

# YEMEN 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Yemen is a republic with a constitution that provides for a president, a parliament, and an independent judiciary. Former president Ali Abdullah Saleh, who was reelected to a seven-year term in a problem-filled 2006 election, was pressed to sign an agreement in November 2011 assigning effective power to his deputy, following nationwide protests, unrest, and violence. Saleh formally stepped down on February 21, when former vice president Abdo Rabbo Mansour Hadi, running as the sole candidate, was elected president in a vote generally considered to be free and fair. This marked the first change in the country's leadership structure in more than 33 years and set in motion a two-year transition period. Saleh, his family, and close allies had maintained nearly exclusive control of the state apparatus prior to the transition, and the pattern of nonofficial power centers distorted government functions. However, national institutions began to recover, and the transitional government began to address the country's serious domestic economic and security problems and provide increased services. Parliamentarians who had suspended participation returned to sessions in December 2011 after the Gulf Cooperation Council (GCC) agreement was signed, and new presidential and parliamentary elections were planned for 2014. Competition among factions continued, and lingering mistrust hampered the government's effectiveness. Government control of the security forces remained incomplete.

The most significant human rights problems were arbitrary killings and acts of violence committed by the government and various entities and groups; disappearances and kidnappings; and a weak and corrupt judicial system that did not ensure the rule of law.

Other human rights problems included: torture and other cruel, inhuman, or degrading treatment or punishment; poor prison conditions; arbitrary arrest and detention; lengthy pretrial detention; some infringements on citizens' privacy rights; some limits on freedom of speech, press, assembly, association, and movement; lack of transparency and significant corruption at all levels of government; violence and discrimination against women; violence against children; reported use of child soldiers by security forces, tribal groups, and other informal militias; discrimination against persons with disabilities; discrimination based on race and gender; restrictions on worker rights; forced labor, including forced child labor; and extremist threats and violence.

Impunity was persistent and pervasive. The transitional government planned to undertake investigations and prosecutions of government and security officials for human rights abuses, but political pressures and limited government capacity precluded significant action. Authorities removed some officials implicated in serious human rights violations from their positions, including Brigadier Abdulah Ghairan, who had been head of security in Aden and Ta'iz.

Nonstate actors engaged in internal armed conflict with government forces and committed abuses related to traditional tribal conflicts or simple criminality. Multiple armed groups, including progovernment and opposition tribal militias, regionally and religiously oriented insurgents, and terrorist groups including Al-Qaida in the Arabian Peninsula (AQAP) perpetrated numerous human rights abuses. Principal among these were arbitrary killings, unlawful detentions, and use of brutal force.

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

### **a. Arbitrary or Unlawful Deprivation of Life**

There were reports of arbitrary or unlawful killings. Government forces and proxies responded at times with excessive force to demonstrations and protests in various parts of the country, particularly in Aden, where armed groups affiliated with the Southern Movement (Hirak) clashed with security forces and government proxies during the year. Excessive force also was used on both sides in internal armed conflicts in Sana'a, Marib, Ta'iz, Zinjibar, Abyan, and elsewhere, resulting in the killing of civilian bystanders (see section 1.g.).

Several local NGOs reported incidents in which significant numbers of innocent bystanders or noncombatants were killed dropped significantly compared with the previous year. NGO representatives stated there were many more small-scale conflicts that resulted in such deaths during the year.

On September 27, security forces in Ta'iz killed a civilian during a fight. According to reports, security forces were conducting a campaign to disarm civilians when they fought with a group of civilians who refused to disarm and Moyad Al-Odaini was killed in the battle. Security forces reported that the casualty occurred when "outlaws" attacked a patrol and fired at both security forces and the street, subsequently killing the civilian.

Attacks by government forces targeting AQAP and other nonstate actors resulted in the deaths of civilians and bystanders, according to Amnesty International (AI). For example, on May 15, an air strike killed a civilian in his home in Jaar, and a second airstrike on the same location reportedly killed at least 13 civilians who gathered at the scene.

Impunity for security officials remained a problem as the government was slow to act against officials implicated in committing abuses and using excessive force. Some remained at their posts, or were transferred to new ones. Judicial proceedings were initiated at the end of the year. Abdallah Qarain was removed from his post as head of security in Aden in March 2011 following reports of excessive use of force and was transferred to Ta'iz, where similar reports of excessive use of force followed. He was then removed as head of security at Ta'iz at the end of January 2012. In November Brigadier General Murad al-Awbali led units of the Republican Guard who used tanks and mortars against protesters in Ta'iz, burned their tents, and reportedly removed medical supplies from the local hospital in May 2011. After continued outcry from revolutionary activists in 2012, al-Awbali was transferred by then Republican Guard commander Ahmed Ali Saleh to a brigade command outside Sana'a. The Ta'iz prosecutor's office brought charges against Abdullah Qairan and Murad al-Awbali and others accused of human rights abuses, including Abdullah Dhaban, a commander of the 33 Brigade, Hamoud al-Sofi, the former governor of Ta'iz, and Mohammad al-Haj, head of the municipal council.

The government took some steps to address impunity by removing other officers from their posts. Between April and December, Hadi fired at least four governors and more than a dozen generals, including Saleh's relatives. Most notably, Hadi announced that the military entities that Ahmed Ali Saleh and Ali Muhsin al-Ahmar lead would no longer exist after the reorganization process was complete in 2013. The changes reflected Hadi's desire to purge Saleh loyalists and prevent them from destabilizing the country. However, the moves also appeared to address the demands of hundreds of thousands of citizens for the removal of Saleh's relatives and allies from the military due to human rights abuses and corruption.

Politically motivated killings by nonstate actors such as terrorist and insurgent groups also occurred. Many other attempted killings were unsuccessful. On June 18, an explosive device detonated in Aden, killing the head of the military's Southern Regional Command, Commander Major General Salem Ali Qatan. He was the ranking officer in charge of the coordinated military and tribal attacks that drove AQAP and the affiliated Ansar al Sharia militias from several southern

strongholds during the spring and early summer. Targeted killings of military, security, and government officials by those claiming affiliation with AQAP increased significantly during the year. By the end of the year, the government reported 40 security officers had been killed by assassins on motorcycles.

On May 21, a large explosion occurred during preparations for a military parade to be held on May 22. A suicide bomber dressed in a military uniform walked into a formation of military personnel and detonated his vest, killing or injuring nearly 100 soldiers. The intended target of the bombing was likely the minister of defense, who left the area only minutes before. AQAP claimed responsibility for the May 21 attack. The minister of defense was targeted many times during the year, including in late October.

Nonstate actors targeted foreigners and those working for foreign missions. On March 18, a foreign teacher who lived in the city of Ta'iz was killed by individuals who claimed they were affiliated with AQAP. In November a Saudi military official working at the Saudi embassy was killed.

Armed clashes broke out in northern governorates, including Sa'ada, al-Jawf, and Amran, between supporters of the Zaydi Shia Houthi movement and supporters of the largely Sunni members of the Islah Party. Attacks between the groups resulted in the deaths of many combatants and bystanders, according to media and local NGO reports. The fighting went largely unchecked as central government control in those areas was weak. On May 25, the press reported that a bomber drove a car packed with explosives into a school during Friday prayers in al-Jawf Province and killed at least 12 persons.

NGO representatives believed that the number of killings perpetrated by individual members of various security forces, tribes, or other groups increased during the year.

## **b. Disappearance**

During the year there were reports of politically motivated disappearances of individuals associated with NGOs and media outlets critical of various security forces within the government, as well as others reportedly kidnapped for supporting the northern Houthi movement and the southern Hirak movement.

On December 5, 15 armed men surrounded Muhammad al-Ammari as he left his father-in-law's house and forced him into a silver sport utility vehicle. Family

members saw the incident and reported that he was driven to a security forces building. His family also reported that al-Ammari had participated in protests at Change Square and received threats from security officers. On December 15, a progovernment newspaper featured al-Ammari's photograph in an article highlighting the capture of six terrorists from AQAP. Al-Ammari's wife repeatedly went to the Political Security Organization (PSO) headquarters, but officials denied keeping him there.

Also on December 5, officers reportedly forced Nadir al-Qubbati out of a minibus at gunpoint and took him to a security forces building headquarters. Witnesses reported that two men were trailing the minibus in a silver sport utility vehicle. In both cases relatives reported that officials contacted them saying they had news about the detained individuals. However, the relatives were told when they arrived at the headquarters that there was no news on the individuals or that they were not there.

According to a Human Rights Watch (HRW) May 7 report documenting detentions, torture, and disappearances, dozens of individuals disappeared or were abducted between February 2011 and May 2012; many were picked up immediately after the political transition in November 2011.

A December report by AI documenting abuses in the south of the country highlighted a case involving Mohammed Ali Sa'id in October 2011. Sa'id, believed to be a foreign fighter associated with AQAP, was brought to a hospital in Aden. When a family member arrived to visit, the family member was taken away upon arrival by a man in plainclothes, believed to be a member of the Yemeni security forces. Later, more men in plainclothes, also believed to be security forces, arrived and took Sa'id away. His whereabouts remained unknown at year's end.

Tribal kidnappings as well as kidnappings by other nonstate actors such as AQAP occurred. On March 14, members of AQAP reportedly kidnapped a Swiss foreign language teacher in Hodeidah. She remained missing at year's end. On March 28, AQAP members reportedly kidnapped the deputy consul of Saudi Arabia in Aden. Attempts to gain the diplomat's release failed on several occasions during the year, as the kidnappers demanded increased ransom amounts and refused to hand him over to mediators. The Saudi diplomat was not released by year's end.

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

The constitution prohibits such practices, but there were numerous reports that individual elements of the security forces employed them. In 2010 the UN Committee against Torture reported that the country's laws lacked a comprehensive definition of torture. Mistreatment of prisoners and detainees was barred as a matter of law and policy, but numerous violations occurred, some of which were reported.

Human rights NGOs, former detainees, and prisoners alleged that authorities employed torture and mistreatment. HRW conducted interviews with former detainees highlighting allegations of torture and mistreatment. HRW's May 7 report highlighted 22 former detainees who claimed that they were subjected to torture and other forms of abuse and mistreatment, including beatings, electric shock, threats of death or rape, extended periods of time in solitary confinement, and exposure to extreme temperatures.

