

NON-GOVERNMENTAL ORGANIZATIONS' REPORT

ON

**STATUS OF CIVIL & POLITICAL RIGHTS IN YEMEN
SUBMITTED TO HUMAN RIGHTS COMMITTEE
(HRC)**

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Sana'a Yemen

Introduction

The Republic of Yemen is located in south of Arabian Peninsula. It has an area of 474,580 sq km, divided into 20 governorates and municipality. Yemen's geography is varied, including mountains, hills, plains, valleys, deserts, and islands. The system of government is a presidential Republic. The Yemeni Constitution and Islam are the main sources of legislation. The laws specify a distribution of power among the executive, legislative, and judicial branches of government and

support the principles of plurality of political parties. In Yemen, there are parliamentary elections. The terms for members of parliament have been extended from four years to six years, and the presidential term has been extended from five years to seven years. The first elections of local councils took place in February 2001. Despite the Constitution's emphasis on decentralization of powers, in practice, the powers remain centralized. Yemen's economic growth is among the slowest worldwide and it is the poorest Arab country. Yemeni society is primarily agricultural and ruled by tribal traditions. In most of Yemen, the judicial system is weak and dependent upon the executive branch. Reports by the World Bank and Transparency International have confirmed that corruption is wide spread among most of the government utilities. Corruption weakens the established laws and judiciary, which in turn allows violations of human rights despite the measures taken such as the ratification of many conventions on human rights in 2003, and the establishment of human rights organizations and various civil society establishments.

According to the latest population census, Yemen's population is 19,721,643, with females and males representing 49.3% and 50.7% respectively. The population is distributed among twenty governorates and municipalities, in both urban and rural areas. Population growth decreased according to the latest population census to 3.02%¹. Yemen lacks many of basic human services, especially in more rural and remote locations. Small Jewish minorities exist in Yemen in addition to a marginal group called the Akhdam (servants).

1) The Right of Life

a- Death Penalty

Concerning article 6 of the International Covenant on Civil and Political law, we can say that Yemeni law makers have not worked to decrease the number of people sentenced to death. They have sometimes used religion as an excuse and other times used national security as a justification. This penalty is applied in several instances, some of which are: premeditated murder, forming criminal gangs, actions that lead to death of others (e.g. arson), manufacturing, selling, exporting, or purchasing drugs, moral cases such as committing adultery by married woman/man, sodomy by married man, and conversion from Islam. In the case of conversion from Islam (apostasy), when a convict is sentenced to death, there is still legal disagreement because there is no Koranic verse that specifies that apostates should be killed; however, the Koran does specify the penalty to death for premeditated murder.

The use of the death penalty is used further for political crimes, including treason and charges of endangering national security, unity, independence, or defense. Those charges of the political aspects are often loosely interpreted and easily manipulated for political purposes.

In May 2005, Yahya Al-Dailmy was sentenced to death for the crime of high treason, having supposedly conspired with another country. However, the Yemeni Ministry of External Affairs did not issue a statement against the country with whom the claims he conspired. The court, formed outside the legitimacy of the Constitution, issued the death sentence. The court was illegal and forced the defense to abandon the case since they were not allowed to photocopy the prosecution's documents

Recommendations:

- The death penalty should no longer be used for political crimes or crimes against religion. We recommend that in cases of any doubt, it is best to avoid the death penalty.

¹ The previous year's population growth was 3.05%

b- Impact of the war in Sa'ada

Recently, Sa'ada's first and second war took place between the government and a group of rebels made up of Sa'ada citizens. The authority used the full force of its army and air force, which resulted in considerable collateral damage. The first estimation of losses was 1,500 houses either partially or totally destroyed. The state refuses to release the number of military and civilian casualties. Survivors of this war report the deaths of hundreds of citizens and soldiers. Some have testified that government soldiers killed and tortured the people arrested during the war. Human rights organizations and NGOs were prohibited from visiting the area during the battles. Visits to the area are possible only with permission from the government and remain very limited.

The situation in Sa'ada is similar to the summer war of 1994 between the Socialist party, and Moatermer party. It reminds us of the military camps that continued to spread inside cities after the war. Although the authority's claim that it handled the aftereffects of 1994 war properly, many of the south's citizens still suffer from its effects.

