November 2003, reports that the estimated population of Yemen in 2003 was 19.3 million and the annual population growth rate was 4 per cent. The Yemeni people are predominately of Arabic origin and Arabic is the official language although English is increasingly understood in major cities. In the Mahra area (the extreme east), several non-Arabic languages are spoken. Yemen has 18 administrative divisions or provinces called governorates which are further subdivided into districts [3c] (page 1).

2.3 According to the 2004 edition of "The Middle East and North Africa", there are no railways in Yemen. Aden is the main port and there are also ports at Hodeida, Maalla, Mocha, Nishtun and Salif. Yemen has five international airports and twelve main local airports for domestic flights. Most towns are linked by internal air services. Yemen has modern international telecommunications links via satellite stations and microwave relays, as well as relatively good links between major centres within the country [1] (pages 1245 - 1246).

3. THE ECONOMY

3.1 Yemen is one of the poorest countries in the world. The US State Department Human Rights Report 2003 (USSD) on Yemen, published on 25 February 2004, reports that more than 40 per cent of the population lived in poverty in 2003 and the unemployment rate in 2003 was 37 per cent. Its market-based economy has been impeded by government interference and corruption. Oil and remittances from workers in other Arabian peninsula states were the primary sources of foreign exchange in 2003 [3a] (page 1). The US State Department (USSD) Background Note on Yemen, published in November 2003, reports that Yemen had an estimated Gross Domestic Product of US\$9 billion in 2002 and an estimated per capita Gross Domestic Product in 2002 of US\$840 [3c] (page 1).

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4. HISTORY

4.1 According to the "Europa World Year Book 2004", the Republic of Yemen was formed on 22 May 1990 when the Yemen Arab Republic and the People's Democratic Republic of Yemen were unified into one country. Sana'a became the new country's political capital and Aden became its economic and commercial centre. President Saleh of the former YAR became president of the new republic. The President of the PDRY, al-Attas, became Prime Minister [2] (page 4701). The USSD Background Note on Yemen, published in November 2003, states that a unity constitution was agreed upon in May 1990 and was ratified by the populace in May 1991. It affirmed Yemen's commitment to free elections, a multi-party political system, the right to own private property, equality under the law and respect of human rights [3c] (pages 3 - 4).

4.2 According to the 2004 edition of "The Middle East and North Africa", parliamentary elections were held in April 1993. When the results were announced, the General People's Congress (GPC) had won the majority of the vote. The Yemeni Islah Party (YIP) took second place and the Yemen Socialist Party (YSP) took third place. The three main parties agreed to a coalition, with the GPC and YSP each taking two seats on the Presidential Council and the YIP taking the one remaining seat [1] (page 1220).

4.3 The USSD Background Note on Yemen states that conflict within the coalition resulted in the self-imposed exile of Vice President Ali Salim Al-Bidh to Aden in August 1993 and a deterioration in the general security situation as political rivals took advantage of the unsettled situation. Continuous negotiations between northern and southern leaders resulted in the signing of the document of pledge and accord in Amman in Jordan in February 1994. Despite this, clashes intensified until civil war broke out in May 1994. Almost all of the fighting in the 1994 civil war occurred in the southern part of the country despite air and missile attacks against cities and major installations in the north. Southern leaders declared secession and the establishment of the Democratic Republic of Yemen (DRY) in May 1994 but the DRY was not recognised by the international community. Ali Nasir Muhammad supporters greatly assisted military operations against the secessionists and Aden was captured in July 1994. Other resistance quickly collapsed and thousands of southern leaders and military went into exile. Early during the fighting, President Saleh announced a general amnesty which applied to everyone except 16 persons. Most southerners returned to Yemen after a short exile [3c] (pages 3 - 4).

4.4 According to the 2004 edition of "The Middle East and North Africa", following the defeat of the secular YSP and the dispersal of its military and political powerbase, the

Islamist YIP began asserting its authority. On 1 October 1994, President Saleh was re-elected President of Yemen. The YSP was excluded from the new government. Parliamentary elections were held on 27 April 1997. The GPC won most of the seats - 187 out of 301. With almost two-thirds of all the seats, the GPC secured a clear majority in the new parliament. Its only serious rival, the YIP, secured only 53 seats. Only four parties were represented in the new parliament [1] (pages 1222 - 1223).

4.5 According to the "The Middle East and North Africa", at the end of March 1998, the year-long trial of the members of the separatist southern Yemeni leadership during the 1994 civil war, came to an end. Five of the men, including the former Yemeni Vice-President, Ali Salim al-Baid, and former Prime Minister Haidar al-Attas, were condemned to death. Three of the men, including Abd ar-Rahman al-Jifri, were sentenced to ten years in prison, five received suspended sentences and two were acquitted. All the accused, who fled abroad after the southern secessionists were defeated by northern forces, were tried in absentia [1] (page 1224).

4.6 According to "The Middle East and North Africa", in July 1999, parliament approved only two candidates to contest Yemen's first direct presidential election. Ali Abdullah Saleh won 96.3 per cent of the votes cast in the election, held on 23 September 1999, in which two-thirds of the eligible voters participated according to official figures. At the end of November 2000, after two months of debate, the House of Representatives ratified several important amendments to the constitution. The amendments, proposed by President Saleh, included extending the parliamentary term from four to six years and the presidential term from five to seven years, increasing the size of the Consultative Council from 59 members to 111, and strengthening the powers of the executive. The results of a referendum in February 2001 on the constitutional amendments revealed that 77.5 per cent of valid votes were in favour of the amendments [1] (pages 1226 - 1227).

4.7 According to "The Middle East and North Africa", at the end of December 2000, President Saleh announced that the long-delayed local municipal elections would take place on 20 February 2001. The GPC's share of the vote was about the same as in the 1997 legislative elections, with the YIP's share increasing slightly from 18 per cent. In contrast, the YSP did not appear to have performed well [1] (page 1226).

4.8 According to the "Europa World Year Book 2004", in early 2003, 22 political parties were registered for a parliamentary election, which was held on 27 April 2003. The GPC recorded another decisive victory, winning 238 seats out of 301 seats and the YSP secured 46 seats. Voter turnout was reported to total 76 per cent of the electorate. Opposition parties threatened to boycott the new parliament after widespread claims of ballot rigging, fraud and intimidation. The President re-appointed Abd al-Qadir Bajammal as Prime Minister on 10 May 2003 and requested that he form a new government. The new Council of Ministers formed by Bajammal was sworn in on 19 May 2003 [2] (pages 4701 - 4702).

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5. STATE STRUCTURES

The Constitution

5.1 According to "Europa World Year Book 2004", a draft constitution for the united Republic of Yemen was published in December 1989 and was approved by a popular referendum in May 1991. On 29 September 1994, 52 articles of the constitution were

amended, 29 were added and one was cancelled, leaving a total of 159 articles in the revised constitution. Further amendments to the constitution were adopted by the House of Representatives in late November 2000 and approved in a national referendum on 20 February 2001 [2] (page 4712).

5.2 The constitution defines the Yemeni Republic as an independent and sovereign Arab Islamic country. The Islamic Shari'a is the basis of all laws. The constitution provides for the election, by universal suffrage, of the President of the Republic, who is elected for a seven-year term. The President is empowered to appoint a Vice-President and the Prime Minister, and has the power to appoint other members of the government, on the advice of the Prime Minister. The constitution delineates the separation of the powers of the organs of the state and guarantees the independence of the judiciary. The existence of the multi-party political system is confirmed. Serving members of the police and armed forces are banned from political activity [15].

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The Yemeni Nationality Law

5.3 The legal basis for Yemeni nationality is Law No 6 of 1990, otherwise known as the Yemeni Nationality Law. Birth in Yemen does not automatically confer citizenship. The exception to this would be a child born in Yemen to unknown parents. Citizenship can be obtained by marriage, descent and naturalisation. A foreigner who acquires Yemeni nationality will receive a Yemeni nationality certificate issued by the Government to prove he is a Yemeni national [4].

