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in Yemen, 2007

Structuring the State of Law:

Requirements of Democratic Transformation

and Human Rights Protection

Sana'a, April, 2008

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Preface

Protection of human rights is achieved in a democratic society ruled by a legislative and institutional system that ensures, for all citizens, equality, justice, dominance of law, participation in the public affairs and respect of human rights in a way that ensures a just share of power and wealth for each citizen on the basis of human rights integration and universality. Thus, the dynamic motion that today's world witnesses and the increasing international demands for reforming the political systems in the countries of the world in accordance with the international standards and the commitments of the countries that ratified the international treaties and conventions require that the laws and domestic legislations of these countries to be as per those standards. Also, respecting human rights, and establishing the democratic principles, according to the standards of good governance, and reforming these countries' political systems to ensure updating their institutional structure, modernizing their societies, separating powers and creating decentralization are also requirements for adhering to the international human rights-related conventions.

Objectives of the Report

Since protection of people's rights, their basic freedoms and empowering them to practice these rights and freedoms are related to the institutional structure of the state, the Yemeni Observatory for Human rights believes that explaining and analyzing the legislative and institutional structure and the range of possibility to achieve a real democratic transformation are central components for explaining the conditions required for protecting human rights and empowering people to practice them.

This is the third report issued by the Yemeni Observatory for Human Rights. Its topics have been selected on the basis of the ideas extracted from the two previous reports since they dealt with the developments of human rights and they led to the fact that the state's legislative and institutional status suffers from a structural crisis, which makes the preconditions required for the democratic transformation not available. Consequently, it hinders the progress towards achieving the required conditions for protecting human rights and empowering people of practicing them. Therefore, it is essential to remove this crisis by means of creating the preconditions required for constructing the expected

modern democratic state so that democratic transformation and enhancement of human rights can be achieved. Since it is essential to discuss the crisis in detail, the first part of this report is dedicated to the structure of the State and the preconditions required for a real democratic transformation. The report is characterized by adopting a new methodology represented by including the analytical part on the structure of the state and the democratic transformation as well as by maintaining the objectives of the report represented by the observations in regard to human rights-related developments and the observations pertaining to human rights violations during 2007. Thus, the report is divided into two parts. The first part deals with the structure of the state, while the second part focuses on human rights-related developments and violations with an analysis for its content. This report points out the main reason that has led to human rights-related deterioration in Yemen, which contradicts with its commitments regarding human rights and democracy at the international level. The reason is represented by emptying the constitutional articles from their content either by the constitution itself or by regulating laws that undermine those rights or restrict what is stipulated in the constitution and international conventions and that leads to a negative paradox between the constitutional concepts and the legislative and organizational reality. For example, law of societies and national organizations, law of rallies and demonstrations, law of health and publications and others. Moreover, a number of laws have led to the dominance of the executive power over the other powers, consequently the principle of independence of powers has disappeared as it is the case for the law of the judicial power, which has made this power lose its independence. On the other hand, centralization and concentration of power represent a real obstacle in the way of the democratic reformation and has led to the absence of law and order, retreat in regard to ensuring rights and freedoms, weakness of the institutions concerned with the application of laws and protection of freedoms represented by the judicial authorities and the security institution, incorporation for the dominance of the individual power on which the state authorities are based and their affairs are managed in accordance with the standards of the personal and tribal allegiances or political affiliations. This situation has not been accompanied by a program for structuring democracy and reforming the political system with specific content, methodologies and mechanisms. That has formed a real hindrance in the way of the democratic transformation and structuring of the state in accordance with the

standards of good governance. Thus, this report aims to spread public awareness on democracy and human rights, monitoring the extent of adherence to the conditions of democratic transformation, observing and evaluating the state of democracy to contribute with visions and ideas for establishing the state of institutions and order, promoting freedom of media and its diversity, contributing to enhancing independence of judiciary and strengthening the role of the civil society organizations and the activists in the legal, social and governmental circles in addition to establishing the principles of good governance. The report represents an important source of information and knowledge and it can be used for supporting researches and information-related awareness among the public and the state authorities in addition to crystallizing the democratic culture among the social circles, ending the state dominance over media, liberating judiciary from the dominance of the executive power, centers of influence and political as well as social favoritism, establishing confidence in judiciary as a neutral and independent entity.

Methodology of the Report

This report is different from the previous reports in terms of its specialty in studying the institutional and legislative structure of the state for ensuring the preconditions required for the democratic transformation along with human rights-related observations. The first part presents a research study including analytical and theoretical aspects on the institutional and legislative structure of the state and the right of participation, interrogation and holding accountable, freedom of opinion and expression and organization. The second part deals with events of human rights violations during 2007 on the political, economical, social and cultural levels along with a summarized analytical vision about the situations of human rights on the basis of the collected observational data. To what extent has the state in Yemen managed to implement legislative, political, institutional, social and cultural reforms in accordance with the requirements of the democratic transformation? This is the question that the present report answers and it is made of two sections:

The first part is entitled “Structure of the State According to the International Standards” and it is made up of three chapters. The first of which is entitled “The Yemeni Legislative Structure- Reality and Requirements of the Democratic Transformation” in which the Yemeni legislative structure is analyzed via exploring the extent to which this

legislative structure is in line with the requirements of the democratic system and the level to which it ensures and respects human rights and principles of equal citizenship and its orientation towards structuring the state of law and order. The second chapter is entitled: “Public Administration in the Light of Modernization and Good Governance” in which the organizational structure of the state is analyzed and the relation between its powers is pointed out. The third chapter is entitled “Roles of the State and the Civil Society in the Democratic Transformation” and it shows the role of the state in managing the political competition and the range of its neutrality. It also presents an analysis for the dominant cultural frames in order to reflect the range of their capacity to assimilate the democratic transformation. Moreover, this chapter shows the forces of the democratic transformation and it presents an analysis for the relation between the state and the civil society.

The Second Part of the report is entitled “Observational Data of 2007” in which a detailed explanation for the violation events committed throughout the year 2007 is presented.

First Part

**Structure of the State
According to the
International Standards**

First Chapter

Yemeni Legislative Structure: Reality and Requirements of the Democratic Transformation

Structuring the State of Law

Articles (4, 5 & 58) of the Yemeni constitution stipulate that the system of governance in Yemen is Democratic and Republican based on diversity of political parties, peaceful circulation of power and the people practice their power through: the council of parliament, the local councils; elected through the direct secret periodic free voting, and the legislative, executive and judicial powers of the state and the authorities of the local power. The executive power is based on the duality of its practice by the president of the state and the government that is subject to him and it is questioned by him and by the council of the parliament. The legislative power is represented by the parliament, which is an elected council according to the system of the individual constituency and winning with the proportional majority. The Consultative council, which was created on the basis of the constitutional amendments of 2000, shares the council of parliament some of its legislative authorities. The members of the consultative council are nominated by the president. The members of the local councils, at the governorates and districts, are elected by the citizens, but the heads of the councils are nominated by the president. Missions of the local councils, according to the law, are limited to monitoring and planning. The judicial system is made of the first courts, the courts of appeal and the Supreme Court which is a court of law and a constitutional constituency. In addition to the courts, there are assisting or administrative authorities represented by the authority of the judicial investigation and the supreme council of judiciary. The general prosecution is considered a part of the judicial power (¹).

The democratic structure of the state is achieved through separating powers and the independence of judiciary. Undoubtedly, the principle of separating powers prevents concentrating different powers in one body or one individual and that leads to achieving justice in legislation and judiciary. However, if the legislative and executive powers are controlled by one person or body, justice will disappear since that person or body may tend to legislate unjust laws to be implemented by means of oppressive or illegitimate ways. If the judicial power is not separated from the legislative and executive powers, then the citizens' freedoms and their basic rights will become subject to Chaos as long as the judge is the

¹) Mohammed Al-Mikhlaifi and Al-Abeed Ahmed Al-Abeed, Human Rights Observation Guide, Sana'a 2006, P. 8.

legislator and if it is joined with the executive power, then the judge will become more oppressive and tyrannical. The principle of balancing powers is completing the principle of separating them in the democratic system. Complete freedom, justice and dominance of the law cannot be obtained without the balance of powers and that cannot be achieved except when each of the three authorities of the constitutional system is equivalent with the others so that each of them can stop the dominance of the others against the citizens, not only through the equivalence of their authorities but also through giving each of them a certain power through which it can resist the other powers. The institutions that practice public powers must be protected in their relations with one another when each of them practices its own authorities. Article No. (149) of the Yemeni constitution stipulates that the judicial power is independent judicially, financially and administratively and the General Prosecution is one of its authorities. The courts shoulder the responsibility of taking decisions in regard to all conflicts and crimes and judges are independent and no power on them regarding their decisions except law. There is no right for any authority to interfere, in any of the justice-related affairs since interference is deemed to be a crime for which punishment is a must and the lawsuit in such cases is not dropped by prescription and according to article No.(62)of the constitution, the council of parliament is authorized to issue the laws and to monitor the conduct of the executive power (The Government), its decisions and political directives.

Frame No. (1): The constitutional articles that specify the functions of the parliament in regard to monitoring the executive power and holding it accountable.

Article (88): A. Budget proposal must be presented to the council of parliament by at least two months before the start of the fiscal year. Then, the proposal is set for voting chapter by chapter and it is issued by means of a law. The council of parliament is not authorized to amend the budget proposal without the approval of the government. It is also not allowed to allocate any of the revenues to be spent for any purpose except by a law. Unless the budget law is issued before the start of the new fiscal year, then the budget of the previous year is applied till the new budget is endorsed.

B. The law specifies the way of preparing the budget and its categorization, in addition to specifying the fiscal year.

Article (89): moving any amount from any chapter to another chapter of the general budget must not take place without the approval of the parliament and any expenses, not included in the budget or surplus in its revenues must be specified by a law.

Article (91): The budget final account of the state must be presented to the council of parliament within a period that does not exceed 9 months from the expiry date of the fiscal year and it is voted on its chapters. Certification must be issued by a law. The annual report must be exposed, chapter by chapter, to the apparatus concerned with

monitoring accounts. Then, the apparatus refers its remarks to the parliament, which can request any data or other reports from this apparatus.

Article (93): The council of the parliament has the right to direct its recommendations to the government in regard to the general issues or any issue related to its performance or the performance of any of its members. The government must implement the recommendations but if implementation is impossible, then government must inform the parliament.

B. If the parliament is not satisfied with the justifications, then it has the right to withdraw confidence from one of the deputies of the prime minister or any of the concerned ministers. Withdrawal of confidence must not be put for voting unless there is a proposal presented by quarter of the parliament members and it must be after conducting interrogation. The parliament does not have the right to issue its decision before seven complete days. The decision of withdrawal of confidence must be made by the majority of the parliament.

Article (94): At least twenty percent of the parliament members have right to place a general topic for discussion and obtaining the policy of the government in that respect and exchange views about it.

Article (95): On the basis of a request made by at least ten of its members, the parliament has the right to form a special committee or allow one of its committees for fact finding on an issue that contradicts with the public interest or to examine the activity of any of the ministries or authorities or public institutions or any unit of the public sector or the local councils and the committee has the right, in regard to its mission, to collect the evidences and to interrogate any of the concerned individuals. All the executive and special authorities must respond to the committee's request and hand over all the required data and documents to it.

Article (96): The Council of Ministers must shoulder the responsibility collectively and individually and each of the parliament members has the right to direct questions to the prime minister or any of the cabinet members or their deputies on any issue included within their responsibilities. The one who is asked must answer but the question must not be changed into interrogation at the same session.

Article (97): Each member of the parliament has the right to direct questions to the Prime Minister or his deputies or the ministers regarding issues within their responsibilities. A discussion on the interrogation is held after at least seven days of presenting it except in the urgent cases but with the approval of the government.

Article (98): The parliament has the right to withdraw confidence granted to the government, however withdrawal of confidence must not be requested until an interrogation directed to the Prime Minister or his deputy takes place. The request must be signed by third of the parliament members. The parliament does not have the right to issue its decision regarding the request before at least seven days after presenting it. Withdrawal of confidence from the government must be through voting of the majority of the parliament members.