Recommendations:

- The cession of violence and political clashes is necessary. The government must deal with the conflict in such a way as to preserve the lives, dignity, rights and freedoms of Yemeni citizen. The government should also work through the constitutional establishments to reach an outcome, not arbitrary decisions.

2) Freedom & Individual Safety

Yemeni law specifies the necessity for the prosecution to charge a person accused of a crime quickly after his/her arrest. It is for the public prosecution to determine the strength of the evidence against the accused and then he/she is submitted to the court within 24 hours. Otherwise the accused person should be released immediately. However, this requirement is not exercised in practice. Some people are held against their wills for unreasonable periods without a charge brought against them. The political security will not admit that these people exist and do not reveal their condition.

Lately, in relation to the cases of terrorism and the recent events in Sa'ada, many houses have been entered into forcefully under the cover of darkness. Citizens have been arrested without a charge and their detention hidden from the public. Their possessions, such as religious opinion books, were confiscated. The government claimed their possessions were evidence without any authority from the prosecution. Even though some people remain in jails for over a year, their families are not allowed to visit them, know of their charges, or appoint a lawyer for them. They are then released without an official charge or court appearance. While under custody, they are forced to sign written statements and warned not to disclose what took place in prison. Some are arrested as hostages in hopes of capturing outlaw relatives. Some sources state that the number of people arrested on such "charges" exceeds four thousand, distributed through political security jails in many of Yemen's governorates.

On May 22, a newspaper affiliated with the governing party announced the intended release of 600 people, including children, who had been arrested for crimes in Sa'ada to take place on May 24. Many of these people had been arrested for voicing negative views of America and Israel in local Mosques. Yemeni law requires compensation to persons arrested improperly. Nevertheless, no one dared demand compensation because of the threats they received during their jail time.

Examples of Illegal Arrests:

- The arrest of Yahya Al-Dailmy, in front of a mosque after the dawn prayer on September 9, 2004. The authorities hid him for ten days and his family could not visit him for two weeks after his arrest.

- The arrest of Mohahmed Moftah, in front of his residence at 10:00 pm on September 16, 2004 and hiding him for two weeks. His family could not visit him for two months after his arrest.
- The arrest of Dr. Abdulrahim Al-Homran from Sana'a University. He remains in political prison even now. He was arrested because he is the brother-in-law of Bader Al-Hothy, of the second party of the Sa'ada War.
- Recently, it was discovered that four men who had been released from Guantanamo Bay and delivered to the Yemeni authorities were arrested by political security. This was reported by American lawyers who came from Amnesty International in June 2005 with authorizations from the families of Guantanamo prisoners to defend them. The names of the prisoners were mentioned as hostages in Al-Balag newspaper, edition no. 622 on July 21, 2005.

Recommendations:

- Unlawful arrests and imprisonment should cease. The government should work within the framework of its own laws.

3) Torture

The Ministry of Internal Affairs admits numbers of violations of article 7 of the International Covenant on Civil and Political Rights in its annual reports, but the ministry reports is only a small piece of the total instances, which occurs in criminal investigations offices and political security prisons.

There are cases of torture that have led to physical disability, such as the case of Ahmed Hager who is paralyzed due to tortures. He lost the ability to move and suffered from amnesia. He was imprisoned in the political security's prison in Sa'ada at the beginning of this year. Sami Al-Shargabi was tortured during an investigation in the administration in Taiz at the beginning of 2003. He suffered twenty three injuries.

Torture can also lead to death, such as the case of Sabah Saif Salem, who was arrested in the Al-Udain area of the Ibb governorate. She was tortured into a confession of adultery. The torture led to her death on August 2000, with suspicion of rape during the prison period.

Sometimes, prisoners take their own life during prolonged periods of torture.

Recommendations:

- The authorities should open prisons and jails for inspection by local and international civil society organizations.
- Knowledge of human rights should be disseminated among prison workers.
- Offenders should be referred to the judicial authorities for punishment.
- Actual practices must be brought into accord with the international accords to which Yemen has agreed.

4) Prisons

Prison law and its executive regulations neither includes the basic principles of treating prisoners with neutrality and equality, nor mentions the description of prison facilities and health conditions suitable for human use. The prisons are crowded and the health care facilities lack basic hygiene. Prisoners with contagious diseases stay with other prisoners, causing sickness to spread. In addition, young juveniles are jailed among the general prison population, which often permits cases of sexual abuse.