5.4 According to Article 4 of the Nationality Law, Yemeni nationality may be granted in the following cases:

- To a person born abroad of a mother who has Yemeni nationality and a father of unknown nationality, or who has no nationality provided he has made his normal domicile in Yemen in a legitimate manner for a period of at least ten successive years before attaining the age of adulthood, and his application for Yemeni nationality has been submitted during one year from his attaining adulthood.
- To a person born in Yemen to foreign parents who has domiciled there until attaining the age of adulthood, is proficient in the Arabic language, of sound mind, is not afflicted with a disability rendering him a burden upon society, is of good character and conduct and has not been adjudged with a punishment for a criminal offence or a penalty restricting liberty in a crime violating public order and public morals, unless he has been rehabilitated, and provided that he submits an application for Yemeni nationality within a year of attaining adulthood.
- To a person born in Yemen to a foreign father also born in Yemen
- To a person who has rendered to the state or Arab people a great service
- To a person of Yemeni origin whenever he applies to obtain Yemeni nationality after five years of being domiciled in Yemen, provided that it has been established that the grandfather from the father's side has been domiciled in Yemen, and that he relinquishes being related to any other nationality when he is granted nationality [4].

5.5 According to Article 18 of the Nationality Law, by Republican Decree and upon the submission of the minister, Yemeni nationality may be withdrawn from whosoever has

acquired it during the five years successive to such acquisition, and when one of the following circumstances exist:

- if he has been adjudged with a criminal order and public morals and has not been rehabilitated
- if his domicile in Yemen has been terminated for two successive years and such termination was without an excuse acceptable to the minister
- if the acquisition of Yemeni nationality was on the basis of incorrect statements or events, and in such case withdrawal of the said nationality shall be at any time this is established
- if the competent quarters have obtained evidence of his undertaken the promotion of principles that entail the destruction of the political, economic or social system of the country, or his affiliation to a foreign political body, or his undertaking to carry out an act that is considered to constitute a danger to the security of the state and the safety of the homeland
- if he gains a foreign nationality without obtaining the permission provided for in Article 22 of the nationality law [4].

5.6 According to Article 22 of the Nationality Law, it is not permissible for a Yemeni citizen to acquire a foreign nationality by naturalisation on the basis of lineage without first obtaining permission from the minister. If a Yemeni citizen acquires a foreign nationality by naturalisation on the basis of lineage without obtaining permission from the minister, he shall continue to be regarded as holding Yemeni nationality only [4].

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The Political System

5.7 According to the "Europa World Year Book 2004", Yemen is a republic with a president as the head of state and a multi-party democratic political system. The current president is President Ali Abdullah Saleh who is also the leader of the General People's Congress (GPC). The constitution provides for the election, by direct universal suffrage, of the President of the Republic. Under the constitution, the President of the Republic is directly elected by voters for a period of seven years, renewable once. The President is also Supreme Commander of the Armed Forces [2](page 4712) and [15].

5.8 According to the "Europa World Year Book 2004", legislative power is vested in the House of Representatives, with 301 members directly elected by universal adult suffrage for a six-year term. The upper house of the legislature, the Consultative Council, has 111 members who are nominated by the President [2] (page 4712) The US State Department Report 2003 (USSD) on Yemen reports that the Government, by law, is accountable to parliament but parliament does not act as an effective counterweight to executive authority. Decision-making and effective political power rests with the executive, in particular, the president [3a] (Page 1).

5.9 The USSD 2003 Report also states that formal government authority is centralised in Sana'a. Many citizens have complained about the inability of local and governorate entities to make policy or resource decisions. The Local Authority Law has decentralised authority by establishing locally-elected district and governorate councils. Government-appointed

governors are in charge of these councils. The first elections for the councils were held concurrently with the constitutional referendum in 2001 [3a] (page 11).

5.10 According to the 2004 edition of "The Middle East and North Africa", in the former PDRY, the Yemen Socialist Party (YSP) was the only legal political party until December 1989, when the formation of opposition parties was legalised. There were no political parties in the former YAR. The two leading parties that emerged in the unified Yemen were the GPC and the YSP. During 1990, an estimated 30 to 40 additional political parties were reported to have been formed. In 1991, a law was passed to regulate the formation of political parties. Following the civil war from May to July 1994, President Saleh excluded the YSP from the new government formed in October 1994 [1] (pages 1217 - 1218 and page 1222).

5.11 According to the International Crisis Group (ICG) 2003 report "Yemen: Coping with Terrorism and Violence in a Fragile State", since 1990, the General People's Congress has been the dominant political party. The Yemen Socialist Party, initially the new republic's second largest, has been eclipsed by the tribal and religiously-oriented Islah Party. As the party system mirrors many of the endemic divisions of Yemeni society, it has an importance well beyond its formal role [7] (pages 8 - 9).

5.12 According to the ICG 2003 report, large areas of Yemen - primarily the mountains and deserts of the northern and eastern governorates - are beyond the effective control of central government. While the Government has continued to make progress in developing the infrastructure of a modern state, basic government services are not available in important parts of the country. This is due to the general lack of resources and the traditional autonomy of certain tribal regions, especially in the north and north east [7] (page 1).

5.13 According to the ICG 2003 report, corruption within the government administration in Yemen has been a serious problem for decades. The weakness of central government means that the signing and execution of government contracts often involves substantial payments to officials and diversion of funds and proceeds to private hands. Porous borders and poor customs controls mean that goods may be imported without duty in exchange for a small bribe. Due to the Government's inability to provide adequate salaries to its employees, most interactions with government offices require some form of bribery [7] (page 7).

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The Judiciary

5.14 The USSD Report 2003 reports that the constitution provides for an independent judiciary and independent judges, however, the judiciary was weak and corrupt in 2003, and the executive severely hampered it. The executive branch appoints judges and some judges have been harassed, reassigned or removed from their positions following rulings against the Government. Many litigants maintain, and the Government acknowledges, that a judge's social ties and bribery sometimes influences the verdict more than the law or the facts. Many judges are poorly trained and some are closely associated with the Government and often render decisions that are favourable to the Government [3a] (page 5).

5.15 According to the USSD Report 2003, there are five types of courts in Yemen - criminal, civil and personal status, kidnapping/terrorism, commercial and court-martial. All laws are codified from shar'ia law, 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. By law, prosecutors are part of the judiciary and independent of the Government,

however, in practice prosecutors consider themselves as an extension of the police. In addition to regular courts, the law permits a system of tribal adjudication for non-criminal 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 judgements. Persons jailed under the tribal system are not usually formally charged with a crime but stand publicly accused of their crime [3a] (page 5).

5.16 The USSD 2003 Report also states that:

“The Government claimed that it did not hold political prisoners [in 2003]. Local opposition politicians and human rights activists generally accepted this claim; however, some international human rights groups and members of the opposition-in-exile disputed it. [3a](page 6)

“At the end of the 1994 war of succession, the President pardoned nearly all who had fought against the central government, including military personnel and most leaders of the secessionists. In previous years, the Government tried in absentia the leaders of the so-called 16. By May [2003], the President had granted amnesty to all 16.” [3a](page 6)

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Legal Rights/Detention

5.17 The USSD Report 2003 reports that the law prohibits arbitrary arrest, detention or exile, however, arbitrary arrest and prolonged detention without charge were common practices in 2003. The security forces have arbitrarily arrested and detained persons. Enforcement of the law has been irregular and in some cases non-existent, particularly in cases involving security offences [3a] (page 4). According to the Amnesty International (AI) 2003 report, “Yemen - The Rule of Law Sidelined in the Name of Security”, Article 47 (b) of the constitution categorically prohibits arrests made without warrant issued by a judge or prosecutor. This protection from arbitrary arrest is backed up by strict safeguards contained in the Code of Criminal Procedures (CCP) [8c] (pages 2 - 3).

5.18 According to the AI 2003 Yemen report, Article 7 of the Code of Criminal Procedures (CCP) provides that an arrest is not permitted except for acts punishable by law. Under Articles 70 and 72 of the CCP, arrests must be carried out with a written and signed order from the competent authority. The order may also be oral but this is allowed only when the arrest is carried out in the presence of the authority competent to issue the arrest order. In addition, Article 246 of the Penal Code provides for a maximum of five years imprisonment for any official who subjects any person to arbitrary arrest [8c] (page 3). The USSD 2003 Report states that the judge or prosecuting lawyer must inform the accused of the basis of the arrest and decide whether detention is required. In no case may a detainee be legally held longer than seven days without a court order [3a] (page 4).

5.19 The AI 2003 Yemen report also states that, under Articles 73 and 77 of the CCP, a suspect has the right to seek prompt legal assistance. The legal system provides significant safeguards against indefinite detention, and is in this regard, consistent with international human rights standards. Individuals have the right under Article 76 of the CCP and Article 47 (c) of the constitution to see a judge or prosecutor within 24 hours of being detained, and they have the right to challenge the legal basis of their detention. Individuals held by the Political Security organisation are commonly subjected to a prolonged initial period of detention where communication with the outside world is denied. In many cases, family members may have to wait weeks or months before they learn

where their relatives are being held. Several families have reported that they were only able to visit their relatives only when the Political Security organisation was ready to acknowledge that they were holding them [8c] (pages 4 - 5).