Article (62): The parliament is the legislative power of the state and it is the authority that issues laws and it endorses the general policy of the state and the general plan for the economical and social development as well as the general budget and the final account. Also, it monitors the

activities of the executive authority as per the texts of the constitution. Although, the Yemeni constitution includes texts that indicate to separating powers and their independence, however it includes other texts that contradict those texts. Moreover, the Yemeni legislative system is not integrated and that leads to violating the principle of separating powers, their independence and balance. However, the text of the article number (125) of the constitution dedicates the dominance of the executive power over the legislative power. This article stipulates that a consultative council is established according to a presidential decree and this council shares some of the missions with the parliament, which is elected. This gives the executive power the right to share the authorities of the members of the parliament through the consultative council nominated by the president. On top of that, the parliament, as per article number (3) of the law number (6) of 1995 cannot direct the accusations to the President of the Country except in regard to three charges, which are restricted to committing the High Treason, violating the constitution or threatening sovereignty or independence of the country. However, even in such charges, the law specified complicated measures in case of directing accusations to them ⁽²⁾. The constitution clearly states that the government must present the proposal of the general budget to the parliament by at least two months prior to the start of the fiscal year and a law is issued in this regard provided the government must obtain the approval of the parliament before moving any amounts from one chapter to another chapter of the general budget. The government also must present the final statement of the state's budget to the parliament. Moreover, the parliament is the power that ratifies treaties and agreements conducted by the government. According to the constitution, the parliament has the right to direct questions to the prime Minister and to the ministers and it has the right to direct recommendations to the government on the public issues. The parliament also has the right to withdraw confidence from the government after interrogating the prime Minister or his deputies. However, the capacity of the parliament, in regard to practicing its rights represented by monitoring the executive power and holding it

²) Article No. (5) of the law No. 6 of 1995, regarding the measures of accusing and trying holders of high positions at the state's supreme executive power, stipulates: " accusing the president or his deputy of the high treason or infracting the constitution or of any other act that threatens the independence and sovereignty of the country must be on the basis of a request presented by half of the members of the parliament to the speaker of the parliament accompanied by evidences. The decision of the accusation is considered to be referring to the specialist court with the approval of two thirds of the parliament agrees on that.

accountable, is faced by many difficulties including constitutional difficulties since the capacity of the parliament is restricted by the constitutional texts related to the power of the President of the Country stipulated in the articles(133,125,122,119,105,101,74,70) of the constitution. These articles restrict the role of the parliament related to the public policy and monitoring its implementation. The parliament does not have the authority to question the President despite it has the power as per the constitution and the other laws. Furthermore, there are additional mechanisms that allow the president more concentration of power.

On the level of practice, the dominance of the executive power over the legislative and judicial powers appears clearly in the cases of issuing laws that contradict with the articles of the constitution. As a result of the weakness of the legislative power and the dominance of the executive power on it, the parliament endorses some laws presented by the executive power despite their contradiction with the constitutional articles. In case of raising complaints by some parties or individuals regarding the unconstitutionality of these laws , the supreme court either escapes by rejecting the complaints or it takes the decision that includes rejecting them as it happened when the constitutional unit of the supreme court decided to reject a lawsuit on unconstitutionality of law No. (19) of 2001³ on sales general tax and the rejection decision of a lawsuit on the unconstitutionality of the local power law that was presented by a number of lawyers, who were fined fifty-thousand Yemeni Riyals as defense fees⁴ and the bail was confiscated. The status of the judicial power in Yemen does not have the power that parallels the authorities of the other powers for shouldering its role in protecting lawfulness of executive power submission to the judicial power whether in regard to nominating judges and issuing their appointment resolution, which is made by decree by the resident of the Country after having the list of candidates approved by the minister of justice and the supreme council of judiciary and subordination of the authority of judicial investigation to the ministry of justice. The supreme council of judiciary is formed of a majority representing the executive power by subordination or appointment (article (104)) of the law. The law of the judicial power grants the minister of justice the

³) For changing the case into a case of public opinion, the commercial & industrial chamber of the capital secretariat published the lawsuit that it raised in a book documented as follows: Hasan Ali Mugali, a lawsuit on unconstitutionality of the law No. 19 of 2001 regarding sales general tax, the commercial & industrial chamber of the capital secretariat, Sanaa, May 2005.

⁴ See Yemeni center for studies, Yemeni strategic report 2001, sana'a,2002,P.78

authority of moving and mandating judges. The executive power decides the salaries and allowances and it estimates the budget assigned for the judicial power within the general budget. Inadequate allowances of the judges make courts unable to achieve a reasonable level of administration and organization. These measures have an impact on the judges' status and they become subject to pressures, interference in judiciary affairs from the part of the executive power in addition to intimidating judges' status and affecting the independence of their decision. Thus, Yemen has lost the most essential principle that is issued by the General Assembly of the United Nations via the resolution (41/149) dated 4/ 12/1985 regarding the judiciary power and represented by ensuring independence of the judicial power in the activated domestic laws. Independence of the judicial power must be respected by all the governmental institutions and this power must be freed of all influences, pressures, restrictions and interferences directed from the part of the other powers of the state in order to ensure a proper performance by this power.

We can deduce from the above mentioned that the crisis of the Yemeni judiciary is a structural crisis that makes it disabled in regard to performance and practice as well as in protecting legal legitimacy and respect of dominance of law. Such situation requires reforming the judiciary in accordance with the concept of the modern judiciary through treating the structure of the state, modernizing it and establishing the state of law as per the international standards⁽⁵⁾.

Despite the Yemeni constitution insists on separating powers represented by the executive power, legislative power and judicial power. For example, article No. (4) of the constitution stipulates that " citizens are the owners of power and its source and they practice their power directly through referendum and general elections as well as indirectly through the legislative, executive and judicial authorities and through the elected local councils. Despite the law of the local power indicates clearly, article (4) of 2000, that the local councils represent a mechanism for expanding the public participation through suggesting programs, plans and budgets of their local administrative units in addition to practicing their role in implementing plans and developmental programs, monitoring the executive units of the local power and interrogating them and holding them accountable. However, these authorities have been restricted by article (3) of the law itself. This article has made the elected local power

⁵⁾ Mohammed Ahmed Al-Mikhlaifi, Respecting the Idea of Modern Judiciary in the Arab Countries

as part of the nominated local executive power weakening the role of the local councils and enhancing the dominance of the central executive power over the local councils through the dominance of the local executive power authorities, which are considered to be part of the central executive power. This situation gets the elected members of the local councils feel weak and frustrated, and unable to fulfill their promises towards their masses.

Structuring the state of law and equality is deemed to be one of the guarantees for protecting human rights. However, the situation in Yemen makes structuring the state of law as a delayed mission and segregation nearby. For instance, article (40) of the current constitution admits segregation among the citizens more than it admits equality among them leading the legislative power to endorse a number of the segregating legislations including some of the articles in the constitution particularly against women and against non-Muslim citizens. For example, some legislations make maintaining Islamic ritual as a condition when applying for some public positions such as applying for the position of the president of the country (article 117/ D of the constitution) as well as for the membership of the local councils of the governorates and districts (article 99/ A/ 6 of the executive table of local power law).

There are also other legislations that indicate to segregation on the basis of religion such as article (194) of the Republican Decree No. (12) of 1994 regarding crimes and penalties. This article stipulates that “To be jailed for a period not exceeding three years, or to be fined whoever: publicizes, publicly, concepts that imply mocking, degradation against religion or its rituals or instructions....” The following article (article No. 195) stipulates that “To be jailed for a period not exceeding five years or to be fined, if the religion or faith that is mocked or degraded or undermined is the Islamic Religion”. This means that the one, who publicizes, publicly, concepts that imply mocking against Islam is jailed for not more than five years, whereas the one who publicizes mocking against other religions is jailed for not more than three years”.

Political Freedoms

First: Freedom of Expression

The Republic of Yemen has endorsed media diversity as per the articles of the law No. (25) of 1990 regarding press and publications. Article(3) of the law stipulates that “Freedom of knowledge, intellect, journalism, expression, communication and obtaining of information is one of the citizens’ rights to ensure expressing their intellect orally, in writing, by photographing or drawing or by any other means of expression”. This right is ensured for all citizens as per the texts of the constitution. In spite of that, the law of journalism and publications has been dedicated for regulating the print media of information, particularly newspapers, national and partisan magazines, rather than the audio or visual Media. That is because the Yemeni government monopolies ownership of the audio or visual media of information and there is no mechanism for obtaining information. Thus, the demands, related to the freedom of accessing information and the freedom of journalism in particular and the freedom of media in general, rise up continuously and level of demands increases to an extent that the syndicate of journalists has adopted a call for exposing the official institutions of journalism (Al-Thawra, Al-Gomhooria, October 14) for underwriting in favor of their employees. The syndicate also conducted a number of weekly sit-inns continued for months in front of the premises of the Council of Ministers during its periodical sessions. The sit-inns participants raised special demands wrapped with general demands such as liberating the official media from the totalitarian grasp and to allow individuals and groups to establish satellite and ground TV stations as well as broadcasts. Recent statements released from conferences and meetings of parties, syndicates, unions and civil institutions have been marked with the indications to the above-mentioned demands or to some of them condemning the violations against the freedom of the newspapers and journalists and against prosecuting them aggressively. Syndicate of Yemeni journalists presented a proposal of a new law on the freedom of press and another one on the freedom of obtaining information, however the government justifies preventing individuals and groups from establishing TV and broadcasting stations by referring to the law No. (32) of 2003, on organizing the General Corporation for TV and Broadcast, which granted the right of televising and broadcasting to the mentioned corporation only. Thus, such

activity is monopolized by the state and it is the sole authorized party that can establish radio and TV stations in the country. The law gives the opportunity to individuals and groups to establish institution of radio and TV-related production, but production here is considered to be as a type of trade and investment. However, the state has started to think to overcome this monopoly because of the recent changes and to allow the private sector to establish private radio and TV stations and it has also started to think of the private satellite telecasting.

The whole issue is still under consideration including establishing a private invest mental media zone at the free zones. The Yemeni government is enthusiastic for regulating the Arabic satellite and electronic media via proposals presented by the state to the council of the Arab Ministers of information. The Yemeni state tries with great insistence for having Arabic legislations on satellite telecasting at the Arab countries after endorsing a number of the Arabic standards that prevents problems and at the same time they do not restrict freedom but they make it have responsible mission and function.

Second: Freedom of Organization

The Yemeni constitution does not only recognize the citizen's right of organization but it also makes ensuring this right and preparing all the necessary arrangements, which empower the citizens to practice it, mandatory on the government. Article

(58)of the constitution, for example, stipulates that “ all citizens all over the country have the right, provided it does not contradict with the texts of the constitution, to organize themselves politically and professionally and in unions and they have the right to establish their scientific, cultural and social organizations as well as the national unions in the way that serves the objectives of the constitution and the state guarantees this right and it adopts all the necessary measures that empower the citizens to practice it and it also ensures all the freedoms for the institutions and organizations whether they are political or cultural or scientific or in the form of unions.

However, some texts in the law of parties and political organizations affect the activities of parties negatively and they restrict the parties' political as well as social competence. The text that is worth mentioning in this regard is the text of article (17) of the law No. (66) of 1991pertaining to parties and political organizations. This article restricts

the freedom of parties in obtaining finance since it does not allow parties to invest in the commercial field and it minimizes the range of their investment to be confined to issuing newspapers or making use of publication centers or printing if their primary objective is serving the purposes of the party or the political organization. Such type of investment is not profitable in all situations. Moreover, the mentioned article confines the right of parties in regard to obtaining donations and gifts or any kind of assistance from a non-Yemeni citizen or from any non-Yemeni party or any titular even if he is Yemeni nationality holder and the party or the organization must maintain the name of the donor and

Frame 2: Article (2) of the law of the parties and political organizations

Article 17: Revenues of any party or political organization. come through the following:

A. Subscriptions and donations of its members.

B. Financial support from the government.

C. Revenues obtained from investing in non-commercial fields. As per this article, The following activities are not commercial: issuing newspapers, making use of publishing centers or printings provided their main objective is serving the party or the political organization.

D. Gifts and donations. The party or political organization must not accept any donations or gifts or any kind of assistance from a non-Yemeni member or from any non-Yemeni party or from any titular even if he is Yemeni nationality holder and the party or the organization must maintain the name of the donor and the donated amount in legal accounting registers. Also, the party or the political organization must inform the concerned authority in case the donated amount exceeds (Y. R. 100,000) or (\$500) at one time or (Y.R. 200,000) or (\$ 1000) throughout the year. The donations presented to the parties and political organizations are not deducted out of any sort of income tax.

the donated amount in legal accounting registers. Also, the party or the political organization must inform the concerned authority in case the donated amount exceeds (Y. R 100,000) or (\$500) at one time or (Y.R.200, 000) or (\$ 1000) throughout the year. The donations presented to the parties and political organizations are not deducted out of any sort of income tax.