HRW reported that on March 4 members of the security forces abducted Saddam Ayedh al-Shayef off the street and tortured him during a week of incommunicado detention. Al-Shayef claimed that officers forced him to drink his own urine and shocked him with electricity when he refused.

Other individuals interviewed reported that they were subjected to whippings, hung from ceilings, and threatened with death, rape, or harm to their relatives. Muhammad al-Godyili reported that the guards at a prison in Arhab tied him and other prisoners to light poles and shot at them. The guards reportedly said that the activity was "target practice" and that the prisoners would be killed the next day.

The September report of the Office of the High Commissioner for Human Rights (OHCHR) also contained allegations of mistreatment of civilians by several government security organizations. The OHCHR documented detention and the use of torture, overwhelmingly on young males, either because they participated in protests or other forms of activism, or because they participated in armed clashes against governmental units or proxies. The report also noted the use of torture by opposition and separatist groups within Yemen.

AI's December report noted that the government prevented or delayed injured individuals from receiving medical treatment while investigating if the injured persons were suspected fighters. The report cited a case in which an ambulance carrying an injured man from Jaar was stopped at a military checkpoint. The man, who had dark skin, was accused by investigating officers of being a Somali fighter

with AQAP. Authorities took the ambulance and the injured man to the Criminal Investigation Department in Lahj. The ambulance and patient were released over an hour later when a relative provided national identity cards.

### **Prison and Detention Center Conditions**

Prison conditions were poor and did not meet international standards.

Physical Conditions: Political prisoners faced torture, abuse, and other forms of mistreatment while all criminals experienced harsh physical conditions. Many prisoners also faced prolonged stays in detention beyond sentencing if they or their families were unable to pay fines or expected bribes. Many prisons, particularly in rural areas, were described as overcrowded, with poor sanitary conditions, inadequate food, and inadequate medical care. Prisoners had access to potable water. Human rights NGO contacts reported that more than half of detainees were either awaiting trial or were under remand subject to investigation. Pretrial detainees were held with convicted criminals. Because of poor recordkeeping and a lack of communication between prisons and the central government in Sana'a, the size of the prison population could only be roughly estimated to be between 10,000 and 15,000. In some rural and women's prisons, as well as in some in the capital, local NGOs reported that children were held with adults and that segregation between adults and juveniles was inconsistent. The Ministry of Human Rights began a campaign to separate juvenile detainees from the adult population in November. By custom young children and infants born in prison remained in custody with their mothers. Male and female adult prisoners were segregated and were subject to similar conditions.

Administration: Recordkeeping was poor. Government restructuring also impeded improvement in recordkeeping. Authorities were slow to investigate credible allegations of inhuman conditions, and official investigations only began at the end of the year. There was no ombudsman to serve on behalf of prisoners and detainees. The transitional government recognized that finding alternatives to sentencing for nonviolent offenders was an issue to be addressed. Complaints to judicial authorities could be submitted; however, according to NGO reports, such complaints were largely ignored. Prisoners and detainees generally were allowed visitors when family members knew a detainee's location, and they generally were permitted religious observance. Authorities granted limited access to family members of security-offense prisoners and detainees but routinely denied parliamentarians and NGOs access to investigate claims of human rights violations.

Monitoring: The government permitted visits to some facilities by independent human rights observers such as the International Committee of the Red Cross. Local human rights NGOs and other organizations such as HRW also interviewed former prisoners and family members of prisoners in order to report on prison conditions. International observers stated that they had access during the year to the “remand prisons” of the Ministry of Interior and to prisons operated by the PSO.

Improvements: The minister of human rights began a series of visits to prisons and security headquarters in November and December to push for official action to improve conditions and reduce detention for minor offenses.

Unauthorized “private” prisons and detention centers controlled by tribes in rural areas continued to operate on the basis of traditional tribal justice. Tribal leaders sometimes misused the prison system by placing “problem” tribesmen in private jails, sometimes simply rooms in a sheikh’s house, to punish them for noncriminal actions. Persons often were detained for personal or tribal reasons without trial or judicial sentencing.

International observers had access to some prisons operated by the AQAP-affiliated group Ansar al Sharia in Abyan Governorate.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention, but enforcement of the law was inconsistent. In cases involving suspected security offenders and those affiliated with human rights NGOs or members of groups challenging the government such as HIRAK, arbitrary arrest and detention continued to occur.

On September 5, the OHCHR released a report that stated that the promised release of hundreds of detainees kept in government-controlled places of detention, police stations, military barracks, or ad hoc prisons was one measure intended to restore calm and confidence in the wake of the signing of the GCC initiative in November 2011. According to the September OHCHR report, during the last two visits of the OHCHR representatives in December 2011 and June 2012, their delegations did not receive any lists of persons released or detained to allow for verification and no government institution was specifically assigned to keep track of progress on the release of detainees. The OHCHR received several reports from local and



international human rights organizations documenting the persistence of detention and occasional torture of detainees while in government facilities.

Local human rights NGOs stated that ad hoc prisons were located in many areas and that arbitrary detention was frequent, whether perpetrated by elements of official security services or by others with the money and power to establish unauthorized detention facilities.

The head of a human rights NGO claimed that more than 120 youths had been detained since 2011. As of October he said that no one on his organization's list of detainees was released despite his raising the issue in meetings with Ministry of Human Rights officials and others within the government. He said, as did the OHCHR in its September report, that no official list from the government of those detained in 2011 or of those released existed.

### **Role of the Police and Security Apparatus**

The primary state security and intelligence-gathering entities, the PSO and the NSB, report directly to the Office of the President. There was no clear definition of many of the NSB's duties, which have evolved from protecting the country from external threats to overlapping with those of the PSO, which is domestically focused and charged with identifying and combating political crimes and acts of sabotage.

The Criminal Investigation Division reports to the Ministry of Interior and conducted most criminal investigations and arrests. The Central Security Office, also a part of the ministry, maintains a Counter Terrorism Unit and the paramilitary Central Security Forces (CSF), which often was accused of using excessive force in crowd control situations.

The Ministry of Defense also employed units under its formal supervision to quell domestic unrest and to participate in internal armed conflicts. Regular army units were engaged in fighting AQAP and associated groups located in Zinjibar in Abyan Governorate, but were not used in domestic law enforcement. However, special units under the Ministry of Defense, including the Republican Guard, were used to suppress demonstrations and often employed excessive force. The Republican Guard commander and former president's son, Ahmed Ali Saleh, also commanded the Yemen Special Operations Forces, which, along with the Counter Terrorism Unit, were deployed during internal armed conflicts in Sana'a and Abyan.

The CSF, Yemen Special Operations Forces, Republican Guard, NSB, and other security organs ostensibly reported to civilian authorities in the Ministries of Interior and Defense and the Office of the President. However, members of former president Saleh's family controlled these units, often through unofficial channels rather than through the formal command structure. This fact, coupled with a lack of effective mechanisms to investigate and prosecute abuse and corruption, exacerbated the problem of impunity. The transition agreement implemented on November 23, 2011, committed the government to reorganizing the security and armed forces. In December President Hadi issued several decrees that began the process of restructuring the security forces.

### **Arrest Procedures and Treatment While in Detention**

The law provides that an individual cannot be arrested unless apprehended in a criminal act or served with a summons, and that a detainee must be arraigned within 24 hours or be released. The judge or prosecuting attorney must inform the accused of the basis for the arrest and decide whether detention is required. The law stipulates that a detainee may not be held longer than seven days without a court order. The government frequently did not adhere to these requirements, due to both lack of capacity and poor policy guidance.

There are legal provisions for bail, but some authorities abided by these provisions only if they received a bribe. The law prohibits incommunicado detention and provides detainees the right to inform their families of their arrest, and it allows detainees to decline to answer questions without an attorney present, but these rights were not always respected. The law states that the government must provide attorneys for indigent detainees, but it often did not do so. Tribal mediators reportedly settled almost all rural cases without reference to the formal court system.

Citizens regularly accused security officials of ignoring due process when arresting and detaining suspects and demonstrators. Some members of the security forces continued to arrest or detain incommunicado persons for varying periods without charge, family notification, or hearings. Detainees were often unclear which investigating agency had arrested them, and the agencies frequently complicated determination by unofficially transferring custody of individuals among agencies. Security forces routinely detained relatives of fugitives as hostages until the suspect was located. Authorities stated that they detained relatives only when the

relatives obstructed justice; human rights organizations rejected this claim. In 2010 the UN Committee against Torture expressed concern about this practice.

Local and international NGO reports and accounts by former detainees claimed that some branches of the security forces operated extrajudicial detention facilities, although the government denied that this was authorized. Private unauthorized prisons and detention facilities also existed. The government planned to address these through the national dialogue and ministry restructuring, which was intended to establish effective official control over both territory and functions.

Arbitrary Arrest: The government commonly practiced arbitrary arrest. The number of persons arrested arbitrarily was difficult to estimate, as many detainees' names were not recorded, some detainees were never transferred to official detention centers, and many were arrested and released multiple times during the year.

Nongovernmental groups also arbitrarily arrested persons.

Pretrial Detention: International monitoring organizations estimated that half of Ministry of Interior detainees were either charged and awaiting trial or being held while an investigation was pending. Prolonged detention without charge--or, if charged, without a public preliminary judicial hearing within a reasonable time--were common practices, despite prohibition by law. Trial delays reportedly were caused by staff shortages, judicial inefficiency, and corruption.

Detention of Rejected Asylum Seekers or Stateless Persons: Rejected asylum seekers, particularly from the non-Somali Horn of Africa, were repatriated without prolonged detention by the government. The relative weakness of data collection rendered identification and processing of migrants and refugees slow and unreliable.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary, but the judiciary was weak and not fully independent, as corruption and political interference severely hampered its operations. Litigants maintained, and the government acknowledged, that a judge's social ties and occasional bribery influenced verdicts. Many judges were poorly trained and some others allowed personal or political affiliations to affect how cases were handled. The government's lack of capacity and at times reluctance to enforce court orders, especially outside the cities, further undermined

the credibility of the judiciary. Members of the judiciary also were threatened and harassed to influence cases.