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The Death Penalty

5.20 In the Amnesty International (AI) report “The Death Penalty: List of Abolitionist and Retentionist Countries - 1 February 2004”, Yemen is described as a country that has retained the death penalty for ordinary crimes as of 1 February 2004 [8b] (pages 5 - 6). The Amnesty International 2004 Annual Report on Yemen confirms that certain crimes in Yemen are punishable by death. The AI 2004 Annual Report states that “Death sentences continued to be passed and at least 30 people were executed. Hundreds of people remained under sentence of death at the end of 2003.” [8a] (page 3)

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Internal Security

5.21 The USSD Report 2003 reports that:

“The primary state security apparatus is the Political Security Organisation (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 Organisation (CSO), also a part of the Ministry of Interior, maintains a paramilitary force. Civilian authorities generally maintained effective control of the security forces. Members of the security forces have committed serious human rights abuses.” [3a] (page 1)

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Prison Conditions

5.22 The USSD Report 2003 reports that:

“Prison conditions were poor [in 2003] and did not meet internationally recognised standards. Prisons were overcrowded, sanitary conditions were poor, and food and health care were inadequate. Prison authorities often exacted bribes from prisoners to obtain privileges or refused to release prisoners who completed their sentences until family members paid. 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.” [3a] (page 3)

“Women and children were held separately from men and conditions were equally poor in women’s prisons. Children were likely to be incarcerated along with their mothers. By custom and preference, babies born in prison generally remained in prison 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 behaviour.” [3a] (page 3)

5.23 The USSD 2003 Report also states that:

“During the year [2003], efforts to implement directives intended to align the country’s arrest, interrogation, and detention procedures more closely with internationally accepted standards continued. In 2002, 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.”
[3a] (page 4)

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The Armed Forces and Military Service

5.24 According to the 2004 edition of “The Middle East and North Africa”, Yemen has an army, air force and navy. The armed forces of the former YAR and the PDRY were officially merged in May 1990, but by early 1994 the process had not been completed. After the civil war, in October 1994, President Saleh announced plans for the modernisation of the armed forces, which would include the banning of party affiliation in the security services and armed forces. In March 1995, the full merger of the armed forces was announced. President Saleh is the Supreme Commander of Yemen’s armed forces [1] (page 1260).

5.25 According to “The Middle East and North Africa” and “Refusing to Bear Arms” published by War Resisters' International in 1998, Yemen had a military conscription scheme since it became a unified country in 1990 up until 2001. Prior to 1990, military conscription existed in both North and South Yemen. Military conscription, which lasted for three years, formally ended in Yemen in May 2001 [1] (page 1260) and [5]. According to “Refusing to Bear Arms” published by War Resisters' International, when military conscription was in force from 1990 - 2001, all men between the ages of 18 and 30 years were liable for military service. The right to conscientious objection was not legally recognised and there was no provision for substitute service. Failure to report for military service was punishable by up to two years’ imprisonment. Evasion through desertion or fraud was punishable by up to three years’ imprisonment or a fine. Those persons who did not complete their military service were not usually allowed permission to leave the country and were not entitled to receive state certificates such as university diplomas [5].

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Medical Services

5.26 According to a “Yemen Times” report on the health care system in Yemen dated January 2002, the central objective of the Government’s health policy has been to improve the health status of the population in both urban and rural areas, and to reduce regional disparities in access to health care facilities. The health care system in Yemen consists of a large public sector along with a sizeable private sector. Public health care is organised in three levels– public health care supported by secondary and tertiary referral care. Primary health care focuses on preventive and promotive programmes such as immunisation, family planning and health education, and provides first aid and curative care. It starts at the village level where primary health care units are run by paramedical staff. The units are backed up by primary health care centres, often managed by a physician and have laboratory and x-ray facilities. Tertiary hospitals provide specialised care and serve as teaching hospitals for the medical faculties of the country’s universities [17].

5.27 According to the “Yemen Times” report, the primary health care system now delivers basic health services to almost half the population. Rapid population growth and a lack of

funds, however, has made it increasingly difficult to finance the operating costs of existing facilities. As a result, many health facilities, especially those providing primary health care in rural areas are short of qualified staff and lack essential drugs and supplies. Few primary health care facilities are in a position to offer the full range of their services. The situation is different in hospitals in the secondary and tertiary health care sector, as these hospitals receive a great deal more financial support from the Government, and are therefore better equipped and staffed than primary health care facilities [17].

5.28 According to the “Yemen Times” report, the private health sector provides a full range of diagnostic and curative services in offices, clinics, hospitals and laboratories. Private health services are generally of acceptable quality and few are of poor quality. Some offices and in-patient facilities are equipped with modern diagnostic tools and patients are treated with up-to-date procedures. Private medical care is a lot more expensive than medical care in the public sector. Pharmacists and their assistants play a valuable role, by diagnosing ailments and selling medicines without prescription, to people who are reluctant or cannot afford to see a physician [17].

5.29 According to a World Health Organisation 2001 report on health care, there were 3,000 physicians, 150 dentists and 6,629 nurses and midwives in Yemen in 2001, giving a rate per 10,000 of the population of 2.2, 0.13 and 5.4, respectively. In 2001, there were 81 hospitals, 94 health centres with beds, 282 health centres without beds and 1,090 primary health care units. Overall, there were 9,931 beds in the country in 2001, giving a rate of 8.1 beds per 10,000 of the population at that time [11b].

Mental Health Care

5.30 According to a World Health Organisation (WHO) 2001 report on mental health care, Yemen has a mental health policy, the components of which are promotion, prevention, treatment and rehabilitation. Mental health is part of the primary health care system and treatment of severe mental disorders is available at the primary level. In 2001, there were 0.6 psychiatric beds per 10,000 of the population and 0.2 psychiatrists and 0.2 psychologists per 10,000 of the population. The WHO report states that, in 2001, the following drugs were available at the primary health care level for the treatment of mental illnesses - phenobarbital, amitriptyline, chlorpromazine and diazepam [11a].

5.31 According to a World Health Organisation (WHO) 2001 report on health care, Yemen has various mental health facilities, with facilities for out-patients and in-patients. In Sana’a, the city’s Al-Thawra Hospital has a psychiatric unit, Sana’a Prison has a psychiatric ward and the city also has a psychiatric hospital for females. In 2001, the country had 20 psychiatrists and 55 psychologists (of which only 10 were qualified). The country also has psychiatric nurses and psychiatric social workers. There are two medical colleges in the country at Sana’a and Aden and both of them have departments of psychiatry [11b].

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People with Disabilities

5.32 The USSD Report 2003 reports that:

“Persons with mental and physical disabilities faced social prejudices, as well as discrimination in education and employment [in 2003]. 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. [3a] (page 14)

“During the year, 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.” [3a] (page 14)

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The Education System

5.33 The USSD Report 2003 reports that:

“The law provides for universal, compulsory and free education from ages 6 to 15; however, the provision regarding compulsory attendance was not enforced. Many children, especially girls, did not attend primary school. According to a UNDP report released during 2001, average student attendance in primary schools was 76 percent for boys and 40 percent for girls. In rural areas, 52 percent of children attended school; the rate in urban areas is 81 percent.” [3a] (page 14)

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6. HUMAN RIGHTS

6A. HUMAN RIGHTS ISSUES

General

6.1 The USSD Report 2003 reports that, although many problems remained, the Government’s respect for human rights improved in a few areas during 2003. Security forces continued to arbitrarily arrest, detain and torture persons. The Government sometimes failed to hold members of the security forces accountable for abuses, however, the number of security officials tried for abuses increased since 2002. Prison conditions remained poor in 2003. Prolonged pre-trial detention, judicial corruption, and executive interference undermined due process. There continued to be limits on freedom of speech and of the press, and the Government continued to harass and intimidate journalists. [3a] (page 1).

