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YOHR



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Preface:

Human rights as guaranteed by international institutions are rights for individuals and communities, yet individual and community rights could be distinguished. Individual rights are that rights enjoyed by individuals, including that within their community. In addition to human rights provided for in international institutions for specific categories in specific community to mitigate historical injustice they suffered and compensate them, such as women rights, child rights, marginalized categories rights and people with special needs rights. All these rights are intended for natural individual human being, however fulfilling these rights is accomplished through mechanisms and specific procedures. Community rights are by nature rights enjoyed by individuals within communities, even if they require certain measures when targeting individuals. Regardless of the human rights nature, either individual or community rights, they could only be respected and attained in democratic society where equal citizenship is guaranteed.

Such perspective of human rights formulates the theoretical framework on the basis of which this report issues have been identified. This report is the second in the series of annual reports published by YOHR on the state of human rights and democracy in Yemen. First principle that determines YOHR perspective is the universality and inseparability of human rights, thereby international human rights institutions have been employed here as a reference to identify human rights. Also at instances when Yemen has reservation on certain provisions, or when national legislations do not comply with international laws, the reference has always been international institutions.

In light of the above, the report contains two chapters to monitor and analyze basic civil, political, economic, social and cultural human rights. Second criteria is that guaranteeing, preserving and protection of human rights is only possible in democratic society, therefore a separate chapter has been allocated for democratic reform, third criteria is taking special care and priority to preserve most vulnerable categories human rights i.e. women, child, youth and marginalized categories, for which third chapter of this report is allocated.

Section (1)

Civil and Political Rights

chapter One: Civil Rights.

1.1. Right to Live:

Article (3) of the Universal Declaration on Human Rights stipulates that “*each individual has the right to live, freedom and personal security*” article (6) of International Convention on Civil and Political Rights stipulates that “*right to live is attached to each human being; law has to preserve this right*”. In this Report we strive to demonstrate and analyze human rights violations in Yemen during 2006, pertaining to the right to live, including; arbitrary execution, attempt of arbitrary execution, and threaten of murder. Cases of arbitrary execution includes all murder cases of detainees at prisons, police stations and other government detention facilities, and those who are under the control of law enforcement personnel, or other personnel of official capacity, unless followed by official investigation and autopsy is conducted and evidences that proves cause of death is natural are obtained. Attempt of arbitrary execution includes all such attempts that failed due to reasons beyond the primary intention of one or more than government agents. Threaten of death includes all actions or words that intimidates specific individual and causes reasonable fear that he/she might be a victim of arbitrary execution, particularly that perpetuated by paramilitary individuals or groups linked to authorities or act with connivance of such authorities or under their implied approval.

Frame (1) Samples of Assaults to the Right to Live During 2006

- Mr. Imad Hatim, 19 years, from Gabal Asharq district, Dhamar governorate, killed on 23/1/2006 in Mareb governorate by farm owner where he used to work. Perpetuator is still at large.
- Mr. Fawaz A. Alawdi, 20 years, shot dead in his father laundry where he used to work, on 12/4/2006, in Hadramout governorate when he refused to handover clothes that doesn't belong to the perpetuator.
- Ms. Samah Ibrahim, 20 years, Hodiedah governorate, admitted to private hospital following abdomen illness. She passed away when injected by the doctor in-charge with sedative injection.
- Ms. Amani A. Al Ahdal, 16 years, Ashibilia village, Huseinia district, Hodiedah governorate, passed away when stepped on high voltage cable.
- Mr. Mohammed Al Zahri, 25 years, was abducted by unknown gang on the first week of July 2006. His decomposed body was found on 6/8/2006 in one cave in Riham bani Hishaish district, Sana'a governorate.
- Child Otba S. Al Dubaee, Dubaa area, Hugaria district, was raped, murdered and his body was deformed with sharp weapon.
- Child Bashar A. Sageer, 6 years, Amran district was killed when a number of barrels belong to the Road Authority fall on him and his brother who escaped death with broken limbs.
- Mr. Amir H. Al Kamil, Ibb governorate, shot dead on 4/11/2006 by unknown persons.
- Mr. Rushdi A. Seif, teacher, Al Maslaqa village, Shara'ab district, was set ablaze and died.
- Child Ahmed M. Nagi, 10 years, Al Gabib village, Shara'ab district, died following torture by his father with boiled water.
- A young lady, 21 years, from Ibb, committed suicide with a dagger, following seeing her picture fabricated on naked women body.
- A young man, 25 years, Qataba district, Addalie governorate committed suicide in his bedroom on 7/1/2006. Strange enough that most of his family members died in mysterious circumstances.¹

¹ Most of information contained in this frame were collected from the following newspapers: Al Sahwa issue 691 dated 31/1/2006, Al Thawri 1917 dated 22/6/2006, Al Ayyam 4920 dated 16/10/2006, 4707 dated 9/2/2006, Al Wahdawi 717 dated 8/8/2006, Al Nida 41 dated 8/2/2006, and Annas 279 dated 9/1/2006.

1.2. Right of Freedom, Personal Security and Physical Safety:

Comparing Yemeni legislations with article (9) of Universal Declaration of Human Rights and with other international legislations pertained to the right of freedom, personal security and physical safety, we conclude that they do not differ theoretically, where article (46) of Yemeni constitution stipulate that “*criminal liability is personal liability, and no crime or penalty without legal provision, further each suspect is innocent unless proved guilty with final verdict. No law shall be enacted to incriminate acts retroactively*”.

Frame (2) Instances of Murder Attempts and Threaten of Murder

- Mr. Mahmoud Taha Ahmed, YOHR coordinator and human rights activist was threatened to be killed when following the raped child Sawsan Al Madhlaie case.
- Child Rasmia Ahmed Ganaf, 6 years, was shot in her chest by one of her relatives when grazing goats in his land.
- Mr. Ahmed Al Ahsab, Dhamar governorate, house was destroyed and sabotaged by influential persons. Ministry of Human Rights intervention, who commissioned fact finding mission, did not help.
- Ms. Latifa Al Magzoub, Ibb governorate, was subject to murder attempt, and her house was exploded by influential persons. Amnesty International appeal in this respect did not help.
- Journalist Sami Al Kaf, Aden governorate, was subject to murder attempt on 18/10/2006.
- Lawyers Mohammed Allao, Gamal Al Gubee, Basim Al Sharagbi, were threatened due to their activity in providing support and assistance to victims of human rights violations.

However real practices indicate that Yemen witnesses numerous violations to this right, namely the following violations:

1.2.1: Arbitrary Arrest and Detention:

Violation to the right of freedom occurs when public official, or any individual act on official capacity, or with its incitement, consent or approval, deprives an individual, without legitimate reason, from his freedom by detaining such individual in a prison or any detention facility or hold him under house custody. Article (9) of the International Convention on Civil and Political Rights provides for legitimacy of detention. No deprive of freedom is allowed unless perpetuated according to reasons and procedures determined by the law. Legitimacy of detention is breached when an individual is detained for reasons not provided for clearly in the law or when such reasons violates such law, or when detained and imprisoned by unauthorized person or entity, or when remained in prison beyond sentence term, or when detained and imprisoned in facilities that were not specified by law as such.

Frame (3) Instances of Arbitrary Detention Monitored during 2006

- on February 2006 elements from Political Security Apparatus detained child Mohammed Al Kazimi, 13 years, Al Sila, Sheikh Osman district, Aden, in the Apparatus prison. He spent more than a year in the prison without referring him to the court.²
- Mr. Ali Al Nagar, 22 years, and Mr. Adel Al Nagar were detained in Hajah governorate, without charges and were not referred to the Prosecutor-General.³
- Mr. Mohammed A. Garad, 30 years, detained in Sana'a by traffic police and led by force to prison, on his way he collided sustained serious injuries.
- A number of motorcyclists were detained and their bikes were confiscated following their protest and peaceful sit-in to address their case.
- Mr. Ahmed Seif Hashid, MP and human rights activist was detained by Political Security despite his immunity

² Al Ayyam newspaper, issue 4908, dated 2/10/2006.

³ Annas newspaper, issue 1900, dated 22/5/2006.

- Mr. Ahmed Radman, salesman, Sana'a, was detained arbitrarily.
- 6 teachers were detained in Aden while demonstrating peacefully before municipality compound.
- Mr. Suliman Ali, and Ridhwan Mohammed were detained arbitrarily by one of the area Sheikhs as a result of their participation in the elections campaign.
- Mr. Mohammed Hamoud and his ill son were detained for three weeks in Aludain district prison while filing a complaint against his rivals.
- Mr. Abdulla Haza'a Al Selwe, Hodiedah, was detained by one of the area Sheikhs in illegitimate detention facility for two months.
- Minor Mohammed A. Al Qahoum, Amran governorate, was detained and charged with Houthi's affiliation.
- Mr. Ali H. Al Nimr was detained while visiting his imprisoned father in Amran prison without any legal justifications.
- Security detained 10 persons from bani Hour, Masour district and accused them of being Houthi followers.
- Mr. Fahad Al Attab was detained in Al Mashana police station, Ibb governorate for more than 10 days without any charges or referring him to the prosecutor.
- 27 teachers were detained in Shabwa governorate following their protest and demands to concerned authorities.
- Mr. Abdulwasi Y. Alsabri, Taiz governorate was detained by security personnel without legal justification.
- Director of Election Committee in Sheikh Osman district, Aden, was detained and intimidated. Committee seal was confiscated from him on the Supervisory Committee's instructions.
- Director of Election Committee, Tarim district, was arrested by security patrol and detained in the Supervisory Committee premises.
- Local Councils' opposition candidate in Amran city was detained under the allegation that he tore PGC presidency candidate's picture.
- Till 18/9/2006, 19 opposition activists were under detention in Sana'a following accusations raised against them during the elections campaign.
- 23 persons were detained in Sada'a, Haja, Sana'a, Al Mahweet, Ibb, Taiz, Lahej and Al Dalie governorates and accused with charges

related to the elections campaign.

- 2 teachers were detained for 2 days in Assuda district, Amran governorate and accused of being pro-opposition.
- 13 years minor in Amran was detained for hours for allegedly tearing PGC candidate's picture.
- Owner of cassette shop in Amran city was detained for selling pro-opposition cassettes.
- Opposition activist in Khader district, Taiz governorate was detained for one week for picturing violations to the elections campaign perpetrated by ruling party activists.
- Schoolmaster in Khader district was detained for being affiliated to opposition. He was not allowed to go unless he handover schools' seal.

In this respect detention of women who moves around unaccompanied by one of their relatives (*Mahram*⁴), is clear violation to their right of freedom. It is very common practice in Yemen, and officials (police and judiciary) claim that it is very legal as it is - moving unaccompanied - interpreted as indecent act, although pertaining law does not identify such act as such.

⁴ Mahram is one of woman's male kin who is not allowed to marry her.

Table (1) Teachers detained during sit-ins executed on 2006 demanding improving their living conditions

Governorate	Names
Taiz	Abdulla M. Al Kulaibi, Khalil A. Aamir, Abdulgadir S. Hassan, Fatin R. Khaled, Adel S. Al Khulaidi, Abdu M. Al Raimi, Naif A. Mohammed, Abdulrahman Al Maqtari, Hail A. Abdulrab, Sadeq M. Abdalla, Ahmed A. Fare', Abdulaziz A. Abdalla, Hashim O. Abdulrab, Ali Q. Al Migdad, Rushdi A. Al Tayar, Abdulsalam A. Ali
Shabwa	Abdulrahman A. Ali, Mohammed A. Thalab, Saleh A. Abdulkhaig, Ahmed S. Hrewet, Marouf A. Marouf, Yeslim M. bin Amr, Ayub M. Saleh, Muhsin A. Salem, Saeed H. Al Hashimi, Abdulla S. Qahtan, Saleh A. Haidar, Abdulla M. Bahurmuz, Abdalla A. Mabrouk, Awad A. Abdulkareem, Khaled M. Saleh, Saleh K. Al Hadad, Ahmed S. Al Gulhimi, Gihad M. Saleh, Salem M. Dahman, Fathi A. Zifir, Abdulla Gihebib, Mohammed F. Haidra, Sanad M. Abdella, Taha A. Alfaqeeh, Mahmoud A. Ali, Awad M. Khabash, Mahdi A. Laswad
Aden	Habib A. Hamdoun, Tammam A. Al Lahaji, Ali M. Aldaous, Mufeed S. Salem, Galal A. Esa, Abdalla M. Mahyub
Hadramout	Aqeel M. Alattas, Omer A. Alekbri, Mohammed O. Bawazeer
Dhamar	Nagmeddin S. Alemad
Hodiedah	Abubakr Derwish
Sana'a, the capital	Naser A. Alqauas

1.2.2. Forced Disappearance and Abduction:

Forced disappearance is common practice in Yemen, perpetuated by security apparatuses. Although Yemeni constitution acknowledges multiparty system, citizens' right of political association, and freedom of opinion and expression, yet most of forced disappearance cases are of political background. Where there are a number of political detainees in Yemen who are forcibly disappeared following their abduction and human rights NGOs were not allowed to visit them. Abduction case of Ali Hussein Al

Dailemi, human rights activist, is a clear example of forced disappearance instances that breaches constitution and laws. Mr. Al Dailemi was abducted from Sana'a airport and held in unknown place, later known to be political security premises.