### **Trial Procedures**

Defendants are considered innocent until proven guilty. Trials are generally public, but all courts may conduct closed sessions “for reasons of public security or morals.” Persons accused of crimes can be detained for lengthy periods without being informed of the charges against them. The Ministry of Human Rights began a campaign in December to require authorities to make charges clear to detainees and their families. There are no jury trials. Judges, who play an active role in questioning witnesses and the accused, adjudicate criminal cases. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf; defendants and their attorneys (whether selected by defendants or assigned) have access to government-held evidence relevant to their cases. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses and any relevant evidence. The law provides for the government to furnish attorneys for indigent defendants in serious criminal cases; in practice counsel was not always provided. All defendants have the right to appeal, and the slow pace of court cases provided adequate time to prepare a defense.

A court of limited jurisdiction considers security cases. A specialized criminal court, the State Security Court, operates under different procedures with nonpublic sessions. It was first established in 1999 to try persons charged with kidnapping, carjacking, attacking oil pipelines, and other acts considered to be a “public danger.” This court does not provide defendants with the same rights provided in the regular courts. Defense lawyers reportedly did not have full access to their clients’ charges or relevant government-held evidence and court files.

In addition to established courts, there is a system of tribal adjudication for noncriminal issues; in practice tribal judges often adjudicated criminal cases. Persons tried under the tribal system, known as “urfi” or customary law, usually had not been formally charged with a crime but had been publicly accused. Tribal mediation often emphasized social cohesion over punishment. The results carried the same, if not greater, weight as court judgments, as the tribal process often was respected by the public more than a formal court system seen by many as corrupt and lacking independence.

## **Political Prisoners and Detainees**

There were numerous reports of political prisoners and detainees. The government was accused of detaining HIRAK activists, as well as demonstration leaders, journalists, and persons with alleged connections to Houthi rebels. Some were held for prolonged periods, while many were released within days. Elements within the security forces reportedly continued to detain persons for political reasons on bases or within headquarters.

Confirmation of the number and assessment of the status of political prisoners or detainees was difficult. Detainees were not charged publicly, their detentions were often short term, and the government and other entities severely restricted or barred information to and access by local or international humanitarian organizations. Absent charges, it was difficult to determine whether detainees' actions had been violent or primarily advocacy and dissent. The government also sometimes did not follow due process of law in cases in which detained suspects were accused of links to terrorism.

The heads of three human rights NGOs stated they were arbitrarily detained by security forces on multiple occasions during the year when they attempted to enter the country. In addition one member of a human rights NGO asserted that security forces forcibly removed him from his home and detained him for several days without a stated cause.

## **Civil Judicial Procedure and Remedies**

The law provides a limited ability to pursue civil remedies for human rights violations as tort claims against private persons. There were no reports of such efforts during the year. Citizens cannot sue the government directly but may petition the public prosecutor to initiate an investigation.

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

The law prohibits such action, but authorities continued such interference, although to a lesser extent under the transitional government. Some officials searched homes and private offices, monitored telephone calls, read personal mail and e-mail, and otherwise intruded into personal matters. According to human rights NGOs, security forces did this without legally issued warrants or judicial supervision, claiming that it was justified for security reasons. Security organizations rejected the NGO claims, stating that their policies require the

attorney general personally to authorize telephone call monitoring and reading of personal mail and e-mail. One security organization reported that to do a house search, it first must obtain a warrant and a signed certification by an appointed mukhtar or “head of the neighborhood,” and that two neighbors who serve as witnesses accompany officers on the search. Human rights organizations disputed the independence of mukhtars.

The law prohibits arrests or serving subpoenas between sundown and dawn, but several local NGOs reported that some persons suspected of crimes were taken from their homes at night without warrants.

No citizen may marry a foreigner without permission from the Ministry of Interior, the NSB, and, in some instances, the PSO, under a regulation that was enforced arbitrarily. The regulation was enacted to reduce a form of sex tourism in which significant numbers of foreigners, particularly Saudis and Emiratis, married young Yemeni women “temporarily” (as is possible under Islamic law) and then left the bride, frequently pregnant and without means of support, when the husband returned to his country and terminated the temporary marriage (see section 6, Women). The Ministry of Interior typically approved marriages to foreigners if the foreigner provided a letter from his or her embassy stating that the source country had no objection to the marriage and if there was a signed marriage contract officiated by a judge. Frequently, the payment of bribes facilitated approval.

Security forces sometimes detained relatives of fugitives as hostages until the suspect was located. In other cases, detention of family members continued while the families negotiated compensation for the alleged wrongdoing. There were no reports that family members were injured or mistreated.

#### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

Several internal conflicts continued during the year. The use of excessive force and other abuses by all parties was reported in conflict areas.

Clashes occurred in the center of the country, near the capital, including in the districts of Arhab and Nihm, and near Ta’iz. Government units--including the CSF, Republican Guards, and Yemeni Special Operations Forces--and progovernment tribal proxies battled tribal fighters, including tribesmen aligned with the al-Ahmar family in Sana’a and with Sheikh Hamud al-Mikhlafi in Ta’iz.

In the south the army and air force were deployed to combat AQAP and affiliated militant groups in Abyan Governorate, which had taken over the governorate's capital of Zinjibar. Armed clashes also took place between supporters of Hiraq and government forces and supporters in and around Aden.

In the north, tribes affiliated with the Zaydi Shia Houthi community in the governorates of Sa'ada, Amran, Hajja, and al-Jawf engaged in armed clashes with Salafi groups, as well as with tribesmen affiliated with the conservative Islah Party.

Killings: There were fewer incidents during the year that resulted in large numbers of persons being killed, compared with the widespread violence of 2011. Clashes in and around Sana'a were sporadic and smaller in scale, with few fatalities. Targeted killings, however, increased during the year, usually directed at members of security organizations or foreign officials. The largest single attack in Sana'a occurred on May 21 when a suicide bomber, disguised as a military member, infiltrated an area where military units were practicing for a May 22 parade and detonated his explosives, killing and injuring more than 100 soldiers. AQAP claimed responsibility for the attack. AQAP was apparently responsible for other killings, including a Saudi official shot in November.

In the northern governorates of Sa'ada, Amran, Hajja, and al-Jawf, there were many reported politically motivated clashes between Houthi supporters and supporters of Sunni Salafi sects and the Islah Party. Given the lack of foreign press and NGO presence in that region, data concerning deaths and other details of this conflict were unverifiable. However, Sa'ada residents reported that the clashes resulted in dozens, possibly hundreds, of deaths throughout the year.

In the southern governorates of Abyan and Aden, terrorist activity by AQAP and its affiliate Ansar al Sharia caused a large number of deaths and injuries during the year. Government forces, supported by local tribal militias, carried out an offensive in the spring to drive AQAP militias from strongholds in Abyan. Hundreds of combatants on both sides died during the fighting, and reports indicated that innocent bystanders also were killed. Tens of thousands of internally displaced persons (IDPs) were forced from Abyan to Lahj and Aden for safety and shelter. AQAP-controlled areas in Abyan Governorate were booby-trapped with mines and other improvised explosive devices (IEDs), and dozens of IDPs who returned to their homes after government forces regained control of former AQAP areas were killed when they entered these booby-trapped homes or family areas.

Abductions: Abductions were difficult for foreign entities to verify, unless they involved a foreigner or high-value target who was a government official. Many unofficial groups abducted persons to achieve individual goals. Reports from local and international NGOs indicated an increase in the frequency of abductions compared with prior years, as more unofficial groups resorted to this tactic for money, services, or terrorist aims.

The OHCHR noted in its September report that the NSB and the PSO continued to operate with little government oversight. The OHCHR concluded that the NSB and the PSO “operate on the margins of the law” and various human rights and international organizations claimed that individuals within these entities employed arbitrary arrest, prolonged detention without trial, and secret or incommunicado detention, as well as torture and mistreatment towards detainees. The Ministry of Human Rights and the Prime Minister’s Office have been unable to collate a full list of detainees held by security forces (also see section 1.b.).

AI’s December report documented Ansar al-Sharia-dictated sentences that included executions, hand amputations of those accused of stealing, and floggings for what the group defined as moral transgression. Ansar al-Sharia members committed unlawful killings in areas they occupied, ostensibly as penalties for murder, espionage, or “sorcery.”

Child Soldiers: Although law and policy expressly forbid the practice, persons under age 18 reportedly directly participated in armed conflict during the year for government, tribal, and militant forces, primarily as guards and couriers.

Military personnel reported plans during the year to remove soldiers in all military units under the age of 18, but full implementation of the program was not confirmed. Government efforts during the year against the recruitment of child soldiers included the display of large banners on major city streets, near military camps, and in high-traffic neighborhoods, along with formal endorsement on December 3 of the “Paris Commitments” to end the recruitment and use of children by armed forces and groups.

A government-approved program of meetings with middle and high school students was implemented by an NGO that conducted over 200 sessions in areas where Houthi and other militias reportedly recruited underage fighters. Assessment of the extent of the problem and removal of underage soldiers were complicated by the country’s poor birth registration system, especially in rural



areas, which allowed youths to claim as much as four additional years of age in order to enlist.

Tribal members under 18 years of age routinely took part in tribal militias or government proxy groups. Tribal child soldiers were not forcibly recruited. Carrying arms is a central component of identity and adulthood in tribal society and continued to be expected of tribesmen as young as age 12. Underage combatants in support of both tribal security forces and extremist elements were reportedly present in conflict areas.

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

Other Conflict-related Abuses: HRW and the NGO Doctors Without Borders (MSF) personnel reported on several occasions that in hospitals in Aden, where MSF personnel were working, what appeared to be security personnel forcibly entered hospitals to remove patients. According to the reports, firefights erupted during these detention operations, and innocent bystanders were killed. One patient reportedly had his intravenous tubes pulled from his arms while being dragged out of the hospital. Ministry of Interior and Ministry of Human Rights officials denied the accusations. However, both MSF and HRW posted witness interviews covering the forced entry and detention of patients at Aden area hospitals on the Internet, claiming that government personnel carried out these operations. MSF personnel ceased working in Aden in October in response to those activities and due to an assessment that the security situation jeopardized staff safety and effectiveness.