6.2 According to the Amnesty International (AI) 2003 report, “Yemen - The Rule of Law Sidelined in the Name of Security”:

“Yemen has made noticeable institutional legal progress in the field of human rights over the last decade. It has become a state party to most international human rights instruments and its legislation governing arrest and detention is consistent with international human rights standards. This has been accompanied by significant growth in governmental human rights institutions which resulted in the appointment in 2001 of a Minister of State for Human Rights and the upgrading of this position to ministerial level in 2003. There has also been significant development of non-governmental human rights organizations and an emerging civil society concerned with issues of social justice and human rights.” [8c] (page 2)

6.3 The AI 2003 report on Yemen also reports that:

“The government has also developed substantive dialogue with international non-governmental human rights organizations, including Amnesty International, and has co-operated with United Nations human rights thematic mechanisms and the Office of the High Commissioner for Human Rights. Human rights organizations have been granted access to Yemen to carry out investigations into human rights violations, including the detention of prisoners of conscience, torture, extrajudicial executions, the death penalty, “disappearances”, discrimination against women, concerns about juvenile justice, and laws inconsistent with international human rights standards.” [8c] (page 2)

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Freedom of Speech and the Media

6.4 The USSD Report 2003 reports that:

“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 and harassing 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 the country.” [3a] (page 7)

6.5 Law No 25 of 1990 on Press and Publications allows freedom of the press but only within the limits of the law. Law No 25 regulates the setting up of newspapers, gives details of the rights and duties of journalists and states what type of material may not be published [12]. According to the Amnesty International 2003 report, “Yemen - The Rule of Law Sidelined in the Name of Security”, freedom of speech and of the press is seriously undermined by operational laws, such as Law No 25 and penal laws, which facilitate the targeting of journalists and critics of state policy. Laws regulating freedom of expression repeatedly qualify such freedom by the phrases of “within the limits of the law” and “in the interests of national security”. In addition to these restrictions which can be made to apply to any situation, freedom of expression is restricted by many other articles which can be equally open to interpretation [8c] (page 9).

6.6 According to the USSD 2003 Report:

“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 two newspapers, the weekly Al-Shumu and the daily Aden independent Al-Ayyam, owned their own presses. The Government selected the items to be covered in news broadcasts, and it often did not permit broadcast reporting critical of the Government. The Government televised parliamentary debates, but it edited them selectively to remove criticism.” [3a] (page 7)

6.7 According to the BBC News Yemen Country Profile dated 29 May 2004, the Ministry of Information controls all broadcast media through the Public Corporation for Radio and

Television. The press is strictly controlled and newspapers have often been prosecuted over political articles. Television and radio are vital sources of news information in Yemen due to high levels of illiteracy. Yemen has two television channels, both operated by Republic of Yemen Television. There are two main domestic radio services operated by Republic of Yemen Radio, which is run by the Government [9a].

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Freedom of Religion

6.8 The US State Department (USSD) 2003 International Religious Freedom Report on Yemen, published in December 2003, reports that:

“The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there were some restrictions. The Constitution declares that Islam is the state religion and that Shar’ia is the source of all legislation. [3b] (page 1)

“There was no change in the status of respect for religious freedom during the period covered by this report. Followers of religions other than Islam are free to worship according to their beliefs; however, the Government forbids conversions to other religions from Islam and prohibits non-Muslims from proselytizing. [3b] (page 1)

“There were no reports of persons detained or imprisoned based solely on their religious beliefs. Police and security forces detained suspected members of radical Islamist groups with clear links to terrorist organizations during the period covered by this report.” [3b] (page 3)

6.9 The religious activities of non-Muslims are restricted to an extent. The USSD 2003 Report on Religious Freedom reports that “The Government prohibits non-Muslims from proselytizing Muslims. Under Islam as practiced in the country, 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.” [3b] (page 2)

6.10 The Government has not banned non-Islamic religious publications, however, the USSD 2003 Report on Religious Freedom reports that “Official government policy does not prohibit or punish the possession of non-Islamic religious literature, however, on occasion, there were unconfirmed reports that police harassed foreigners 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.” [3b] (page 3)

Religious Groups

6.11 Yemen is an Islamic country but has religious minority groups. The USSD 2003 Report on Religious Freedom reports that:

“Virtually all citizens are Muslims, either of the Zaydi order of Shi’a Islam or the Shafa’i order of Sunni Islam, approximately 30 percent and 70 percent of the total population, respectively. There are also a few thousand Ismaili Muslims, mostly in the north. [3b] (page 1)

“The country is predominantly Muslim and relations among religious groups generally are amicable. There were no reported incidents of violence or discrimination between the adherents of the two main orders of Islam, Zaydi and Shafa’i. Except for a small politically motivated clerical minority, religiously motivated violence is neither incited nor tolerated by the Islamic clergy.” [3b] (page 3)

6.12 Hindus, Christians and Jews are Yemen’s religious minorities and generally live in harmony with Yemeni Muslims. The USSD 2003 Report on Religious Freedom reports that:

“There are very small numbers of religious minorities and they generally live in harmony with their Muslim neighbours. 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 approximately 500 - due to voluntary emigration over the last 50 years. Although the law makes no distinction, Jews are traditionally restricted to living in one section of a city or village and are often confined to a limited choice of employment, usually farming or handicrafts (primarily silver working). They are respected for their craftsmanship and their silver work is highly prized. Jews may, and do, own land. They may vote; however, as non-Muslims, they may not hold elected office (see Section II). Traditionally the tribal leaders of the regions in which the Jews have resided are responsible for protecting the Jews in their areas. A failure to provide this protection is considered a serious personal dishonor. [3b] (page 3)

“There are no legal restrictions on the approximately 500 Jews who remain in the country, although there are traditional restrictions on places of residence and choice of employment (see Section III). In mid-2000, the Government suspended its policy of allowing Israeli passport holders of Yemeni origin to travel to the country on laissez-passer documents; however, Yemeni, Israeli and other Jews may travel freely to and within the country on non-Israeli passports.” [3b] (page 2)

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Freedom of Assembly and Political Association

6.13 The USSD Report 2003 reports that:

“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 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. [3a] (page 8)

“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 monitored meetings and assemblies.” [3a] (page 8)

6.14 The law allows political parties to be set up and to function as political organisations. The law governing the setting up and constitution of political parties is Law No 66 which

came into force in 1991. A member of a political party or political organisation must be a Yemeni national, at least 18 years old, enjoy full political rights, must not belong to the judiciary, police or armed forces or be a serving diplomat abroad. A person cannot belong to more than one political party. To set up a political party, a written request has to be submitted to the chairman of a government committee called the Committee for the Affairs of Parties and Political Organisations. The request has to be signed by at least 75 founding members. At the time when an application is submitted, the party or organisation must have at least 2,500 members from most of the governorates, including Sana'a City. If the Committee does not object to the establishment of the party within 45 days, the party's establishment is considered to be automatically approved [16]. According to "Europa World Year Book 2004", as of April 2003, there were 22 registered political parties in Yemen [2] (page 4713).

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Employment Rights

6.15 The USSD Report 2003 reports that:

"The Constitution and Labour 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. [3a] (page 15)

"The law permits trade unions to establish only under federation. The General Federation of Trade Unions of Yemen (GFWTUY) remained the sole national umbrella organisation. 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." [3a] (page 15)

6.16 The USSD Report 2003 also states that:

"The law generally protects employees from anti-union discrimination. Employers do not have the right to dismiss an employee for union activities. Employees may appeal any disputes, including cases of anti-union discrimination, to the Ministry of Social Affairs and Labor. Employees may also 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 towards workers, especially if the employer was a foreign company." [3a] (page 15)

6.17 According to the USSD 2003 Report, the law allows workers to organise and bargain with their employers collectively. The law provides for the right to strike but strikes are not permitted unless a dispute between workers and employers is considered to be final and incontestable. An attempt to settle the dispute through negotiation or arbitration has to be made before it can be said to be final and incontestable. The proposal to strike must be submitted to at least 60 per cent of all concerned workers, of whom 25 per cent must vote in favour of the proposal. Permission to strike must also be obtained from the General Federation of Trade Unions of Yemen. Strikes for explicit political purposes were prohibited in 2003 [3a] (page 15).

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People Trafficking

6.18 The USSD Report 2003 states that, in 2003, the law prohibited trafficking in persons and there were no reports that persons were trafficked to, from, or within the country [3a] (page 16).