Frame (5) Abduction Cases Monitored during 2006

- On 9/10/2006, human rights activist Ali Al Dailami was kidnapped from Sana'a airport while on his way to Denmark to attend a meeting. His whereabouts remain unknown till security confessed after more than two weeks that he is under their custody. He was released following more than a month of torture and inhuman treatment in the prison without revealing reasons of his detention.
- Mr. Mohammed Al Zahri, 25 years, was abducted by unknown gang on the first week of July 2006. His decomposed body was found on 6/8/2006 in one cave in Riham bani Hishaish district, Sana'a governorate⁵.
- On 17/4/2006, Dr. Yahya Al Bably and Dr. Abdulghani Al Ghuzi, were abducted in bani Suraim, Houth district, while they are on a mission to provide USAID assistance to the area.
- On 27/4/2006, Abdulhakim Al Aizeri, Islah part activist was abducted in Sana'a by security personnel from 5th Security Area, following a critical poem he composed⁶.
- On 6/6/2006, Mr. Mohammed A. Al Madani, 22 years, was abducted while accompanying his 2 minor brothers in Al Quiada-Shub intersection, Sana'a, by 4 persons in civilian dress driving 2 vehicles, Toyota and Suzuki. He was forced to one of the vehicle that drove to an unknown place⁷.
- On Friday, 8 p.m. camouflaged vehicle belongs to security pursued and attacked Sami, 20 years and his brother Abdulrahem Al Shami, 17 years. Sami was abducted to an unknown place. Also Sami and 5 of his brothers were detained last year for 80 days⁸.

⁵ Al Wahdawi newspaper, issue 717, dated 8/8/2006.

⁶ Al Sahwa newspaper, 1027, 15/6/2006, and 1029, 29/6/2006.

⁷ Al Thawri newspaper, 1915, 8/6/2006.

⁸ Al Balagh newspaper, 671, 2/6/2006.

1.2.3. Torture, Cruel, Inhuman, or Degrading Treatment or Punishment:

Torture is one of the extreme forms of cruel, inhuman or degrading treatment. However certain forms of cruel, inhuman or degrading treatment are not considered “torture”, yet it is not easy to draw clear line between these forms. Right of human treatment to prisoners is not related to inmates in ministry of interiors prisons only; it further includes detainees in “private” prisons that belong to influential dignitaries, inmates of mental and psychological health facilities, social care institutions, and aged institutions. Some may also include internal patients in hospitals and health institutions to this category.

Frame (6) Instances of Torture Monitored on 2006

- prisoner Mohammed Al Akhfash, 21 years, in Sana’a, and suspect No. (36) in Sana’a Cell case, under trial in Penal Court, with charges of supporting Al Houthi and committing armed acts in Sana’a, was subject to physical and moral torture during interrogation in Criminal Investigation prison in Sana’a, and electrified and threatened to continue torture until he became insane to force him to confess. His relatives were not allowed to visit him⁹.
- On 28/5/2006, minor Mohammed Q. Al Alie, 13 years, Hajjah governorate, was assaulted and kicked by Hajjah Security Department soldiers¹⁰.
- Mr. Abdulhaq Abdulwali, Almawasit, Hugaria district was tortured by police officer following accusation on murder case.
- Minor Saleh Al Ma’tari, 15 years, Al Dalie, was physically assaulted by Central Security soldiers due to his father political affiliation. He was hospitalized in Al Nasr hospital in Al Dalie¹¹.

⁹ Al Umma newspaper, issue 372, dated 22/6/2006.

¹⁰ Al Wahdawi, 716, 1/8/2006.

¹¹ Al Thawri, 1900, 23/2/2006.

Frame (7) Torture of Mr. Hamdan Darsi by Armed men

At 4 p.m. on 13/12/2006, armed men affiliated to influential Sheikh detained Mr. Hamdan H. Darsi, 36 years, construction laborer, Beit Al Faqeeh district, Hodiedah, in the Sheikh prison for 10 hours, where they handcuffed him, physically tortured and hanged him naked upside down. Next day at 2 a.m. the Sheikh ordered his “soldiers” to release him naked following threatening him with death or to be expelled with his family, unless he respond to the Sheikh demands to destroy a house he constructed as laborer, and the Sheikh want to possess illegally.

Prohibition of torture and other forms of cruel, inhuman or degrading treatment or punishment is not restricted even in most critical situations according to international human rights institutions, as clearly stipulated in article 4-2 of International Convention on Civil and Political Rights, article 2-2 of Torture Convention. Furthermore torture is crime against humanity according to Rome Statute for International Criminal Court.

1.2.3.1. Treatment of Detainees and Prisoners:

Since the enactment of the Minimum Standard of Prisoners Treatment by the UN General Assembly on 1955 in Geneva, it has become an obligatory standards for all states; thereby all party states harmonize their penalizing facilities in accordance with these standards, either in respect to construction of such facilities, ventilation, hygiene or in respect to its administration, provision of qualified staff and vocational facilities that might provide training chances for prisoners, to learn skills or professions that assist them to generate incomes to help their families.

Frame (9) Prisoner Remained in Jail despite Court Verdict of being Innocent

- Arhab and bani Husheish district attorney refused to release homicide suspect Ahsan A. Al Maliki, although Sana'a and Al Gouf Appeal court proved him innocent. Local Council Secretary-General in Sana'a, mentioned in a letter to the Prosecutor-General that despite repeated instructions to release the defendant, the district attorney refused to respond.

Article (33) of Yemeni constitution of 1991 has provided that “no heinous and inhuman means shall be employed in executing penalties, and no laws shall be enacted in this respect”, however following 1994 amendment to the constitution this article was replaced with “penalties shall not be executed with illegal means and pertaining law shall organize that”. This represents a setback in Yemen commitment to the international conventions and institutions related to human rights in general and to prohibition of torture in particular. When revising Prisoners’ Treatment Law, we conclude that it did not clearly provided for prohibition of using inhuman means in treating prisoners. Yemen prisons lack most of the conditions stipulated in and identified by UN standards on treating prisoners. Furthermore Yemeni prisons lacks vocational facilities and programs that enables prisoners to sustain their families, rather they became dependent on prisons, and some prisoners remain beyond their sentence when they fail to pay their debts. Where there are 49 prisoners in Dhamar central prison who served their term, yet they remain imprisoned due to their inability to clear their debts, so the case in Ibb, Lahej, and Taiz prisons where 93, 49, 107 prisoners still imprisoned for the same reason.

Table () Prisoners in Taiz Central Prison who Served their term, yet not released due to their inability to pay their debts

Prisoner	Extra Term	Debts in YR.
Yasir M. Qasim	3 years	450,000
Mustafa A. Abdulrahman	2 years, 6 months	032,000
Qaid S. Othman	2 years	135,000
Mohammed A. Muqbil	2 years	025,000
Ibrahin M. Saeed	10 years	350,000
Faisal A. Ismael	2 years, 6 months	300,000
Hamoud and Abdu A. Mohammed, Ali A. Mohammed (died in prison)	5 years	3,400,00
Ali M. Ahmed	4 years	650,000
Mohammed A. Ahmed	18 months	700,000
Ridhwan A. Ali	5 months	191,000
Abdu S. Numan	2 years	1,000,000
Nabeel R. Mohammed	2 years	575,000
Magid A. Abdu	3 years	900,000
Faisal A. Hamoud	4 years	1,000,000+ blood money
Saeed M. Qaid	3 years	630,000
Numan Q. Saeed	2 years	700,000
Abdulaziz Saeed, Abdalla Saeed, Gamal A. Ghaleb	9 years, 6 months	1,848,000
Abdalla S. Saeed	2 years	450,000
Fattah S. Ahmed	One year	700,000
Rashad S. Ahmed	18 months	135,000
Adnan G. Saeed	7 months	379,000

Abdulkareem Mahyub	2 years	450,000
Mohammed M. Abdalla	8 years	1,048,000
Ahmed S. Mohammed	9 years	700,000
Mansour A. Abdulhaq	4 years, 6 months	150,000
Ali M. Al Sagher	10 years	1,700,000
Abdulaleem Ghaleb, Abdulraqeeb Ahmed	One year	1,000,000
Abdelnour Q. Abdulfattah	One month	364,000
Wadhah Qaid	4 years	742,000
Mohammed Abdulsattar	7 years	1,400,000
Adel Yassen	6 years	0000000
Ali A. Salem	One year	1,400,000
Ma'ad M. Saeed	One year, 6 years	420,000
Hani Abdulwahab	6 months	560,000
Fare' S. Fare'	3 months	1,000,000
Abdalla M. Qaid	4 months	10,000
Numan S. Ahmed	3 years	730,000
Faisal Abdulgaleel	2 years	55,000
Mustafa A. Hameed	3 years	2,370,000

1.2.3.2. Detention of Citizens as Hostages in Influential Dignitaries Detention Places:

Detaining people in tribes Sheikhs and social dignitaries' prisons is considered as an arbitrary detention, noting that Sheikhs are considered part of judiciary control authority, in addition to the fact that most of them are public servants, so they act on government name, those includes tribes Sheiks and members of local councils, where law clearly stipulates that local councils are part of the state authority.

Frame (10) Instances of Detaining Citizens as Hostages

- citizens Mohammed Shuie, Abdulelah Ali, Mohammed Al Na'mi and Mohammed Abdalla, Kahlan district, Hajah, were taken hostages due to their relatives departure to Sa'da.
- Yahya S. Abusab'a, taken hostage by an influential for 10 years, for a homicide crime allegedly committed by his brother.
- Ibrahim H. Al Badawi and his brothers were abducted and imprisoned by a MP in his house. They were forced to sign debt note of YR. 45 million. Further they are in Criminal Investigation prison for two years, and were not referred to the prosecutor or the court.
- Abdalla H. Alselwi was detained by a Sheikh in Hodiedah for two months.

1.2.4. Slavery and Similar Acts:

Slavery was prohibited in Yemen since 1963, and no slavery in the traditional sense of the term. However, human rights institutions have elaborated slavery concept to include acts similar to slavery such as; child labor, child trafficking, female prostitution, minors and adults, forced marriage. Most common acts similar to slavery monitored in Yemen are; child trafficking and forced marriage.

1.2.5. Child Trafficking:

Yemeni children are smuggled to Saudi Arabia to exploit them in beggary and other acts, however at several instances smuggling is made with prearrangement with child family, and lack of deterring legislations exacerbates this phenomenon. During January – November 2006, about 705 children were arrested while being smuggled to or brought back from Saudi Arabia and admitted to Child Protection Center in Haradh border city.

1.2.6. Forced Marriage:

Amended Personal Affairs Law No. (24) of 1999, allows for minor female custodian to conclude her marriage, yet without specifying minimum age for marriage, thereby making it difficult to control early marriage phenomenon, which is very common in urban and rural areas in Yemen and among various social categories. Some girls are being married at as early ages as 10 and 11 years.

Frame (12) Forced Marriage of girl (x) from Dhamar Governorate

Ms. x, Dhamar governorate, her father concluded her marriage while she was 16 years old without her consent or consultation. when she knew that she refused to marry the man her father has chosen, and threatened to commit suicide. She filed a complaint at Wisab Assafil court to invalidate marriage contract, however the judge reject her complain and instructed her father to conclude wedding as soon as possible.

Beside negative impacts of early marriage on minor couples at the health, psychological, economic and cultural levels, it is a flagrant violation to ones right to choose his partner. Marriage of minor couples in rural areas is normally preset marriage, and females were not consulted. On rare occasions when are consulted, they are too young to take a wise decision, or to acknowledge criteria of correct selection.

Refusal of parents to marry their sons and daughters to a partner of their choice, although is a human rights violation in itself, is mainly accompanied with domestic violence including physical harassment, restriction of movement and even murder attempt or threats.

Frame (13) Instances of Suicide or Homicide related to Forced Marriage

- In Amran district a young female was shot dead by a pistol, allegedly for pressures exerted on her to force her to get married, while she preferred to continue her high school studies. Before being killed she was subject to physical assaults, that she could not go to school.
- In Amran district, a young male, 21 years, committed suicide by his personal weapon and his wife, 18 years, also committed suicide by poison when forced to divorce by their families after 4 months of marriage.
- In Ibb city a new born baby was found in trash box and YR.10,000 found beside him.
- In Abyan governorate, a young male committed suicide by setting fire when his family refused his marriage to a Somali girl he loves¹².

1.3. Right to Fair Trial:

Equality before law and indiscriminate is the first guarantee for equality before judiciary and for fair trial. Further it is the cornerstone in any democratic organization of citizens' human rights and judicial rights. Article (27) of unity constitution that stipulates that "*all citizens are equal before law, without discrimination based on race, color, origin, language, profession, social position or creed*", was deleted in 1994 constitution and replaced with another that states that all citizens are equal in public rights and obligations, thereby principle of fair trial is jeopardized. Also article (31) "*no crime or penalty without law*" was replaced with the text "*no crime or penalty unless on the basis of Sharia or legal text*", the matter that allows for trial without legal text, and on the basis of *Sharia* text from *Hadith*¹³ for instance, referring to one *Faqeeh*¹⁴ interpretation or another. Further, legalizing common

¹² Information collected from Al Ayyam newspaper, issues 4784, 4644, 4845, Al Nida, 50, Annas 283, Al Sahwa 1026, Al Thawra supplement 15003.

¹³ Hadith is the saying of Prophet Mohammed PBUH.

¹⁴ Faqeeh is Muslim scholar in Sharia.

practices that doesn't consider crime as strictly identified and incriminated acts according to legal provisions and rules known to all, rather it is left to judge's interpretation to identify incriminated act and legal act according to his personal interpretation of *Sharia* texts.