The fourth chapter of the law No. 66 of 1991, regarding parties and political organizations, includes a number of articles that narrows the unofficial financial revenues of the parties and they leave the government to decide the amount of the financial support that it gives to the parties. Such texts in the law seem to be driven by security-related obsessions. This situation seems clearer when considering the intimidations; narrated

by some of the opposition leaders, which some of their parties supporters are exposed to after they donate certain amounts. Also, the governmental authorities do not allow the governmental newspapers or the newspapers of the ruling party or those newspapers affiliated to the ruling party to publish the notices that belong to opposition parties or political organizations

Political Participation and Peaceful Circulation of Power

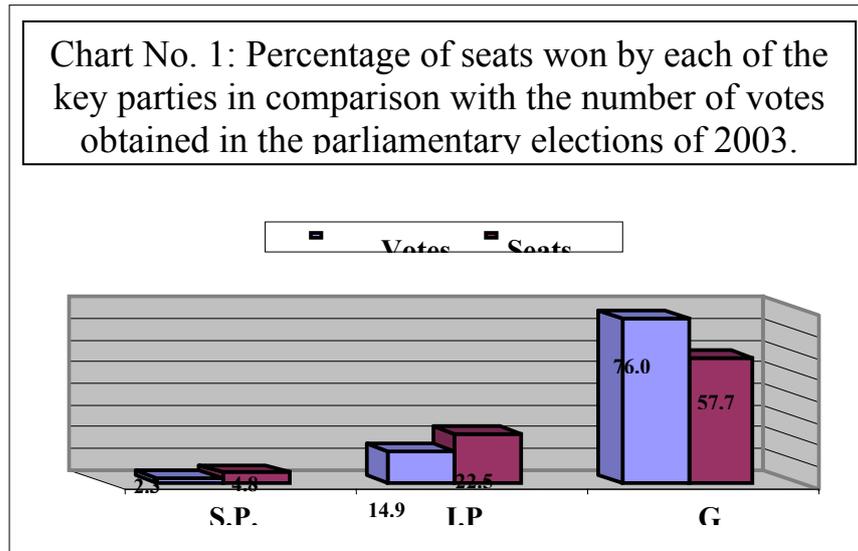
So far, all the Yemeni parties agree that participation in the elections is the main way to achieve their political objectives and the only way to reach the power. Therefore, these parties participated in the periodical elections, which were commenced with parliamentary elections of 1993 except the parliamentary elections of 1997 for reasons related to the war of 1994 and its results after which the socialist party evaluated its experience regarding boycotting the elections and it discovered the size of the lose that it caught so it came up with a decision, in its fourth general conference in 1999, to resume participate in the elections that followed that date. Whenever the date of every electoral round approaches, Yemeni opposition parties' concern increases about the conditions in which the elections are conducted. Therefore, these parties work actively in order to improve those conditions through communication with the ruling party during which the main discussion revolves around the possibility of "leveling the electoral play ground and ensuring guarantees for equality, freedom and integrity in the elections." Such communications resulted in signing a number of agreements including the legal and procedural guarantees as well as future promises to improve the conditions and situations for conducting the electoral activities. However, these agreements became, in reality, as tactical cards used by the ruling party to convince the opposition parties to take part in the elections according to the conditions specified by the ruling party, through which, it guarantees renewing its majority and raising it continuously since the previous events proved that the ruling party does not fulfill its commitments stipulated in the agreements, laws and constitution and it does not fulfill its future promises included in those agreements, after harvesting the electoral profits that it had already planned for.

Generally speaking, Yemeni parties still suffer from a clear weakness in the experience in regard to managing successful electoral campaigns and utilizing the competent electoral techniques whether on the level of

designing the electoral message or ways of gaining the electors' support and ensuring getting their votes and protecting those votes in order not to be lost or wasted. However, the strong electoral performance is confined within two main parties (General People's Congress (GPC) and Islam Party). The first is the ruling party, while the latter is an opposition party. The strong electoral performance of the ruling party is attributed to its monopoly of the state's organs and their capacities and due to submitting all the national resources for serving its electoral campaigns including practicing control over the electoral process and interfering through the governmental bodies with the purpose of controlling its results. Opposition parties often complain because they believe that they compete with a state but not with a political party. Such situation makes opposition parties unable to protect the real electoral results that they obtain.

The strength of the electoral performance of the Islah Party however is attributed to its accuracy in organizing and because it has a relatively large mass base in addition to possessing financial resources greater than what other parties have. By reviewing the past three years, which witnessed unusual attention and recovery in the expectations of the ruling party and joint meeting parties for the importance of reforming the political system despite the disparate visions regarding the size and nature of the reform, we find that the current political system requires to be changed by conducting comprehensive and essential reform, for the political system, represented by separating powers and ensuring the preconditions for peaceful circulation of power, reforming the local power, independence of judiciary, originating guarantees for practicing rights and freedoms, preparing guarantees for practicing rights and basic freedoms including freedom and diversity of media. Democratic reform must start from the part of the ruling party or the opposition or from both together. Despite Yemen came to know the parliamentary elections before its unity, adhering to the international standards of democratic elections and diversity represented by the standards of free and fair elections through originating legislative and institutional mechanisms to ensure fairness of elections was not considered at that time since elections at that time were marked by competition within the members of the same party or political stream and those elections were not source for governance legitimacy or circulation of power, but they were merely a medium for reproducing a current legitimacy and a means for

redistributing locations among members within the same ruling group and those elections were not targeting a change in the state or society⁽⁶⁾.



Political system plays a main role in the possibility of democratic transformation. In this regard, Yemen adopts the system of the individual constituency and winning on the basis of proportional majority and since this system is based on winning of one member at each electoral constituency, the electoral battle takes place only at the level of the individual electoral constituency. Such system has made the platforms of the candidates mainly revolve around the local matters related to each individual constituency separately. Such situation restricts the attention of the electors to the local affairs and get them not think of the national affairs included in the platforms of the political parties but mainly concentrate on the candidate-related features particularly because the electoral battle usually takes place between the candidate themselves as individuals rather than it is between candidates representing different parties with platforms of different features.

Since this nature of the electoral situation, the winning opportunities in the parliamentary elections particularly in the rural areas and small towns are based on the capacities of the candidates and their influence in their

⁶⁾ Mohammed Ahmed Al-Mikhlaḥī, Electoral System in Yemen: Standards of multi-party Elections- work paper presented to the workshop dedicated for exposing the research papers for the Arab World project entitled “ Democracy and Elections “ – October, 24th, 2003 organized by Net of the Arab NGOs for development and the international Establishment for Elections and Democracy.

constituencies regardless their political affiliation so winning opportunities increase for certain individuals, who have real influence in the constituency because of their social or financial status and they are accepted by the ruling power. Such specifications are available in the category of Sheikhs, businessmen and governmental officials. This category wins the biggest share of the parliamentary elections (7). Therefore, such categories are the categories nominated for the elections by the ruling party whether they are active or inactive members of the party. This consequently results in marginalizing the partisan members from most of the processes of the parliamentary elections and that weakens the interest in the partisan activities and in parties in general. From among the reasons that assisted in this regard is that the ruling power has made the parliamentary elections seem to be as if they are a competition between individuals for gaining membership of a governmental authority that brings direct benefits on the elected member and the members of his constituency since voters, after a number of electoral rounds have become completely sure that the parliamentary elections do not aim to change the government or decide the general policy of the state, being such constitutional authorities belong to the parliament, but merely to get that particular candidate reach the parliament in order to get direct benefits for himself and for his supporters. The ruling power makes use of such satisfaction and it works for establishing it in the minds of the voters, who leave the platforms of the political parties aside and sometimes ignore the whole partisan activities. Instead, they concentrate on the personality of the candidate and the range of his capacity to achieve what they think it is the aim of the parliamentary elections. Since the electoral system favors the dignitaries and those, who are close to the ruling power, as above mentioned, there are many of the other categories find it difficult to win the elections particularly in rural areas and small towns. Among such categories are women, intellectuals and the marginalized groups. These categories win the smallest share in the elections. Consequently, parties, particularly the ruling one, usually do not nominate members of such categories in order not to lose the elections. Since winning the elections with majority is more important to the government, it sheltered to

7) A researcher estimated the percentage of Sheikhs, who won the parliamentary elections in 2003 with 30% out of the total number of the parliamentary seats, followed by the category of businessmen with 26%. Dr. Abdul-Jalil Al-Soofi: Results of the Parliamentary Elections, April, 27th, 2003. Indicators of the Time Affairs, Issue 12, Sana'a, P. 203

nominating those who are capable to win. Such individuals are usually not women or intellectuals or members of the marginalized groups.

Since the electoral process is run on the basis of the individual constituency system, the ruling party has managed to control the process and increase the number of seats that it gets progressively.

On the basis of what has been mentioned above, the opposition parties think that the current electoral system has caused a fallback to the electoral process and this system has become one of the main obstacles that hinder the development of the democratic process in the country. Therefore, the opposition parties, represented by the parties of the joint meeting, demanded, in many occasions particularly within their comprehensive reform program issued in November 2005, changing the electoral system from the proportional majority-based system to the proportional list-based system.

The opposition parties think that adopting the proportional list-based system is the real start towards reforming the whole political system in the country since adopting this system will assist the partisan candidates to overcome the non-partisan influential individuals and it will allow the Yemeni political parties push qualified and capable candidates to the parliament after these parties are freed of the dominance of the social dignitaries over the electoral constituencies. Moreover, the new electoral system will lead to balancing the political powers in the parliament (as it is explained in chart No. (2)).

Opposition parties believe that continuous adoption of the individual constituency-based system will lead to more deterioration for the democratic process in Yemen and it will lead the society to the state of frustration and desperateness of

Frame No. (3) : Standards and Requirements of the Free and Fair System of the Electoral Register

- It must be prepared as per legislations and in accordance with the international standards by an administrative group of individuals, who are competent, trained, independent and are not subject to favoritism or submission to the pressures of any of the political parties provided this group must work with complete transparency and the are agreed on by all parties.
- It must preceded by the specification of constituencies and electoral borders ensuring the right of voting to all electors equally provided that a number of aspects must be taken into consideration during the specification such as the areas elevations and geographical distribution and the necessary demographic information based on accurate population statistics. In addition, the distance, to reach electoral centers within the same constituency, must be equal.
- Registration process must be conducted according to accurate measures that ensure a high degree of fairness and effectiveness, when taking decisions on: range of soundness and integration of the legal conditions for registering an individual as electors (in regard to age, residence and others) or for preventing him from registration provided no segregation or exaggerated technical obstacles lead to preventing the qualified from the right of election.
- All the possible measures must be taken to prevent the repeating voting by the same elector and to prevent the unqualified from electing.
- All the politicians involved in the electoral competition must obtain all the electoral lists and these lists must be agreed upon by all the concerned parties.
- There must be a fair and just judiciary that practices its role in taking decisions regarding the contestations raised on the electoral lists and regarding the right to appeal against the decisions.
- The registration period must be long enough in order to allow as many qualified electors as possible to reach to register.
- The necessary requirements for periodical reviewing and updating for the electoral register must be insured in the specific times for that after all the concerned parties approve that.

the possibility of expression by means of peaceful ways. Individual constituency-based system soundness is specified by the extent of its accuracy and the soundness of dividing the electoral constituencies and on the simplicity of verification of the electoral home and not accepting it for cheating and falsification. It also depends on the availability of a comprehensive and an accurate system for the civil register in addition to the other factors that may hinder or complicate the process of registering the electors. Such factors and guarantees pertaining to the soundness of

the electoral register did not appear and they were not sufficiently secured during the first parliamentary elections in 1993. However, the factor of harmony and the apparent political balance between the leaderships of the former two parts of the country and because none of the two parties tried to control the power or the electoral process starting from dividing the constituencies and registering electors. That situation played a decisive role in the disappearance of severe disputes regarding the soundness and purity of the first electoral register so the process of the electoral register was accomplished smoothly. However, that kind of smoothness has not been repeated since because of the extreme disputes that developed about all the elections that followed and most of those disputes were connected to the division of constituencies and the discrepancies and mistakes that have appeared in the electoral register which cannot be possibly denied or ignored any more. This problem was at the top of the activities in the agenda of the supreme committee for elections. The problem of November 2001 was on re-dividing the electoral constituencies based on a new electoral register. However the vision and work of this committee in the scope of preparing for constituencies division and the division that resulted from that were not approved by the opposition and it is thought that the current electoral system and playing with the division of the electoral constituencies and forging the electors' register will remain as the main obstacles that hinder the democratic transformation and a source for the continuation of partnership crisis in Yemen and a mark on the absence of the required preconditions of stability, development and human rights protection.

Summary of the First Chapter

While the constitutional amendments of 1994 and 2001 represented a step forward in the field of human rights, they incorporated a fallback in regard to separation of powers, for a number of constitutional texts that clearly stipulate the basic individual and collective human rights were added and at the same time a number of texts that grant more authorities to the executive power, represented by the president, to dominate and control the legislative and judicial powers ⁽⁸⁾. In stead of carrying out amendments that lead to independence and balance of powers and to

⁸⁾ Yemeni Observatory for Human Rights " The Yemeni Observatory for Human Rights and Democracy in Yemen- 2005-P.(10-11)

enhancing the role of the parliament as well as enhancing the principle of decentralization of governance at the horizontal level, the constitutional amendments have led to deepening the structural crisis of the political system represented by legislation and organization through more concentration of power in favor of the executive power in general and the president in particular. The amendments also have led to the dominance of the executive power over the legislative and judicial powers. Moreover, creating the consultative council that shares some of the authorities of the parliament looting the right of the parliament about issuing decisions that direct the government or for amending the general budget. In addition to that, the consultative council has been given the right to share the parliament its right represented by recommending the candidates to the position of the president of the Country and endorsing the plans of economical and social development. This also has led to minimizing the role of the parliament. The articles of the current Yemeni constitution undermine the citizens' right in questioning their rulers since the constitutional articles concentrates the power in the executive branch particularly in the hand of the president and they restrict the role of the parliament in making the general policy and monitoring its implementation. The parliament does not have the authority to question the president of the country despite the concentration of power in its hand, according to the constitution and the different laws. Also, the parliament cannot monitor the expenditures of the military forces.

Some legal articles related to the general structure of the state are not precisely specified causing gaps that become obstacles preventing the no central executive and monitoring authorities, elected or nominated according to the law at the administrative units at the governorates, from implementing their missions and duties competently and efficiently.