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Freedom of Movement

6.19 The Government allows general freedom of travel within the country and allows Yemeni citizens to leave the country and return. The USSD Report 2003 states that:

“The Government placed some limits on freedom of movement [in 2003]. In practice, the Government did not obstruct domestic travel; however, the army and security forces maintained checkpoints on major roads. There were a few reports during the year [2003] that security forces at checkpoints injured persons whom they believed were engaging in criminal activity and resisting arrest. [3a] (page 9)

“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 restrictions on journalists was enforced during the year [2003] (see Section 2.a). Women must obtain permission from a male relative before applying for a passport or departing the country.” [3a] (page 10)

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Use of Torture and other Cruel or Degrading Punishment

6.20 The USSD Report 2003 reports that:

“The Government has acknowledged publicly that torture occurred, but claimed that torture was not official policy. The Government has taken some effective steps to end the practice or to punish those who commit such abuses. However, a government prosecutor cited illiteracy, lack of training among police and security officials and a human rights activist has suggested that corruption and pressure from superiors to produce convictions also played a role as reasons for the use of undue force. During the year, it was reported that the Government reportedly increased training and awareness programs on human rights for police and security. [3a] (page 3)

“The immunity of all public employees from prosecution for crimes allegedly committed while on duty also hindered 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 of approximately \$35 to \$53 (6,000 to 9,000 riyals) per month also contribute to corruption and police abuse.” [3a] (page 3)

6.21 According to the Amnesty International (AI) 2004 Annual Report on Yemen, torture and ill-treatment continued to be reported in 2003. In September 2003, the Government submitted a report to the UN Committee Against Torture. The Committee expressed concerns about the lack of definition of torture in the law, the practice of incommunicado detention by the Political Security, the lack of detainees’ access to lawyers and the Government’s failure to promptly investigate allegations of torture. The Committee also urged the Yemeni Government to ensure that its counter terrorism measures conform with

the UN Convention Against Torture. The Government submitted details of cases to the Committee where investigations into allegations of torture were carried out but no independent investigations into torture allegations submitted by AI were known to have been carried out in 2003 [8a] (Page 2).

6.22 According to the USSD 2003 Report:

“The Constitution may be interpreted as permitting amputations in accordance with Shar’ia (Islamic law) and physical punishment such as flogging, for some crimes; however, the use of amputations as punishment was extremely rare and there were no reported floggings during the year [2003]. Only one reported case of amputation has occurred since 1991, although a few persons convicted of theft remained in jail awaiting their amputation. Unlike in the past, firing squads were not used for capital punishment.” [3a] (page 3).

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6B. HUMAN RIGHTS - SPECIFIC GROUPS

Women

6.23 The USSD Report 2003 reports that women face significant restrictions on their role in society. The law, social custom and shari’a as interpreted in the country, discriminates against women. To travel abroad, women must obtain permission from their husbands or fathers and also need permission to receive a passport. They are also expected to be accompanied by male relatives. Enforcement of this requirement, however, is not consistent [3a] (page 13).

6.24 The law discriminates against women in matters relating to marriage and divorce. According to the USSD 2003 Report, the law stipulates that a woman’s consent to a marriage is required before a marriage can take place. Consent is defined as “silence” for previously unwed women and “pronouncement of consent” for divorced women. The law provides that a wife must obey her husband and she must live with him at the place stipulated in the contract, consummate the marriage, and not leave the marital home without her husband’s consent. Men are permitted to take as many as four wives although very few have done so. Husbands can divorce their wives without justifying their action in court but wives can only divorce their husbands if they have a justification for the divorce. When a divorce occurs, the family home and older children are often awarded to the husband. The divorced woman usually returns to her father’s home or to the home of another male relative. Her former husband must continue to support her for three months after the divorce as she may not remarry until she can prove that she is not pregnant [3a] (page 13).

6.25 The USSD 2003 Report states that Shari’a-based law permits a Muslim man to marry a non-Muslim woman but a Muslim woman cannot marry a non-Muslim man. Women do not have the right to confer citizenship on their foreign-born spouses, however, they may confer citizenship on children born of foreign-born fathers in certain circumstances, as permitted by law [3a] (page 13).

6.26 Many Yemeni women are victims of violent acts and rape. The USSD 2003 Report states that:

“The law provides for protection against violence against women; however, such provisions were rarely 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. A small shelter for battered women in Aden assisted victims, and telephone hotlines operated in Aden and Sana’a. [3a] (page 12)

“The law prohibits rape; however, it was a widespread problem. The punishment for rape is imprisonment up to 15 years depending on circumstances; however, it was seldom imposed.” [3a] (page 12)

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The Practice of Female Genital Mutilation

6.27 According to a USSD 2001 report on the practice of female genital mutilation (FGM) in Yemen, FGM is practiced in Yemen. The most common form of FGM practiced in Yemen is excision. Infibulation is only practiced among the small East African immigrant/refugee community. Different religious sects hold different beliefs on whether or not a FGM should be carried out on a girl. The Shafi’i sect requires girls to be circumcised but in the Sunni sect, FGM is optional. According to a 1997 survey funded by the US Agency for International Development, 23 per cent of Yemeni women had undergone some form of FGM. In the sparsely populated Red Sea and Aden coastal regions, this percentage rose to 69 per cent, compared with 15 per cent in the heavily populated highlands and 5 per cent in the plateau and desert regions. The 1997 survey found that 97 per cent of the procedures were carried out on girls during the first month of life. Nearly 48 per cent of the survey’s respondents, who were aware of FGM, believed that it should be discontinued, 11 per cent were unsure, and the remainder were in favour of it. Those who support the practice of FGM were those women who had undergone the procedures themselves [3a].

6.28 According to the USSD report on FGM, the Government’s Ministry of Public Health has conducted several studies on FGM, with a focus on Sana’a, Hodeida, Hadramout, Aden and Al-Mahara. Over 3,000 men and women, including FGM practitioners and clerics participated in the studies. The government studies sought to ascertain the extent of the practice of FGM and to analyse attitudes to the practice and the physiological aspects of it. The government studies revealed that over 96 per cent of women in Hodeida, Hadraumat and Al-Mahara had undergone FGM, while 82 per cent of women had undergone FGM in Aden, and 45.5 per cent had undergone FGM in Sana’a. Excision was involved in 70 per cent of the procedures. Trained medical professionals performed only 10 per cent of the operations. Women who specialise in ear piercing, birth attendants, women skilled in FGM, and relatives carry out most of the procedures. The procedure is carried out 95 per cent of the time in the home. Mothers are the primary decision-makers in determining if their daughters are to undergo FGM. The usual tool used in FGM is a razor blade although scissors are used some of the time. In the government studies, of the 39 clerics who participated, 73 per cent wanted the practice to continue for religious and traditional reasons. Those who opposed the practice of FGM stated that it was against a woman’s dignity, inconsistent with religious teachings and a bad practice [3a].

6.29 According to the USSD report on FGM, health officials, including the Minister of Public Health, and health care providers have spoken out against the practice of FGM. At a seminar on FGM in 2001, the Minister of Public Health described FGM as a “form of

violence against women and a violation of their human rights.” A plan of action to reduce the incidence of FGM was established at the seminar [3a].

6.30 The USSD 2003 Report on Human Rights states that:

“The law prohibits FGM; however, it was practiced [in 2003]. The prevalence of the practice varied substantially by region....Government health workers and officials continued to discourage the practice actively and publicly. During the year [2003], the National Women’s Committee (NWC) in Aden provided awareness programs targeting health professionals, schools and rural communities.” [3a] (page 12).

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Children and Child Care Facilities

6.31 The USSD Report 2003 reports that:

“While the Government asserted 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. Most recent figures showed that 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. [3a] (page 14)

“Child marriage was common in rural areas. Although the law requires that a girl be 15 years of age to marry, the law was not enforced, and marriages of girls as young as age 12 occurred.” [3a] (page 14)

6.32 According to two “Yemen Times” news reports of 1998 and 2000, children who become orphans in Yemen are usually looked after by their relatives, however, there are child care facilities in Yemen for orphans if their relatives cannot look after them. In Sana’a, there is an orphanage called the Orphanage and is regarded as a national institution. It aims at providing orphans with educational, cultural and health services but its facilities and general conditions are poor. In Sana’a, there is also an orphanage called the Female Orphans Care First Centre that takes care of female orphans only [18][19].

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Ethnic Groups and Tribal Divisions

6.33 Yemen’s population is divided into various tribes. According to the International Crisis Group (ICG) 2003 report “Yemen: Coping with Terrorism and Violence in a Fragile State”, for roughly half the population of Yemen, tribal affiliation is a vital component of identity. Disputes within tribes, between tribes, and between tribes and central government, have been long-standing features of Yemeni politics. Usually, these clashes are referred to as “thar”, a term that translates as “vendettas” or “blood revenge”, but is more often used to describe any armed tribal feud. In principle, tribal conflicts are resolved by mediation, with compensation regulated by tribal customary law or “urf”. Tribal fighting can often last for years or decades. Local reports indicate that hundreds of Yemenis are injured or killed in tribal clashes every year [7] (pages 13 - 14).