Regardless of the seriousness of their crimes, prisoners live together. Many are regularly beaten and assaulted. For example, Abdulkareem Al-Khaiwani, a journalist, was assaulted five times during the eight months he spent in the Central Prison in Sana'a.

Recommendations:

- Prisons' laws and their regulations should include the international basic principles for treating prisoners included in article 10 of the International Covenant on Civil and Political Rights. These laws should be effectively implemented and violators should be punished
- Prison workers should be prepared and rehabilitated prison's workers according to these principles

5) Judiciary

The Yemeni judiciary system is still based on tradition with respect to administration, knowledge, and performance. It cannot fulfill missions of protecting democracy, human rights, or the basic political, economical, social, and cultural freedoms.

To do so would require radical reforms, starting from the basic structure and executive methods, so as to be consistent with modern judiciary standards and constitutional provisions that clearly state the independency of judiciary system. According to judiciary authority law, the president of the Republic should appoint chairpersons of courts, public prosecution and the Supreme Court. The candidates are suggested by Minister of Justice and approved by the Supreme Judiciary authority, an executive body headed by the president of the Republic. Members of public prosecution should be affiliated with the Minister of Justice. He is granted the authority to move judges and move their delegation. The executive authority determines the judges' salaries, bonuses and subjects them to questioning by the Minister of Justice.

The result is a jumbled executive and judiciary and leads to the formation of specialized courts, such as public money courts. These rule many of the civil disputes between government administrations and individuals through adapting relations by way of penal actions against public money and settle in advance the disputes for the favor of the government. The criminal court is one of the exceptional judiciary courts. Its foundation conflicts with the Constitution. It works on different cases, one of which cases related to state security. The death penalty is the verdict for a crime against the security of the state.

The absence of conditions and basic principles of modern judiciary system does not mean there are no judges who rule with neutrality. However, some of their verdicts are not applied if they are inconsistent with the executive authorities' interests. Sometimes the judiciary hinders important cases, such as those of the journalist Al-Khaiwani, Garallah Omer, the Assistant Secretary General of Yemeni Socialist Party, Judge Loqman and many cases of opposition newspapers.

It is worth mentioning that many officials of the civil judiciary authority are soldiers with high military ranks, such as the Minister of Justice, Attorney General, and several other chiefs of courts. Furthermore, the president of the Republic is also the chief justice of the supreme judiciary.

Recommendations:

- Judiciary authority should be made independent from the executive authority, including the formation of the judiciary supreme council, courts, public prosecution, appointing, promotions, and defining judges' salary, and setting independent budget for judiciary.
- Formation of independent constitutional court, specialized administrative judiciary, canceling exceptional courts, and the regular execution of verdicts decided by the judiciary, regardless of their impact on the executive branch.

- Enhancement and rehabilitation of judges, members of prosecution, and efforts to improve their quality of life.

6) Freedom of Religion and Belief:

Shi'as in Yemen are subjected to religious oppression and are prohibited from practicing their religious rituals, such as gathering Gadeer day. Books of Shi'as creed have been confiscated and pulled from libraries. Many centers and schools related to Shi'as creed have been closed.

Examples of centers and schools that were closed:

- Bader Scientific Center was destroyed. Its bathrooms and part of its cell were ruined. People who worked in the center were threatened with death and students were persecuted.
- Al-Moaed school in Al-Ma'aber was searched and its library was looted.
- Professor Yahya Azan was arrested in the airport for being the editor of Zaidia creed's books. He remained in political security prison for 11 months.
- Scholar Mohamed Moftah's library was looted.
- Judge Loqman, the Chief Justice, was prosecuted for his personal religious beliefs. He was first sentenced of ten years jail, but the sentence was shortened to five years after the appeal. His personal library was confiscated.

Recommendations:

- The authorities should comply with the principles of freedom of opinion, expression, and religion, which were ratified in many international agreements.

7) Terrorism

There is no formal strategy for fighting terrorism. Currently, policies include using legal measures, adopting cultural, educational, economical, and social policy works to stop terrorism, eliminate its resources and spread principles of tolerance and forgiveness instead of provocative calls for religious and national hatred.

The fact that there was no complete and transparent investigations conducted in Garallah Omer's case, allowed the existence of organizations that shed blood and assassinate creative individuals to achieve their goals. These practices are a real challenge to civil society organizations.