The practical experience has proved that the current electoral system, based on the individual constituency and achieving the proportional majority, is unable to create a real democratic change in Yemen. The ruling party, since the establishment of the unification, has adopted this system as a means to maintain the power and to prevent the other political parties from reaching the parliament and playing vital role in it. The legislative texts that regulate the electoral system in Yemen have not been applied in reality. The continuation of this situation will surely lead to abortion of the democratic experience in the country consequently exposing the national unity, which appeared accompanied by democracy from the beginning, to danger. This situation requires

conducting the necessary reforms in the legislative structure of the electoral system and replacing the current electoral system with another one, which is more effective and more capable of establishing the democratic principles and protecting the national unity, in a way that empowers all parties and political organization in Yemen to play their role in the society.

Recommendations of the First Chapter

1. Reconsidering the structure of the political system in a way that achieves independence of powers creates balance between them as well as prevents the centralization of power as an entrance for structuring the state of law and achieving the complete financial and administrative independence of judiciary.
2. Legislating of a law that regulates people's right to obtain information and force all the governmental authorities to make this information accessible for its seekers according to a certain mechanism.
3. Canceling the current law of journalism for the restrictions that do not allow journalists to practice their rights, represented by getting information and publishing them, freely.
4. Legislating of a law that frees the audio and visual media as an essential condition for any talk about democracy and freedom of expression including the freedom of possessing its instruments.
5. Establishing an independent authority to manage the public media.
6. Reconsidering the regulations of the legislative and executive powers and granting each one of them complete authorities, but overlapping of functions of the different powers must be avoided and there should be specified units that create a kind of coordination between the various authorities in all fields.
7. Defining the disciplinary measures that must be applied in case of one authority interferes in the functions of the others or in case of preventing an authority from practicing its functions specified by the regulating laws.
8. Reforming elections-related legislations through adopting the positive distinction arrangements in favor of women by means of dedicating a specific proportion of seats for women in the elected councils through certain regulations such as reserving certain seats or through adopting the closed lists. This suggestion can be applied through starting practical steps represented by endorsing the proportional list-based system instead of the currently adopted system (individual constituency-based system)

and parties must dedicate a certain proportion in their lists for women to be deducted out of each party's results first.

9. Before the coming official updating of the electoral register, the Supreme Committee for Elections must:

A. implement an open and multi-party review for the electoral register in order to specify the unqualified names on the basis of published standards and the people, whose names are thought to be incorrect in the register must be notified and they must be granted the opportunity to prove that they are qualified, then the committee must remove all the unqualified names as per the ways specified by the law.⁹

B. It must guarantee that the updating procedures of the electoral register are implemented as per the law, particularly regarding finalizing and publishing the electoral register in the appropriate time and the committee must start with enhancing training to the employees responsible for the electoral register.

C. To ensure it is adhering to the proper procedures to prevent those, whose age is less than that specified by the law.

10. Clear legal texts must be created to ensure establishing a competent and secure mechanism for amending and publishing the electoral register in a way that ensures transparency and integrity.¹⁰

11. Periodical updating for the electoral register according to the times specified by the law.

12. Periodical and comprehensive review of the electoral register, according to clear and approved standards, must be conducted by a neutral and competent group selected by all parties.

13. Adopting transparent procedures and modern technical guarantees to ensure soundness and purity for the register, Also, the registry's data must be comprehensive, particularly:

- The use of the ID must be for all electors.
- Adopting the electronic thumb print system and electronic documentation of the electors' data.
- Adopting a new design, for the electoral card, that prevents forgery.

⁹) See. The European Union, Monitoring Elections Commission, Yemen 2006, Previous Source, PP 41⁹-42.

¹⁰) See: The Analytical Report on Monitoring presidential and local elections of 2006, Previous Source, ¹⁰ P. 64.

- Submitting two copies from the electoral register (hard & electronic) including all information about the electors to the parties that are licensed.
14. Publishing the electoral register via the electronic website of the supreme committee.
 15. Electoral administration must be made of representatives of all parties in a way that reflects its neutrality and integrity.
 16. Separating between the party or the ruling parties and the state's authorities and capacities.

Second Chapter

Public Administration in the Light of the Requirements of Modernization and Good Governance

Organizational Structure of the State's Organs and the Relation Between its Powers

Judiciary Independence and Integrity

The right of fair trial does not get incorporated in reality unless the organizational guarantees required for achieving justice are available. These organizational guarantees are represented by the principles of conducting fair trials by means of specialized neutral and independent courts established according to the law. The judiciary shoulders its responsibility in achieving justice without any external influence, restrictions, pressures or intimidations or interference and that can be achieved at the presence of respect to the principles of the legitimacy of judiciary, its independence and neutrality as a power that is in a position that does not allow the other powers to undermine it or weaken its glory and that is because “the independence of the judicial power cannot be dispensable”⁽¹¹⁾. Consequently, the real independence of judiciary is based, to a large extent, on the nature of managing the judicial power. The problems that Yemen suffers from are because of the mal-management of the

Frame No. (4): Main Requirements of Judicial Reform

- Issuing the law of judiciary independence protection
- Re-organizing and Re-structuring the units of the judicial authorities.
- Activating the role of the Judicial Investigation Authority and the High Institute for judiciary in a way that enhances the role of the latter in the field of the administrative judiciary
- Moving the General Prosecution from the supervising range of the ministry of justice to the supervising range of the judicial power
- Completing the legislative structure that unifies the systems of prosecution procedures before courts as per the law of prosecutions and it is also necessary to issue the regulating bylaw of the ministry of justice.
- Facilitating prosecution procedures and avoiding delay in taking decisions regarding lawsuits.
- Creating an independent administrative judiciary
- Creating and organizing the judicial police and it must be subordinate to the judiciary

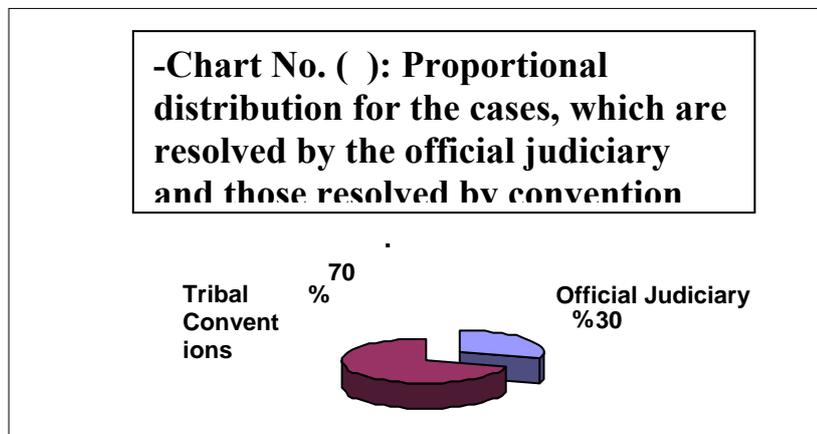
judicial power. For instance, Bad general management leads to the dissemination of political corruption, disability to control Bureaucracy, consequently, bribery, favoritism, dominance of the influential people over the

¹¹⁾

Basic Principles about independence of the Judicial power endorsed by the general assembly of the United Nations in its resolution No. (32/ 40) dated 29/11/1985.

people of experience and competence ¹² since mismanagement of judiciary leads to negative impact on the integrity of judiciary and its justice.

Article (1) of the Yemeni law of the judicial power stipulates that the “judiciary is an independent power in performing its duties and judges are independent and there is no power over them in their judgments except the law, and there is no right for any authority and in any way to interfere in any of the affairs of justice and such interference is deemed to be a crime that brings punishment on its doer according to the law and in which the lawsuit is not dropped by prescription.”. In spite of that, the law implies a complete violation to the principle of separation of powers, independence of the legislative power, and it makes judges subject to the dominance of the executive power and it undermines the status of the legislative power to lowest degree. In Yemen, the executive power nominates Chairman and Members of the Supreme Council of Judiciary as well as the Chairman and members of the Supreme Court, the General prosecutor along with the Chairman and members of the Judicial Investigation Authority. Judges are the cornerstone in the structure of the judicial system, achieving Justice and ensuring a fair trial since Judges have the final decision.



With respect to human being life, freedoms, rights, obligations and properties. The matter that oblige the state to pay major consideration to judges’ role within the judiciary system, and special consideration to their employment, training and conduct (¹³). The state must select the qualified and honest judge, and must raise his capacity through trainings, and shall also respect judges’

¹² See, Adel Al-Shargabi, previous source, P.P. 67-68.

¹³ Principles of Judicial Power Independence, AL-Dibaga.

competence and ensure implementation of his decisions according to the law⁽¹⁴⁾.

Taking into account the aforementioned factors, common citizens are not encouraged to refer to the legal system, and are hesitant whether to resort to tribal system or state's institutions. Further, common citizens are not aware of their rights, and they fail to practice them. "Most of the Yemenis feels that they are not covered by the law, which apparently protects riches' and influential persons' rights, therefore they avoid seeking remedies in the system, unless as a final resort". The complicated and expensive courts' procedures, lack of respect by law enforcement personnel, lack of competent judges and lawyers, and bribery discourage citizens from resorting to the legal system.

- Frame No. (5): Most important outcomes of an evaluative study for the curriculum & teaching methods applied at the college of law & Sharia'a, Sana'a University
- 1. There is no teaching policy so teaching objectives at the college are not specified. Consequently, components of the curriculum are not in a strong connection with the needs of justice and society and requirements of development and protection of human rights. - 2. Teaching law is not connected to the scientific research. - 3. Teaching law is not connected to professional application. - 4. There no connection between the content of teaching and the needs of the time. - 5. There is no communication with the world's development in the field of law. - 6. The adopted way of teaching does not encourage creative activities, free thinking, analyzing and constructive criticism. - 7. Scientific research & academic activities (conferences, scientific seminars, scientific magazines & periodicals) are almost absent.
- Source: Mohammed Ahmed Al-Mikhlafi, Policy of Teaching Law at the Yemeni colleges of Law and Its Impact on Justice. Center of information & Qualification for Human Rights-Taiz, Book Series (7) 2002.

However, last year witnessed positive development with the amendment made to the Judicial Authority law, whereby the President is no longer the president of the Supreme Judiciary Council, S.J.C. The Chief of the Supreme Court is assigned with this post. Nonetheless, this amendment did not lead to ease executive powers' control over the judiciary. The Chief of the Supreme Court is appointed by the executive the president, who also has the right to call the SJC to convene and chair its meetings.

Relation Between the Executive Power and Judicial Power

The Yemeni constitution did not authorize the Parliament to amend the public budget. Normally, the budget is approved with procedures that violate the Parliamentary regulations related to the discussion and approval of bills.

14 Mohammed Al-Mikhlafi, The Right to A fair Trial in Yemen< Arab Institute for Human Rights, P.25.

Furthermore, the Parliament does not debate the executive power performance, unless it allows that, disregarding article (62) of the constitution that authorized the Parliament to enact laws, approve public policy, public plan for economic and social development, public budget, final account, and monitoring the executive power practices in general.

Decentralization

Local Authority law came into force with the elections of the local councils in the governorates and districts in February 2001. This law changed the centralized management system of the government into the decentralized system. Thus, system was under monitoring and assessment since its inception, by the Ministry of Local Administration, local councils, in addition to studies conducted by experts of the international organizations and donors. These assessment and studies called for constitutional amendments to reform the system (¹⁵).

Establishing the Local Power

Enforcement of the Local Authority proved that there is no real transformation to decentralization. Rather, centralization deepened further, and the Center dominated financial and administrative procedures, due to ambiguity in responsibilities between central authority and the regional authority.

Public Administration and Requirements of Good Governance

Features of Public Administration in Yemen

Yemeni government started drafting the Strategy to Modernize the Civil Service in mid 1997 and it has been completed in mid 1998. The Strategy was approved by the Cabinet resolution No. 290 of 1998. Its objective is to establish a modern system of public administration that enables the state to create a productive environment for the private sector growth, provision of quality and cost-effective services by the government. The modernization objectives and components are identified to achieve: comprehensive and fair distribution of services, efficient management of human and financial resources, simplify procedures, public post to be subjected to competence and need, transparency of procedures and optimum use of public finance, provision of conducive environment for the private sector to grow, adopt decentralization and delegation of power. To implement the administrative development component in the Strategy, Civil Service Modernization project was established in August 1998, the Supreme Council for Civil Service, and its

¹⁵) 22 May newspaper, published by the GPC, issue 728, 13 September 2007, p.6.

Executive Committee in 23 October 1997, in accordance with Republican Decree No.250 of 1997. In 17 January 1997, the Supreme Committee for Training and Rehabilitation, according to the Republican Decree No.10 of 1999, on Scholarship, Education and Training Leaves. In 9 February 1999, the ministerial Resolution No.40 of 1999, on the Approval of Recruitment Criteria and Procedures was issued, to ensure justice and equal opportunities. The newly adopted recruitment policy is based on the following principles: distribution of vacancies between Sana'a municipality and other governorates, advertisement of new vacancies to ensure equal opportunities, registration of jobseekers at Civil Service offices, and consider such registration as the basis to nomination to recruitment in the public service posts, design computer program to process applications automatically, documentation of all registration, nomination and selection processes, involve the local councils in monitoring of employment processes. However, despite all these procedures public administration system in Yemen did not comply with these requirements of good governance, and it still suffers structural deficiencies.