6.34 The ICG 2003 report states that endemic urban and rural violence reflects a host of interlinked factors. These include widespread poverty, rapid population growth, an uneven distribution of scarce natural resources and other resources, a heavily armed civilian

population that is dispersed throughout remote and often inaccessible regions, a state often unable to extend its authority to rural areas, porous borders and smuggling, weak political institutions, popular disenchantment with the slow pace of democratisation and social, economic and religious divisions [7] (pages 13 -14).

6.35 The ICG 2003 report states that the Government has condemned tribal feuds, and several non-governmental organisations are promoting their non-violent resolution. Local reports also indicate that the number of such clashes has risen but their nature has changed. Tribal conflicts have traditionally occurred in rural areas but increasingly have extended into the cities due mainly to the migration of Yemeni people from rural areas to urban ones [7] (page 14).

6.36 The ICG 2003 report states that there are many causes for tribal clashes, ranging from accidents to a marital row between partners belonging to different tribes. Most often violent incidents result from material disputes related to land and water. The propensity to resort to violence in such cases is also related to the state of the judiciary. The court system suffers from a heavy workload, poor technical and educational equipment, the absence of courts in some rural areas, the poor education of judges and their propensity to accept bribes because of low pay as well as incidents of favouritism on tribal or other grounds [7] (page 14).

6.37 The ICG 2003 report states that tribal clashes often also have a political dimension as tribalism is used to serve broader political objectives. The politicisation of tribal conflicts and the involvement of outside actors are best illustrated by the rise in violence immediately before and during elections. Tribal interests find their way into electoral contests, which explains why tensions between tribes were particularly acute before and during the 1993 and 1997 parliamentary election campaigns and the 2001 local election campaign. Government interference in tribal disputes can reduce tribal tensions but such interference also risks bringing the Government more directly into such conflicts [7] (pages 15 - 17).

6.38 The USSD Report 2003 reports that tribal violence continued to be a problem during 2003 and the Government's ability to control the tribal elements responsible for violent acts were limited. Violent confrontations between the Government and some tribes continued in 2003 [3a] (page 15).

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Homosexuals and Unlawful Sexual Acts

6.39 According to information obtained from the British Embassy in Sana'a dated 21 February 2000, under Law No 12 of 1994, fornication, adultery and homosexual acts including lesbianism and sodomy, are illegal. Any kind of unlawful sexual activity, including homosexual acts, are unacceptable in Yemeni society as such practices are against Islamic law, culture and traditions. The punishment for a married person who has engaged in unlawful sexual intercourse, including homosexual acts, is death and for an unmarried person who has engaged in unlawful sexual intercourse, including homosexual acts, the sentence is flogging (up to 100 lashes) and/or imprisonment. The punishment for rape, if the rapist is unmarried, is imprisonment for 2 - 7 years. If two unmarried men are involved in a rape, the punishment is imprisonment for 2 -10 years. If the victim of the rape was underage, or the rape led to his his/her suicide, the punishment for the rapist will be imprisonment for 3-15 years. Four witnesses are required to testify in a court that they have seen the unlawful sexual acts take place to prove that the acts did take place. If this

is not possible, the guilty person will only be punished with imprisonment and not death or flogging [13a].

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Human Rights Groups

6.40 The USSD 2003 Report states that:

“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 [2003], several government-sponsored initiatives were aimed at furthering cooperation with NGOs. In 2001, Parliament passed the Law for Associations and Foundations, which regulates the formation and activities of NGOs. [3a] (page 11)

“The Government gives AI, Human Rights Watch (HRW), the Parliament of the European Union and the Committee to Protect Journalists broad access to officials, records, refugee camps and prisons (See Section 1.c). For example, the ICRC maintained a resident representative to inspect prisons during the year [2003].” [3a] (page 12)

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Journalists

6.41 The USSD 2003 Report states that:

“Although newspapers ostensibly were permitted to criticize the Government, journalists at times censored themselves, especially when writing on 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. Editors-in-chief legally were responsible for everything printed in their newspapers, regardless of authorship. Some journalists have reported threats from security officials to change the tone and substance of their reporting. Journalists must have a permit to travel abroad; however, there were no reports that this restriction was enforced during the year [2003] (see Section 2.d).” [3a] (page 7)

6.42 The “Reporters Without Borders 2004 Report on Yemen” reports that in 2003:

“Yemeni journalists are personally and legally harassed and threatened to discourage them from reporting on sensitive topics such as corruption, human rights violations and links with the United States in its fight against terrorism. [6]

“No journalist was imprisoned in 2003, even those from the hardline opposition papers, but press freedom remains fragile. No elected journalists’ representatives sit on the media regulatory bodies and the government retains its TV and radio monopoly.” [6]

6.43 According to the Yemen section of the Committee to Protect Journalists (CPJ) “Attacks on the Press 2003 Report”:

“Though not employed against the media as in past years, Yemen’s 1990 Press Law remained a formidable threat in 2003. The law bars criticism of the president and lists a wide range of vaguely worded offenses that can land a journalist in court and prison. For example, Article 103 prohibits journalists and editors from publishing articles that “cause tribal, sectarian, racial, regional or ancestral discrimination” or “undermine public morals or prejudices the dignity of individuals or personal freedoms.” [10] (page 1)

6.44 According to the “CPJ 2003 Press Report”, despite harassment and government restrictions, the Yemeni press enjoyed greater freedom to publish news reports in 2003. The reports states that:

“In 2003, there were fewer cases of overt government harassment of journalists compared with previous years. However, journalists were still hampered by the threat of legal action and other forms of state reprisal, and, as a result, self-censorship remained an issue. [10] (pages 1-2)

“Still, many independent journalists - including those working for foreign media outlets - noticed improvements in the government’s willingness to allow coverage of major events, particularly developments in the battle against religious extremists. [10] (pages 1-2)

“Human rights issues, such as prisoners’ rights, were also covered with greater regularity and aggressiveness by independent and opposition party newspapers, local journalists said. In describing the improved press climate, one Yemeni editor gave the example of an article in a government paper about defective pesticides produced in Yemen. The story led Saudi Arabia to suspend imports of Yemeni produce and pesticides, and the president publicly criticized the journalist who wrote the story. While the journalist could have faced a government lawsuit in previous years, nothing came of the incident.” [10] (pages 1-2)

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Treatment of Refugees

6.45 According to the USSD Report 2003, the law does not include provisions for the granting of refugee status or asylum to persons who meet the definition in the 1951 UN Convention Relating to the Status of Refugees or its 1967 Protocol but there were no reports in 2003 of the forced return of persons to a country where they feared persecution. During 2003, the Government co-operated with the UN High Commissioner for Refugees in assisting refugees and asylum seekers from Somalia, Eritrea, Ethiopia, and other countries [3a] (page 10).

6.46 According to the Amnesty International 2003 report “Yemen: The Rule of Law Sidelined in the Name of Security”, under Law No 47 of 1991, foreign nationals resident in the country can be expelled if they are considered a threat to the internal or external security and integrity of the state, its national economy and public health or public morals. The process by which a person may be expelled does not involve the judiciary and contains no safeguards relating to access to asylum procedures and respect for the principle of non-refoulement (the prohibition of returning someone to face torture or other grave human rights abuses). This legal framework is undermined further by bilateral and multilateral security agreements which are devoid of international safeguards for the protection of people fleeing persecution in their countries [8c] (page 7).

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Government Amnesty Granted to 16 Exiled Separatist Political Leaders

6.47 According to the 2004 edition of “The Middle East and North Africa”, the separatist southern Yemeni leadership, who had fled the country after the 1994 civil war, were sentenced in absentia by a Yemeni court in March 1998. They were living abroad in exile [1] (page 1224). According to information provided by the British Embassy in Sana’a dated 25 October 2000, the 16 exiled members of the separatist southern Yemeni leadership were given sentences varying from outright acquittal to the death penalty. Death sentences were passed against Ali Salem al-Bidh, Haider Abu Bakr al-Attas, Saleh Munasser al-Seyali, Haithem Qassem Taher and Saleh Obaid Ahmad. The following individuals were sentenced to imprisonment for ten years - Qassem Yahya Qassem, Muthanna Salem Askar, Mohammed Ali al-Qairahi. The following individuals received suspended sentences of imprisonment - Abdul-Rahman al-Jifri, Anis Hassan Yahya, Saleh Mohammed Abdullah Jubran, Suleiman Nasser Mas’oud and Obaid Ahmad Mubarak bin Daghar. The following individuals were acquitted - Qassem Saleh Abdul-Rab Afif and Saleh Shayef Hussein. Bin Husainoan was one of the 16 separatist political leaders but it is not clear from the information provided if he was acquitted by the court [13b].