Reports from an NGO also indicated a pattern of abuse by Houthis in the northern governorates of Sa'ada, Amran, and al-Jawf. The NGO reported that the Houthis disrupted the provision of humanitarian assistance to nonsupporters. International relief organizations confirmed that humanitarian assistance projects could not operate in areas under Houthi control without Houthi permission and sometimes requirements that Houthi staff be hired. Several reports stated that persons in these areas not aligned with the Houthis faced difficulties receiving humanitarian assistance. In addition, some human rights NGOs reported that Houthis detained opponents in schools under their control.

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

### **a. Freedom of Speech and Press**

The constitution provides for freedom of speech and the press “within the limits of the law”; however, the government did not always respect these rights. The government still enforced restrictions on coverage of security and military related events, confiscated newspapers, and harassed journalists.

Freedom of Speech: While there were some signs of improvement, there were reported cases where freedom of speech was suppressed.

On June 3, a journalist was sentenced to prison for comments he posted on his Facebook account. According to press reports, Majed Karoot was imprisoned after the communication corporation manager and deputy of Al-Baida Governorate complained about Karoot’s comments that criticized them. Karoot was sentenced to one year in prison and fined YER 200,000 (\$934).

Freedom of Press: Although the transitional government eased restrictions on press freedom somewhat, there were still some reports that the government confiscated copies of newspapers and harassed journalists. The 1990 Press and Publication Law criminalizes criticism of the “person of the head of state,” although not necessarily “constructive” criticism; the publication of “false information” that may spread “chaos and confusion in the country”; and “false stories intended to damage Arab and friendly countries or their relations” with the country. The press law specifies that newspapers and magazines must apply annually to the government for licensing renewal and must show continuing evidence of YER 700,000 (\$3,270) in operating capital. After the transition government took office in February, there was a significant increase in the number of print, broadcast, and online media.

On October 21, the press reported that security forces in the Hadramout confiscated copies of *Aden Tomorrow*, an independent newspaper. According to reports, that marked the twenty-first time that authorities confiscated copies of the newspaper.

A number of local NGO representatives reported that the ability of individual groups to establish online newspapers, television channels, and other media outlets improved. The publisher of one online newspaper, *Al-Hawyah*, reported that the NSB shut down his paper after the first issue in 2009 because the former regime viewed it as a “pro-Houthi” paper that was “supporting terrorism.” It remained shut down until early in the year when the publisher was able to reestablish the paper. The newspaper operated unobstructed during the year. A significant

number of Web sites affiliated with new and traditional political parties began during the year. There were fewer reports of government action to suppress the media during the year. Media coverage of military or security organizations' activities remained closely scrutinized and coverage that reflected poorly on such organizations was obstructed.

The government selected items for news broadcasts and government-owned print media. However, it allowed broadcasts critical of the government. The government televised parliamentary debates that included aggressive criticism of ministries. Government media also covered live sessions on national dialogue and economic development, including unscripted questions and call-ins.

Violence and Harassment: At times the government subjected journalists to arrest and imprisonment, physical attack, and intimidation because of their reporting. For example, on October 30, two men threw explosives into the courtyard of Abdul Aziz al-Laith's home. Al-Laith, a correspondent for a local television station, believed that the attack was retribution for his coverage of state corruption and ongoing protests in the region supporting the Southern Movement.

On November 6, the Committee to Protect Journalists reported that unidentified men attacked the homes of two journalists in Daleh Province. The attackers set fire to the home of Ali al-Asmar, a freelance journalist, reporter, and media spokesperson for the local National Council. Al-Asmar reported that the attack may have been in response to an article he wrote criticizing the Southern Movement for failing to condemn violent acts by its members.

Media reports during the year indicated that the NSB monitored local calls by the public and persons of interest, including calls by journalists.

During the year security forces at times attacked buildings belonging to independent media outlets. In September the Freedom Foundation, a local NGO, reported that security forces stormed or otherwise attacked five media outlets during the first half of the year. In addition the Arab Agency for Media (AAM) told the Freedom Foundation that security guards from the Republican Palace near AAM headquarters stormed the office three times in response to AAM cameramen filming the aftermath of a car bomb explosion that targeted the minister of defense.

Physical attacks against Internet journalists occurred, along with harassment by some members of the security forces, which included threats against journalists and their families, brief imprisonment, and personal surveillance. In April

Muhammad al-Maqaleh, editor of the news Web site *al-Eshteraki* for the Yemeni Socialist Party and an active blogger and commentator on Facebook, was repeatedly threatened and in one instance assaulted by tribal men who objected to his reporting of tribal influence on political affairs. The incident was reported by the International Committee to Protect Journalists. Some journalists and activists levied charges of treason at one another because of political differences, putting each other at risk of arrest.

Censorship or Content Restrictions: The government penalized some of those who published items contrary to government guidelines by confiscating copies of newspapers and magazines, usually at checkpoints. Seizures prevented independent and opposition print media from reaching areas outside the cities where they were printed. Several leading newspapers ceased print publication because of financial difficulties stemming from confiscation of their newspapers in 2011, including *al-Masdar*, *al-Dyar*, and *al-Nida*. *Al-Masdar* continued to publish online and, in December, resumed its print publication. The Freedom Foundation reported that nine issues of different newspapers were confiscated during the first half of the year, including *al-Nas* (independent but considered “pro-Islah”), *al-Masdar* (independent), *Akhbar al-Youm* (affiliated with IAD Commander Ali Mohsen), and *al-Oula* (considered “pro-Ahmed Ali Saleh” and supported by him), which were considered among the leading newspapers in the country. On May 19, authorities at a checkpoint confiscated 12,000 copies of *al-Oula*. Copies of *al-Nas* to be distributed in Marib Governorate were confiscated at a security checkpoint. Copies of *Revolution of Yemen*, a book by Nasser Yahya, were seized at the same checkpoint. Some observers believed these confiscations likely reflected political differences among local groups and regions rather than central government policy.

Customs and Ministry of Culture officials occasionally confiscated foreign publications regarded as either pornographic or religiously objectionable, according to the Freedom Foundation. Contrary to the previous year, there were no reports of politically oriented foreign publications confiscated or banned by customs or Ministry of Culture officials.

The government required book authors to obtain certification from the Ministry of Culture for publication and to submit copies to the ministry. Publishers sometimes refused to deal with an author who had not obtained certification. The ministry approved most books, but long delays were frequent. Both the ministry and the PSO monitored and sometimes removed books from stores. A ban continued on publishers distributing books deemed pornographic.

Nongovernmental Impact: During the transitional period, media competition took the form of political groups attempting to counteract other political views. Some government actions mentioned above represent the views of various parties in the consensus government rather than official government policy.

### **Internet Freedom**

The government stated that the government-owned Public Telecommunications Corporation (PTC) would cease censorship of the Internet by lifting a ban on news Web sites, including Aden Press and Shabakat Al Taif. The ban was lifted in practice, although a formal decree was not issued by year's end. However, citing security concerns, the PTC continued to restrict and intermittently block access to some Internet forums and blogs where political and religious views and opinions were openly exchanged and shared. The government regulated access to Internet content through commercially available filtering technology and control of the country's two Internet service providers, TeleYemen (operators of the service YNET) and YemenNet.

There were credible reports that the government monitored e-mail and Internet chat rooms, especially those related to planned demonstrations, but social media versatility outpaced the government's surveillance capacity. Government blocks were easily bypassed, while social media sites such as Twitter were not blocked at all. Although access to the Internet was limited by scarcity of electric power, unavailability of access points, poor quality of Internet lines, and expensive access rates, citizens used social media sites to successfully coordinate campaigns online and on the ground. They also used social media sites to promote marches and political views to members and the public at large. Internet penetration was limited outside the cities. According to the International Telecommunication Union, 14.9 percent of the population used the Internet in 2011.

### **Academic Freedom and Cultural Events**

The government restricted academic freedom on campuses. Political parties frequently attempted to influence university academic appointments and faculty and student elections. During the year security officials were present on university campuses and at intellectual forums. The PSO maintained permanent offices on campuses, a continuation of government concerns about security and in some cases controversial speech. Authorities reviewed prospective university professors and administrators for political acceptability before hiring them and commonly showed favoritism toward supporters of specific political parties. There were no specific

instances of censored curriculum, sanctioned professors or students, restrictions on travel, intimidation into self-censorship, censored films, canceled plays, art exhibits, music, etc.

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

### **Freedom of Assembly**

The law provides for freedom of assembly. Although authorities largely respected this right, at times security forces or competing political groups attacked protesters. After large-scale “Arab Spring” protests began in January 2011, local authorities generally did not enforce the requirement of a permit for demonstrations. The frequent sit-ins and demonstrations that characterized the protests of 2011 continued in many cities during 2012, often focused on economic issues and corruption accusations. Large demonstrations protested the immunity from prosecution granted to former president Saleh and his associates for actions taken during the time of his presidency. Other large demonstrations demanded that the government complete military reorganization. The government did not suppress most demonstrations and spontaneous marches throughout the year.

On December 25, local press reported that security forces injured several protesters near Sana’a. Protesters reported that riot police used tear gas bombs and batons against demonstrators. Other sources noted that the march appeared to deliberately provoke the response. The Ministry of Interior refuted claims that multiple protesters were injured, but stated in a press release that one person was injured.

On July 7, security forces shot and killed three protesters and wounded seven others during a southern separatist protest. Authorities reported that armed protesters attacked security personnel and soldiers. A sniper reportedly shot and killed one of the protesters.

According to the OHCHR, tensions among pro- and antiseperation activists in the south heightened during the year. Several public squares in Aden and Mukalla were attacked or burned. The attacks appeared to be orchestrated by competing groups on either side of the separation issue and not coordinated by the government. The OHCHR also reported violence against participants in public demonstrations in Ta’iz and al-Baidah.

### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this, although there were some instances of interference with this right. Associations and NGOs operated openly, but with some government interference (see section 5). The government cooperated to varying degrees with the more than 7,000 civil society organizations, including human rights NGOs, depending on their issues of concern. According to lists provided by the Ministry of Social Affairs, 106 human rights NGOs completed the registration process during late 2011 and early 2012. According to the OHCHR and representatives of some human rights organizations that attempted to gain licenses, the Ministry of Social Affairs interfered with the licensing of some human rights-related organizations that were viewed with suspicion, including organizations that focused on accountability and transitional justice. Civil society organizations and NGOs not focused on these issues experienced minimal limits on their activities.

Various political groupings sought to influence political thought in order to align it with party ideologies. This occurred primarily on university campuses. Political parties also actively recruited new students into party branches specifically created as youth divisions (e.g., the General People's Congress Party, or GPC, Youth Division, the Islah Youth Division, etc.), through which the parties could mobilize youth on campuses.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some restrictions. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to IDPs, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. Although according to the UNHCR the country's laws and policies were consistent with international standards, the government's capacity to protect and assist persons in need was limited. The government's ability to provide services in some parts of the country weakened, as resources were focused on maintaining stability during the political transition. Authorities continued to provide automatic refugee

status to Somalis who entered the country. The UNHCR country operations profile for 2012 noted a continuation of the upsurge in new arrivals from the Horn of Africa. By the end of the year, 107,500 new arrivals, one-fifth from Somalia and four-fifths from Ethiopia, were recorded.

In-country Movement: The government at times restricted domestic travel by refusing to issue travel permits to conflict areas, and the army, security forces, and nongovernment tribesmen maintained checkpoints on major roads. The number of nongovernment checkpoints increased in many governorates as central government control in those areas weakened. In October tribes agreed to remove checkpoints in key areas such as the Hodeida-Sana'a highway. Societal discrimination severely restricted women's freedom of movement. Women in general did not enjoy full freedom of movement, although restrictions varied by location. Some observers reported that restrictions on women increased in conservative locations where government control was weaker or absent, such as Sa'ada. Security officials at government checkpoints often required immigrants and refugees traveling within the country to show they possessed resident status or refugee identification cards. There were reports that at times local officials did not honor official documents. In many regions, especially in areas outside effective central security control, armed tribesmen frequently restricted freedom of movement, operating their own checkpoints, sometimes with military or other security officials, and often subjecting travelers to physical harassment, extortion, theft, or short-term kidnappings for ransom.

Foreign Travel: The law requires women to have the permission of a husband or male relative before applying for a passport or leaving the country. A husband or male relative could bar a woman from leaving the country, and authorities strictly enforced this requirement when women traveled with children. The government limited the movement of foreign tourists and other foreigners, who were required to obtain exit visas before leaving the country.

### **Internally Displaced Persons (IDPs)**

Within its very limited capacity, the government provided protection and assistance to IDPs, mainly by facilitating international groups' humanitarian efforts within the limits drawn by assessment of the local security situation. While the relatively weak transitional political system reduced attention and resources for IDPs, the government still aimed to promote IDPs' safe, voluntary return or local integration through laws and policies in accordance with the UN Guiding Principles on Internal Displacement.



According to the UNHCR and the UN Office for the Coordination of Humanitarian Affairs, there were more than 390,000 IDPs as at the end of the year, with another 200,000 experiencing many of the same privations. Eleven out of the 21 governorates hosted IDPs displaced by the protracted conflict between Houthis and other armed groups in the north, AQAP expansion and conflict with government forces in the south, and general instability related to the Arab Spring protests centered on major population areas. According to the UNHCR, approximately 62 percent of IDPs were from the Sa'ada and Hajja Governorates in the north affected by long-running tribal, regional, and sectarian conflict between Houthi and Sunni/Islahi tribesmen. Thirty-eight percent of IDPs were from southern governorates, displaced by conflict between AQAP and government forces. Other citizens were displaced temporarily by armed clashes related to Arab Spring protests and general insecurity stemming from weakened government rule in Sana'a, Ta'iz, Aden, and other cities.

AQAP took control of Zinjbar and other areas in Abyan, Lahj, and Shabwah governorates in 2011 and held these locations for approximately one year until a government offensive drove them out in June. This fighting displaced over 100,000 persons. Mines, unexploded ordnance, and IEDs planted by AQAP, which deliberately targeted the civilian population, slowed, or prevented their return to their homes. At the end of the year, the UNHCR had registered more than 85,000 IDPs who returned to their homes.

The access of humanitarian organizations to IDPs varied by region. In the capital Sana'a, accessibility to IDPs improved during the year after the conflict between al-Ahmar tribesmen and government forces subsided in late 2011. Yet 94 percent of IDPs lived outside of camps and often were dispersed over a wide geographic area, making access difficult. Inaccessibility prevented humanitarian assistance from reaching IDPs in certain districts of Al Jawf and Amran governorates, although the UNHCR and other NGOs maintained a presence in Sa'ada city, Harod, and Hajja.

Humanitarian organizations had little to no access to southern governorates for the first half of the year but returned after the government regained control from al-Qaida militants in June. A UNHCR office opened in Zinjibar in June with part-time staff. In July UN assessment missions to Abyan commenced.

Most IDPs lived outside of official camps, sheltering with host families and relatives in communities, scattered settlements, schools and empty public

buildings, or under trees and bridges. Journalists reported that during the worst months many IDPs were starving and lacked basic requirements such as clean water, food, medicine, and sanitation. There was also a marked increase in food insecurity. The World Food Program reported that the number of persons who experienced food insecurity doubled over the previous two years, and that nearly half of the population did not have enough to eat. Rates of acute malnutrition were high among displaced persons and other vulnerable groups.

### **Protection of Refugees**

The country has hosted refugees from the Horn of Africa for decades, largely with only limited international assistance. Somalis, Ethiopians, Eritreans, and others shared the general poverty of the country, and many sought to cross the border into Saudi Arabia. Within the country, authorities did not limit refugees to camps or particular areas, and refugees generally did not suffer harassment. However, the economy offered few opportunities for more than subsistence living.

Access to Asylum: There is no law that addresses the granting of refugee status or asylum and the government has not established a system for providing protection to asylum seekers. The government worked with the UNHCR to establish formal structures. The government lacked the ability to conduct refugee status determinations on its own, but it continued to grant prima facie refugee status to Somalis who arrived in the country after 1991. Of the UNHCR-estimated 260,000 refugees in the country at year's end, approximately 95 percent were Somalis although the majority of new arrivals are Ethiopians. The UNHCR conducted individual refugee status determinations (RSD); however, the government did not consistently allow the UNHCR to perform determinations for non-Somalis, whom the government considered economic migrants.

The UNHCR conducted an RSD process for non-Somali asylum seekers, principally Ethiopians. Upon arrival in the country, non-Somali arrivals were provided with information on RSD procedures by the UNHCR staff at their reception centers. Those wishing to seek asylum were given a 20-day appointment slip to facilitate their transit to the UNHCR offices in Aden or Sana'a, where they could apply for asylum and onward access to RSD procedures. Difficulties remained in accessing potential asylum seekers in detention, although the UNHCR and its partners had regular monitoring missions in detention centers throughout the country.

Refugee Abuse: An August 27 *Yemen Times* article reported that security forces repeatedly demolished tents at a makeshift camp outside an immigration and passport center. Ethiopians, Eritreans, and Somalis living in the camp reported that security forces slashed their tarp shelters with knives and then returned the next day to confiscate any rebuilt tents. The article also noted that many UNHCR refugees staged an 11-month demonstration outside the UNHCR office. The UNHCR arranged for security forces to remove the refugees after they reportedly threatened UNHCR facilities and employees. Security forces took the refugees to immigration prison rather than the Kharaz refugee camp, where they were originally told they were being transferred. The refugees said they relied on food and water handouts from their neighbors.

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

The law provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage, and citizens had the opportunity to exercise this right during the presidential election held on February 21. Independent observers generally considered the presidential election for the transitional period to be free and fair, although only one candidate was on the ballot. The one-candidate ballot was a consequence of the GCC agreement that ended the crisis of 2011 and was to be employed only during the transition period.

#### **Elections and Political Participation**

Recent Elections: The GCC initiative signed by former president Ali Abdullah Saleh, his party the General Peoples Congress (GPC), and a coalition of six opposition parties, the Joint Meeting Parties (JMP) provided for a political settlement and transfer of power on November 23, 2011. A government of national accord was formed in December 2011 on the basis of a (50-50) power-sharing agreement between the GPC and the JMP. According to the initiative and its implementation mechanism, formation of a government launched a two-stage transitional period: the first stage from formation of the government until the election of a new president; the second two-year stage from when the new president took office. On February 21, former vice president Abdo Rabbo Mansour Hadi, running as the sole candidate, was elected president in a mostly peaceful, free, and fair election and power was transferred peacefully from Saleh when Hadi was sworn in on February 25.

The February 21 presidential election was deemed free and relatively fair. Voter turnout was high, including among youth and women. There were some concerns that the election served as a referendum on one party and one candidate rather than a fair democratic election among multiple candidates.

Parliamentary elections scheduled for April 2009 were postponed for two years in an agreement between the then ruling GPC Party and the JMP, signed in February 2009 after the two sides failed to agree on electoral reform. Following the outbreak of widespread opposition demonstrations in January 2011, the parliamentary elections scheduled for April 2011 were not held, causing the parliament's constitutional mandate to expire. After April 2011 the parliament failed to attain a quorum until December 10, 2011, following former president Saleh's endorsement of the transition agreement. The Parliament continued sessions through 2012, and new elections will be held in 2014 as stipulated by the GCC plan.

Political Parties: The law mandates that political parties be national organizations that cannot restrict their membership to a particular region, tribe, religious sect, class, or profession. During the year, the implementation of the 50-50 power sharing agreement outlined in the GCC initiative allowed a range of political parties to organize and operate without undue limitation. Although instances of harassment of political party members were reported in the media, parties for the most part operated without restriction or outside interference. The constitution prohibits the establishment of parties that are contrary to Islam, "oppose the goals of the country's revolutions," or violate the country's international commitments.