Diagram No. 4: Pattern of Administration By Commands

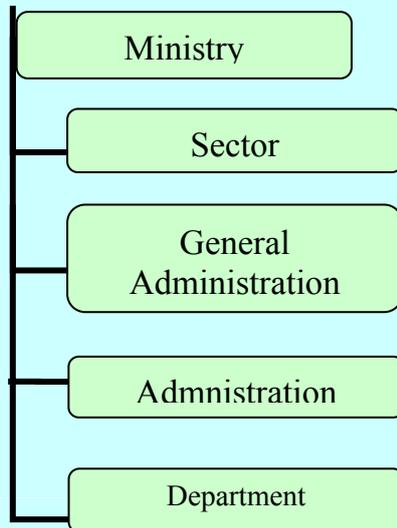
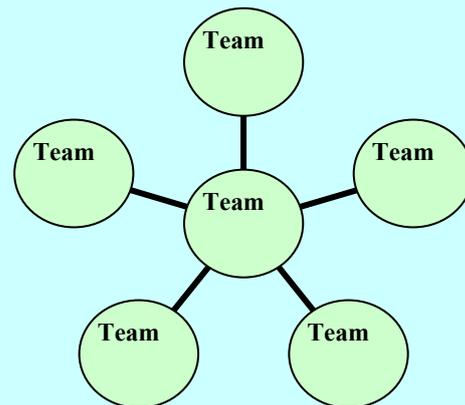


Diagram No. 3: Pattern of Administration By Objectives



Patterns of Power Distribution

Public administration system in Yemen is a hierarchical order and control of authority. The first man in the institution is the one who is responsible of everything. He/she controls decision-making process, and involves few of the senior staff, and none of the junior ones. Thereby, such pattern of administration curbs initiatives, and it is known as management by rules. That is why it is very common to such terms as “no objection according to the rules”, in the instructions of the officials at government institutions. Such system powers are concentrated in the first man hand, and it lacks delegation. Furthermore, public administration in Yemen is biased to social, political and economic elite, who can enjoy privileges through pressures they exerted. As a result, poor people sees the state’s ability to enforce law is very limited, and its presence in rural areas is weak, the matter that allow the traditional tribal elites to play state’s role, manage public affairs in the local communities according to the norms and traditions, instead of law, thereby poor and urban citizens lose their confidence in the state, and generated the feeling that the state does not represent them or care for their interests.

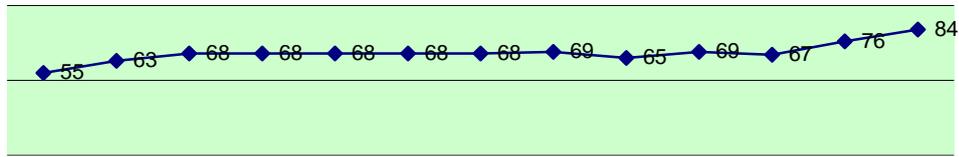
First: Transparency

The government of Yemen did not publish any comprehensive official document on the economic and financial reform program that it has implemented in two major phases; Economic Stabilization Phase March 1995 – June 1997, and the Structural Reforms Phase July 1997 – June 2000. the researchers who conducted researches and studies in this field rely on the document published by the World Bank that included the “Letter of intent” and “Memorandum of Economic and financial Policies”, in addition to the set of procedures and policies agreed upon with the government of Yemen.

The Millennium Challenges Aid, MCA decided on 8 November 2005 to suspend Yemen competence to benefit from the rehabilitation assistance, due to the decline of Yemen indicators in good governance and transparency. Yemen failed on 2004 to pass 14 indicators out of 16, compared to eight indicators when Yemen was accessed to the MCA. As a result, Yemen has established on December 2005 the Good Governance Policy Group, GPC that included representatives of line ministries and donor international organizations. This group has prepared the National Reform Agenda NRA, and published it at Ministry of Planning and International Cooperation website, and it became the first ever-official document that the government has published on

reform programs. Nevertheless, this document included incorrect information, where it has mentioned that the government is publishing information on specific areas; however, when visiting the relevant websites, we concluded that such information does not exist.

Chart No. 4: Indicators show the fallback of freedom of journalism between 1994 & 2006 according to the data of the House of Freedom, 2006.



Source: The chart has been created on the basis of the data of the House of Freedom, 2006

The government is striving, although slowly, to improve the information system infrastructure. National Information Center (yemen-nic.com), was established on 1995, and started providing information to the users. The government has also started initial steps to establish e-government (yemen.gov.ye), in 2001. However, this project was trembled for unknown reasons. The e-government might contribute to clarify the procedures and enables citizens to obtain some information, despite the challenges it encounters and the low rate of internet users compared to neighboring countries. Some ministries, with donors' support, are establishing websites that includes information relevant to their business line. Further, they publish significant information in the official newspapers that might help in achieving a degree of transparency and enables citizens to hold the officials accountable to their performance. Beside the aforementioned limited positive developments, there are enormous deficiencies. Although the Parliament sessions are regularly broadcasted, in the two TV channels, yet most of the Parliament proceedings lack transparency, where MPs complain that they are not aware of the Parliament budget, and that the Parliament rarely debates crucial issues. The Parliament operates in premises and within procedures that does not enable citizens to attend the sessions. The Parliament and its specialized committees do not allow involved parties that are impacted with its policies to present their viewpoints on issue sunder its considerations. The government denies people access to information relevant to significant issues. Between 2004 and 2007, the government banned journalists and regional and international news agencies correspondents from visiting Sa'ada

governorate that witness confrontations between the followers of Hussein Badreddin Al-Houthi and the government forces. The Australian researcher Sara Philips, says that the government the government has detained for limited time, two foreign journalists who attempted entering Sa'ada, and the international organizations also banned from entering the area (16). The government also banned journalist's form covering riots in that erupted following the government to lift the subsidy off oil products, according to New Yemen Website on 21 July 2005. Correspondents of Associated Press, Al-Jazeera, BATON, Reuters, Alarabia, Alalam, Alhurra, Kuwait and Abu-Dhabi were also denied coverage. Those who managed to picture the incidents were banned from sending the materials to their agencies. Many journalists and cameramen were subjected to physical harassments and detention. The government is also attempting to conceal news on the proliferation of diseases such as dengue fever, polio in 2005, and other issue such as child trafficking, tourist marriage and repeated violations to human rights.

The data published by the government, including that by the Central Bank of Yemen, and the Central Statistic Organization in its best are selective and presented in a complicated manner and they reflect the data that the government wishes to present, not that must be published, and they manipulated sometimes. Security organs practices also lack transparency, where these organs detain individuals, conceal their locations, deny them visits or travel without any justification⁽¹⁷⁾. Service institutions such as Corporation of Public Telecommunication that monopolizes land network and internet services, Public Corporation for Water and Sewerage, and Electricity Corporation also lack transparency. The data produced by concerned Yemeni institutions are qualitatively and quantitatively defected.

Table (1) Discrepancies in Rural Population data in some of the governorates as listed in the Year Book of Statistic 2005			
Difference	Page 31	Page 23	Governorate
-5324	1762352	1757028	Ebb
-12102	334402	322300	Abyan
-11170	1407665	1396495	Hodiedah
-24922	577623	552701	Adamou
+488	893308	893796	Sana'a
-53030	14100435	14047405	Total
Source: Ministry of Planning and International Cooperation, Central Organization for Statistics, Year Book of Statistics, Sana'a November 2006, p.29			

¹⁶ Sara Philips, "Cracks in the Yemeni Regime", Alwasat newspaper, 65, 17/8/2005.

¹⁷ Alasima newspaper, 167, 26 June 2005.

Second: Monitoring & Accountability

The pyramidal structure of the Yemeni public administration has led to centralization in regard to the internal monitoring

(Monitoring practiced by the system of the public administration on itself). Responsibility of monitoring has been conducted by the Central Organization for Monitoring and Auditing (COCA) and its branches at the governorates. The governmental organs do not have specialized monitoring units in them so they cannot evaluate their performance periodically or annually. Moreover, the annual auditing operations conducted by (COCA) are inefficient operations since they review the procedures and to what extent they comply with the rules. The results are not evaluated according to the previously specified or expected objectives. Also, some of the governmental organs do not have any financial allowances to empower themselves do their activities. The assigned budgets for these organs are restricted to the operational budgets, i.e. the salaries, wages and rents only. Although the current Yemeni constitution gives the council of the parliament the right to ratify

the general budget, but it does not set constitutional limits on the amount of the surplus or the deficit or priorities of spending. The right of parliament in this respect is either to accept or reject the whole budget. The capacity of the parliament, in regard to practicing its monitoring role,

is restricted by the fact that (COCA) does not belong to it but it subordinates to the President of the Republic. Furthermore, the various committees of the parliament do not have independent financial allowances that enable them to hire experts or conduct field visits. The executive power works continuously for expanding the authorities of the nominated consultative council and getting it involved in the authorities of the elected council of the parliament. ⁽¹⁸⁾The executive power controls the process of presenting proposals and laws. All the laws endorsed by the parliament are mostly proposals presented by the government. Although the constitution grants members of the parliament the right to present proposals of laws, the members lack the resources, capacities

Table No. (2): Discrepancies in the resident population-related data according to the book of statistics of 2005	
Table & Page	Resident Population
Table (1) page 20	19685161
Table (2) Page 3	1968161
Table (#) page 47	1793755

¹⁸ Arab Political Systems: Baseline Information & Reforms" – Yemen, " found at www.carnegieendowment.org/arabpoliticalsystems.

and partisan independence that get them able to present proposals of laws. The constitution gives the parliament the right to interrogate the government or one of its members and hold them/him accountable and withdraw confidence granted to them/him. However, the partisan or social control over the council makes it disabled. Throughout the past 17 years since the Republic of Yemen was first established, the parliament has been unable to practice any of its constitutional rights except the right to direct questions, which is the least in regard to its importance. Although, the question, directed by the members of the parliament

Table No. (3): Wrong and illogical data included in the statistics book of 2005 on population in comparison with the data of 1994.		
Females	Males	Age categories
3525692	3890342	0-14
2309219	225312	15-64
7214417	7583489	+ 65
13049328	1731143	Total
Source: Ministry of planning & International cooperation-Central Authority for Statistics, Statistics book of 2005, Sana'a, Nov. 2006, P. 29		

to the prime minister or one of the ministers on a certain subject, are merely inquiries, irresponsiveness from the part of the government has become common. For example, the General People's Congress-affiliated member at the parliament Sakher Al-Wajeeh complained about the obstacles that negatively impact transparency in the parliament such as the nonattendance of the ministers for answering the questions presented by the members of the parliament. ⁽¹⁹⁾

Frame No. (6): Prominent institutional shortcomings in the State's administrative apparatuses
<ul style="list-style-type: none"> • Hyperinflation in the organizational structure of • Positions • Clashing and overlapping of responsibilities because of shortage of specific job descriptions. • Weakness of coordination between the administrative authorities and institutions • Duality of jobs in the authorities of the administrative and local powers. • Variation and expanding of power lines on the central and local levels. • Lack of precise archiving and documentation. • Lack of statistical database about public officials, their positions, skills and qualifications. • Weak and unprofessional workforce.
Source: Dr. Abdul-Hakim Al-Shargabi

¹⁹ Annas, 252, 27/6/2005, 7

Governance Indicators for 20 Kaufmann D., A. Kraay, and M. Mastruzzi, Governance Matters IV: 1996-2005.

Public institutions, in Yemen, except the parliament, perform their functions in an environment that is mostly marked with secrecy; severe centralism and absence of declared informational policies. During the last few years, local councils, which form a part of the executive power, have started to hold some of the executive officials at the governorates and districts accountable such as directors of civil service, health and other service offices.

Citizens' indicator of capacity to question their rulers, which is based on a number of facts related to the political aspects including the political rights and civil freedoms and independence of media, points out that Yemen occupied a lower position on scale that ranges between 2, 5- (the minimum and worst level) and 2, 5 between 1996 and 2004²⁰ as it is pointed out in table No. (4). Yemen was located on the scale at -zero, 91 in 1996 and -0, 99 in 2004.

Negative Impacts Resulted From the Absence of Mechanisms of Internal Monitoring & Accountability in the System of Public Administration

This pattern of the internal accountability has resulted in a number of the negative impacts that have contributed to freezing the institutional structure, more bureaucracy within the system of the public administration, expanding the gap between them and the citizens, complicating the way of dealing with them, hindering development in general. The most important negative impacts are represented by the following:

Damaging the principle of equivalence of opportunities

Stagnancy

Failure to achieve the objectives of human development

Spread of corruption

Low efficiency and low accomplishment

Monitoring and Holding Public Officials Accountable

Insufficiency of transparency and absence of the regulating rules for the Yemeni citizens' right to obtain information has led to weakening their abilities to monitor their rulers and hold them accountable. The ruling party dominates government-affiliated media (audio, visual and print) and it refuses to grant the citizens their right to possess TV channels and radio broadcasts, which means depriving the citizens from their rights to obtain information from other sources rather than those owned by the government. The ruling party utilizes the official media to propagate for the procedures that it adopts and for

²⁰ Governance indicators for Kaufmann D., A. Kraay, and M. Mastruzzi, Governance Matters IV: 1996-2004, 2005.

directing accusations for certain internal and external categories. The accusations are represented by accusing those categories of attempting to change the governance system and spying for external forces. Most of the alleged accusations lack evidences. The ruling party misuses its media by misleading the citizens, disseminating rumors, attacking its political rivals, falsifying facts, telling lies to people and violating the constitution and the activated laws.