6.48 Five years later, in May 2003, the Government decided to grant an amnesty to the 16 exiled opposition politicians named in para 6.47. According to the Amnesty International 2004 Annual Report on Yemen, “On 22 May [2003] the President declared an amnesty for 16 exiled political leaders who had fled Yemen in 1994 after the north-south civil war. Some of the 16 had been sentenced to death in absentia. Many of the 16 had reportedly returned to Yemen by the end of 2003.” [8a] (page 1). The USSD Report 2003 also reports on the amnesty. It states that “At the end of the 1994 war of succession, the President pardoned nearly all who had fought against the central government, including military personnel and most leaders of the secessionists. In previous years, the Government tried in absentia the leaders of the so-called 16. By May, the President had granted amnesty to all 16.” [3a](page 6)

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ANNEXES

ANNEX A

CHRONOLOGY OF MAJOR EVENTS [1][2][3c][9b]

1839

Aden comes under British rule and becomes a major refuelling port when the Suez Canal opened in 1869.

1849

Ottomans take over northern Yemen.

1918

Ottoman Empire dissolves. North Yemen gains independence and is ruled by the Imam Yahya.

1948

The Imam Yahya is assassinated but his son, Ahmad, beats off opponents of feudal rule and succeeds his father.

1962

Imam Ahmad dies and is succeeded by his son but army officers seize power and set up the Yemen Arab Republic (YAR), which sparks off a civil war between royalists supported by Saudi Arabia and republicans supported by Egypt.

1967

The People's Republic of Southern Yemen, comprising Aden and the former Protectorate of South Arabia, was formed on 30 November. A programme of nationalisation begins.

1970

The People's Republic of Southern Yemen is renamed the People's Democratic Republic of Yemen (PDRY) in November.

1971

Thousands flee to north following a crackdown on dissidents. Armed groups formed in bid to overthrow government.

1972

Intermittent fighting, beginning in early 1971, flared into open warfare between the two Yemens in October 1972. A ceasefire was arranged in the same month and soon afterwards, both sides agree to the union of the two Yemens within 18 months.

1974

In June, a 10-member Military Command Council seized power in the YAR, under the leadership of Lt-Col Ibrahim al-Hamadi.

1977

In October, al-Hamadi was murdered by unknown assassins in Sana'a. Another member of the Military Command Council, Lt-Col Ahmad bin Hussain al-Ghashmi, took over as Chairman and martial law was imposed.

1978

In February, the Military Command Council appointed a Constituent People's Assembly and in April, the Assembly elected al-Ghashmi President of the Republic. The Military Command Council was then dissolved.

In June, President al-Ghashmi was assassinated. In July, the Constituent People's Assembly elected a senior military officer, Lt-Col Ali Abdullah Saleh, as President of YAR.

1979

Fresh fighting between YAR and PDRY took place in February and March, when the National Democratic Front, an alliance of disaffected YAR politicians, won the support of the PDRY and began a revolt.

At a meeting between the North and South Yemeni Heads of State in Kuwait, an agreement was signed pledging unification of the two states.

1981

Following a series of meetings in December, the Heads of State of the two Yemens signed a draft constitution for a unified state and established a joint YAR/PDRY Yemen Council to monitor progress towards unification.

1982

In November, an earthquake devastated central Yemen. More than 3,000 people were killed and there was substantial damage to property.

1983

In May, President Saleh resigned and announced that he would not stand for re-election but the National Assembly, however, unanimously re-elected him for a further five years.

1985

In July, the YAR held its first free elections when 17,500 representatives were elected to local councils.

1986

In January, President Muhammad of the PDRY attempted to eliminate his opponents in the Political Bureau. This sparks off violent clashes in the south of the country based on political rivalry. The army decisively intervenes, turning back pro-Muhammad tribesmen from Abyan who were advancing on Aden. President Muhammad is stripped of all his party and state posts and flees the country. He is later sentenced to death for treason in absentia. A new government is formed. Al-Attas was confirmed as President of the Republic.

1988

In July, a general election took place for 128 seats in the new 159-member Consultative Council which replaced the old Constituent Assembly. The remaining 31 members were appointed by President Saleh.

1990

Political developments eventually lead to the unification of the two Yemens. The new Republic of Yemen is formed in May comprising of YAR and the PDRY. Ali Abdullah Saleh becomes the president of the unified country.

1991

A referendum on the new constitution of the unified Yemen is held and is approved by the majority of those people who voted.

1993

Multi-party legislative elections are held in April. The GPC won 123 out of the 301 seats available, which constituted the majority of the legislative seats. YIP took second place with 62 seats and the YSP took 56 seats. The Baa'th Party took 7 seats, minor parties 5 seats and independents, 47 seats. In April, a coalition government is formed made up of ruling parties of former north and south.

1994

Armies of former north and south, which have failed to integrate, gather on former frontier as relations between southern and northern leaders deteriorate.

In May, President Saleh declares a state of emergency and dismisses al-Baid and other southern government members following political deadlock and sporadic fighting. On 21 May, Al-Baid declares the independence of the Democratic Republic of Yemen. President Saleh rejects this secession as illegal.

In July, northern forces take control of Aden. Secessionist leaders flee abroad.

1995

Yemen and Eritrea clash over disputed island territory.

1997

Legislative elections are held in April. The GPC win 187 out of the 301 seats available. With almost a two-thirds majority, the GPC secured a clear majority in the new parliament. YIP won 53 seats. The YSP boycotted the election along with several other opposition groups alleging that there were irregularities in the voter registration process.

1998

At the end of March, the year-long trial of 15 members of the separatist southern Yemeni leadership during the 1994 civil war ended. Five of the men were condemned to death, three were sentenced to 10 years' imprisonment, five received suspended sentences and two were acquitted.

The Government's decision in June to increase fuel prices and some basic foodstuffs by up to 40 per cent led to a week of riots and demonstrations in Sana'a and several other towns. Official sources stated that 34 people had been killed in the violence but opposition sources abroad stated that up to 100 people were killed.

1999

In September, Yemen's first direct presidential election was held. The incumbent president - Ali Abdullah Saleh - won the election winning 96.3 per cent of the votes.

2000

At the end of January, parliament finally approved a bill setting out the structure and powers of local and regional government. The new law established district and governorate councils, with governors and district managers appointed by the President while their deputies will be elected.

In October 2000, the American naval vessel USS Cole is damaged in a suicide attack in Aden. Investigations held amid tension between Yemen and the United States. Also, in October, a bomb explodes at the British Embassy in Sana'a.

At the end of November 2000, after two months of debate, the House of Representatives ratified several important amendments to the constitution. The parliamentary term is extended from four years to six years and the presidential term from five years to seven years. President Saleh announced that the constitutional changes would be put to a referendum in February 2001 at the same time as the local elections.

2001

In February 2001, violence occurred in the run-up to the local municipal elections and the referendum on constitutional changes. According to official sources, 77.5% of voters endorsed the constitutional changes. As regards the local municipal elections, preliminary results indicated that the GPC won most of the seats available, followed by the YIP, and the remainder of seats were won by the YSP and independents. The final results of the local elections were never published.

At the end of March 2001, President Saleh dismissed Prime Minister Abd al-Karim al-Iryani and declared the formation of a new government, to be led by the former Deputy Prime

Minister and Minister of Foreign Affairs, Abd al-Qadir Bajammal. The new Council of Ministers was composed exclusively of GPC members. Several new ministers were appointed, with only 12 remaining from the previous administration.

2002

In February, Yemen expels more than 100 foreign Islamic scholars, including British and French nationals, as part of a crackdown on terror and suspected al-Qaeda members.

In October, the supertanker "Limburg" is badly damaged in an explosion off the Yemeni coast in an apparent terrorist attack.