Frame (14) a Judge Suspended and referred to investigation following issuing a verdict incriminating army personnel and other officials in the executive power

Judge Amzeeb Saleh Al Babkri, penal judge in Al Houta Primary Court, was suspended and subject to investigation as of 10/7/2006, following disciplinary measure taken against him by Judiciary Inspection Board, Ministry of Justice, following a verdict No. 30/4/2006 he issued and sentenced 11 accused from the armed forces with death sentence, for smuggling and forming armed gang. The verdict further ordered prosecutor-general to interrogate minister of defense, commander of southern military region, governor, commander of 39th armored brigade, commander of a battalion in 5th brigade, director of State Property, government officials and MPs for dereliction, connivance and misusing their public posts to obtain illegal financial interests¹⁵.

At many instance Yemeni judiciary fails to fulfill its obligation in preserving rights and defending public and private freedoms, as such, it imposes restrictions on freedoms instead of advocating, defending and promoting them. Example of such instances is prompt verdicts issued against press and journalists, which is highly uncommon in Yemen judiciary history. Where at one case the verdict was issued after one session in the court!! another example is the unfair verdict against journalist Khaled Ibrahim Salmanm editor-in-chief of Al Thawri newspaper (Yemeni Social Party newspaper), where he was prohibited from chairing the newspaper for one year, another verdict against journalist Naif Hassan, where

¹⁵ Al Thawri newspaper, dated 30/11/2006, and Al Ayyam, 2/11/2006.

he was deprived from practicing journalism for one year and both were fined with about one million rials. Al Udain court sentenced journalist Mohammed Al Udaini, with three years imprisonment and YR. 1.2 million fine, in an unfair trial, that neither he nor his lawyer attended, in clear violation to fair trial criteria and human rights standards.

Frame(16) Forged Death Sentence

On 14/12/2004, Zingbar primary court, Abyan, sentenced defendant Mohammed S. Al Marqashi with death penalty. The defendant claimed that the sentence is forged, and that he has a memo in hand from the judge, who allegedly issued that verdict, denying that he issued such verdict or even knowing the defendant. Another memo from the court secretary stating that he has nothing to do with the verdict, and that the defendant did never attend any court session. Based on the defendant allegations, Abyan governorate requested the Prosecutor-General and Minister of Justice to form judicial committee to investigate the forgery case. Ministry of Human Rights also addressed President office and the cabinet on the same issue. Ministry of Justice ordered disciplinary measures against the judge who issue the verdict. The Prosecutor-General considered the verdict as a threat. Despite all these measures, district prosecutor in Zingbar issued on 26/3/2006 arrest order against the defendant to execute the forged sentence.

State of judiciary in Yemen is extremely deteriorating, where state failed to provide necessary resources to develop the system, where courts are understaffed and can not match with the high number of cases. For instance, judge Fuad Al Hammadi, personal affairs and prisoners cases judge in west Taiz court was reassigned on September 2006, since that date and till end of 2006, no judge replaced him.

Frame (17) Case against M.S, female, accused of indecent act when traveling unaccompanied with *Mahram*

Citizen M.S. remained in custody in Taiz governorate prison for more than 9 months for allegedly traveling from Hodiedah to Taiz governorate unaccompanied with *Mahram*. East Taiz court sentenced her guilty on 20/8/2006 in one session and without legal ground or granting her defense rights, with “committing indecent act by escaping from her parents house in Hodiedah..”. although the verdict ordered to release her, having spent 9 months in jail, she was not release immediately. in the monitoring report of the case it is noted that the victim was not granted with the right to defend herself, and no lawyer was appoint to defend her. Further, prosecutor referred her to the court after 6 long months in prison, and case was registered in court records only on 8/8/2006, i.e. 12 days prior the verdict. Prosecutor also refused to handover the defendant to Yemeni Women Union to admit her in the Union house/shelter. The report also noted that she was intimidated and torture by her brother, the mater that led her to escape to another city.

Right of fair trial is of special importance in Yemen community, taking in consideration corrupted executive system, where suspects are held in custody for long periods without trials, although clause (c) of article (48) of the constitution stipulates that “*whosoever is arrested temporary for allegedly committing a crime, shall be brought to court within 24 hours of his arrest, the judge or prosecutor shall notify him on the reasons of his arrest and interrogation, further shall be enabled to defend himself, and justified order shall be issued immediately to continue his detention otherwise shall be released. In either case the prosecutor shall not keep a suspect in detention for more than 7 days without court order. Law shall identify maximum period of precaution detention*”

Frame (20) case of Sultan Salem, who was sentenced in a case he was not party of

- Mithaq S. Salem, mentally disabled, was arrested on charges of setting fire on two electricity generators, belongs to his brother Marzouk and to Mr. Ramzi Salem. Verdict was issued on 24/5/2006, charging Mithaq's father to compensate the generators price to Ramzi Salem and to his son Marzouk, in addition to a fine of YR.20 thousand. The verdict ordered to release the convicted Mithaq following the period he spent on prison. It is noted that the verdict did never mention Sultan Salem, the convicted father, as party in the case, nor did it mention that the convicted father is responsible for his son deeds, being mentally disabled. Even though, east Taiz district prosecutor instructed Sultan Salem to come over to receive his son and pay the fine, when failed to attend, one prosecutor office member arrested his other son Marzouk (who was victim of his brother assault) and detained him for one day and forced him to sign a paper where he commit to bring his father. He was subject to assault by police in the prosecutor office. Sultan Salem and his son Marzouk filed a complain to the district prosecutor on 7/8/20076, and 16/8/2006 and a complain to the prosecutor-general on 26/8/2006. no action has been taken yet.

Article (10) of Prisons Law states that “*no person shall be admitted in prison unless convicted with imprisonment penalty according to court judgment, except accused of social heinous crimes and imprisoned according to prosecutor or court order as precautions during interrogation*”. This article is violated at many instances as seen in Ms. Mariam Saeed case who was detained in Taiz central prison for more than three months prior her trial. She was convicted on one session only in the court. also many suspects are imprisoned for long period prior their trials, although court may prove them innocent at the end. It became common for judges to conclude their verdicts with the sentence “... *and to satisfy with the period spent in prison*”, to avoid suing prison administration, police or other executive institutions.

Frame (22) Violations to the Right of Fair Trial Monitored during 2006

- 15 prisoners are in Ibb central prison since 3 years without trial.
- Al Udain court sentenced journalist Mohammed Sadeq Al Udiani in absentia, with three years imprisonment, YR.1.3 million fine and without being notified with the court sessions place or date.
- Mr. Mohammed Hamoud and his ill son were detained for three weeks in Aludain district prison while filing a complain against his rivals.
- Mr. Nagi Q. Al Qutais, Aldalie, could not execute verdict in his favor citizens since 1998. when judge supervised executing the verdict, he and accompanying police were shot at.
- Arhab and bani Husheish district prosecutor refused to release Ahsan A. Al Maliki, although Sana'a and Al Gouf Appealed court proved him innocent. Local Council Secretary-General in Sana'a, mentioned in a letter to the Prosecutor-General that despite repeated instructions to release the defendant, the district prosecutor refused to respond.
- Many Yemeni citizens were expatriated from foreign countries including Egypt, UAE, Saudi Arabia, and USA on terrorism charges, are imprisoned, without referring to court.
- Ibrahim H. Al Badawi and his brothers were abducted and imprisoned by a MP in his house. They were forced to sign debt note of YR. 45 million. Further they are in Criminal Investigation prison for two years, and were not referred to the prosecutor or the court.
- Yahya S. Abusab'a, taken hostage by an influential for 10 years, for a homicide crime allegedly committed by his brother.
- Mohammed Shuie, Abdulelah Ali, Mohammed Al Na'mi and Mohammed Abdalla, Kahlan district, Hajah, were taken hostages due to their relatives departure to Sa'da.
- Mohammed N. Taher, is imprisoned in Lahej central jail for 7 years without court verdict, on case No. 9 for 1996.

Violation to the right of fair trial is not limited to trials that lack justice conditions; it also includes cases of fair verdict but with inability to be implemented. Difficulty in executing verdicts is not

limited to individual cases, or in remote and rural areas; rather in the capital Sana'a and in one case that involves most intellectual and influential sector, court could not implement its rules to raise salaries for researchers in Yemeni Center for Studies and Researches, to match salaries of teaching staff in Sana'a university, till end of 2006.

Frame (23) Case of Researchers in Yemeni Center for Studies and Researches

Researchers of YCSR right of fair work conditions have been violated since 1992, while Ministry of Finance refused to comply with provisions of law that equalize Center researchers salaries with Sana'a university teaching staff's. Courts have issued five rules in the researchers favor and order to implement them by force, starting from 1997 to 2006. Further they secured clear instructions from Prime Minister, Minister of Justice, and parliament Speaker. Nevertheless, till end of 2006, Ministry of Finance refused to compel.

1.4. Right of Freedom of Movement:

Generally, citizens' movement and travel either locally or abroad, is not prohibited by the state. Nonetheless, security apparatuses prevent or attempt to prevent some passengers from going abroad, or interrogate them upon departure or arrival; in addition women are subject to harassment when traveling unaccompanied with *Mahram*. Another violation to the right of freedom of movement is the unofficial checkpoints erected by tribesmen for revenge cases or other reasons. At certain instances passengers are forced to pay illegal fees, i.e. in Abyan where Aden-Mukalla road passes, a number of such checkpoints were established since years, and security apparatuses aware of them, yet no measures have been taken in this respect.

Frame (24) Instances of Violating the Right of Free Movement Monitored during 2006

- security forces intercepted teachers from 13 July school, in Al Nashma district, to prevent them from participating in the gathering and demonstration called for by Teachers Union. Taiz security forces also intercepted teachers arriving from Hugaryah, and Al Turba and ordered them to get down of vehicles. They continued their way walking to join in the demonstration.
- National security personnel tried to prevent Dr. Mohammed M. Al Zaheri, political science professor in Sana'a University, from departing via Sana'a airport to attend a conference abroad.
- On December 2006, security personnel at Sana'a airport prevented journalist Abdulkarem Al Khiwani from departing to Morocco to attend panel discussion on press freedom. He was transferred to Ministry of Interior and released after few hours.
- Lawyer and human rights activist Muneer A. Al Saqqaf was detained at Sana'a airport on 6/12/2006, and interrogated by National Security, following his participation in human rights event abroad.

1.5. Right to Equality and Prohibition of all forms of Discrimination:

Article (27) of 1990 constitution states that “*all citizens are equal before law, without discrimination based on race, color, origin, language, profession, social position or creed*”, this article was replaced in 1994 constitution to read “*all citizens are equal in public rights and obligations*”, which represent a clear setback compared to the previous article¹⁶. Such deterioration has reflected on all laws that were enacted following this constitutional amendment, where such laws contained discriminatory provisions based on religion and race.

¹⁶ See SAF First Shadow Report on the Implementation of CEDAW, second edition, Nov. 2004, page 9.

1.5.1. Discrimination on Religious Basis:

Article (149) of Republican decree No. (12) for 1994 on Crime and Penalties stipulates that “*whosoever publicize any opinion that implies mockery or degrade religion’s creeds or rituals or teachings, shall be sentenced with not more than three years imprisonment or fined*”, article (195) stipulates that “*if such mockery or degrading is intended for Islamic religion, penalty shall be for a period not more than 5 years or fine*”, thereby if mockery is intended for other religions, then penalty is for a period not more than 3 years.

Clause (a), article (24) of the Local Council law bylaws states that “*candidates for local council membership shall be of good conduct and preserves Islamic rituals, further should not have been sentenced in a crime related to honor or honesty, unless rehabilitated*”, the term “*preserves Islamic rituals*” indicates that non-Muslim citizens are not allowed to compete for local councils, and this is precisely what happened during local councils election in 2006, when a Jew citizen candidacy for Amran local council was rejected.

1.5.2. Gender Discrimination:

Article “31” of valid constitution stipulates that “*women are men’s sisters, have the same rights and duties as guaranteed by Sharia and laws*” this article violates a basic principle of fair legislation, the principle of comprehensiveness, exceptions always violates comprehensiveness, justice and equality, furthermore the term “*men’s sisters*” in this article, is literary and ethical term, it doesn’t represent a legal expression indicates equality, in fact it leads to the next term which clearly provide for discrimination i.e. “*have the same rights and duties as guaranteed by Sharia and laws*”, although Sharia treats men and women on equal basis on rights and duties, however such equality is subject to various interpretations, where many laws enacted following amendment of the constitution,

contradicts with Islamic Sharia and reflects masculine disposition of the traditional tribal culture. Sample of such laws: Nationality Law No. 6 of 1990, which states that “*Yemeni nationality is granted for those who are born to a father of Yemeni nationality*”. Although this law has been amended by law No. 24 of 2003, by adding new article to its provisions, it still discriminates against women, and deprives sons of Yemeni women married to a foreign husband from their mother’s nationality, unlike sons of Yemeni man married to a foreign wife. Further, there are a number of laws that discriminates between males and females.

1.5.3. Discrimination in Public posts:

Human rights related to equal chances for public posts has been violated at several instances during 2005 and 2006, where in Sana’a university a number of teaching staff who does not meet appointment criteria as stipulated for in Yemeni Universities Law and academic regulations, have been appointed, in an obvious violation to the right of equal chances.