8) Personal Privacy

Terrorism provides ample justification for violations of personal privacy, such as wiretapping phone calls, searching personal mail, extra security, and questioning anyone in the street at midnight, especially in old Sana'a area.

Recommendations:

- Excessive security measures and constant violations of personal privacy carried by the authority must be stopped.

9) Debts

Concerning article 11 of the International Covenant on Civil and Political Rights, we can notice that prisons in Yemen are full of debtors who could not fulfill their obligations. They are imprisoned until they pay the debts or creditors exempt them. Otherwise, debtors can remain in prison for a long time. It has been found out that there are such prisoners who have been jailed for more than ten years.

Recommendations:

- It is necessary to comply with the provisions of the international civil and political covenant regarding canceling the penalty time for poor debt prisoners.

10) Freedom of Opinion and Expression

Yemen is witnessing an unprecedented set back regarding the freedom of opinion and expression in general and the freedom of press specifically. Currently, a new law is about to be ratified regarding the press. It contains many restrictions, prohibitions, and punishments to restrain the press freedom of expression and publishing. It gives government utilities the right to censor and prohibit the press. This censorship shockingly clashes with Constitution and international covenants, especially with the international declaration for human rights and the international covenant on civil and political rights. The following are examples of the conflicts with constitution. The constitution considers persons 18 years or older an adult, while the new law specifies that adulthood is reached at 25 years old. The law also conflicts with the freedom of citizens. It imposes financial fetters by requiring newspaper owners to open bank accounts of five million YR. If the owner is an organization, it should also have bank account of five millions YR. The law also prohibits publishing information relating to the courts, even if this information could reveal the truth. The ultimate decision as to what can be published comes from the judge.

As for advertisements, the project prohibits publishing any advertisement that conflicts with principles, rules, and morals of the society. But how should these principles and manners be determined?

Perhaps the most dangerous provision in the law is the one that gives the right to the Ministry of Information to close any newspaper issued by political party if there is fission inside that party. It is also allows closure of the newspaper if there is fission announcement. This way, the party newspaper will come to resolve this issue in favor of one side of the fissional party. It is well know in Yemen that the authorities work to divide opposed political parties. The law is a beginning attempt to stop all opposition newspapers using fission an excuse. In other words, all opposition newspapers are threatened. This has already affected AL-Shora, the newspaper of the National Forces Union party. The strange thing about this legislation is the requirement for the editor-in-chief to publish topics presented by citizens to the newspaper. The editor-in-chief is not allowed to refuse those topics unless they conflict with the law. The law gives the right to the citizens whose topics were not published to present compliant to the minister of information or judge. This strange requirement prohibits the newspapers from having their own methods, policies and conditions for publishing. It also grants the minister the right to issue regulations to organize conditions of licenses and receives portion of the capital in return of acquiring the license. According to this item of the project, the ministry of information will be an establishment of money collection after it became establishment of police censorship. Other items in this law impose taxes on external newspapers, magazines, printing offices, and kiosks. It also grants the Minister the right to prohibit newspapers. Although the newspaper can resort to judiciary prosecution, the ministry is the final word for the court. Banning newspapers requires judiciary verdict not ministerial decision. This project also prohibits support, help and donations from non-Yemeni parties.

If we look at the situation of press freedom in Yemen, we will see a clear proof that the first four years of unity, from 1990 to 1994, was the high point of journalism and democracy; press freedom flourished and people read more newspapers. Governmental censorship utilities backed off, and

persecution of journalists became rare. However, soon after, the progress receded. Strange verdicts began to be issued against journalists, like whipping and lifetime bans on writing. Newspapers were closed and verdicts were issued that contradicted freedom of press. These violations included the repeated closure of Al-Shora newspaper and the abduction journalists and prosecution of journalists. Violation such as these reached 120 in 2004. It was the highest rate of the last ten years. 2004 is considered the worst year for freedom of press since year 1994.

This situation continued in 2005, the government used mental terrorism against the freedom of opinion and expression. Lately, members of the government party in the parliament and official newspapers are carrying out a war against a member of parliament, Sultan Al-Samae, and against the outstanding political and journalist Abdulsalam Al-Hakemi. They are being sued for high treason based on press-interviews in which they suggested that the regime of Yemen be decentralized to prevent corruption.

The governing political party monopolizes the media and has adopted a media policy that makes media one of its repressive tools to hide the truth. This occurs through the following practices.