2003

In early 2003, 22 political parties were registered for a parliamentary election, which was held on 27 April 2003. The GPC recorded another decisive victory, winning 238 seats out of 301 seats and the YSP secured 46 seats. Voter turnout was reported to total 76% of the electorate. Opposition parties threatened to boycott the new parliament after widespread claims of ballot rigging, fraud and intimidation. The President re-appointed Bajammal as Prime Minister on 10 May 2003 and requested that he form a new government. The new Council of Ministers formed by Bajammal was sworn in on 19 May 2003.

In April, the ten chief suspects in the bombing of the USS Cole escape from custody in Aden.

In June 2003, security forces kill 12 suspected militants in an offensive against an Islamist group.

2004

In March, two militants suspected of being involved in the bombing of the USS Cole, in October 2000, were re-arrested by the Yemeni authorities.

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ANNEX B

LIST OF THE MAIN POLITICAL ORGANISATIONS

Baath Arab Socialist Rebirth Party [14]

Based in Sana'a. The leader is Dr Qassim Salaam. This Yemeni version of the historic pan-Arab Baath Party returned seven successful candidates in the 1993 elections to the House of Representatives. In early 1995, the party was reportedly a constituent of a Democratic Coalition of Opposition. It retained only two seats in the 1997 elections.

Democratic Coalition of Opposition [1] (page 1256)

Based in Sana'a. Formed in 1995 as a coalition of 13 political parties and organisations, including a splinter faction of the Yemen Socialist Party and the League of the Sons of Yemen.

General People's Congress [1](page 1256) and [14]

Based in Sana'a. The GPC is a broad grouping of supporters of President Saleh. Chairman – Field Marshal Ali Abdullah Saleh. Vice-Chairman – Major General Abd Ar-Rabbuh Mansur Hadi. Secretary General – Dr Abd al-Karim al-Iryani. The GPC was formed in 1982 in what was then North Yemen as a 1,000-member consultative body rather than a political party. Lt Gen Salih, the long-time President of the Yemen Arab Republic, relinquished his position as secretary-general of the GPC upon assuming the presidency of the unified Republic of Yemen in May 1990. The GPC is currently the ruling political party.

League of the Sons of Yemen [1] (page 1256)

Based in Aden. Represents interests of southern tribes. Leader – Abd Ar-Rahman Al-Jifri. Secretary General – Mohsen Farid

Nasserite Unionist Popular Organisation [1] (page 1256)

Based in Aden. Formed in 1989 as a legal party.

National Opposition Co-ordination Council [1] (page 1256)

Based in Sana'a. Formed in 2001 as a coalition of opposition parties, including the YSP.

The Truth Party (Al-Haq) [1](page 1256) and [14]

Based in Sana'a. Established by Islamic religious scholars in 1991. It secured two seats in the House of Representatives in the 1993 elections which were lost in the 1997 polling. Conservative Islamic party. Leader - Sheikh Ahmad ash-Shami.

Yemen Socialist Party [14]

Leader – Ali Salih Myqbil. Secretary General – Ali Saleh Obad. The YSP was formed in 1978 as a Marxist-Leninist vanguard party for the People's Democratic Republic of Yemen, and maintained one-party control despite several leadership conflicts until

unification with the north in 1990. The party won 56 seats in the 1993 legislative elections and was allocated 9 cabinet posts in the subsequent coalition government, and took two seats in the Presidential Council. The YSP was excluded from the new coalition government formed after the 1994 civil war. The YSP boycotted the 1997 elections, alleging unfairness and therefore had no parliamentary support to nominate a candidate for the presidential elections in 1999. The party joined the Co-ordination Council of Opposition Parties in 2001.

Yemeni Islah Party [1](page 1256) and [14]

Based in Sana'a. Leader – Sheikh Abdullah Bin Hussain al-Ahmar. Secretary General – Sheikh Muhammad Ali Al-Yadoumi. The YIP, also known as the Yemeni Alliance for Reform, was established in September 1990, attracting support from the conservative pro-Saudi population in northern tribal areas. The party seeks constitutional reform based on Islamic law.

Yemeni Unionist Rally Party [1] (page 1256)

Based in Aden. Formed in 1990 by intellectuals and politicians from the former YAR and PDRY to safeguard human rights. Leader - Omar al-Jawi.

Other political parties in Yemen include the **Arab Socialist Baath Party**, the **Federation of Popular Forces**, the **Liberation Front Party**, the **Nasserite Democratic Party**, the **National Democratic Front**, the **National Social Party**, the **Popular Nasserite Reformation Party**, the **Social Green Party** and the **Yemen League** [1] (page 1256)

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ANNEX C

LIST OF SOURCE MATERIAL

[1] Yemen section from the “The Middle East and North Africa 2004” - published by Europa Publications in 2004

[2] Yemen section from “Europa World Year Book 2004” - published by Europa Publications in 2004

[3] US State Department reports:

(a) 2003 Country Report on Human Rights Practices in Yemen - published on 25 February 2004 (obtained from www.state.gov on 16 April 2004)

(b) 2003 Country Report on International Religious Freedom in Yemen - published on 18 December 2003 (obtained from www.state.gov on 9 June 2004)

(c) Background Note on the Republic of Yemen - published in November 2003 (obtained from www.state.gov on 9 June 2004)

(d) Report on Female Genital Mutilation (FGM) or Female Genital Cutting (FGC) in Yemen - published on 1 June 2001 (obtained from www.state.gov on 29 July 2004)

[4] Law Number 6 of 1990 on Yemeni Nationality (obtained from www.yemenembassy.org/explore/consular/nationality.htm on 12 November 2003)

[5] “Refusing to Bear Arms” extract on Yemen - published by War Resisters' International in September 1998

[6] “Reporters Without Borders 2004 Report on Yemen” (obtained from www.rsf.org on 9 June 2004)

[7] “Yemen: Coping with Terrorism and Violence in a Fragile State” - International Crisis Group report published in January 2003 (obtained from www.icg.org in November 2003)

[8] Amnesty International reports:

(a) “2004 Annual Report on Yemen” (obtained from www.amnesty.org on 5 July 2004)

(b) “The Death Penalty: List of Abolitionist and Retentionist Countries - 1 February 2004” (obtained from www.amnesty.org on 9 June 2004)

(c) “Yemen: The Rule of Law Sidelined in the Name of Security” - 24 September 2003 (obtained from www.amnesty.org in November 2003)

[9] BBC News reports:

(a) “Country Profile: Yemen” dated 29 May 2004 (obtained from news.bbc.co.uk on 9 June 2004)

(b) “Timeline: Yemen” dated 26 April 2004 (obtained from news.bbc.co.uk on 5 July 2004)

[10] Yemen section of the Committee to Protect Journalists "Attacks on the Press 2003 Report" (obtained from www.cpj.org/attacks03/mideast03/yemen.html on 9 June 2004)

[11] World Health Organisation (WHO) reports:

(a) Information about mental health facilities in Yemen (obtained from the WHO website - www.5.who.int/mental_health - on 10 October 2002)

(b) Yemen Country Profile from the “World Health Day 2001” report (obtained from www.emro.who.int/mnh/whd/Countryprofile-YEM.htm on 29 July 2004)

[12] Law Number 25 of 1990 on the Press and Publications (obtained from www.al-bab.com/yemen/gov/off4.htm on 26 July 2004)

[13] Information obtained from the British Embassy in Sana'a:

(a) Information dated 21 February 2000 about Yemeni law on homosexuality and unlawful sexual acts

(b) List dated 25 October 2000 of the 16 exiled separatist politicians not included in the government amnesty following the 1994 civil war

[14] “Political Parties of the World” - 5th edition edited by Alan Day and published by John Harper Publishing in 2002

[15] The Republic of Yemen Constitution of 1994 - with subsequent amendments (obtained from www.al-bab.com/yemen/gov/con94.htm on 5 July 2004)

[16] Law Number 66 of 1991 on Political Parties and Political Organisations (obtained from the www.al-bab.com/yemen/gov/off3.htm website on 11 November 2003)

[17] “Yemen Times” report from Vol XII (4-21 January 2002) - “The Health Care System in Yemen” (obtained from www.yementimes.com on 18 December 2003)

[18] “Yemen Times” Report 17 Vol X (24-30 April 2000) - “The Orphanage in Sana'a Pleads for Help” (obtained from www.yementimes.com on 27 November 2003)

[19] “Yemen Times” Report 40 Vol VIII (5-11 October 1998) - “Yemen's First Ever Orphanage for Girls” (obtained from www.yementimes.com on 27 November 2003)

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