Frame (27) Violation to the Right of Equality and Equal Opportunity for Public Posts

report to assess implementation of public posts budget for the year 2005, has revealed that out of 36 administrative units in the system, 31 units have recruited employees without making public announcement for recruitment. Employment have been made based on subjective criteria not on an objective one, mainly through prior contracting of employees being selected based on lineage, personal relationship or favoritism¹⁷. Although 5 administrative units only announced their posts, yet selection and preference criteria reveals wide discrepancies that violates equal chances principle. Where civil services criteria on preference and selection were not employed, rather selection was made based on interviews conducted by committees or heads of respective units¹⁸. At certain instances some units exceeded number of employees allocated in the budget. Another 13 administrative units in oil sector have appointed employees without making public vacancy announcement, although no posts have been approved for these units in 2004 budget.

¹⁷ Budget assessment, previous reference, page 30.

¹⁸ Previous reference, page 29.

Chapter Two: Political Rights

2.1. Freedom of Association:

Major illegal practices monitored by YOHR during 2006:

- Teachers Union activists were subject to a number of violations during and following their participation in strike in March 2006, including; arbitrary detention, unjustified and illegal transfer, dismissal of headmasters who joined in the strike (headmasters of Omer bin Al Khattab school, Wadi Al Zar', Attaizia district, Tareg bin Ziad school, Gabal Habashi district)¹⁹, salary deductions, where deductions have been made on 104 teachers salaries in Taiz governorate; 29 male and female teachers in 26 September school, 6 teachers in Al Ahd Al Gadeed school in Al Misrakh district, 11 teachers in Martyr Abdulraoof school in Maqbana district, 5 teachers in Al Zubeiri school, 23 teachers in Bir Basha school, and 30 teachers in Taiba Educational Complex in Al Mudhafar district.
- Pressures on the elected administrative board of Technical and Medical Professions Union in Taiz, by the executive office of the Union in Sana'a to rescind to ruling party members, where the elected president Abdulgalel Al Ruzaiki forced to rescind to another member from the ruling party, and shifted to occupy the secretary-general post, while the elected SG became a member in the administrative board.
- Abdulgalel Al Ruzaiki, Technical and Medical Professions Union SG, in Taiz was detained and his salary was suspended following participation in Union's strike.
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¹⁹ Report by the Teachers Union to YOHR.

- Looting money and assets from Physicians and Pharmacologist Union premises.
- Dissolving Physicians and Pharmacologist Union without legal reasons, also looting money and assets from some of its premises. The looted money and assets were handed over to three unions affiliated to the government, and cloned following dissolving the legitimate unions that established since 1963, i.e. Physician Union, Pharmacologist Union and Dentist Union.

2.2. Freedom of Peaceful Assembly:

Demonstrations and strikes are normally intercepted and oppressed by security personnel, and participants are sometimes detained. One example to mention is the detention of Ahmed S. Hashid, MP and member of Rights and Freedoms Committee in the Parliament, by Political Security following participating in peaceful strike²⁰. When Parliament called Chief of Political Security to interview him on the incident, he failed to attend under the allegation that he is part of security system, and the Parliament may address Minister of Interior in this respect. Furthermore many demonstrations were banned prior September 2006 presidential elections, and participants in some of the election campaigns were either prevented from participating in opposition campaigns or harassed and dispersed.

²⁰ Report to YOHR by Teachers Union, also see Attagamu newspaper, issue 556, Al Nida, 79,80, Al Thawri, 1936, Al Sahwa, 1055, Al Wahdawi, 729.

Frame (31) Violations to Teachers' Right of Peaceful Assembly

More than 5 thousand teachers demonstrated before Taiz governorate premises. In a collective punishment measure, their names were reported by ministry of education office and deductions have been made on their salaries. Also teachers in Sana'a complained from deductions in their salaries following demonstrations conducted by teachers in all over the country to protest government dishonoring its commitment to increase their salaries. On 7-8 August 2006, Teachers Union and Teaching Profession and Technical Education Union demonstrated in Attahrir square in Sana'a demanding government to honor its commitments and raise their salaries. A committee was formed by the demonstrators to convey their demands to the government and the president.

2.3. Freedom of Expression:

Yemeni government is still prohibiting, in law and practice, and depriving citizens from possessing private radio and TV stations, and practices illegal harassment on newspapers that are critical and are not in line with government attitudes. Such practices have escalated during third quarter of 2006, and accompanied presidential elections campaigns. Major violations to the right of freedom of expression, monitored during 2006 are:

- Closure of Naspess website,
- Closure of Al Shuranet website.
- Closure of Al Sahwanet website.
- Closure of Al Shura newspaper.
- Detention of journalists Akram Sabra, Yahya Al Abid, Mohammed Al Asadi for about ten days and sentenced them for republishing slander cartoons to prophet Mohammed PBUH, in their newspapers Al Hurya, Al Rai Al A'm, and Yemen Observer, in an attempt to defend prophet Mohammed.

- Journalists Gamal A'mir and Hafiz Al Bukari, were subject to provocative inspection when returning home from abroad²¹.
- Robbing Al Nida and Associated Press offices.
- Sabotage on Ahmed Al Hag, Associated Press correspondent vehicle, and robbing his computer.
- Journalist Abdulrahman Al Muhamadi, Al Wahdawi correspondent in Al Dalie governorate was physically assaulted by government official.
- Journalist Fuad Al Samie, 14 October and Al Ayyam correspondent in Al Dalie governorate was physically assaulted by government official.
- Journalist Mohammed Al Gaghmani, Yemen News Agency "SABA" correspondent was physically assaulted by Raima governorate's guards.
- Abduction attempt on journalist Ms. Nabela Al Hakimi on 14/10/2006, in Sana'a by a vehicle holding police plate number.
- Journalist Ms. Samia Al Agbari was subject to dishonoring slander campaign, by a newspaper financed by the authority.

2.4. Right of Participation in Public Affairs:

Reports by YOHR monitors and by several organizations that monitored recent local councils and presidential elections in 20 September 2006, have disclosed a number of restrictions and violations to basic human rights, including right to elect and secret balloting without gender discrimination, in addition to the right of freedom of expression and right of peaceful assembly. In addition to certain violent and arbitrary practices that jeopardized the right of live, security and safety and other civil and political rights guaranteed to citizens. Major violations are; assault and intimidating voters, candidates or members of election committees

²¹ Al Wasat newspaper , issue 102, dated 31/5/2006, page 1.

and even monitors, arbitrary detention, forced public voting, depriving from voting, or forced voting for certain candidates, destroying and burning of ballot boxes, or confiscating them and filling them with forged votes, hampering counting of votes or announcing results without proper counting of votes, amending results, and manipulating states resources and media in favor of incumbent campaign, and omitting voters names from voters registry.

Frame (32) Instances of Arbitrary Detention monitored during
Local Councils and Presidential Elections, 20 September 2006

- Chair of Election Principal Committee affiliates to opposition party, in Sheikh Osman district, Aden, was detained on the instructions of the chair of the Supervisory Committee.
- Chair of Election Principal Committee in Tarim city was arrested by Security Committee staff and detained in the Supervisory Committee premises.
- Opposition candidate to the local council's elections was detained in Amran city, for allegedly tearing PGC candidate pictures.
- Till 18/9/2006, 19 opposition activists were under detention in Sana'a following accusations raised against them during the elections campaign.
- Till 18/9/2006, 23 opposition activists were under detention in Sada'a, Haja, Sana'a, Al Mahweet, Ibb, Taiz, Lahej and Al Dalie governorates on charges related to the elections campaign.
- 2 teachers were detained for 2 days in Assuda district, Amran governorate and accused of being pro-opposition.
- 13 years minor in Amran was detained for hours for allegedly tearing PGC candidate's picture.
- Owner of cassette shop in Amran city was detained for selling pro-opposition cassettes.
- Opposition activist in Khader district, Taiz governorate was detained for one week for picturing violations to the elections campaign.
- Schoolmaster in Khader district was detained for being affiliated to opposition. He was not allowed to go unless he handover schools' seal.

section (2)
Social, Economic and
Cultural Rights

Chapter three: Economic Rights

3.1. Right to Work:

Unemployment rates have escalated since inception of economic reform program by the government on 1995. this is attributed to the failure and inefficiency of economic policies adopted. Such policies are the major source of deficiency that hampered economic development in the country, and minimized employment potentials. These policies have failed in developing the stagnant economic, driving development or achieving growth. Major failure indicators are incompetence of such policies to promote partnership between government and private sector, and the unfavorable investment environment that reversed influx of national and foreign investments.

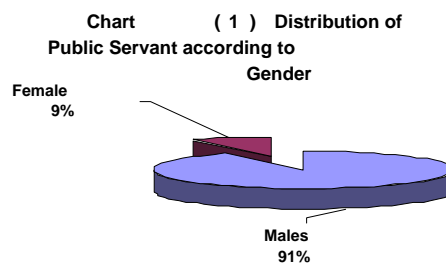
Official estimation of unemployment varies and contradicts to the extend that it cause confusion and uncertainty not only among researchers, but among officials themselves. Central Statistics Organization reports always provides one constant rate (11%), while actual rates exceeds 35%, however recent CSO reports indicates that rate of unemployment has reached 14.8%²². However, Annual Economic Report published by Ministry of Planning and International Cooperation, indicates that unemployment rate hiked from 11% on 2000, to 14% on 2003. According to the same report “unemployment rate in its comprehensive perspective may have grown from 25% to 37% during 2000-2003²³. Second Fifth Year Plan for Economic and Social Development indicated that “unemployment in the comprehensive perspective reaches 37% of

²² CSO, Year Book of Statistics, 2004.

²³ Ministry of Planning and International Cooperation, Annual Economic Report , 2004, page 188.

the workforce”²⁴. Unlike researchers, and non-governmental reports, and international organizations estimations, unemployment rate is estimated at 35% to 37% of the workforce”²⁵. When revising distribution of employed workforce, we notice that administrative and public service system in addition to private sector and mixed sector, employs around (857616) individuals of the workforce, with 473507 in the civil service i.e. 54% of total working force, out of the total workforce in civil and military service, and represent 13.6% of the total workforce in general. On the other hand workforce in the private sector, excluding agriculture sector, reaches 692189, and represent 20% of total workforce. Workforce in both public and private sectors reaches 1549805, and represent 45% only out of the total workforce.

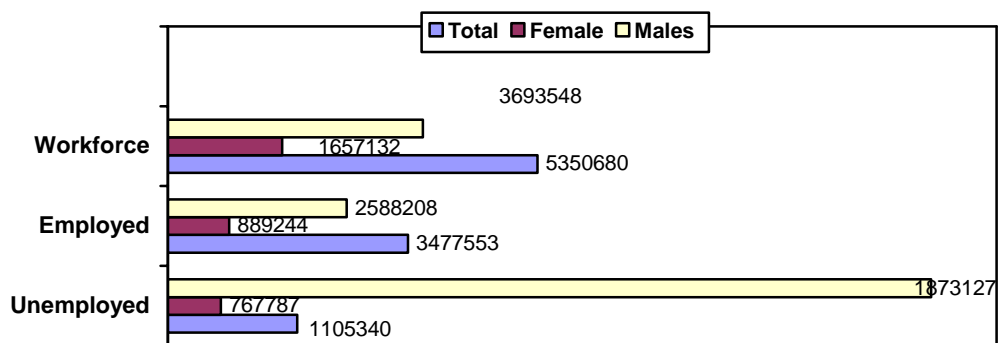
On the other hand, when considering distribution of workforce at all economic, service and administrative sectors in public and private sectors, excluding agriculture, we conclude that it represent a very minimal rate, noting that other forms of economic activities, which is expected to absorb significant number of workforce, such as industry, primary and transitional industries, trade, construction an transportation, absorbs only 14% of the total workforce.



²⁴ Al Thawra newspaper, issue 14736, dated 17/3/2005.

²⁵ Mohammed Ali Qahtan, Poverty and Unemployment and Means of Addressing them in Yemen, Human Rights Studies Series, Women Forum for Studies and Training, November 2001, pages 41,42.

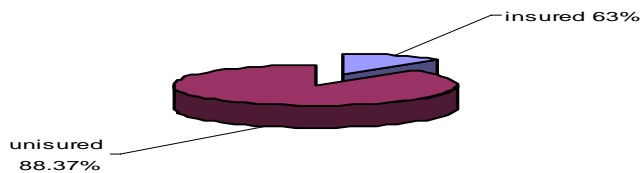
Women workforce in economic, administrative and services, public and private sectors does not exceed 107545, and represent 6.5% of the total workforce in public and private sectors i.e. 1549805, excluding agriculture. When comparing women work in public sector to the private sector we notice that their participation in private sector is very low, i.e. 28429 which represent 4% only out of the total workforce in the private sector. Generally women participation in labor market is still marginal quantitatively and qualitatively. Although women participation in labor market is very limited, yet they are employed in very specific sectors, such as education.



3.1.1. Right of Fair Wages to Secure Decent Life in line with Human Dignity:

National Strategy of the Civil Service, has determined minimum wage at YR.20 thousand, monthly, about \$.100. however available indicators reveals that even the state does not commit with this criteria, where average monthly wage at productive public sector is around YR. 12647, and at public service sector is around YR. 9675. while at both productive and service public sector around YR. 11718²⁶. Thereby average monthly wages of most employees at public sectors is less than \$.60, and when taking in consideration the wide variety of wages between senior and junior public servants, average monthly wage of junior employees might be less than \$.30. in other words it means that they lay below poverty line, even if they are not sustaining families. In addition to the notable variation between senior and junior public sector employees wages, another variation exists between average wages of productive public sector and services public sector, for instance average monthly wages at General Authority for Oil Exploration is YR.7399, while average monthly wages at Central Bank is YR.46440²⁷. i.e. monthly average wage at Central Bank equals 6.3 times of wages at General Authority for Oil Exploration.

chart (4) Proportional Distribution of Insured & Uninsured in Private Enterprises



²⁶ See Annual Book of Statistics 2004-2005, pages 49,51, Central Statistics Organization, Ministry of Planning and International Cooperation.