Third: Combating Corruption

The state that is dominated by its elite that does not believe in peaceful circulation of power is for sure a corrupt state. Corruption in such state is not a corruption of individuals and groups but it is a structural corruption during which the ruler or the ruling elite resort to overlook corruption practiced by “a band of beneficiaries represented by its members, controlling the organs of power, and supporters of the regime”. The corrupted regimes intentionally assist certain leaders and individuals to benefit from the corruption revenues using intelligence units to record all the relevant details and prepare files about each corrupt official in order to use such information in practicing blackmailing against those corrupt individuals in case they become not loyal to the regime.”⁽²¹⁾ Article No. (2) of law No. (39), of 2006, regarding combating corruption does not present a comprehensive definition for corruption since it stipulates that corruption is “Exploiting the public position for gaining personal interests whether that is by violating the law or by exploiting it or by misusing authorities. This definition restricts the concept of corruption to bribery and blackmailing and it does not include taking decisions violating the law and hindering the progress of justice. Moreover, it does not indicate to offering bribery to public officials or promising to give it to them for obtaining privileges or achieving certain goal not in line with the laws.

Thus, the law incriminate the bribed individual but it does not incriminate briber and that is not in line with article No. (18/A) of the international convention on combating corruption that incriminates the briber in case the bribe is for gaining illegal privileges since this article stipulates that “ Every country should adopt the necessary legislative measures and other measures to incriminate these acts, when intentionally committed:

²¹ Antwan Masara Roles of the Civil Societies in Combating Corruption, Al-Mustakbal Al-Arabi Magazine, Arab Unity Studies Center, Peirute, Issue No. (310), Dec.2004.P.128.

Frame No. (7): some of the articles included in the international convention for combating corruption through which corruption can be defined.

Article (15): bribing public officials: each country adopts the required necessary legislations and other measures for incriminating the following: (A) promising a public official with a privilege which it is not of his rights or offering it to him or granting it to him directly or indirectly, whether for the interest of the official himself or for the interest of another person or another entity so that the official does a certain act or for not doing a certain act during performing his official duties. (B) in case a public official requests directly or indirectly a certain privilege which is not of his rights whether it is for the interest of the official himself or for the interest of someone else or an entity in order to have that official does or doesn't do a certain act during performing his official duties.

Article (17): Blackmailing properties or wasting or losing them by any public official: Each country adopts the necessary legislative measures or any other measures to incriminate the intentional acts of a public official, for his own interest or for the interest of another person or entity, represented by blackmailing or wasting any properties or paper notes (public or Private) or any other things that have been left under his custody because of his position.

Article (18): Trade of Influence: Each country can adopt the necessary legislative measures and any other measures to incriminate the following acts, when committed intentionally: (A) Promising a public official or any other person of any illegal privilege or offering it to him or granting it to him directly or indirectly to instigate that public official or that person to misuse his actual or supposed influence in order to assist the instigator to obtain illegal privilege from a public administration or a public authority. (B) If a public official or any other person, directly or indirectly, seeks or accepts any illegal privilege, for himself or another person, in order to make use of his actual or expected public position or influence for getting or obtaining an illegal privilege from a public authority.

Article (19): Misuse of positions: Each country adopts the necessary legislative measures and other measures to incriminate misuse of a public position intentionally. That is, when a public official does or avoids doing certain act, while performing his duties, in order to be granted a privilege or get something for himself or for another person or entity in a way, that violates laws.

Article (25): Hindering the progress of justice: Each country can adopt the necessary legislative measures and other measures to incriminate these acts when committed intentionally: A) (Using physical strength or intimidation or threatening or promising with a privilege or offering it or granting it to instigate for presenting a falsehood witness or to interfere in expressing the witness or presenting the evidences in measures pertaining to incriminated acts according to this convention, (B) Using physical strength or intimidation or threatening to interfere in the specialties of any judicial employee or concerned in implementing law regarding committing incriminated acts according to this convention. The content of this article does not contradict with the right of the countries to adopt legislations that protect other categories of the public officials.

(A) Promising a public official or any other person with any illegal privilege or offering it or giving it to him directly or indirectly in order to instigate that public official or person to exploit its actual or expected position to grant the instigator a privilege, which is not supposed to be for this original instigator or another person. Nevertheless, article No. (30) of the law No. (39) of 2006 regarding combating corruption has overcome many of the aspects of deficiency except not incriminating offering bribery to public officials for getting illegal interests harming the principle of equal opportunities whether they result in concrete interest for the official or if it does not.

Corruption is prosperous in Yemen because of the weakness of the

Frame No. (8): Text of article (30) of the law No. (39) of 2006 regarding combating corruption

The following is included within corruption crimes

1. National economy-related crimes as they are stipulated in law of penalties and crimes.
2. Public positions-related crimes as they are stipulated in law of penalties and crimes.
3. Crimes that affect the progress of Justice as they are stipulated in law of penalties and crimes.
4. Blackmailing of public properties as they are stipulated in law of penalties and crimes.
5. Bribing foreign employees and employees of the international institutions for executing an act or avoiding doing an act with the purpose of obtaining unlawful commercial privilege as they are stipulated in law of penalties and crimes.
6. Crimes of corruption-related forgery and forgery crimes as they are stipulated in law of penalties and crimes.
7. Crimes of customs smuggling and tax-related smuggling
8. Deceiving and blackmailing in biddings and specifications and other governmental contracts.
9. Crimes of money laundry for money obtained from corruption acts similar to the ones stipulated in this article.
10. Exploiting public positions for obtaining personal interests.
11. Crimes of unlawful wealth
12. Any other crimes described as corruption crimes and stipulated by another law.

governmental institutions and the social division as well as social diversity. When the state's institutions are weak, political sects replace the institutions. The revenues of oil have been used for purchasing political loyalties. The widespread corruption in Yemen serves five elite categories: Sheiks of some tribes, military and security leaders, the new bureaucrats represented by

businessmen, who monopoly the state's contracts that are not subject to competition, technocrats and the local elite. ⁽²²⁾ and the revenues of corruption are distributed on the basis of four dimensions:

1. The General Budget of the State.
2. Tenders.
3. Military and Security Institutions.
4. The General People's Congress. ⁽²³⁾

Yemen's problems lie in the fact that the major corruption represents the important pillar of the current political system since its existence and continuation is pawned by purchasing the loyalties of the beneficiaries of the current situation, who are usually from among the elites. In case of terminating the flow of finance to those groups, they current system will not find any justification for imposing the current political arrangements and consequently imposing corruption. The problem does not lie in the absence of the constitutional and legal frames pertaining to combating corruption since Yemen signed in December 2003 the convention of the United Nation related combating corruption which was ratified by the parliament in 2005. Also, the Republic of Yemen signed the international convention about the continental organized crime, which was ratified by the parliament in 2004. ⁽²⁴⁾ . The constitution, the law of penalties, the law of the Central Organization for Monitoring and Auditing and the law of the civil service and other laws include special texts on combating corruption. The problem also in the way in which some of the legal texts have been composed in a decorated way that may be interpreted in more than one way. ⁽²⁵⁾ The problem also lies in the absence of the application of those texts. At the time of the absence of transparency and accountability, the current system has deteriorated in regard to controlling corruption. The degree of the Republic of Yemen fell from (-0.25) in 1996 to (-0.84) in 2004. ⁽²⁶⁾ This situation also has been reflected in the appendix of corruption prepared by the International Organization for Transparency since the degree of Yemen is between 2,4 and 2,7 out of 10 during the last three years.

²² Ibid

²³ Ibid

²⁴ For more details about the constitutional & legal frames pertaining to combating corruption, see:

²⁵ Ibid

²⁶ Governance Indicators: Kufmann D.A.Kraay & M.Mastruzzi , Governments Matters IV: for 1996-2004,2005.

Efforts of the Government in the Field of Combating Corruption

International organizations have practices pressures on the government of the Republic of Yemen in order to carry out vast reforms in various aspects including combating corruption. The report of the international Fund of Finance connected between achieving reforms and the continuation of the external assistance to Yemen (²⁷).

Frame (9): The Most Prominent Features of Corruption in Yemen

- Inheriting of the public positions and ignoring competence-related aspects, equivalence of opportunities, constitution and laws.
- Senior official practicing trade although article No. (118) of the constitution prohibits that.
- Granting public contracts to companies owned by senior officials directly (in their names) or indirectly (in the names of their relatives). Minister of public works admitted while attending a parliamentary session that 80 % of works contracts are concluded without bids, whereas only 20 % are subject to tenders & bindings²⁸ system.
- Because of bribery, works delay fines are not imposed and spending for projects that are not accomplished and violating laws by spending more than the real cost of projects has become common.
- Oil revenues are not known by any body including the council of parliament.
- All governmental authorities conduct purchasing activities without following the measures stipulated by the law.

The International bank reduced its assistance to Yemen between (2006 and 2008) by 4 % (from 420 to 300 million dollar). The bank manager justified that to the lack of Yemen to transparency and Good Governance. (²⁹)

Frame (10): Most important measures adopted by the government in regard to combating corruption in 2006-2007

- Yemen ratified the UN Convention on combating corruption & organized crimes (Meride)
- Carrying out an awareness campaign on the impacts of corruption on development
- The Parliament ratified the Declaration of Financial status law in July 2006.
- The Council of Ministers ratified the Guide of Tender & Bids in 2006.
- IN August 2006, the Minister of Finance issued a circulation to the financial officials in 55 governmental authorities directing them to raise monthly detailed reports on all purchasing activities.
- Issuing the Combating Corruption-related law in 2007.

²⁷ Al-Wasat, 72, 5/10/2005.

²⁸Dr. Mohammed Abdo Mughram: Political Culture of corruption & State of Corruption in Yemen.

²⁹ Annas, 270, 31/10/2005.

Countries of the European Union had already endorsed a decision for reducing their assistance to Yemen by half because they found that Yemen government is unable to carry out reforms and to uproot corruption and for not spending the assistance for the targeted purposes. Corruption represents a real hindrance in the way of Yemen towards the various types of the international aids ⁽³⁰⁾. Moreover, corruption has led to declining the confidence of investors in Yemen. Consequently, investment capitals have escaped the country, while the country needs such capitals badly.

Summary of the Second Chapter

The administrative system in Yemen represents a mixture of centralization and decentralization, but centralization is still more dominant since the local power is still not granted complete authorities stipulated by the constitution and the law and that is resulted from the central dominance represented by the ministries offices in all the governorates and the overlapping of their duties with those of the local councils that results in hindering the functions of the local councils so these local councils find themselves unable to apply the legal texts in reality excepts in certain aspects and in some ministries only.

Frame No. (11): A part of a press report distributed by “ Female journalists without restrictions” on discussion, attended by the chairman of the National Authority for Combating Corruption(NACC), organized on the efforts for combating corruption and ways for enhancing good governance.

A flood of questions directed by a number of journalists to the chairman of (NACC), the prominent of which was related to the absence of transparency on the financial status of the senior officials and whether the (NACC) received a copy of the report on Aden lands presented by Minister of High Education to the President of the Country and on the problem of looting lands in Hudaidah and on the nuclear electricity-related scandal and on Mareb electricity project given to a contractor without bids and on the additional allowances and many other questions by the journalists.

The studies aiming to evaluate the system of the local power, within the project of the national strategy for enhancing decentralization and activating the developmental role of the local power presented in August 2007, since it was first applied in Yemen showed that the previous efforts directed towards enhancing decentralization still suffer from weakness in the coordination between the authorities of the central power because the responsibility of achieving the local development in Yemen is still scattered among a number of

³⁰ Al-Wahdawi, 1/2/2005.

the ministries that are not necessarily agree on the concept of decentralization and the way in which it is applied at the same time in which moving to decentralization cannot be applied because of the absence of coordination among the components of the state and the government. Moreover, the report points out that the financial capacities are not sufficient enough to achieve the objectives of the local development. Also, the report showed that in spite of originating a new sector for the information of the local power system, such efforts have not brought fruitful results yet. Therefore, hurrying up in accomplishing the structure of the information center of the local power has become extremely important for providing the required data and information that enables the ministry of the local administration to support, direct and effectively monitor the system of the local power. In addition to that, the report shows that the factors that weakened the efforts of the local power authorities in the previous stage stem from inactivating the local society towards achieving the local development objectives. ⁽³¹⁾

There is clashing and a great overlapping between the functions of the executive authorities on the local and central level and this also applied on the various monitoring authorities in which the executive units dominate the no central units. There are many indicators that reflect the fact that the vertical and horizontal system of monitoring suffers, in many of its aspects, from many aspects of inefficiency and hindrances among which is the independence of the Central Organization for Counting and Auditing (COCA) and its subordination to the executive power, which is supposed to be monitored by it. In addition to that, the nature of monitoring practiced by (COCA) is directed towards monitoring the procedures, but not the performance or the range of achieving the objectives.