Although the GPC had been the dominant party since unification in 1990, the power sharing agreement and ascendancy of the Islah Party, the major "opposition" party in the JMP, began to erode the GPC's influence. New political parties formed in the wake of the 2011 uprising, some apparently testing the constitutional prohibition against sectarian parties. The Rashad Party, representing Salafi conservative Islamists was formed and officially recognized in March. The Umma Party, representing moderate Zaydi Shias, also was recognized during the year. In addition the Watan Party, Liberal Party, and Arab Spring Party also were formed and recognized during the year, representing various youth and women's groups seeking a voice in the political process.

Tribalism distorted political participation in previous years and still had an impact, influencing the composition of parliament and various ministries within the central government. Observers noted that elections and positions in government ministries

sometimes were based on tribal affiliation. Patriarchal systems dominated in tribal areas, providing some tribal leaders with the reported ability to influence other tribal members' votes.

Participation of Women and Minorities: Women voted in the February presidential election and have the right to hold political office, although societal discrimination limited the exercise of their political rights. Reports from various NGOs stated that women's participation in the presidential election was higher than in previous elections. Numerous reports indicated that male family members or other influential males, such as imams or tribal elders, attempted to direct women's votes. Only one of the 301 parliament members was a woman. Following the December 2011 formation of the 35-member National Consensus Government, three women were selected as ministers: the minister of social affairs and labor, the minister of state for cabinet affairs, and the minister of human rights. The National Dialogue Preparatory Committee, formed in July to prepare for a constitutional referendum in 2013, and presidential and parliamentary elections in 2014, had five women among its 31 members. The National Consensus Government explicitly set forth a plan to increase women's participation in the election process.

In an attempt to sustain gains made by women in public life after the revolution, a national conference for women organized by the National Women's Committee and the Ministry of Human Rights called for the protection of women in conflict, gender equality in transitional justice processes, and greater political participation for women (a quota of at least 30 percent) in all transitional political bodies and ensuing legislative and executive institutions.

Women played an increasingly important role in opposition movements before the adoption of the GCC power-sharing agreement, and they remained active in pressuring President Hadi to implement reforms demanded by youth protesters. Five women were members of the 31-person National Dialogue Preparatory Committee, which had a significant influence on the transition leading up to parliamentary and presidential elections scheduled for 2014. The Preparatory Committee determined that the full National Dialogue Conference and its constituent components, established by the GCC agreement, must have at least 30 percent female participation.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. According to Article 136 of the constitution, a criminal investigation may not be conducted on a deputy minister or higher-ranking official without a one-fifth approval vote in parliament. A two-thirds majority parliamentary vote and presidential permission are then required to bring criminal investigation results to the general prosecutor for indictment, a burdensome process that created a separate legal system for the political elite. The procedure was not used during the year and was employed infrequently in prior years. Financial disclosure was required but the information was not publicly available.

Analyses by impartial international and local observers, including Transparency International, agreed that corruption was a serious problem in every branch and level of government. International observers presumed that government officials and parliamentarians benefited from insider arrangements, embezzlement, and bribes. Political leaders and most government agencies took negligible action to combat corruption.

Corruption and impunity were serious problems throughout the military-security establishment and intelligence bureaucracy. Some police stations reportedly maintained an internal affairs section to investigate security force abuses, and citizens had the right to file complaints with the Prosecutor's Office. The Ministry of Interior had a fax line for citizens to file claims of abuse for investigation. There was no available information on how many fax complaints were received or investigated. Government procurement was also regularly affected by corruption. Government progress on reorganization within both the Ministry of Defense and Ministry of Interior explicitly addresses corruption.

The Central Organization for Control and Audit (COCA) is the national auditing agency for public expenditures and the investigative body for corruption. The president appointed its top officials. COCA presented its reports to parliament but did not make them publicly available. In cases involving high-level officials, COCA submitted reports directly to the president, who had the power to veto them. Only low-ranking officials have been prosecuted for corruption since COCA's inception in 1999. The actual extent of corruption was generally considered significantly greater than that reported confidentially to parliament.

The culture of corruption was pervasive, and petty corruption was widely reported in nearly every government office. Job candidates often were expected to purchase

their positions. Tax inspectors were believed to undervalue assessments and pocket the difference. Many government officials and civil service employees received salaries for jobs they did not perform or multiple salaries for the same job.

The independent Supreme National Authority for Combating Corruption (SNACC) was formed in 2007 to receive complaints and develop programs to raise awareness of corruption, and included a council of government, civil society, and private sector representatives. Members managed publicity campaigns in sectors such as media, criminal investigations, and contracts as part of a national strategy for combating corruption.

Since 2007 the SNACC has opened a total of 1,369 corruption cases, of which 77 have been referred to the Public Prosecutor's Office, with sentences passed down in 15 of these cases.

The SNACC investigated Dubai Ports World (DPW), a UAE-based firm, for not meeting the terms of its agreement to manage the port and container terminal located in Aden. The investigation generated political and public pressure resulting in the government's cancellation of the DPW contract in September, although the technical details of assigning fault remained obscure and the DPW accused Saleh's government of failing in its commitments.

The SNACC reviewed the Civil Registry and Status Authority's purchase of equipment used to create national identification cards. Results of this review were pending at year's end.

Yemen Parliamentarians Against Corruption (Yemen PAC), the local branch of Arab PAC, is part of a network of parliamentarians organized in 2006 to stimulate legislative branch action to combat corruption. Without any legal mandate, Yemen PAC monitored the activities of anticorruption institutions such as the SNACC and provided limited, unofficial oversight of their activities.

The Anti-Corruption Law Number 39 of 2006 makes no provision for public access to government information in corruption cases. The law forbids disclosure of any information submitted under the law.

The press and publications law provides for journalists to have some access to government reports and information, but the government offered few procedures that could ensure transparency. The law requires public disclosure of government officials' assets, and the government provided limited information via the Internet.

A total of 20,966 public employee financial disclosure statements have been filed with the SNACC, with 650 noncompliance cases submitted to the Public Prosecutor's Office for action. These declarations are largely unavailable to the public.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

Domestic and international human rights groups generally operated without outright government restriction, but government officials, particularly those from the various security organizations, were frequently uncooperative and unresponsive to human rights groups' views and requests for information. Groups attempted to investigate human rights cases with little constraint on their movements throughout the country, although significant obstacles were reported by local and international organizations in accessing victims, prisoners, and prisons. Their reports were published in international, regional, and local media.

The law regulates associations and foundations and outlines the establishment and activities of NGOs. Registration is required on an annual basis. The law exempts registered NGOs from taxes and tariffs and requires the government to provide a reason for denying an NGO registration, such as deeming an NGO's activities "detrimental" to the state. The law forbids NGOs from being involved in political or religious activities. The law permits foreign funding of NGOs and requires government observation of NGO internal elections. Because of the large number of NGOs, election observation was rarely exercised.

In April 2011 the law governing associations and foundations was amended to provide for additional restrictions on the ability of international NGOs to operate, including approval requirements and oversight by the Ministry of Planning and International Cooperation. However, the government did not enforce the amendment.

Domestic human rights NGOs reported that they operated throughout the year with less government restriction and less difficulty in movement as the security situation improved and checkpoints decreased. Domestic human rights NGOs reported that the government, and specifically the Ministry of Human Rights and the Ministry of Social Affairs, reached out to NGOs and initiated dialogue with many of them. According to several local human rights NGOs, the various security arms within the government did not conform to the greater openness of the Ministry of Human



Rights and government in general. The NSB reportedly denied entry visas for representatives of the Danish Institute for Human Rights. In addition security services reportedly used arbitrary detention to intimidate active or influential local human rights NGO representatives. The NSB detained the head of the human rights NGO Yemen Organization for Defending Rights and Democratic Freedoms on multiple occasions during the year, each time for several hours and without a stated cause. The local human rights NGO HOOD also reported that security services routinely and arbitrarily entered the homes of, or detained, members of some human rights NGOs without offering a rationale or legal basis for their actions. Although the security apparatus remained uncooperative, the government allowed HRW representatives on three separate occasions during the year to enter the country and travel freely, in contrast to 2011, when HRW representatives could not openly enter the country.

UN and Other International Bodies: The government cooperated with the OHCHR delegation during its June 22-30 visit, which resulted in a report of its findings released on September 5. The mandate of the delegation, according to the OHCHR report--and as agreed with the government--was to assess the country's human rights situation, and to obtain information from a wide range of actors, including the government, NGOs, victims, and witnesses, as well as the UN country team. According to the OHCHR, the government actively cooperated with the delegation during its visit. On September 27, the OHCHR released a statement that a new OHCHR office would be established to allow closer monitoring of the country's human rights problems.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law provides for equal rights and equal opportunity for all citizens; however, the government did not consistently enforce the law. Discrimination based on race, gender, and disability remained a serious problem. Some groups, such as the marginalized Akhdam community (an ethnic group largely descended from East Africans), faced societal discrimination based on social status. Despite strong female participation in the revolution, societal discrimination severely limited women's ability to exercise equal rights.

### **Women**

Rape and Domestic Violence: The law criminalizes rape, although spousal rape is not criminalized because a woman may not legally refuse sexual relations with her husband. The government did not effectively enforce the law against rape. The

punishment for rape is imprisonment for up to 15 years; however, the maximum sentence was not imposed during the year. There were no reliable statistics on the number of rapes, as the social repercussions for victims sharply limits their willingness to come forward. Women activists asserted that physical, emotional, and sexual abuse within marriage was widespread.

Most rape victims did not report the crime due to fear of shaming the family, incurring violent retaliation, or being prosecuted. By law rape victims can be prosecuted on charges of fornication if a perpetrator is not charged. There were no reports of this during the year. According to the law, without a confession the victim must provide four male witnesses to the crime.

The law provides women with protection against domestic violence under the general rubric of protecting persons against violence, but it was not enforced effectively. Courts were largely viewed as corrupt or inefficient. Spousal abuse generally was undocumented but was considered a major problem by women's groups. Violence against women and children was considered a family affair and usually went unreported to police; tribal customary law was seen to be more effective and more likely to present a better outcome for women. Due to social pressures, an abused woman was expected to take her complaint to a male relative, rather than to authorities, to intercede on her behalf or provide sanctuary.

A small shelter for battered women in Aden assisted victims, and telephone hotlines operated with moderate success in Aden and Sana'a, but the large majority of women in rural areas had little access to shelters or assistance.