²⁷ Annual Book of Statistics 2004, page 49, previous reference.

3.1.2 Right to Unemployment Allowance:

Unemployed in Yemen aren't entitled to any allowances, where Social Welfare Law did not include unemployed among categories that are entitled to receive social security allowances. According to the article (6) of the Law No. 31 of 1996, only the following categories are entitled for permanent allowance "*a. orphans, b. dependent women, c. people with permanent total disability, d. people with permanent partial disability, e. devastated poor*" while categories that are entitled to temporary allowance according to article (8) of the said law are; "*1. People with temporary total disability; 2. People with temporary partial disability; 3. Household whose breadwinner is absent or missed; 4. Prisoners household; 5. Released prisoners.*" While article (7) of the law has left it to the administrative body of the Fund to determine allowance that could be granted to wives who lost their breadwinner.

It is also noted that most of workforce in the private sector are not covered by social security. Where according to 2005 estimation, number of workforce in the private sector is 708650, only 82420 are covered with social security, i.e. 11.63% out of total workforce in the private sector enterprises.

3.2 Right of Ownership:

Right of private ownership in Yemen is widely violated, as seen in incursion on lands, particularly in the cities, vehicle robbery, denial for women to inherit, and imposing of illegitimate fees on entrepreneurs by influential figures. One of most common violations on the private ownership, is the repeated incursion on private estates. Such phenomenon has exacerbated greatly during recent years, and perpetuated mainly by influential figures of the traditional elite, and senior officer. Although it is very rare for state

to violate right of ownership, yet spread of such phenomenon reflects state's inefficiency in maintaining law and order, noting that, at instances it develops from violation to the right of ownership to jeopardize the very right of personal security, and even the right of live.

Frame (34) a Citizen was Detained Arbitrary with his Relatives to stop him from claiming his Land Confiscated by Influential

Nagi Abu Saba'a, Sadam Abu Sab'a, and Naif Abdalla were arrested near American Embassy in Sana'a, and detained at Central Security prison for one day and transferred to Terrorism Unit at Criminal Investigation Dept. to be detained for 23 days, to be transferred again to reserve prison and held for another 43 days. They were charged with slander charges against President, and spying for foreign country. However, they claimed that their detention and accusations aimed at intimidating them to stop from complaining to government officials, to national and foreign human rights organizations, to claim their confiscated land taken by influential in the power.

Due to lack of institutionalization in the state, officials and state servants (military and civilian), does not remain passive only when it comes to enforce law, rather they contribute at certain instances to facilitate influential figures incursion of private lands; in Lahej governorate a number of 35th battalion soldiers assisted one party against another, without instructions from their supervisor, over disputed land. The other party guards engaged in fight with the soldiers and one of the guards kill.

3.3. Entitlement to Social Security:

Number of beneficiaries from Social Welfare Fund reached 746380, by the end of 2006; 384950 males, and 361430 females, received YR.12830114000, around \$.64798556, an average of \$.86.82 only per person. Such amount of money can hardly meet basic needs of beneficiary, further does not achieve objectives of the Fund, noting corruption and mismanagement that accompany distribution of such assistance. Particularly, at rural areas, where assistance is distributed through Sheikhs. Other disadvantages accompany

distribution policy of these allowance, and identifying individuals and families entitled to receive such assistance are; political manipulation, illegal deductions, and bribery when identifying beneficiaries.. etc.

3.4 Right to Decent Livelihood:

World Food Program report indicates that 43% of Yemen household lacks food security, and that price inflation hiked from 19% in 2004 to 35% by the end of 2005, this places Yemen among category of countries with severe malnutrition, and high rate of infant mortality, i.e. 94.1 among each 1000 live birth, a very high rate in the region (in Oman 16, Saudi Arabia 25, UAE 8, Syria 18). Where infectious disease such as diarrhea, respiratory system disease, fevers are the major reasons of infant mortality. Noting that such diseases are preventable. However, spread of these infectious diseases demonstrates the very fragile and inefficient health services, where it covers about 50% of population at most.

In addition to wide spread of poverty, people have to incur expensive health burden, while others who can not afford such expenses they simply face their fate. Statistics reveals that Yemeni citizen incur 75% of health care expenses, and state 25% only, which is the lowest rate of governments contribution in the region. According to official statistics, more than 17.6% of Yemen population lives below food poverty line, 41.8% below high poverty line, and most poor lives in rural area, where rate of people who lives below high poverty line reaches 83%, and 10.7% of total population lives on less than one dollar a day. Devastating poverty render 17.6% of population unable to provide minimum level of calories in their daily food, 52% of children below five years suffers chronicle malnutrition, and 46% are underweight.

Chapter four : Social and Cultural Rights

State respect for social, cultural rights and other human rights, could be attained through two major measure; first by mainstreaming these rights in the national legislations, establish institutional frames and structures, design programs, plans and strategies that are capable of implementing these commitments; second by integrating these legislative, institutional, and programmatic components in all government institutions' practices. Consequently, upgrades indicators of cultural rights, academic freedoms, education, researches, and participation in public life for all citizens. However social reality, with the implied obstacles or incentives, plays crucial role in determining individuals' and groups' response in practicing these rights and freedoms, in a way that it will turn at the end into social and public rights and demands, rather than being mere texts controlled by the state.

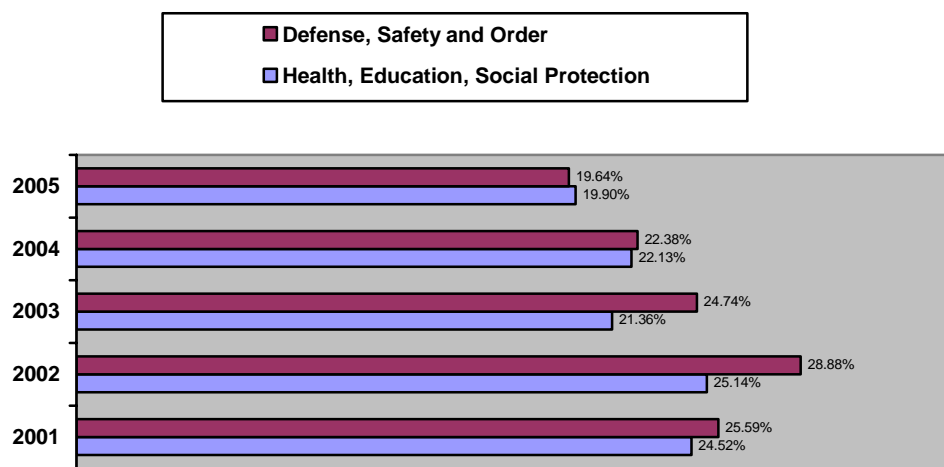
4.1. Family Protection, Motherhood and Childhood Welfare:

Official indicators reveal that it is next to impossible for Yemen to achieve its population policies and strategies related to motherhood and childhood welfare, let alone Millennium Development Goals MDG. In addition to poor achievements at health services, that has hardly impacted high rates of infant mortality and low rates of life expectancy at birth; there are wide disparities in these two indicators between rural and urban areas and gender wise. While life expectancy in general has risen from 57.33 on 1994 to 61.08 on 2004, i.e. 4.75 years more, female life expectancy has hardly achieved 3.7 years more, i.e. from 58.96 on 1994 to 62.03 on 2004, compared to males, from 55.79 on 1994 to 60.17 on 2004, i.e. 4.38 years more.

Likewise, other indicators are not in a better shape; where during

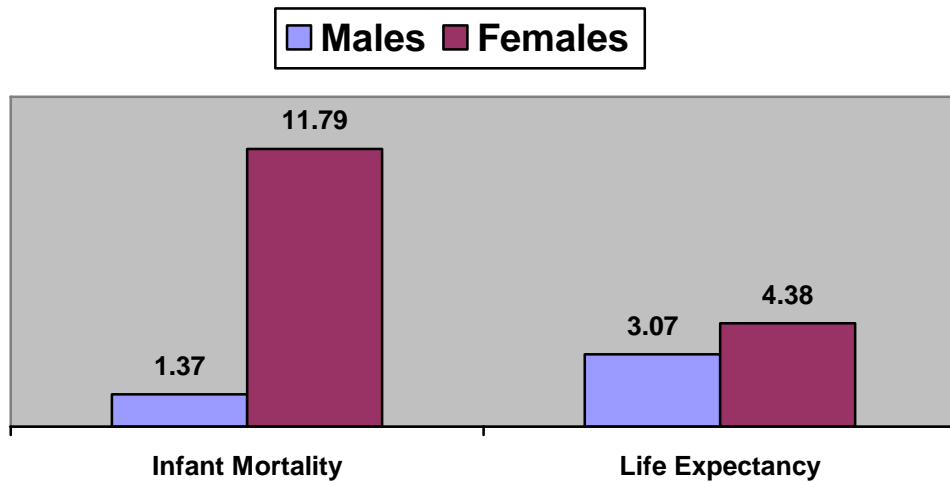
past decade (1994-2004) infant mortality rate has hardly decreased about 6.84 in one thousand (from 84.04 in 1994 to 77.2 in 2004). Noting ambitious goals stipulated in Population Action Plan, which aimed at reducing infant mortality rate from 83/1000 life birth on 1996 to 60/1000 by 2001, and less than 50/1000 by 2006, rather female infant life expectancy has witnessed serious deterioration, where it has increased from 67.58/1000 on 1994, to 71.33/1000 on 2004²⁸.

Chart (6) Social Expenditures (Health, Education, Social Protection) Compared to Defense and Security Expenditures, in General Expenditures durin 2001-2005



²⁸ See Annual Book of Statistics 2005, Sana'a November 2006, page 38, Central Statistics Organization, Ministry of Planning and International Cooperation.

chart (8) Variation in Infant Mortality and Life Expectancy at Birth Indicators, between 1994-2004



Street children phenomenon has exacerbated during recent years. It is worth mentioning that street children are not orphans or victims of households' disintegration, as described by some shallow social studies; rather they are victims of deteriorating economic situation, poverty, and parent's unemployment. Where most of them are maintaining ties with their families and they work in streets to sustain their families, while there is minimal number of street children who fled their homes due to psychological, physical or sexual harassments, yet they represent tiny rate of street children and most of them are males.

A social study on 2005 has disclosed that females represent 21.4% of street children²⁹, which is a high rate, indicates that poverty in Yemen has jeopardized even social norms, where many impoverished families accept their female's labor in marginal jobs and going for begging, with the implied risk on girl's reputation and social disdain attached to females existence in streets.

4.2 : Right of Health Care:

Health situation in Yemen experiences number of obstacles and hardships that jeopardizes this sector. Thereby, requires drawing a national health policy examines these challenges and adopts strategies and programs that address this severe health deterioration, particularly spread of many epidemic diseases such as malaria and tuberculosis, which witnessed high rise compared with the second half of nineties. In addition to re-emerging of fatal and infectious child diseases, which once thought to be eradicated. Many infectious diseases are spreading in Yemeni environment, namely malaria which infect all age groups and considered one of the major causes of deaths according to statistics that reveals that malaria infects more than 35% of population, and 60% of population inhabits in malaria infected areas, noting that malaria infections in 1990 was 23%. Also studies demonstrate that possibility of HIV/AIDS infection through blood transfusion has doubled to seven times during 1998-2000. Yemen is among countries with high rate of tuberculosis infections, where new infections has reached in 2000 to 31% for each 100 thousand people, while it used to be 12% only on 1990.

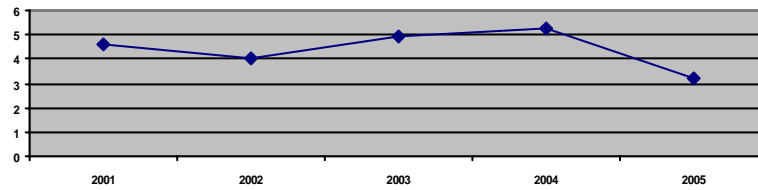
²⁹ Street Children in Yemen: Social, Economic and Psychological Study, Abdulrahman Abdulwahab, Women Forum for Studies and Training, Taiz 2005, page 41.

Frame (39) Instances of Violations to the Right of Health Monitored during 2006

- Lives of more than 2000 diabetics were at risk in Ibb governorate due to unavailability of insulin injection in Health Office in the governorate.
- Rabies cases in Ibb governorate have reached 400 cases during the first quarter of 2006, most of them children, Qat farms guards, and grazers. Hubaish, Aludain, Gibla and Almakhadir are the most infected districts.
- Al Thawra hospital in Ibb imposes high fees on patients for delivery operations, in spite of Ministry of Health instructions that such service is free of charge.
- Patient Mohammed S. Alshareef, was detained in Ibb central prison, although he is partially paralyzed as a result of brain stroke. According to physician report he requires permanent medical care.
- 70 children infected with small box in some villages in Hodiedah governorate.
- Hay fever spread in Alshihr district, Hadramout governorate, the epidemic was controlled leaving one death toll.
- Cholera epidemic spread in some districts in Shabwa governorate. Death toll reached 14 children, and 63 infected.
- Source: information collected from Al Ayyam newspaper, issues 4841, 4843, 4816, 4921, 4680, 4680), Alwasat, issues (123, 92), Alnida, (41,64), Al Sahwa, 1058, and Al Wahdawi, 691.