- 1- Local legislation, especially those concerning freedom of opinion, expression, and publishing, do not fit with international covenants ratified by Yemen, specifically the international covenant for civil and political rights.
- 2- Monopolization of media messages in favor of the governing party exclusively. The state media even instigates and makes defamation against opponents, describing them as treasonous.
- 3- The state rewards newspapers of the governing party and mistreats the opposing journalists, hiding information and actively covering the truth.
- 4- Repression of journalists has become more intense, especially towards those who report on government and important officials such as Al-Shora and Al-Thawri newspapers when it discussed the corruption within the executive branch, opened a bequest file, and revealed some of Sa'ada's war facts.
- 5- Truculent attacks against opposing journalists by authority media institutions, accusing them of being traitors.

Finally, the authority topped its efforts and violations by legislating the new press laws, which demolish freedom of expression through pressure by means of bans and punishments on newspapers and journalists.

As for the radio, T.V, and satellite channels, the government monopolizes them and does not allow national or political party sectors to have radio or satellite channels. This mass media is used to make claims and instigations against political opponents, especially during elections.

The continuity of media monopolization and the existence of a ministerial portfolio means that the governing party is overly influencing public opinion. The monopolization of media conflicts with Sana'a's statement signed with UNSCO on 1996, which makes it incumbent upon Yemen to liberate mass media and gave the citizens the right to own, read, watch and hear a diversity of opinions within mass media.

Examples of Violations against Politicians and Journalists

- 1- Repeated suing of opposition party newspapers with illegal excuses like press topics, some of which were published four years before, like with Al-Thawri newspaper.
- 2- Repeated suspension of Al-Shora newspaper. In the latest attack against them, the newspaper location was broken into, its contents were confiscated, and Mr. Abdulkareem Al-Khaiwani, chief-in-editor, was arrested and sent to jail for 8 months. He was prohibited

from exercising his legal rights to a fair trial and he was not allowed to appeal the verdict. He was also subjected to assault five times while in jail.

- 3- The kidnapping of journalists Abdulrahman Mohsen and Ibrahim Hussain. The two men were abducted because of articles they wrote criticizing the president and government policy, and then they were released without having been accused of any charge.
- 4- The kidnapping of journalist Said Thabit, the Journalists Union First Deputy, because of news he published.
- 5- Prohibition of distribution of Al-Neda'a newspaper for several months.
- 6- Prohibition of the Al-Qubaita bulletin, which belongs to a charity association.
- 7- Closing Al-Huria newspaper and issuing a jail sentence against its chief-in-editor.
- 8- Dismissing journalist Abdulfatah Al-Hakeemi from his work as Deputy Editor in Chief of the official "14th October" newspaper because he wrote articles in opposition newspapers.

Recommendations:

- 1- Liberate mass media from the governmental hegemony.
- 2- Prohibit death sentence and jail for journalists.
- 3- Prohibit all actions that limit the flow of information.
- 4- Provide legal guarantees that ensure journalists' financial and personal rights.
- 5- Eliminate all restraints on presswork, such as licenses, procedures, financial issues, or administrative obstacles.
- 6- Rephrase all laws related to freedom of publishing to be compatible with international legislations, especially penalty law no 12 for year 94 that contains 19 items divided in six chapters included provisions of executing, whipping, and imprisoning journalists for ten years for practicing his/her rights of expression, opinion, and standards.

11) The Right of Gathering and Peacefully Demonstrating

Law No 29 of the year 2003 was issued regarding the organization of demonstrations and protest marches. It requires the presentation of notifications to the concerned party in order to organize a protest march at least three days before the march is to begin. The notifications must be in writing, specifying the date, time and place of the gathering, direction intended, ending time, objectives, reasons, and signs carried during the march. The notification must be signed by the organizing committee, providing the names of chairpersons and members of committee, their duties and addresses. If the organizing party of the demonstration is a political party or organization, the written notification must be signed by the legal representatives of the organization or political party.

Item 6 of this law gives the right to the Ministry of Interior Affairs to adjust the time, place, direction, and end of the demonstrations. It also grants it the right to end the demonstration if the acclamations and slogans were not acceptable, or would hinder the authorities from doing its duty.

In item 16 of this law prohibits demonstrations against the republican regime or against unity of the country.