Perhaps, the main problem is represented by ranging between the idea of the administrative and financial decentralization and not accepting the idea of decentralization of governance on which the elected council of local governance is granted authorities for managing all the affairs of the local people through a constitutional system that does not allow getting out of that.

³¹ The same previous source

Recommendations of the Second Chapter

1. Creating a political system through a constitutional reform in a way that achieves decentralization of governance.
2. Activating the contents of laws in all fields so that they are applied in the practical life of the people.
3. Activating the role of the official and mass-related monitoring authorities, empowering their individuals in to carry out their missions, providing them with full protection along with specifying penalties in case of exceeding the limits of facts.
4. Implementing legislative reforms on the law of the local power in a way that leads to improving decentralization, independence of the local power and electing them in a free and direct way.
5. Obliging the executive authorities to practice transparency in their administrations and to avoid concealing information in regard to what happens in their institutions particularly regarding the financial aspects and the rights of their employees since these aspects are considered to be important indicators that tell about practicing corruption.
6. Creating special sections in all public institutions to be concerned with the employees' affairs and rights in those institutions, their work-related remarks and violations. Such sections must be independent from the administrative units of the institutions that they belong to and they must be protected. Their findings must be considered and their recommendations must be executed on the basis of laws that regulate this process and specify penalties against anyone who gives wrong or deceiving information.
7. Making the Central Organization for Monitoring and Auditing independent from the executive power and appending to the legislative power and improving its performance.

Third Chapter

Roles of the State and Civil Society In the Democratic Transformation

Introduction

The concept of the civil society is a cultural and epistemic concept, consequently, it is a structural concept that refers to the type of the national state (State of the nation) in which the principles of independence of powers(the political power, religious power and social power) is accomplished and it is a state that is based on the social contract rather than the military power and conquer, consequently the civil society in its general meaning is a society that is a replacement for the religious or tribal or military society. In this regard, John Locke described this type of societies when he said “ Individuals, who are gathered under one authority and they are subject to the law and dominance of one general legitimacy that takes decisions in their disputes and punishes criminals, constitute a civil society among them.(...)”. This happens if a number of individuals come together forming one society or a unified political entity in the existence of one government or a nominated ruler who they agree on and they deal with him and grant him the power of legislating laws necessary for the general interest of the society and it is implemented as per legitimacy(...). Therefore, the dictatorship in which a number of individuals control all powers cannot have a civil society side by side with this regime consequently it cannot take the form of a civil government”.³²

Role of the State in Managing Political Competition

First: Elections

Joint Meeting Parties JMP – opposition coalition – has proposed an initiative for political reform in November 2005. The Initiative called for changing the political system from joint system into parliamentary system, and also to change electoral system form Proportional Majority into List Proportional representation. However, the ruling party rejected and ignored this initiative. Such stand demonstrates the ruling party's rejection of the most significant rules of the political game i.e. Form of the governance system and the electoral system.

Prior 2006 presidential elections opposition parties warned that they would boycott the elections, unless the formation and operation of the Supreme Elections and Referendum Commission amended. However, opposition parties and the ruling party reached an agreement to include tow members of the

³² - John Look , the civil government and its relation to the theory of the social contract, translated by Mohammed Shouki Al-Kayal, the National House for printing and publishing, Cairo, We selected to you series (81), pp. 75-77.

opposition to the SERC membership, in addition to certain measures to ensure fair elections. Consequently, opposition parties nominated their candidate to the presidential elections in September 2006. Eventually, the ruling party General People's Congress GPC, candidate won the elections, yet opposition were doubted such success, and their candidate refused to accept such result. Further, opposition parties renewed their protest and claimed that SERC played unfair role, and that the government violated the rules of the game.

In 2007, president of the country proposed constitutional amendments, included changing the polity into presidential system, and to amend the appointment mechanism of the SERC, to include judges. In their turn, opposition parties rejected this proposal, claiming that it will enhance the ruling party's and the president's grip and control over the political life even further.

1. Frame No. (12): Standards of Free Elections Endorsed by the International Parliament and Published in Its One Hundred Fifty-fourth Period Held in Paris in 26/4/1994
2. Free Will: people to express freely, and guarantee conducting of elections in an atmosphere free of fear or intimidation
3. guarantee of political rights relevant to equal competition: Freedom of opinion and expression, freedom of peaceful gathering and association
4. indiscriminate: provision of equal opportunities for all parties in the competition and conducting of elections campaigns equally;
5. employ general, equal and periodical secret balloting;
6. fair conducting of elections:
a. neutral and independent management and supervision;
b. appropriate registration of voters;
c. documentation of balloting procedures;
d. Ensuring appropriate means to prevent electoral cheating;
7. Ensuring content and confidence in the conflict resolution body – independence, impartiality and easy access to judiciary. ³³

Second: Institutional Structure of the Elections

The electoral process in Yemen is administrated by the SERC, which performs its functions through a number of sub-committees that shoulder the responsibility of all elections-related issues. These sub-committees are: The Supervisory Committees that are formed by the SERC in the governorates, Primary and sub-Committees that are assigned by the SERC to be in charge of the process of balloting, counting of votes and announcement of the results in the constituencies. Following is an explanation for the nature of the SERC,

³³ Dr. Mohammed Al Mikhlaifi, Electoral System in Yemen, previous reference

mechanism of its formation, how it functions with reference to its shortcomings therein

SERC is mandated with all aspects of the electoral process: registration, balloting, counting of votes and announcement of results at the constituencies. SERC is also responsible for forming and amending the constituencies and formation of branch constituencies. Further, SERC is responsible for appointing the General Secretariat of SERC and the branch offices of SERC in the governorates.

Elections Law No. (13) of 2001, has specified the membership of SERC at seven members. The Law was amended in 6 July 2006, to enhance the membership into nine members, and to approve list of candidates by the two third majority of the Parliament.

Such amendments enabled the ruling party to control the SERC (34), thereby considered biased and unfair by the opposition and many observers, and consequently rendered elections process integrity and credibility. Such allegations were confirmed by the overwhelming majority secured by the GPC in 2003 parliamentary elections that exceeded 76% of the seats. Such majority impacted the balance of power inside the parliament and enabled the GPC to control the Parliament proceedings. Therefore, reforming the SERC formation is an inevitable need, the matter that we will be addressed later.

Third: Impartiality of State Institutions and Organizations

Democratic system is based on separation of powers principle. One of the major features of such principle is the existence of competent and independent judiciary, free from the executive and legislative powers domination. Judiciary is mandated with resolution of conflicts that might arise between state and non-state parties. Based on such perception, any violation to the judiciary independence will undermine the democratic system. When considering the judiciary in Yemen, we conclude that it lacks many significant features, namely independence. Judiciary in Yemen is subdued to the executive power in one way or another. Although president of the country conceded his post as Chief of Supreme Judiciary Council SJC, however he maintains obvious domination over the judiciary performance, through his authority to appoint members of the SJC and to appoint judges. Furthermore, judiciary in Yemen lacks financial independence, where its budget is linked to the ministry of

³⁴ A study claimed that 5 out of 7 members of the SERC that was formed in 2001, are pro GPC, 4 are members of GPC, and one member is a member to a political party that is affiliated to GPC. see Yemen Strategic Report, Sana'a 2003, p.85.

Justice's budget, thus enables executive power to maintain domination over the judiciary. Consequently, judiciary in Yemen is far from being independent, and in one way or another is not fair or honest ruler between the political factions that they can resort to resolve conflicts that might arise during elections process. Opposition parties' repeatedly complains of the lack of distinguishing between ruling party and state institutions and state's potentials, including manipulating of public post, public finance, public media, military and security institutions in favor of the ruling party during elections in particular and in political differences in general.

Freed Media is one of the Features of Democratic Transformation

Public media in Yemen is represented by the TV, Radio, newspapers and websites owned by the state and funded by the public finance (or by taxpayers) according to the western perspective. Yemen owns a satellite and land channel based in Sana'a, and land channel based in Aden that will turn into satellite channel as of next year, in addition to education, youth and tourist channels that will broadcast via Arab sat satellite. In addition to two public radio stations in Sana'a and Aden, and local radio stations in Taiz, Ebb, Hajah, Sa'ada, Hadramout, Al-Mahara, Hodiedah, and Abyan governorates.

As for print media, Yemen owns 4 news corporations with varied potentials and capacities (Althawra Corporation in Sana'a, Al-Gumhuriyah Corporation in Taiz, 14 October Corporation in Aden, and Ba-katheer House in Hadramout), and Yemen News Agency Saba, the only news agency in the country. In addition to 26 September Corporation that is owned by the Morale Guidance Department of the Yemeni Military, and many other newspapers and magazines published by ministries, military and civil institutions. Such enormous media machine is working according to specific mechanism and the same outdated manner, where it plays the same role since its establishment in Turkish era to serve the individual ruler and the party and strives to "defend the authority" in a naïve manner. Such media did not emerge to the "new freedom sphere that engulfs present world media". This media is performing the same job and the totalitarian hold is tightening further. Such media continues to deny basic rights in decent life, democratic freedoms and human rights.

Official media that has massive impact in a country like Yemen where illiteracy exceeds 65% of males and 70% of females, is devoted for propaganda for the ruler and excluding the other, is also devoted to "Incite against opposition parties represented by the JMP", and features "one of the basic

discrepancies that distort public opinion and mislead it” all its job is to “mislead people about the current living conditions” and plays devastating role by “inciting the armed and security forces against the citizens, political parties and powers” and is employed to “serve authority’s and the ruling party’s objectives through the deceiving mobilization process at each event”. The president of the republic is leading such mobilization and provocation through his speeches, particularly at military camps, national events and interviews. On the other side, opposition also “writes and criticizes the authority and the government rightly or falsely, and did not accept authority’s responses in the official’s or ruling party’s newspapers”. Justifications for involving public media in the struggle between the regime and the opposition is emerged from the perception that “most of Yemeni people have voted for the GPC in a free and fair elections, and formed the government accordingly, and administrates the ministries from the public finance”, so it is very natural that “the government’s newspapers defend the government’s policies”.

Addressing freedom of expression and opinion at such state where the government major Media such as TVs, radio stations and newspapers, will be premature, noting that such sources play a major role in dedicating state’s vision and discourse and imposing its policies. It is also noted that the official discourse focuses on freedom of press instead of freedom of all sources of information, or freedom of ownership of electronic Media. Official monopoly over information sources exceeds electronic media, to controlling even the only news agency, and denying private and partisan Media the right of accessing information, rendering official media the only source of information. Official media discourse is based mainly on defamation and labeling opposition leaders, parties, independents, or even opponent within the same ruling party and government institutions with betrayal and disloyalty. The same applies on independent and opposition journalists and press.

Press in Yemen is affiliated to government institutions, partisan organizations, or individuals. It is not up to the level of professional press compared to press in countries with similar political and economic conditions to Yemen. According to lawyer Ms. Fathya Abdulwase, Assistant Deputy Minister of Information “most of the published newspapers do not comprehend that journalism is an art and an industry”, and many of those who obtained licenses to publish newspapers “remain unable to continue or start publishing, and others stop publishing till the legal deadline of cancellation of their licenses and resume publishing just prior national events such as elections, or festivals to obtain funds allocated for these events” accordingly “only 145 newspapers and magazines are published regularly out of 363 licensed ones”.

Conditions of Journalists and Journalism in 2007

violations and intimidations against journalists and the freedom of journalism escalated because many writers and journalists started to practice the freedom of expression in a way that is considered to be crossing the redlines drawn by the executive power, and also due to the incitement campaign waged against journalists by some leaders of the state, who call journalists as “troublemakers, agents, people with foreign agendas, beggars around foreign embassies, seekers of their own interests on the account of the homeland interests, sellers of homeland reputation.. etc”.

As a result of such provocation to deter journalists from criticizing authorities, or disclosing corruption and injustice, journalists have become subjected to violations and intimidations by the official organs or individuals, military personnel and security units that may rush in committing actions even without instructions from their leaders, perpetrating violations against human rights,

Frame No. (13): Freedom of Accessing Internet Services

Official statistics state that the number of world wide web subscribers in Yemen has mounted to (146069) subscribers till the end of September 2006. Meanwhile, the number of internet cafes reached 822 cafes and the number of the subscribers of the fast internet service mounted to 2781 subscribers.

At the same time, the government still monopolies the internet service via Yemen Net & Tele-Yemen presented to the special subscribers. Yemen Net shuts down the unwanted sites and it happened that some Yemeni press web sites and forums were concealed because of their political attitudes towards the regime. A number of sit-inns were conducted for releasing Al-Eshtraki Net and Al-Shoora Net and they were released after the ninetieth sit-inn after suspending them for months. Demands are still rising for the freedom of media in general from the totalitarian grasp and for giving people the opportunity to possess information sources (TV and Broadcasts) and give the opportunity to the citizens to compete in presenting the internet services and to let people practice their right in sending TV (SMS) after they have been banned except by means of a license.

because of the wrong stereotype about journalists represented by considering them traitors, troublemakers so they think they deserve the state's rage. Perpetrators are usually held accountable for their deeds. So far, no violator of freedom of press or intimidator has been held accountable. Violations and intimidations against journalists and newspapers varies from closure, termination or denial of license, banning of distribution or printing, trying, intimidating, homicide, brutal beating, to abduction, either by officials or unofficial individuals or groups or by anonymous parties, in addition to arbitrary detention, harassment at workplace, accusation of betrayal and infidelity, taping, banning from travel, blocking of websites, and forging

accusations. Such violations reached even to defamation of female journalists' honor and their families'.