Water in general, and clean water in particular is influential factor on health situation. Yemen is considered as one of the poorest country in water resources in the region. Annual average of individual's share of water is 11 to 30 cubic meters, and it is decreasing, while regional average is 1250 cubic meter. Also rate of contaminated water is increasing, 64.1% of population does not have access to clean water, and less than 36% have pipe water supplies, while 6% only have access to sanitation, mainly in cities. Such environment is conducive to spread of infectious diseases. Noting that implemented policies are inefficient and could not lead to reduce water consumption, preserve water reserves or explore alternatives.

**chart (12) Health Allocations
Compared to General Expenditures
during 2001-2005**



Health system also lacks skilled staff, where there is one physician for each 4810 persons, one nurse for each 2400 persons, and one bed in hospital for each 1664 persons, which is very low rate at developing countries level, resulted from low expenditures on health sector. Where expenditures on health sector average during 2001-2005 is 4.07% only out of total expenditures, and current health services cover only 25% of urban areas dwellers and 80% of rural areas inhabitants. For instance there are 0.29 physicians for each 10 thousand persons in Al Gouf governorate, while general average is 2.16 physicians for each 10 thousand, and highest rate is in Aden governorate, i.e. 13.78 for each 10 thousand. Households Health Survey has revealed that 14.2% of poor households have access to hospitals, while 22.5% of non-poor households have access.

4.3: Right of Education:

Nearly half of Yemen population are illiterate; i.e. 45.7%, according to 2004 census, compared to 65% in 1994 census, meaning that rate of illiterate has decreased by 1.4 annually, which is very low rate compared to annual population growth rate which is more than 3%. Consequently illiterate numbers increased from 5.3 million to 6.2 million most of them are females³⁰. In addition to

³⁰ Third Economic and Social Development Plan to Alleviate poverty 2006-2010, Sana'a August 2006, page 198, Ministry of Planning and International Cooperation.

illiteracy, education faces other challenges such as dropouts, repeated failure of students, and the matter that adds additional financial burden on the system and increases illiterate numbers. Furthermore economic and social situation and spread of poverty, limits households ability to enroll their children in schools or at adult education programs for adults.

4.3.1. Pre-School Education:

2004-2005 statistics shows that number of public kindergarten is 63, compared to 198 private ones, includes 17993 children, and based mainly in major cities, such as Sana'a, Aden, Taiz, Hadramout and Hodiedah³¹. Thereby great numbers of children are deprived from pre-school education.

4.3.2. Basic and High School Education:

Rate of admission in basic education during 2005-2006 remain at 64.3%, the same recorded rate during 2002-2003, indicating that no development have been achieved in this sector, also failure in achieving objectives of Second Fifth Year Plan 2001-2005, will negatively impact meeting the goals of Third Economic and Social Development Plan to Alleviate poverty 2006-2010.

Nonetheless Second Plan has achieved minor improvement in female admission to basic education, which increased from 51.2% on 2002-2003 to 53.9% during 2005-2006. on the other side, male admission has decreased during the same period from 76.5% to 73.1%, with disparities among governorates, where in Taiz, Almahara, Almahweet, Aden and Sana'a the rate is over 70%, and less than 65% in other governorates³².

³¹ Annual Book of Statistics 2005, Central Statistic Organization.

³² Economic and Social Development Plan, page 199.

Rate of admission at high education during 2005-2006 reached 40.5% with increment in favor in males; 55.7% compared to 25% for females. Also with disparities among governorates, where in Taiz it rises to 60.8% and decreases in Almahara to 18.3%. Females' admission recorded highest rate in Sana'a; 57.2% and lowest in Shabwa governorate, 2.6%³³.

4.3.3. Technical Education and Vocational Training:

Admission to vocational training – two or three years following basic education - did not exceed during the same year 1.5% out of total admission of first grade at high school, and decreased to 1.4% on 2002-2003, to rise again following affiliation of commercial education to Ministry of Technical Education and Vocational Training, to reach 8049, 4.3% females, mostly in commercial education, industrial education 71.8% followed by commercial education 20% and agriculture education 8.2%. Rate of admission to technical – two years following high school – has risen from 1% out of total admission to university on 2000-2001, to 5% on 2002-2003.

Recent years have witnessed growth in technical and vocational institutes and on number of admission in these sectors. However, such growth is still limited, and additional efforts are required, namely implementation of National Strategy on Technical Education and Vocational Training 2004, and through establishment of independent ministry for technical and vocational education³⁴.

³³ Previous reference, page 201.

³⁴ Economic Development Plan, previous reference, page 144.

Numbers of vocational and technical institutes have increased during 2005 to 55 institutes and number of admission to 20209 students, mostly males; however such increase is resulted from shifting some institutes affiliation form Ministry of Guidance and Education to the Ministry of Technical Education and Vocational Training.

4.3.4. Higher Education:

Higher education and scientific researches faces many challenges and deficits that impede its stipulated roles. Where unplanned expansion in establishing universities led to accumulate shortfalls, on the other hand private universities, permitted since 1992, did not contribute to qualitative education and better outputs. Whereas no admission criteria or specific success rate were set forth, rather admission was open for students who are capable of paying high fees, thereby breached scientific and academic criteria and equal chances principle, set forth in the constitution for all social categories, in favor of high income categories, and negatively impacted standard of universities graduates, as a result education with even lowest quality than in public universities.

On the other side, expansion in public universities establishment is seen at governorates to reach 8 universities on 2005, with 87 colleges, including 164208 students, 26.9% of them females. Most of these universities lack qualified staff and facilities; render them unable to graduate qualified and skilled graduates who can deal with developing technologies or compete in the labor market.

4.3.5: Academic Freedoms and Right of Participation in Cultural Life:

Following unification on 1990, high education and scientific researches facilities were limited to Sana'a and Aden universities in addition to a number of scientific centers, i.e. Yemeni Center for

Education Studies in and Researches, Researches and Educational Development Center in Sana'a, and Education Research Center in Aden, in addition to a group of graduates who studied abroad. In 1992 two major developments occurred, first enact of Law No.45 for 1992 that laid the foundation for high education and scientific researches. The Law has clearly stipulated that universities are independent scientific institution in performing their scientific and educational tasks, also financially and administratively independent.

Prior 1994 civil war witnessed adoption of new policies and legislations that laid the basis for tolerance, freedoms and human rights³⁵. Nonetheless, the second half of nineties has witnessed expansion of higher education, yet accompanied with retreat in academic freedoms and decline in higher education independence, and linking it with the executive power, particularly with security apparatuses³⁶.

Right of academic freedoms is subject to intentional violations that reflect states intention to control academic institutions and research centers, in an attempt to limit intellectuals and researchers' role in criticizing and disclosing state practices. Further to minimize political and civil freedoms margin. State has further impeded civil society role and dominated unions and syndicates, through amendments to University Law No. 30 of 1997, and second amendment No. 23 for 2000. Major amendments are:

- Abort election of members of teaching staff representatives in the university council, and replaced with nomination by the Council.

³⁵ Culture and its Relation to Behavioral Activity of Yemeni Personality, Dr. Naser Al Dubhani, Yemeni Studies Magazine, Studies and Research Center, issue 76, January-March 2005, page 176.

³⁶ Yemen Observatory for HR, Annual Report 2005, page 10.

- Abort University Council right to nominate three candidates to the chancellors post, and replaced with appointing chancellor by President's Decree based on recommendations by the Chairman of Supreme Council of Universities and concerned minister.
- Abort University Council right to nominate candidates to deputy chancellors' post, and replaced with appointing deputies by President's Decree, based on Supreme Council of Universities recommendations³⁷.
- abort teaching staff right in scientific department to elect three professors out of which the chancellor is to appoint one as head of department, and replaced with appointment of head of department by the chancellor based on seniority.
- Abort teaching staff right to nominate three candidates to the post of dean, and replaced with direct appointment by the chairman of Supreme Council of Universities, from three candidates nominated by the chancellor³⁸.

Setbacks in Academic Freedoms:

- Recruitment of professors and associate professors is based on political affiliation and loyalty, rather than following legal procedures.
- Academic and political activities of students are controlled by security apparatuses.
- Attempts to dominate unions' activities by the security apparatuses.
- Violations to academic criteria of recruitment for chancellors, deputy chancellors, deans and head of departments, where most of recruitment during the past three years, did not respect seniority, scientific titles as provided for in Universities Law.

³⁷ Republican Decree with the law No. 18 of 1995 on Yemeni Universities, Ministry of Legal Affairs.

³⁸ Yemeni Universities Law No.18 of 1995, and amendments by Law No. 30 of 1997 and amendments by Law No.33 of 2000.

section (3)
**Human Rights for Special
Categories**

Chapter five: Women Human Rights

Some legislation in Yemen includes discriminatory provisions against women that impacted enjoying of certain human rights. Unfair and biased legislations have escalated women problems in Yemen. Such paradox is also related to contradiction between domination of traditional structures over the legislative power and decision-making institutions on one hand, and modern state structure, on the other hand, which is striving to integrate in the modern civilization. Such paradox is reflected on women who are subject to traditional criteria that strive to minimize women's role in community and deepen their submission to men.

1.1. Health Empowerment:

Maternity mortality in the country is around 266 women out of 100 thousand safe deliveries, due to pregnancy and delivery consequences, with 18% mortality during pregnancy, 10% during delivery, and 72% following delivery³⁹. Unless serious measures and policies are adopted, it is unlikely that Yemen will achieve MDG in this respect⁴⁰. Noting that only 50% of women have access to family planning and reproductive health services, and only 45% of pregnant women have access to pre delivery medical care, generally, less than 30% of population has access to reproductive health and family planning services.

1.2. Education:

Available statistics shows great gaps between males and females in education right, either at basic or high school or university education. Where female dropout rate at basic education reaches 24.7% and increases following fifth grade. Dropouts is attributed to a number of factors mainly; lack in female teachers in rural areas, lack of social awareness, remote education facilities, cost of

³⁹ Safe Motherhood and Mother Health Care during Pregnancy, Delivery and following Delivery, Samira Al Twegri, National Conference on Safe Motherhood, December 2005.

⁴⁰ Third National Human Development Report, page 71.

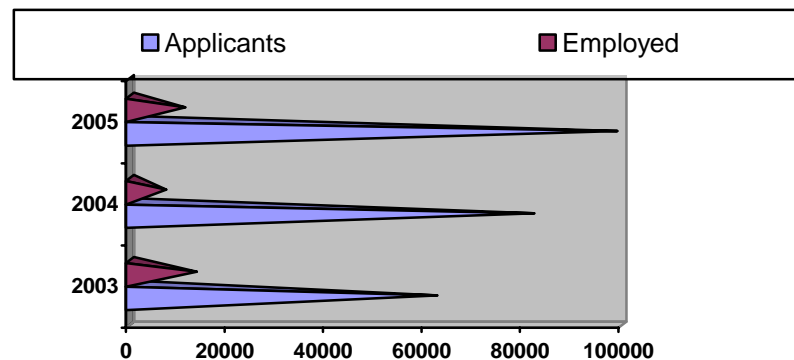
education, poor education infrastructure, and early marriage⁴¹. Also women illiteracy is among highest rates in developing countries, with recorded rate of 78% in rural areas and 40% in urban areas among females above ten years of age. While the illiteracy rate among males of the same age group is 33% in rural areas, and 15% in urban areas⁴².

1.3. Women Right of work:

Traditional culture related to gender roles, tends to identify women roles within the private atmosphere and men roles within the public atmosphere, assigning men with the role of sustaining families, thereby increasing unemployment among women. Where rate of women in posts is 8%, and unemployment rate among educated females 32%, compared to males 13%. Further, women do not enjoy equal chances with men at work environment⁴³.

Number of applicants for employment in 2006 reached 134488 individuals, 88077 males, and 34.5% of them females, i.e. 46410, while on 2004 their numbers reached 54340 males and 27778 females(34%).

chart (22) Number of Job Applicants compared to Number of Employed by Ministry of Civil Service, during 2003-2005



⁴¹ Common Country Assessment, UN 2005, page 32.

⁴² Previous reference, page 55.

⁴³ Arab Human Development Report, 2006, page 8.

Number of unemployed among high school and university graduates has reached 87704 by the end of 2005. the number hiked to 120488, by 2006, 36% of them females. This is a clear and cruel indicator of spread of unemployment among youth also it is noted that 27% of laboring women are involved in unpaid productive sectors, particularly in rural areas.

5.4: Violence against Women:

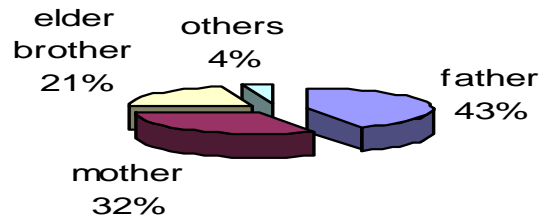
Domestic violence on women is mainly attributed to the cultural frames and norms which determine what males consider as violence and what is not considered so, further they shape even women perception in this respect. Family pressures normally restrain women from claiming or practicing their rights in movement, marriage, or involving in public life. Further some families deprive women from taking decisions on reproduction health issues, or even on befriending others⁴⁴. Domestic violence related to honor issues is also untold phenomena and hard to report, where community tend to limit such cases within family circles, and what is reported by police is very low numbers. However around 80% to 85% cases of domestic violence cases are linked to honor.