Examples of Repressed Demonstrations and Gatherings:

- 1- In 2005, the authorities prevented sit-ins called by parties of joint meeting in the headquarters of the Socialist Party. The sit-ins were intended to protest against the war in Sa'ada. Water, electricity and telephone lines were cut off from the party's headquarters. It was surrounded with security barriers to prevent participation in the sit-in, and the security officer broke into the party headquarters.
- 2- Police scared away peaceful gatherings, arrested and tried its organizers in front of specialized criminal court that was concurrently persecuting scholars Al-Dailmy and Mufta.

- 3- Police repressed the march that was organized in Taiz to protest against the sales law. Two citizens were killed in the encounter.
- 4- Security forces prevented a students' demonstration in May 2005 that was marching to the presidential center to protest because of the strike carried by the teaching faculty in the university.

Recommendations:

- Cancel law No 29, "Organizing Demonstrations," of the year 2003 because it restricts citizens' rights to express their opinions on public issues.

12) Freedom to Form Associations:

The law of national societies and establishments and its executive regulations consist of many illegal items in article 75 that conflict with constitutional and international agreements. This law and its executive regulations restrict the freedom to form associations; it requires the approval of the government to establish and form none-governmental organizations and associations. According to items No 12-8, organizations can not be formed and acquire their nominal personality unless the Ministry of Work and Social Affairs approves them and grants license for practicing. Item no. 12 states that NGOs need the acceptance of the Ministry to have an existence. According to item no. 12, no organization can acquire its nominal personality unless its information is declared to the government. The executive regulations of this law come with additional fetters. When registering the basic system of the organization, bank notification of the deposit amount set for forming the establishment (m7b/5) must be enclosed. The organization of establishment is not registered until elections procedures are complete and registration summary is published in a governmental newspaper on the expenses of the association. According to item 84, organizations are prohibited to practice their works until all registration procedures are complete. Organization and associations are given practice license for one year only. The license must be renewed annually. They are requested to submit technical and financial report about the previous year, which enables authorities to punish organizations with which it is not content.

One of the disadvantages of this law and its executive provisions is that it does not grant absolute freedom for organizations to have resources to help them achieve their goals and it gives the Ministry the right to suspend their works. This law and its executive regulations grant the Ministry more power to interfere in administrative details of the organizations, from its institution and its administrative competences to determining how meetings should be executed. These laws have allowed the authorities to suspend the activities of non-governmental organizations.

Most of the government support is concentrated on organizations that support the ruling party. Associations like Kana'an and Al-Saleh have the lion's share, while other firmly established associations have no such support. The Philosophy association was deprived of government support, but when it was divided into two associations, the newer one was given support before one year elapsed since its declaration.

As for unions and bars, law no. 35 for year 2002 regarding organizing workers union restricts the establishment of independent civil establishments and puts them under government supervision, stipulating the conditions for acquiring their legitimacy after registering in the Ministry of Social Affairs. This law also restricts the right to strike in case of dispute with an employer if communication through group negotiation failed to solve the dispute. This law restricts this right so that unions will not participate in public affairs.

Examples:

- The government formed a union similar to Doctors & pharmacist union.
- Security attacked the engineers' union; administrative measures were taken by the Ministry to take over and control the union, and appoint leadership for it.

Recommendations:

- Canceling legal restrictions that limit the freedom of forming organization, association, and unions.

13) Women

A - Women and Elections

Election law no 27 for the year 2001 gave women the right to vote, nominate, and poll without discrimination. The law confirmed women's right to join political parties, but the decree forming the supreme election committee did not include any woman, and in the last parliament election April 2003, women were also ignored and did not participate in the supervising committees in governorates and fundamental committees in elections departments. Women were only included in the subcommittees because vote polls were separated by gender. If it was not for that, women would probably have been ignored in committees of elections supervision.

Below is a table illustrating the participation of women in the supreme elections committee and the supervision committee in the last parliament elections in 2003.

| <i>Committee</i> | <i>2003 Elections</i> | |
|-----------------------|-----------------------|----------------|
| | <i>Males</i> | <i>Females</i> |
| Supreme committee | 7 | - |
| Supervision committee | 59 | 1 |
| Main committee | 902 | 1 |
| Subcommittee | 6051 | 5148 |

In the most important bodies there is none or less (1) women. The high number of women in the Subcommittee can be explained because they have no decision power; they only do registration. The number of women registered in election registration records increased to 3,415,114 electors. This represents 24% of the general total of the registered people in parliament elections on 2003. Nevertheless, women represented only 11 candidates. Yemeni political parties presented bad images of their beliefs on encouraging and supporting women to participate in politics. The result of the elections was another set back in women political participation because only one woman was elected to the parliament compared to 301 seats for men.