Women's rights activists and the media continued to investigate and report on violations of women's rights. During the year NGOs sponsored several women's rights conferences dealing with violence against women, increasing the political representation of women, and economic empowerment. The Ministry of Interior's Women and Children Office carried out police training to improve the official response to abuses, including rape. It also supported a telephone number dedicated to reporting abuses. The number reportedly received dozens of calls per month and the office claimed that all cases would be investigated. The Ministry of Information broadcast programs on official television and radio stations promoting women's rights but did not cover some sensitive topics, such as forced marriage and illiteracy. The Preparatory Committee for National Dialogue included gender issues in the agenda for the National Dialogue Conference.

Harmful Traditional Practices: The penal code allows leniency for persons guilty of committing an honor crime or violent assault against--or killing--a woman, for perceived “immodest” or “defiant” behavior. The law does not address other types of honor crimes, including beatings, forced isolation, imprisonment, and forced early marriage. The law regarding violence against women states that a man should be executed if convicted of killing a woman. However, a husband who kills his wife and a man he believes to be her lover may receive a substantially reduced sentence. Criminal sanction for spousal violence was rare. Violence against women was usually handled through the tribal arbitration process rather than through the criminal courts. Local female tribal experts have argued that tribal arbitration is fairer for women, and it often was preferred to the courts for that reason.

Sexual Harassment: The extent of sexual harassment, as well as a legal definition within the local context, was difficult to determine, although direct observation and very infrequent media reports suggested it occurred in the workplace and in the streets. No specific laws prohibit sexual harassment. There were anecdotal reports of men accused of sexual harassment being transferred to other offices to prevent further incidents. Saleh and some other political groups accused female activists of being “unfeminine” and “un-Islamic.”

Sexual harassment in the streets was a major problem for women. According to a study conducted in February by the National Center for Women’s Rights and the United Nations Population Fund (UNFPA), 90 percent of women faced sexual harassment in the streets. This figure was published in the *Alhayat* daily newspaper. In a follow-up report conducted by the Athar Foundation for Development and funded by the Middle East Partnership Initiative, it was found that 98.9 percent of women have faced sexual harassment in the streets, including comments and whistles.

Reproductive Rights: There were no reports of government interference in the right of couples and individuals to decide freely and responsibly the number, spacing, and timing of children. However, societal pressure, women’s lack of education, and the young age of marriage for many girls meant that many women in reality had little to no control over reproduction. Decisions regarding access to contraceptives, family size, and procedures involving reproductive and fertility treatments required the consent of both husband and wife. It was technically illegal for single women to buy and use contraception, but if a particular contraceptive (such as the pill) had another medical use, it could be used. The information and means to make those decisions were freely available in cities,

although contraception, obstetric care, and postpartum care were too costly for much of the population. Most women gave birth at home with only traditional midwives and did not see a doctor during their pregnancies or after delivery. According to the latest available UN statistics, there were approximately 210 maternal deaths per 100,000 live births in the country in 2010. The major factors contributing to the high maternal mortality rate included very limited access to even primary health care in rural areas, poor access to transportation, and lack of awareness and education.

Discrimination: Women did not enjoy the same legal status as men under family law, property law, inheritance law, and in the judicial system. They experienced discrimination in areas such as employment, credit, and pay, owning or managing businesses, education, and housing. This discrimination was accentuated by the 65 percent female illiteracy rate.

Women faced discrimination under family law and inheritance law. Courts awarded custody of children over a specified age (seven years for boys and nine years for girls) to the divorced husband or the deceased husband's family. In numerous cases, former husbands prevented divorced noncitizen women from visiting their children. Under Sharia inheritance laws, which assume that women receive support from their male relatives, daughters receive half the inheritance awarded to their brothers.

Women also faced unequal treatment in courts, where the testimony of one man equates to that of two women. In calculating accidental death or injury compensation based on Sharia, women receive 50 percent of what men receive. Female parties in court proceedings such as divorce and family law cases normally deputized male relatives to speak on their behalf although they have the option to speak for themselves.

A husband may divorce a wife without justifying the action in court. Under the formal court system, a woman must provide a justification. However, under tribal customary law, a woman has the right to divorce without justification.

Some interpretations of Sharia in the country prohibit a Muslim woman from marrying a non-Muslim man, although other interpretations permit marrying a Christian or Jewish man. A Muslim man is allowed to marry a non-Muslim woman. The foreign wife of a male citizen must remain in the country for two years to obtain a residency permit.

Any citizen who wishes to marry a foreigner must obtain the permission of the Ministry of Interior. A woman wishing to marry a foreigner must present proof of her parents' approval. A foreign woman who wishes to marry a male citizen must prove to the ministry that she is "of good conduct and behavior." A close male relative has the authority to approve or prohibit a female citizen's travel (see section 2.d.).

Women experienced economic discrimination. The law stipulates that women are equal to men in employment rights, but women's rights activists and NGOs reported that discrimination was a common practice in the public and private sectors. Women's unemployment rate was nearly four times that of men, women's wages were on average one-fifth those of men, and women did not have equal access to some professions.

Cultural barriers also restricted the exercise of women's property rights. In most rural areas, social norms largely prevented women from owning land. Cultural barriers also restricted women's access to formal credit.

Government mechanisms to enforce equal protection were weak or nonexistent.

According to the Ministry of Social and Labor Affairs, more than 170 NGOs worked for women's advancement. The Arab Sisters Forum for Human Rights worked with other NGOs, the government, and donor countries to strengthen women's political participation. The Yemeni Women's Union and Women's National Committee conducted workshops on women's rights. The Arab Sisters Forum, with funding from a donor government and in cooperation with the ministry, established projects aimed at providing protection against violence for women and children.

## **Children**

**Birth Registration:** Citizenship is derived from one's parents. A child of a Yemeni father is a citizen. Women may confer citizenship on children born of a foreign-born father if the child is born in the country. Women do not have the right to confer citizenship on their foreign-born spouses. The Ministry of Interior may, in rare cases, permit a woman to confer citizenship on a child of a foreign-born father if the child was born abroad and the father died or abandoned the child.

There was no universal birth registration, and many children, especially in rural areas, were never registered or were registered several years after birth. The

requirement that children have birth certificates to register for school was not universally enforced, and there were no reports of services being denied to children based on lack of registration. The lack of birth registration compounded difficulties in proving age, which led to minors being recruited into the military and juveniles being tried and sentenced as adults, including receiving the death penalty.

Education: The law provides for universal, compulsory, and tuition-free education from age six to age 15. Public schooling was free to children through the secondary school level, but many children--and especially girls--did not have easy access. Although attendance was nominally mandatory through the ninth grade, only 85 percent of boys and 70 percent of girls attended primary school. The gender gap was larger for secondary and postsecondary schooling, with 21 percent of girls attending secondary school and only 6 percent going on to postsecondary education. The lack of private toilet facilities for girls in school contributed to the drop in female attendance after puberty.

Medical Care: Due to societal discrimination, male children received preferential medical treatment.

Child Abuse: The law does not define or prohibit child abuse, and there was no reliable data on its extent. NGOs initiated awareness campaigns against child abuse, and no negative reaction was reported; however, NGOs could not assess the campaigns' effectiveness.

Child Marriage: There was no minimum age of marriage, and there were cases of girls married as young as eight years of age. The law has a provision that forbids sex with underage brides until they are "suitable for sexual intercourse," an age that is undefined. According to a 2009 Ministry of Social and Labor Affairs study, a quarter of all girls were married before they were 15 years old, which traditionalists reported was to ensure they were virgins at the time of marriage. The problem of child marriage was politically contentious, and, according to the ministry, the government did not promote public awareness campaigns on the negative effects of child marriage. A 2009 law setting the minimum age for marriage at age 17 was repealed in 2010 due to pressure from traditionalists.

Harmful Traditional Practices: The law prohibits female genital mutilation/cutting (FGM/C), but according to a 2009 UN estimate its prevalence was approximately 20 percent among girls. It was pervasive in the coastal areas, where it was performed on infants less than 40 days old. Although government health workers

and officials discouraged the practice, women's groups reported FGM/C rates as high as 90 percent in some coastal areas influenced by cultural patterns in the Horn of Africa, such as Mahara and Hodeidah. The Women's National Committee and the Ministry of Endowments and Religious Guidance provided a manual for religious leaders on women's health issues, including the negative health consequences of FGM/C. The report by the UNFPA and UNICEF concluded that despite an awareness campaign, the country still lagged in addressing the problem. The study estimated that 97 percent of young girls in Hodeidah were subjected to FGM/C, primarily Type II (excision).

Sexual Exploitation of Children: No law defines statutory rape, and no legal limits are placed on the age for consensual sex. The law prohibits pornography, including child pornography. There were reports that underage girls were coerced into prostitution in major cities, particularly in Aden and Sana'a. The practice of foreigners visiting the country to enter short-term marriages with underage girls was reported. The country was a destination for sex tourism. No laws specifically address sex tourism from outside the country, but it was particularly a problem in Aden and Sana'a. The Ministry of Interior attempted to stop the use of "temporary marriage" provisions of Islamic law as a vehicle for sex tourism (see section 1.f.). Some elements of the security forces, however, reportedly facilitated it for financial gain through corruption.

Child Soldiers: The law forbids the use of child soldiers, and the government opposed the practice as a matter of policy. However, there were reports of child soldiers in a number of armed conflicts across the country involving government forces. Tribal groups also used child soldiers (see section 1.g.). Tribes, some of which were armed and financed by the government to fight alongside the regular army, used underage recruits in combat zones, according to reports by international NGOs such as Save the Children. A public campaign was launched in the fall, with large banners criticizing recruitment of child soldiers displayed on major streets and outside military camps. On November 28, the government announced during the visit of a UN envoy its endorsement of the Paris Commitments to end the recruitment and use of children by armed forces and groups.

Married boys, ages 12 to 15 years, were reportedly involved in armed conflicts in the northern tribal areas. According to tribal custom, boys who married were considered adults who owed allegiance to the tribe. As a result, half of the tribal fighters in such conflicts were youths under age 18 who volunteered to demonstrate their manhood and tribal allegiance, according to international and

local human rights NGOs. Other observers noted that tribal boys were rarely placed in harm's way but were used as guards rather than fighters.