⁴⁴ Violence against Women in Yemen: Social Analysis in light of Gender Theory, Dr. Adel Al Shargabi, 2003.

Chapter six: Child Rights

Yemen has ratified Child Right Convention on 1991, in addition to the two optional protocols, on Child Trafficking and Child Prostitution. However, implementation of child rights conventions in general is encountered with many challenges, due to a number of economic, administrative, demographic, cultural and social factors, mainly; lack of economic potentials, corruption, mismanagement of public finance, domination of bad norms and traditions, high population growth, low awareness with human rights culture, in addition to nonexistence of database to monitor implementation of related conventions.

chart (22) Domestic Violence Perpetuated on Child according to Relationship



1. Child Right to Sustain and Grow:

Children are to various forms of physical and psychological punishment, and isolation. Children are rarely subject to educational punishment⁴⁵. Parents have positive perception on physical

⁴⁵ Violence against Children in Yemen: Social Study on selected Rural and Urban Areas, 2005. Nasser.

punishment, so did child care institutions⁴⁶. Children complain that their parents did not listen to them, or allow them to express themselves, in addition to discrimination between young and elder children, and between males and females⁴⁷. At school lashing is used as disciplinary measures, where 81.7% of children, 85.6% in rural areas and 78.1% in urban areas, indicated that they are subject to lashes when committing mistakes.

Frame (53) Case of child Hanan, who was subject to Domestic Violence

Minor Hanan, female, 9 years, was subject to repeated physical violence by her step mother and her father occasionally, on May 2006, she suffered burns and bruises, and admitted to the hospital following neighbors interference and report to the police.

2. Early Marriage:

Amended Personal Affairs Law No.24 of 1999, permits custodian of young females to conclude their marriage, yet the Law has not identified marriage age. Thereby leaving it open for early marriage to occur, particularly at rural areas. A study by Gender Studies and Development Center on 2005, has revealed that early marriage rate among females is 52.1% and 6.5% among males. Further the study disclosed that major reasons for early marriage are poverty, and to protect females from immoral behavior.

3. Sexual Abuses:

Many children are subject to sexual abuses either within their families or in streets, however the dominant conservative culture tend to conceal such cases which are normally not reported. Nevertheless it is common phenomena as noted from widespread

⁴⁶ Physical Punishment and its Psychological Impact and Impact on Education Performance of Students, Abdulla Alyahri, 2006.

⁴⁷ Violence against Children in Yemen, 2006, Nasser.

telltales⁴⁸. Sexual abuses leave psychological impacts that accompany child for his whole life, and might turn him in future into a perpetrator of such abuses. Most of sexual abuses are perpetuated by relatives, by neighbors and friends, and it is very rare to be committed by foreigners.

6.4 Juvenile and Children in Conflict with Law:

Child is identified by Child Rights Convention as “*any human being whose age is below 18 years, unless reached adolescence prior that age*”. Although most the provisions in Yemeni Child Rights Law conforms to Child Rights Convention, yet it did not commit to the Convention’s identification of child, where it has identified juvenile as the child between 7-15 years of age. Such identification called for International Commission on Child Rights concerns, particularly in relation to distinction between age of maturity and age of adolescence⁴⁹.

6.5. Child Labor:

Children represent 10% of workforce in Yemen, which is high rate. Child labor violates their right in education. A study by Labor Children Welfare and Protection concluded that most of laboring children were 6th and 7th grade students, and represent 65%. Most of them lives outside their households, and receives very minimum wages (YR. 50-300 a day). Their parents force them to labor due to poverty, or they face their parent’s punishment. Further they are prone to sexual abuses when going out for work.

6.6. Child Education Right:

Rate of admission to basic education among 6-14 years age group is 64.2%, which low rate compared to other developing countries, where in Morocco the rate is 83%, 90% in Jordan, 100% in Egypt,

⁴⁸ Integration of Child Rights Perspective in Gender based Violence: Honor Crimes, Early Marriage, Sexual Abuses 2006. Gender Studies and Development Center.

⁴⁹ Status que of Child Rights in Aden Governorate, 2005, Child Protection and Welfare Network.

noting that these countries expenditure on education is similar to Yemen's. Also number of children outside education process in Yemen among 6-14 years age group is around 2 millions, 1.4 of them are females. Such number is a major source of illiterates. Recent indicators reveals that rate of children admission in basic education is 66.5% during 2003-2004, compared to 58% during 1997-1998 among 6-14 years age group.

Population among 5-15 years age group is estimated at 48% of total population. Also around 2058092 children are outside education process, most of them females. Equal chances in education is highly unbalanced when considering variation in males admission rate compared to females, which is attributed to a number of complicated social factors, which is hardly controlled by education policies.

5.7. Child Right of Health:

Recent indicators revealed that child mortality rate below 5 years of age is 100 among 1000 children. Further, data of Yemeni Survey on Households Health indicates that around 30% of children among (0 - less than 5 years) group of age infected with diarrhea during the two weeks prior the Survey, 40% of children infected with fever during the previous 5 years, 42% infected with coughs, 46% of children below 5 years are underweight, 53% are short, and 12% are undernourished.

Chapter seven Youths Human Rights

7.1. Right to Work:

According to official statistics unemployment prevails among 15-20 years age group with the rate of 28%, and 60% among youth in general. Unemployment rate among graduates represents more than 20% of total unemployment. The only available source of data on unemployment is the records of Ministry of Civil Services and its offices in governorates. However, these records include only 30-35% of graduates. According the Ministry records jobseekers reached by the end of 2005, 100 thousand graduates, while another 150 thousand approach private sector for employment⁵⁰.

Assessment of 2004 Budget Expenditures has concluded that total number of registered jobseekers is 82118, including 54340 males and 27778 females⁵¹, only 9550 were employed, i.e. 11.62%, including 7664 males and 1886 females⁵². Furthermore, employment is based on personal and political criteria, where certain jobseekers may be rejected due to their political affiliation, for instance. Normally vacancies are not publicized, thereby violating equal chances and equality principles.

⁵⁰ Annual Report on Human Rights and Democracy 2005, YOHR, pages 72,73,74.

⁵¹ Ministry of Civil Services, Assessment of 2004 Budget Expenditures, Sana'a, Yemen, 2005, page 83.

⁵² Previous reference, pages 86,87.

7.2. Right to University Education:

Although this right is granted by the constitution, yet it is not respected. When tracking 1986-1987 university admission, till graduation year 1994, we notice that dropouts have reached 57.4% of the total number of students, 67.9% females and 53.2% males⁵³. Also 80% of females in 15-17 years age group are not enrolled in high schools. Basic education dropouts during the same year has reached 26.4%, out of total students setting for final examinations, and 27.3% out of total students setting for high school final examinations. Illiteracy also prevails among 15+ years age group, where it has reached on 1999, 55.7%. all these indicators show that right of university education is not preserved.

7.3. Right to participate in Cultural Life .

Violations are practiced, likely to be systematic and intentional, to prevent youth from attaining training and qualifications abroad. Where we notice in the report drafted by the Postgraduate Education Mission to India a number of violations and denial of rights. Students encounter a number of violations and challenges and sometimes are deprived from scholarship allowances. Harassments on students have further escalated by the Consulate, when they demonstrate to claim their rights. Also, a number of student have submitted researches which were qualified to participate in an international conferences in Singapore and Malaysia, however they could not participate due to financial constrains

⁵³ Yemeni Women Right of Development, Ministry of Human Rights, Conference on Women Rights in Arab World: from Words into Deeds, December 2005, Sana'a, page 8.

Chapter Eight : Human Rights of Marginalized Categories

Akhdam in Yemen faces a social discrimination that could be classified as a racial discrimination. Although such discrimination is perpetuated by the community, yet the state has great responsibility for continuation of such practices, where no measures have been taken to alleviate this injustice. Further *Akhdam* are subject to degrading treatment in police stations, for instance. Another example of institutional discrimination is the denial of Ministry of Social Affairs of a license to the Free Blacks organization, which was founded by a group of *Akhdam* for the past 10 years.

These community lives in slums that lack minimum hygiene standards, although most of them work as cleaners, their neighborhood is stuffed with garbage, they lack sanitation, electricity and water supplies. Although most if these marginalized households are entitled to Social Fund assistance, yet very few of them obtain assistance. Where they are subject to humiliation by the Fund staff and are forced to pay bribes to include them among the recipient of assistances⁵⁴.

⁵⁴ YOHR maintains a number of testimonies of the *Akhdam* in the report, about the degrading and inhuman treatment they face by the Fund staff.

Section (4)

Democratic Reform

Chapter nine: 2006 Presidential and Local Council Elections

Yemeni constitution, Elections Law and Supreme Elections and Referendum Commission regulations include a number of significant guarantees to protect freedoms and rights pertaining to elections. However implementing these provisions is encountered with many obstacles. In light of inefficient judiciary, these provisions are either ignored or subject to biased interpretations.

Violations:

Voters Registration Process during Local Council Elections:

- Peoples General Congress candidate for local council elections was killed in Al Zahir district, Al Gouf governorate.
- Members of Principal Elections Committee has forged the minutes to prove independents candidates withdrawal, which is not true. (in Sana'a, Mareb and Aden).
- Certain courts rejected election contests filed by opposition candidates (in Hadramout, Raima, Dhamar).
- Pressure by influential figures to force independent candidates to withdraw their candidacy.
- Creating administrative obstacles to delay opposition candidates' nomination.
- Drop out of candidates names from voters register (Mr. Khaled Omar Belfas, Hadramout, constituency "160")

Presidential Elections Campaign:

- confusing incumbent's official duties with election campaigning.
- PGC discourse employs hostile and mocking terms, including accusations of betrayal, blasphemy and terrorism.
- Promoting religious judgments through Mosques, claiming that voting for other candidates rather than ruling party's is disobedience to the ruler, and will bring instability and security unsettlement.
- Biased coverage by public media in favor of the incumbent.
- Manipulating government vehicle in campaigning for the incumbent.
- Manipulating government facilities for campaigning in favor of the incumbent.
- Forcing and tempting students and teachers to attend incumbent election rallies.
- Considering PGC activists in public service as in official missions during election campaigns.
- About 50 persons died in stampede during the incumbent elections campaign in Ibb governorate.

Voting Day:

Intimidations, threats and violations to human rights, including:

- Representatives of candidates were expelled from balloting boots (89 cases).
- Monitors were threatened.
- Arbitrary detention: 51 cases in Taiz, Ibb, Amran, Sada'a, AL Baidha, Hodiedah, Dhamar, Al Mahweet, Al Gouf, Abyan and Sana'a.
- 74 cases of intimidation, threats and violence.
- Violation to voters' right of secret balloting: 125 confirmed cases of public balloting.
- Forced balloting in favor of certain candidates.

- Voting on behalf of women and illiterates without their consent.
- Biased practices by elections committees and security committees, to influence voters choice, balloting procedures, 12 monitored cases; mainly:
 - Elections and security committee voted on behalf of voters.
 - Interference of pro-authority figures in committees work.
 - Balloting without presenting election cards, or without having their name in the voters register.
- Mismanagement of elections procedure, 12 cases, including:
 - Denial or halting of balloting, in Amran governorate 16 constituencies witnessed such practices. 3 constituencies in Masoar district. Similar practices also witnessed in Al Mahweet, Al Gouf, Hajja, Taiz, Ibb, Al Baidha, Sana'a, and Hodiedah, total of confirmed 100 cases.
- Transfer of elections committees to different locations.
- Boxes were not red-waxed, or closed in proper manner with a minutes signed by all concerned.
- Interference of security committees in balloting process.
- Violations to elections campaign on voting day, mainly:
 - Campaigning by influential figures pro-authority inside balloting centers.
 - Distributing money to influence voters' choice.
 - Presence of soldiers in big numbers inside balloting centers.

Counting Process:

12 cases of violation monitored during this process, mainly:

- Number of votes exceeds number of voters who actually balloted.
- Unjustified halting of counting.
- Amendment to counting results.
- Unjustified refusal to sign counting minutes.
- Unjustified refusal to announce counting results.
- Confiscation of ballot boxes following announcement of results.

Chapter ten : Corruption in Absence of Transparency and Participation

10.1. Transparency and Participation:

Public institutions, except the Parliament, perform public duties discretely and in atmosphere of privacy and strong centralization, with absence of publicity. However international donors and organizations such as World Bank, Transparency International, are exerting pressures on the government to maintain transparency and communal participation that may lead to greater partnership between civil society and the state and strive to disclose corruption. Where Transparency International, for instance, demands involvement of civil society organizations in all projects, particularly that implemented by World Bank. On the other hand EU assistance to health projects requires involvement of beneficiaries in managing, planning and administrating of such projects and in cost-sharing. Likewise Social Fund for Development. Such pressures have resulted in the enactment and establishment of Supreme Commission to Combat Corruption by the end of 2006. However article (38) on the establishment of the Commission has provided that “communications, information and reports on corruption crimes and related inspection and interrogation therein, are to be treated as top secret issues and to not be disclosed”.