The case was not better with respect to local councils. Starting with local elections law no 4 for year 2000, we see that there is no positive discrimination for women. Only 35 women are members of the local council elected on February 2001 in provinces, and only three in cities. In total, only 38 (0.05%) women were elected from 7032 members of local councils (currently, the number currently is 36 members because one member has resigned and the other one moved to another city.)

Results of women participation in Parliament and local councils are weak because of several reasons:

- 1- Political parties do not support women's participation. Women represent on average no more than 2% of leading committees in the parties.
- 2- Weakness of government interest in supporting women's public and political participation through:

- A) Not following informational and educational plans to change the political image of women.
- B) The number of women in the concerned councils shows the absence of women. There is only one woman in the government (council of ministers) out of 35 ministers and two women in state consultative council from 111 members.
- C) Not complying with the quota principle in a good average to achieve normal representation by women at least in the concerned councils and executive position in the authority.
- D) Not adjusting discrimination items in the law despite the repeated demands.

3- The illiteracy spread among women; its average is 67% female in Yemen.

B- Women and Judiciary

It is worth mentioning that the judiciary authority grew in male judges since the unity of Yemen on 1990, while the average of women participating in this field stopped growing compared to the number of women participating in this field in the south because of clear government disapproval of women participating in the judiciary. Women in this field represent only of 1.6% of the total judiciary authority. There are no women in the judiciary supreme council. Participation of female judges is limited in civil, vital statistics and juvenile cases.

C- Women and Law

Although most laws do not discriminate against woman and give her rights equal to men, the problem lies in the laws' application. The executive provisions of these laws allow the executors to manipulate the legal right through widening legal executors' authority and loosely interpreting the law. This requires government machinery to supervise executing laws, accelerating procedures and activating them. It is worth mentioning that women are the biggest victims from these problems.

1- Social Care Law no. 1 of the year 1996:

The law gives more interest to women because they are poorer and in more need, especially old women who are often weak, handicapped, or widowed. However women only received 18.2% of the social care fund in the year 2003, while men received 81.8%. The average of monthly amount given to the beneficiary is 1270 YR, which equals \$6.70, i.e. 22 cent per day.

2- Work Law no. 5 of the year 1995 and Civil Service no. 13 of the year 1991:

The two above-mentioned laws are just like other Yemeni laws. They do not fully consider the importance of supporting woman and her positive participation in aspects of public life. Although these laws give women advantages in pregnancy and child birth with respect to work hours and time off from work, there are many breakdowns in their implementation.

3- Public law for Education law no. 45 of the year 1992:

This law confirms the constitutional right for males and females to education according to tendencies and ability, but we do not find serious interest among the executive branch in achieving these goals. Instead we find many females slipping through the cracks of the educational system.

4- Organizing prisons law No 48 year 1991:

This law specifies very different things than occur in practice. The law gives numerous advantages to female prisoners regarding their care, while we notice that the general situation of prisons in Yemen is not suitable, regardless of gender. Cells are very small, bathrooms are not suitable for human use, female prison guards abuse prisoners, male prison guards are let in to punish and scare female prisoners, sometimes raping them, health care and nourishment is poor, and all prisoners are held together regardless of crime. Some women stay in prisons during their trials. Some are still in prison even though they have served time but were not released because of the condition that requires there to be relatives to receive them.

5- Crimes and Penalties Law No 12 of Year 1994

This law contained collections of discrimination against women, the most important of which are:

- A) *Blood Money*: Item no. 43 of this law states that woman's blood money is half of the man's and her inheritance is one third the man's and half more than that.
- B) *Crimes of Honor*: Item no. 232 states that if a man kills his wife or a relative if she commits adultery, his penalty is censure that is no more than one year or a financial fine. However, this law does not specify the penalty for the opposite offense.
- C) *Rape*: Despite the awfulness of this crime, which carries a penalty of death in many states, the law defined the penalty in item no (296) as seven years jail if the rapist acts alone. If the rapist is one of the victim's family or relatives, the penalty is not less than two years and not more than ten years. If the victim is less than 13 years old, or if the victim commits suicide after the rape, then the penalty ranges from three to fifteen years. The large discrepancy between the maximum and minimum sentence leaves room for the judge to apply his discretion in the punishment.