Militant groups also used child soldiers.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

The government's stated policy was to protect the country's Jewish community, which numbered fewer than 250 citizens. Members of the Jewish community are not eligible to serve in the military or federal government and are mostly represented in trade and small-scale production.

Although criticism of Israeli actions appeared in mainstream media, anti-Semitic material was rare. The country's political dialogue distinguished between inclusion of Yemeni Jews as citizens and opposition to Israeli policies.

The historic Sa'ada community of 58 Jews, which relocated to Sana'a in 2007 after Houthi expansion threatened it and other non-Houthi groups, remained under government sponsorship and continued to receive government stipends

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **Persons with Disabilities**

Several laws mandate the rights and care of persons with disabilities, but they are poorly enforced and there was discrimination against such persons. No law mandates accessibility of buildings, information, and communications for persons with disabilities. While there is extended-family support for persons with disabilities, formal implementation of legislated public support has been minimal.

Information about patterns of abuse of persons with disabilities in educational and mental health institutions was not available.



Authorities imprisoned persons with mental disabilities without providing adequate medical care. According to the Ministry of Human Rights, nurses and doctors watched the inmates. In some instances, authorities detained persons with mental disabilities without charge and placed them in prisons with criminals. The Ministry of Interior reported that at times family members brought relatives with mental disabilities to ministry-run prisons, asking officers to imprison the individuals. The Ministry of Interior-run prisons in Sana'a, Aden, and Ta'iz operated semiautonomous units for prisoners with mental disabilities in conjunction with the Red Crescent Society. Conditions in these units reportedly were deficient in cleanliness and professional care. At year's end, neither the Ministry of Interior nor the Ministry of Health had acted on a 2005 Ministry of Interior initiative to establish centers for persons with mental illness.

The Ministry of Social and Labor Affairs is responsible for protecting the rights of persons with disabilities. The government's Social Fund for Development and the Fund for the Care and Rehabilitation of the Disabled, administered by the ministry, provided limited basic services and supported more than 60 NGOs to assist persons with disabilities.

By law 5 percent of government jobs should be reserved for persons with disabilities, and the law mandates the acceptance of persons with disabilities in universities, exempts them from paying tuition, and requires that schools be made more accessible to persons with disabilities. It was unclear to what extent these laws were implemented.

### **National/Racial/Ethnic Minorities**

Although racial discrimination is illegal, racial and societal discrimination against the Akhdam (an estimated 2 to 5 percent of the population), who traditionally provided low-prestige services, was a problem. The Akhdam generally lived in poverty and endured persistent social discrimination. According to a 2009 study by the NGO Save the Children, the Akhdam community was the social group most vulnerable to discrimination. The government's social fund for development provided basic services to assist its members. In some cases, Akhdam were "adopted" by tribes in exchange for allegiance, which provided them protection and higher status.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

Gay, lesbian, bisexual, and transgender (LGBT) persons faced discrimination and could face the death penalty, although no executions have been conducted in the past decade. The penal code criminalizes consensual same-sex sexual conduct, with the death penalty as a sanction, under the country's interpretation of Islamic law.

Due to the illegality and possibly severe punishment for consensual same-sex conduct, there were no LGBT organizations. As the law does not prohibit discrimination, LGBT issues were not considered "relevant" for official reporting by the government and few LGBT persons were open about their sexual orientation or gender identity.

### **Other Societal Violence or Discrimination**

There were no reports of societal violence against persons with HIV/AIDS. However, the topic was socially sensitive and infrequently discussed. Senior imams participated in international meetings on community support for persons with HIV/AIDS, and the senior cleric advocated on television for family and community compassion.

In the northern governorates of Sa'ada, Amran, Hajja, and al-Jawf, there were many reported sectarian clashes between Houthi supporters and supporters of Sunni Salafi sects and the Islah Party. In view of the lack of a foreign press and NGO presence in that region, data concerning deaths and other details of this conflict were unverifiable. However, Sa'ada residents reported that the clashes resulted in dozens, and possibly hundreds, of deaths throughout the year.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The labor code provides for the right for salaried private sector employees to organize and bargain collectively without government interference. These protections do not apply to the majority of the workforce, as the labor code does not apply to public servants, day laborers, domestic servants, foreign workers, and other groups. The law generally protects employees from antiunion discrimination and prohibits dismissal for union activities.

Unions may negotiate wage settlements for their members and may conduct strikes or other actions to achieve their demands. There are significant restrictions on the

right to strike and excessive requirements for legal strikes. Workers have the right to strike only if prior attempts at negotiation and arbitration fail; they must give advance notice to the employer and government and receive prior written approval from the executive office of the General Federation of Unions of the Republic.

Employees may appeal any dispute, including cases of antiunion discrimination, to the Ministry of Social and Labor Affairs. Employees also may take a case to the Labor Arbitration Committee, which the ministry chairs, composed of an employer representative and a representative of the General Federation of the Yemeni Workers' Trade Unions (GFYWTU). Generally, parties preferred to resolve cases via the committee system, since court proceedings were costly, and the system was often corrupt.

Public sector employees must take labor grievances to court.

Although not required by law, all unions are federated within the GFYWTU. Although not formally affiliated with the government, it is the only official federation and works closely with the government to resolve labor disputes.

Freedom of association and the right to collective bargaining were not respected. The government interfered in union activities. The Ministry of Social and Labor Affairs bylaws require that union elections take place at least every three years, with ministry officials present as witnesses. The ministry also has veto power over collective bargaining agreements.

The government at times sought to influence unions by inserting its own personnel into groups and organizations. In some instances, political parties attempted to control professional associations by influencing internal elections or placing their own personnel, usually tied to the government, in positions of influence in unions and professional associations.

In practice a union's ability to strike depended on its political strength. Under the transitional government, unions and associations often were accused of being tied to a political party.

The majority of employers in the private sector register only five to 10 employees, allowing them to avoid many social security and labor union regulations. Large companies with more than 100 employees accounted for fewer than 100,000 total citizens, making it difficult for the vast majority of workers to enjoy union protection and benefits.

## **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, including by children; however, the government did not effectively enforce such laws, and there were numerous reports of such practices both in urban and rural areas (see section 7.c., Prohibition of Child Labor). In some instances children were forced into domestic servitude and agricultural work, women were forced into domestic servitude or prostitution, and migrant workers were vulnerable to forced labor conditions.

See also the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The child rights law prohibits child labor. The government did not effectively implement the law, and there were inconsistencies in the law with regard to minimum age for work and for hazardous work. The director of the Combating Child Labor Unit (CCLU) within the Ministry of Social and Labor Affairs estimated that informal minimum wages paid by private sector businesses to children range between YER 430-650 (\$2-3) per day.

All child labor under the age of 14 is illegal under the National Rights of the Child Law. Under that law, children ages 14 to 18 may work under formal contracts for no longer than six hours a day, with a one hour break after four consecutive work hours, on weekdays between 7 a.m. and 7 p.m. Children under age 18 are prohibited from engaging in hazardous forms of work based on work conditions and health circumstances, rather than by specific sectors or industries.

The CCLU worked closely with the Yemen High Council for Motherhood and Children and the International Labor Organization (ILO) to draft legislation regarding families and children. The project was ongoing at year's end.

The CCLU was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement. Due to limited resources and the security situation, child labor inspectors did not travel to carry out their work during the year.

Although penalties exist to punish the worst forms of child labor, the government made minimal enforcement efforts. The Ministry of Social and Labor Affairs has

trained safety inspectors to also work as child labor inspectors, raising the total number of inspectors to 57. Inspectors did not receive transportation allowances to carry out their inspection visits. Reportedly, most cases were resolved between inspectors and employers with a verbal warning and reconciliation if child labor violations were found.

The CCLU was responsible for implementing and enforcing child labor laws and regulations; however, extensive ministerial budget cuts reduced the unit's resources and hampered enforcement. There was no information available on the number of arrests, investigations, and prosecutions for offenses related to the worst forms of child labor.

Child labor was common, including in its worst forms. As of 2009 the UN estimated that approximately 23 percent of children between the ages of five and 14 worked.

Approximately 52 percent of boys between the ages of 10 and 14 were in the workforce, compared with 48 percent of girls in the same age group. An estimated 83 percent of working children (including street beggars) worked for their families, and 17 percent worked outside the family. In rural areas, many children were required by family poverty and traditional practice to work in subsistence farming. In urban areas children worked in stores and workshops, sold goods, and begged on the streets. Many children of school age worked instead of attending school, particularly in areas where schools were not easily accessible. According to the Ministry of Social and Labor Affairs, small factories and shops, particularly in rural areas, employed children outside the family. The 2011 political and continuing economic crisis caused hundreds of children to leave schools to work, especially in the fishery and agriculture sectors. Children also reportedly worked in dangerous conditions in construction, offshore fishing, mining, and waste dumps.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda/htm](http://www.dol.gov/ilab/programs/ocft/tda/htm).

#### **d. Acceptable Conditions of Work**

There was no established minimum wage. The labor law provides equal wages for public sector workers working in joint ventures between the government and the private sector and in parastatals, and civil servants hired by the Ministry of Civil Service. Private sector workers, especially skilled technicians, earned a higher

wage. During the year the minimum civil service wage fell below the country's poverty level below which, according to the World Bank, an estimated 60 percent of the population lived.

The law specifies a maximum 48-hour workweek with a maximum eight-hour workday; however, many workshops and stores operated 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was nominally seven hours per day from Saturday through Wednesday.

The Ministry of Social and Labor Affairs is responsible for regulating workplace health and safety conditions. The labor law regulates occupational health. Enforcement was weak to nonexistent due to lack of capacity and constrained resources. The ministry's vocational safety department relied on inspection committees to conduct primary and periodic investigations of safety and health conditions in workplaces. Such committees also were constrained by a lack of funding and resources, such as vehicles for committee members to travel to factories for inspections. Some foreign-owned companies and major manufacturers have implemented higher health, safety, and environmental standards than the government required. Workers have the right to remove themselves from dangerous work situations and may challenge dismissals based on such action in court. There were no reported instances of this during the year.