Public participation in policy-making and implementation is encountered with many types of obstacles, due to the authoritarian nature of the regime; prevail of corruption and lack of relevant legislations. Features of despotism are seen in following instances:

- Legislations concentrate powers in the executive systems, particularly in the President's hand, and limit the Parliament role in policy-making and monitoring. The Parliament does not have the power to hold President accountable neither can it monitor the military. Although the Parliament has the right to ratify the budget, yet it can not draw limits on deficit or surplus or payment priorities, it either accepts or rejects the budget as a whole lot.
- The Parliament can not play its monitoring role through the Central Organization for Monitoring and Auditing by affiliating COMA to the President, and by depriving Parliament committees from independent funds.
- Executive power expands the nominated Shura Council powers and involves it in the elected Parliament duties⁵⁵.
- Domination of executive power over drafting laws process, where nearly all drafts are submitted by the government, although the constitution has provided the Parliament with such right, yet MPs lacks resources, capacities and independence.
- Legal and procedural constraints imposed by the executive power on civil society organizations.
- Domination of executive power over civil society organizations and establishment of GNOGs, to represent the civil society before donors.
- Despite legal provisions on the involvement of civil society, the government tends to involve organizations that have links with state institutions. For instance, government has enacted sales tax law without consulting or involving businesses.

⁵⁵ Arab Political Systems: Baseline Information and Reforms – Yemen,
www.carnegieendowment.org/arabpoliticalsystems

10.2. Corruption:

Corruption has decayed development potentials and resources and undermined official and communal reforms on the economic and social sectors. It has further depleted rare resources and blocked influx of national and international investments. Further, corruption has undermined moral and ethical values of the community.

Foreign pressures have urged the state to take reformative measures, as seen in the legislations pertained to combat corruption.

10.2.1. Corruption Indicators:

In 2006 report by Transparency International, Yemen occupied the lowest rank among most corrupted states, i.e. 119 out of 163 states. Yemen scored 2.6 points (in scale marked from 10 very clean to 0 highly corrupted), to retreat from 2.7 points scored in 2005 report. Corruption has devastating consequences on

government performance, according to US Millennium Challenge Fund “Yemen will not be in a position to receive economic and financial assistance for the US during 2007, due to the weak performance of the government”. The report placed Yemen among the “candidate and unqualified states”, thereby depriving the country from economic and financial assistance⁵⁶. Likewise World Bank 2006report, which confirmed “low performance of government institutions due to corruption that decayed these institutions”⁵⁷.

⁵⁶ Executive Summary, Millennium Challenge Fund, Al Ayyam newspaper 29/10/2006, page 5, Sana'a.

⁵⁷ Yemen, Revising Development Policies, WB Report, Alwihda newspaper, 20/12/2006, Sana'a, pages 1-4.

Oil sector is one of the major playgrounds of corruption, in light of official blackout to data related to oil reserves, production, marketing, revenues and investments. The matter that Transparency International has confirmed in 2004 report; “Yemen is among 14 oil producing countries accused of concealing great sums of its oil revenues in western companies managers pockets, brokers, and local officials”, also Parliament Speaker, Sheikh Abdulla Al Ahmar stated that “we know nothing about oil production or selling, neither me as Speaker, nor the MPs, questioning such issue will provoke angry reactions..”⁵⁸.

10.2.2: Role of Monitoring Institutions in Disclosing Corruption:

Central Organization for Monitoring and Auditing reports assesses extend of government institutions commitment to payment procedures, rather than assessing performance and achievement of objectives. Thereby its role is limited to disclose such violations and recommend remedy measures, with exception to minor corruption cases. Same applies to the Parliament, which was deprived from most of its powers by 2001 constitutional amendment.

Deterioration in Governance Indicators:

Lack of information and community participation leads to enroot despotism and corruption. A number of indicators developed by WB, UNDP, Freedom House, and Transparency International, demonstrate the devastating consequences of lack of information and community participation in policy-making and implementation process. Major features of deterioration:

⁵⁸ Interview, Al Sharq Alawsat newspaper, 23 Feb. 2005. also refer to Finance Deputy Minister statement in the same newspaper dated, 17/8/2005.

- Yemen rank in governance accountability indicator has deteriorated from -91 in 1996 to -99 in 2004, as shown in table (2).
- Yemen rank in governance quality indicator has deteriorated from -0.72 in 1996 to 1.04 in 2004.
- In press freedom indicator from 55 in 1994 to 76 in 2005.
- In corruption indicator from -0.25 in 1996 to -0.84 in 2004.
- In rule of law indicator from -1.04 in 1996 to -1.11 in 2004.
- In government efficiency from -0.59 in 1996 to 0.84 in 2004.

Chapter eleven : Political Reform

A proposed initiate for structural democratic reform

Recent years has witnessed repeated demands for political reforms, for many reasons; supportive international environment for democratic reforms in the Middle East, following 11 September incidents⁵⁹. Also during 2005, political parties adopted individual and joint initiatives for reforms on top, political reforms; by Islah party, Yemen Sons League, Nasserite Unitarian, Joint Meeting Parties, Yemen Social Party and People's General Congress party⁶⁰. Regardless to different viewpoints on extend of reforms required; they demonstrates the crucial need for comprehensive reforms to build the state of law and order, achieve democratic transformation, partnership, legislative reforms, political reforms, executive, judicial and administrative reforms and reforms in civil society organizations.

In order to provide conducive conditions for democratic transformations, state of law, peaceful transition of power, practice of basic freedoms and rights, legislative and constitutional reforms need to emerge from opposition and power perspectives and dialogues with involvement of civil society. Further, constitutional reforms need to encompass all requirements to bring about political reforms and other reform requirements.

When considering ruling party and Joint Meeting Parties initiatives in political reforms, we conclude that they agree on political reforms as with respect to separation of powers, and reforms in the legislative, executive and judiciary powers, independence of

⁵⁹ YOHR, Annual Report on Human Rights and Democracy in Yemen 2005, Sana'a June 2006, pages 158, 163.

⁶⁰ Previous source, pages 165, 167.

judiciary, decentralization, reforms in local councils, electoral system, public administration, civil society partnership, multiparty system, protection of human rights and freedoms, and multilateral media.

Further a number of agreements and memorandums of understanding could lay the basis for constitutional and legal reforms, such as “Agreement to Promote Democracy” between PGC and JMP, following 2006 elections. One of the Agreement provisions is to implement recommendations of EC missions to 2006 elections. If such provisions are truly implemented, it will provide crucial bases for constitutional and legal reforms. The agreement also called to implement IFES recommendations issued on 2004 on improving legal electoral framework.

Concluding from the above, constitutional reforms leading to political reforms represent first priority. However other reform priorities could be stated hereunder:

- 11.1: Separation of powers.
- 11.1.1: Election of two chambers: legislative system to be based on election of the Parliament and the Shura Council.
 - a. Elections of two chambers and local councils through direct free balloting.
 - b. Each chamber shall consist of equal membership numbers. (not to exceed 302 members).
 - c. MPs to be elected through national relative list, Shura Council members through governorates relative list, and local council’s members through governorates lists. Each governorate may elect number of Shura Council members. Each chamber term not to exceed 4 years.
 - d. When legislative dispute arises, it could be discussed in a joint meeting for both chambers, and shall be settled by the absolute majority of present members’ votes.

- 11.1.2: Endow additional powers to the legislative power, including:
 - Election of constitutional court members, following a committee of two chambers nomination.
 - Election of administrative court members, following a committee of two chambers nomination.
 - Election of the prosecutor-general and head of judiciary inspection board, following Supreme Judiciary Council's and Minister of Justice's nomination.
 - Allow the Parliament to exert needed amendments to the budget, and promote its monitoring role.
 - Election and dismissal of Central Bank governor, deputies and assistants following Prime Minister nomination/request.
 - Election of the Central Organization for Monitoring and Auditing Chairman, deputies and assistants following Prime Minister nomination/request.
 - Approval of the appointment of the Civil Service Authority chairman, Chief of Staff and his deputies and assistants, following Prime Minister nomination.
 - Election of supreme court members, following Supreme Judiciary Council's and Minister of Justice's nomination.
 - Approval of declaration of war and state of emergency.
 - Shura Council, is to establish Supreme Judiciary Council, following judges general assembly nomination, and establishment of National Information Council, and independent bodies in-charge of civil society organizations.

- a. 11.1.3: executive power to follow dual parliamentary system, according to the following features:
 - President of the republic is to be the ruler between various states institutions and civil society. He further represent the state inside the country and abroad, he shall refrain from practicing

executive power duties. He shall be elected by the parliament for 5 years term renewable for only one term.

- President resolutions shall be valid as long as they are countersigned by prime minister, or assigned minister, excluding instances of appointing, or dismissing of prime minister, dissolving the parliament, or assigning the cabinet.
- The prime minister to be elected, following nomination by the parliamentary block or coalition that have majority in the parliament.
- Prime minister and the cabinet to be assigned with handling executive power, assignment of public servants, and shall control all administrative institutions, military and civil, except constitutionally independent institutions.
- Government is to be accountable to the parliament only.

11.2: Judiciary Power:

- judiciary system consists of constitutional court, supreme court, administrative court, and Supreme Judiciary Council and Judiciary Inspection Board are to be considered as part of the judiciary.

11.3: Local Councils:

- to adopt elections for all local council members, including governors, district directors according to relative elections principle.
- Elected local councils to be assigned with administrating, planning and implementing all local affairs, and all local institutions issues, with exception to national issues, such as natural resources, judiciary, military.. etc and other independent institutions according to the constitutions.
- Elected local councils are authorized with all financial and administrative powers that enables it to manage development

and service issues, in planning, and implementation and within the overall policy of the state, as approved by the parliament.

Required financial resources to be allocated, from:

- Central budget allocations for investment and services.
- Revenues of projects implemented in the governorates.
- Revenues of local taxes.

11.4: Protection of Basic Human Rights and Freedoms:

Adopt new texts and provisions in the constitution to ensure human rights protection, and enact new rights such as, equality before law, and prohibition of discrimination on the basis of race, color, origin, language, or profession, or social position. Provision of right of peaceful assembly and freedom of opinion and religion, access to information, freedom of possessing electronic media outlets, ensuring unbiased public post; civil and military, for all citizen according to specific criteria implied through independent body for civil and military services. Finally to integrate all human rights and democracy principles in education curricula.

Background on (YOHR)

The Yemeni Observatory For Human Rights (yohr) was founded in mid 2004 as an independent NGO concerned with human rights, focusing mainly on monitoring violations and issuing respect.

YOHR Objective:

YOHR aims at contributing to promote civil, political, economic, social human rights, to raise public awareness, of these rights and protect them in accordance

With international treaties and agreements, in particular the International treaties and agreements, in particular the international bill of Rights as an indivisible whole. In particular, YOHR endeavors to achieve the following objectives:

1. Advocating constitutional and statutory legitimacy and legality.
2. Defending the independence and autonomy of the judiciary and legal profession.
3. Monitoring development and violation of human rights on the national and international level.
4. Drawing the attention of popular and official public opinion to legislatives and institutional loopholes and deficiencies concerning human rights
5. Observation of infringements on intellectual property and protection thereof
6. Contributing to the provision of legal support for, and defense of, human rights, especially collective rights, and rights related to public interest of society in political, economic, social and cultural areas.

7. Raising awareness of the necessity of the rule of law and the principles of fair trials.

YOHR Approach

1. To carry out research and studies concerning the extent of adherence to constitutional and statutory legitimacy, general freedom and human rights; the scope of prevailing legislative and institutional protection; and to produce for development thereof.
2. Fact-finding, by gathering information from various sources, and by monitoring court trials, elections and referenda
3. Documentation of information by using modern registry system
4. To study reports by official authorities and community associations concerned with human rights; and discuss and comment on such reports
5. Preparation of regular reports, and delivering them, directly and indirectly, to community and official bodies concerned with human rights; organizing comprehensive and issue-specific campaigns; publishing news, press bulletins, regular newspapers, magazines and specialized book; and holding conferences, seminars and workshops.
6. Establishing a library specialized in human rights.
7. To train and educate staff working in the field of human rights, concerning defense of the legitimacy, in everything related to the achievement of the objectives of YOHR and other associations and organizations; and in the use of effective means for collecting, classifying, documentation and reporting information.

8. To take legal action for the sake of public interest, or for defending public rights and liberties, within the limits guaranteed by the Constitution and the law in force.
9. To endeavor to establish similar observatories in governorates for coordination and cooperation in the scope of activities which reinforce the achievement of YOHR objective.
 - YOHR cooperates with partners working in the field of human rights protection; or who support this cause on the local, regional, or international level.
 - YOHR implement its programs and activities through the following formal bodies.

Board of Trustees with the following members

- Mr. Ahmed AL-Wada'y
- Mr. Abdulaziz Al- Baghdadi
- Dr. Adel Mugahed Al- shargabi
- Mrs. wahbyah Sabrah
- Dr. Abdulgadir Ali Al Bana
- Mr. Mohammed Ali al- Maqtari – YOHR Executive Director
- Dr. Mohammed Al- Mikhlafi – YOHR President

Advisory Panel

- YOHR has an Academic Committee of researchers and university professors/ lecturers concerned with human rights and democracy
- Executive Committee: consisting units:
 - Observation and Documentation Unit;

- Legal Assistance Unit;
- Programs and communications Unit;
- Field Fact –finding and Search Unit: and
- Administrative Unit.
- YOHR has field coordinators and observers in governorates, volunteers and activists in the area of protection.
- YOHR undertakes various other tasks concerning human rights and democracy, including training studies and research; and various activities and legal assistance.