6- Personal status law no. 20 of the year 1992 and its amendments in 1999, 1998:

This law discriminates against women in several ways. Although the amendments remedied some discrimination within the law, it still contains obstacles to women's rights such as:

- A) Women do not have the right to enter into marriage independently. The law stipulates that a relative must be responsible for her marriage.
- B) This law did not acknowledge women's right to select their own husbands.
- C) The law annulled the minimum age requirement for a woman's marriage.
- D) The law relieved divorced husbands of the obligation to give the wife one year alimony above the *iddat* (divorced period of waiting), which was an obligation on husbands after divorce.

7- Citizenship law no. 6 of the year 1990

This law acknowledged Yemeni woman's right to maintain her citizenship in case she marries a foreigner man, but deprived women the right to grant her children Yemeni citizenship, unlike Yemeni man who enjoy this right. Thirteen years after the law was created, the amendment to this law in 2003 added this right to women but in a disapproving manner in item no. 10 as follows:

If Yemeni woman is left alone by a foreign man, leaving her with the responsibility to support their children as a result of his death, insanity, absence, or abandoning them for a period more than one year, then those children are treated as Yemeni citizens in all aspects as long as they are under the responsibility of their mother until adulthood. When those children became adults, they have the right to choose the citizenship of either parent. In order for women to acquire this right, the husband must be dead, insane, absent, or divorced, but the amendment does not indicate children's right to acquire Yemeni citizenship and the father's citizenship if possible in the father's country. (Yemeni law does not prohibit dual citizenship).

8- Foreigner entry and residence law no. 47 of the year 1991:

This law represents one of the clearest cases of negative discrimination against Yemeni women. It specifies in items 13 and 14 in that the foreign wife of a Yemeni man is permitted to stay for a renewable period of five years, while the foreign husband of Yemeni woman may only stay for a renewable period of two years.

9- Civil law no.19 of the year 1992:

This law also discriminates against women. Item 62 states a boy's right to test his common sense and to be given the right to manage part of his properties before he reaches maturity. This right was not granted to young girls.

Through the previous examples we notice repeated discrimination against women, whether in the law or in its execution. The situation requires continued work towards improving the condition of Yemeni women with respect to the law in all aspects of life.

10- Children's rights

Despite laws that prohibit child abuse, the number of arrested children in security prisons exceeds 23. Because they are accused of repeating slogans against America and Israel in the mosque, some of them have been in prison since 2002. For example, the arrest of Ibrahim Al-Siani was among Sa'ada's war arrests by the political security forces. His parents were neither allowed to know his whereabouts nor to treat the injuries he suffered in the Sa'ada war. He lost his left arm and his right arm is plastered and paralyzed. He requires medical care. Furthermore, Ibrahim Al-Motwakel, age 13, was arrested and taken to jail for ten days as a hostage in the place of his big brother.

The government has also not made an effort to prevent the smuggling of thousands of children through the Yemeni-Saudi border. This was confirmed by the UNICEF Organization and a number of press reports published in the Yemeni press. The smuggled children are subjected to physical abuse and violence during travel and are forced to beg for money.

As for child labor, the situation worsens daily as Yemen is one of the poorest countries in the world according to the International Bank's classification in 1998. With the spread of poverty, child labor, homelessness among children and begging also spreads. In Sana'a alone, there are approximately 30,000 children homeless and begging, in addition to 7000 child works. According to the official studies 86% of them have little or no education. Unofficial statistics state that the number of homeless children in Yemen reaches two million.

As for registration, it has been the father's responsibility to register his children. Only recently was the mother given the right to register her children. However, there is no law obligating parents to register births or deaths among children .

As for the right to citizenship, the law does not protect the child's identity and acknowledges it only as a part of the father's identity. The father has the right to give and bequeath his children the right to register and acquire citizenship even if he was outside the country for years, while the mother enjoys no such right. The child acquires the mother's citizenship, only under the specific circumstances mentioned above.

Recommendations:

- 1- It is necessary that child laws coincide with the principles of the International Convention on Children's Rights.
- 2- The government must execute effective policies with the best interests of children in mind.

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