Reports monitoring freedom of opinion and expression reported 112 cases of violations in 2007 (Female Journalists Without Chain Report), including closures of newspapers, detention of journalists, writers and intellectuals and abduction of others for their opposing political opinions, compared to 85 cases reported in 2006. According to the year 2005 statistics of the Press and Publications Prosecution, all cases related to newspapers were filed against partisan and private newspapers, except to one case against "Al-Riyadh" newspaper, while there is no a single case filed against the state controlled electronic media.

The same statistics revealed that 95 out of 99 cases subjected to trial, and 4 are under investigations, including cases related to newspapers and others concerned with intellectual property, exposure of images indecent to public decency. These cases vary from serious crimes (2), not serious crimes (70), violations (18), and complaints (9). Eighty-seven of these cases were referred to the courts, and all these information sources are affiliated to opposition, except (Al- Motamer Net), which is affiliated to the ruling party.

Beside political incitement by the state leadership and official media, there is a religious incitement, which poses more risks. Syndicate of Journalists appealed to the President to put an end to the "offensive cartoons" issue, which prolong the incitement against journalists, tackling a very sensitive religious issue, beside it damages Yemen image worldwide when handling press freedom.

In addition to trying journalists, the regime in Yemen filed faked cases against them. For example, in September 2006, Al-Udain primary court in Ebb governorate, sentenced journalist Mohammed Sadiq Al-Udaini in his absence, Chairman of Center for Information and Journalists Protection with 3 years imprisonment and YR.1.2 million as a fine in a faked homicide case. Al-Udaini was not notified to attend the trial or to hire a lawyer. Apparently, Al-Udaini was targeted for his criticism to the president and other officials who imprisoned him for one year in the past.

Frame (14) Journalist Abdulkarem Alkhiwani describes his abduction and harassment incident

"they laid me down in the car beneath their feet, and harassed me physically all the way, they beat me in turn with my eyes folded, they continue beating me when they drop me out of the car, telling me I'm in a cliff, meanwhile they were communicating with a military leader, and kept telling me that "this is the state's behavior, and next time will introduce you to pre-state behavior, do not write about your masters, you do not respect the republic, the revolution or the Sheikhs. They repeatedly say do not disgrace your masters"

Source: Althawri newspaper, issue 1974, 30/8/2007

Harassment against journalists escalated in 2007 and some of them were referred to the Penal Court, which is “Court of Security of the State”. For example, Journalist Abdulkarem Alkhiwani was summoned to this court after a security force raided his home at night, and did not allow him even to wear decently, and accused him with “relation with Sana’a third Cell”. State-owned media published news about this Cell and names of its members following Alkhiwani’s arrest, within the propaganda to justify his arrest. He is also accused of propagating Houthy’s ideology through media. Another incident is trying Al-Shari’s independent newspaper in the same court in a case filed by the ministry of defense. The prosecutor asked for trying the newspaper on the basis of the penal law and a sever punishment against the three journalists: Nayef Hassan, Nabil Subai’e, and Mahmud Taha, for publishing a report on Sa’ada war. Syndicate of Journalists denounced the Prosecution insistence to refer the case to the Penal Court “a serious precedent, that does not only harm the legal status of the suspects, but violates major principles of the constitution on which Yemeni journalism has been based since the unification of the country in 1990”.

Violations in the past were perpetrated by known institutions such as inelegance offices, security and military units that could be confronted, however, recently – according to Marwan Dammaj, Secretary-General of Syndicate of the Yemeni Journalists – “violations are perpetrated by unknown parties, more like gangs, thereby made the Syndicate unable to face unidentified parties, particularly in serious incidents. Failure to identify perpetrators of such crimes to bring them to justice will only mean continuation and escalation of this type of incidents”. Abducting journalist Alkhiwani at daylight, from one of the main streets of Sana’a, and before his colleagues and tens of persons, was quite different. Interior Ministry’s statement denied responsibility of this abduction, and mentioned that Alkhiwani went to Khawlan area in the outskirts of Sana’a to attend a wedding of one of his relatives. The Syndicate considered this incident as “a serious crime and continuation of similar crimes perpetrated by parties and groups against journalism and democratic values in Yemen”, and pointed out that “the immediate denial by the Ministry of Interior of the occurrence of a crime that took place in the center of the city and was witnessed by journalists and citizens, will only prove that security apparatus was involved in the abduction crime that targeted Alkhiwani”.

Although journalists are brought regularly to courts for cases based on the ambiguous law provisions related to publication, none of the perpetrators of assault against journalists was arrested or disclosed by the security organs.

Journalists' Syndicate demanded in vain the Ministry of Interior to show good intention towards journalists by detecting such perpetrators and bring them to justice. Many of the foreign media correspondents are also subjected to violations. With the escalating protests, particularly in the southern and eastern governorates, and some of the northern governorates, the security apparatus increased their harassments. Al-Jazeera satellite channel crew was banned from covering four public movements in Lahej, Addalie, and Hadramout governorates and the crew was detained for hours in their office or in hotels, and they were warned that the Channel office will be closed if they covered these events. Further, the Security forces confiscated Al Arabia channel tapes following coverage to protests in Amran governorate, the matter that the Syndicate considered as a clear evidence of the hazardous environment where Yemeni journalists are operating in.

Cultural Frames and Social Forces of Democratic Transformation

First: Traditional Social Structure and the Range of Its Capacity for Democracy and Human Rights

Political parties and organizations employ the traditional fanaticism politically in order to change it into a mechanism for organizing their personal interests and in order to succeed in that, they adopt the technique of isolation and violence instead of the way of communication and tolerance.

This process, in which the traditional and modern signs of awareness and loyalty overlap with one another, creating what is known as “phenomenon of historical flotation of the society”, which means the absence of the basic factors and pillars that the modern state is based on (absence of the pillars of the social and political balance). Here, human rights and rights of citizenship disappear and that is the problem that the Yemeni people suffer from for more than 30 years since the political fanatic system in Yemen utilize all the possible ways in order to impose its existence. Among those ways is the creation and adoption of what is thought to be a democratic form through ways of temptation and intimidation and through media, propaganda for this system and its form are spread. Here, the public opinion is formed within the frame of concepts and ideas planted by the ruling system about itself and its nature continuously so that they are changed to obvious satisfaction within the society. Here, citizens’ decision becomes stolen and they become followers and disabled and their movement is slow. The situation of the state is also like that of its citizens (follower and disabled). Its decision is mortgaged by regional and international decisions. For 10 years, the state in Yemen has adopted the concept of human rights in its official political statements and it has tried to monopoly it. Here, we are facing a stealing act represented by repeating the concepts and ideas of the civil society. In spite of that, the government failed to adopt the concept of human rights and polish its image. In such situation, the report raises this question: Is democratic structure possible in a traditional society? And Can Yemen succeed in the process of structuring democracy and establishing a modern political system based on the principle of citizenship and human rights? The answer is negative because the ruling elite manage the political game according to the mentality of gain and profit. Therefore, its own circumstances and cultural level do not qualify it to work towards a political national structure able to overcome the tribal affiliations. Culture and values of the Yemeni people must be in line with the values and principles of democracy

in order to have a real democratic transformation. The modern Yemeni state requires institutional cultural and behavioral renewal within a liberal political system. In Yemen, adopting a liberal political system was announced in 1990 of the last century but this type of political systems must be accompanied by values-related change in the social system and its various relations (vertically & horizontally) and that expresses, in its sense, the interaction of the society and its economical social and political changes. These changes collectively form a positive response for the international and regional changes towards that any society or country cannot be isolated from. However, the internal hindrances stand against achieving that change since the power of the traditional cultural heritage appears to resist Democratization or let us say to deform this transformation. In this regard, Michael Hudson believes that the modern political institutions in Yemen were established on the traditional structures that have been trying to hinder the political and social progress.

On the other hand, Paul Dresch indicates that the Yemeni tribes that represent the traditional social structure have managed to spread their influence on the government and to repeat modern values and terminologies that have been monopolized by the state. That means that the tribe as a traditional social institution allow the modern political transformations, however they do not let these political transformations to be rooted or established in reality in accordance its own conditions. This may express what has been deduced by (Michael Hudson) that some of the modern traditional political leaderships in Yemen are still not ready for democracy and that expresses their own desires in following their dictatorial instincts and their dominating tendencies.

The gap of modernity in Yemen is described by the continuous expanding of its structural and time-related space and this produces problems and crises to the state and the society. Here, it is possible to link the state of undermining human rights to the state of breaking down of some of the signs of the traditional society and the absence of progress and development of the civil society that is considered to be the organizational and institutional base for the rights and freedoms (organizational structures linked to modernity). In this regard, we can say that the modern society, in all countries, witnesses human rights and inequality-related violations, but there are institutional and legislative frames that control these violations and minimize them to the lowest level. Modernization and democracy are necessarily accompanied since economical and social modernization can release individuals from the fanatical connections and create new connections linked to the professional cultural and intellectual modernization, which leads to the creation of new categories and classes.

To sum up, human rights development in Yemen or in any societies directly connected to the level of development in the society (the level of economical and social development). This means that it is impossible for the society to develop in the field of civil and political rights in isolation from social and economical development. That is, the society cannot develop in the field of civil and political rights in isolation from modernization and development). Development can break down the compositions and traditional structures and takes individuals from their cultural and organizational frames (economically & intellectually) and push them towards civilization and towards establishing new connections that match the new style of life. Here, the change from the society of the tribe/countryside to the society of the city/civilization in which contractual relations and work division based on specialties, skills and knowledge, which leads to the emergence of new political and structural organizations (parties), new social structures (civil societies) and new economical structures (commercial chambers & industrial societies)

Second: Perspectives of the Political Parties Regarding the Democratic Reform

It is important to indicate here that political programs and electoral platforms of the Yemeni political parties are to some extent identical in their content and objectives so that it becomes difficult to evaluate their visions on the democratic change, development and modernization on the basis of their political programs in isolation from their practical attitudes in regard to these issues particularly in the situations when they are pressured to satisfy the voters during the electoral campaigns. Practical attitudes are more reliable, in evaluating political parties and organizations, than theoretical proposals presented with the purpose of propaganda in certain situations then they retract when they are not in need to propaganda. A good example of retracting in this regard is the promises of the ruling party during the parliamentary elections of 1993 regarding establishing the local governance system. Retracting here was justified with the claim that Yemen was not ready at that time. Also, the promises of the president Ali Abdullah Saleh during the presidential elections of 2006 in his platform regarding eliminating poverty and unemployment, then he publicly retracted saying that those promises were exaggerated and merely for electoral purposes.

Nevertheless, the political and electoral programs of the political parties include visions that are either completely or partially different regarding democratization, modernization and development in Yemen. The viewpoint of the joint meeting parties regarding democratic change in Yemen is based on

their believe that “the country experiences an inclusive crisis, therefore comprehensive reform has become a choice without any other alternative and it is necessary for all Yemenis in order to get out of their crisis.”(14)However, Parties of the joint meeting also believe “that comprehensive reform cannot succeed unless it starts with political reform.” (15)They add, “Through the political reform, it is possible to seize the practical keys to start reforms in the other fields and create a national will that has the elements of firmness and power and establish the national factors for combating corruption and remove its influence on the political economical and cultural situations in the country” The parties of the joint meeting also believe that political reform will create “a political parliamentary democratic and multi-party system that ensures separation, balance and integration of powers and it creates equivalence and balance between the power and responsibility and it has the mechanisms that ensure the possibility of interrogating the governmental officials and holding them accountable and ensure the peaceful circulation of power". The project also specified the means through which the parliamentary system can be established, which is represented by “ reforming the electoral system in a way that ensures fair representation for all categories of the society through adopting the proportional list system and through ensuring neutralism of the supreme committee for elections, and independence of the electoral administration in all its stages through equal participation for the active parties in the supreme committee and its field subcommittees.” Provided the reform of the political system is completed through “adopting comprehensive decentralization of governance, electing governors and directors of districts and empower the elected local councils of all the required financial and administrative authorities, enhancing monitoring organs, fair distribution of wealth and revenues....etc.” Also, the reform proposal of the joint meeting parties also specified the required guarantees represented by “ accomplishing the required legislations that ensure no mixing between capacities and state authorities and the capacities and revenues of any ruling party, setting the legal criteria that ensure neutrality of the public employment and structuring the military and security forces on national bases, forbidding their affiliation to any party or using them in the political disputes and establishing centers of leadership and guidance in the military and security forces, and they must be subordinate to the Council of Ministers in all their affairs, establishing a national authority for the civil service and establishing a national council for information.”

However, General People’s Congress Party believes that the mission of establishing a democratic system in Yemen has been accomplished and the

remarks on the Yemeni democratic experience are considered to be international certificates confirming the success of the experience or they set remarks on exceptional issues that can be considered for more improvement of the experience, therefore the platform of the president Saleh for 2006 elections did not talk about conducting essential political reforms, but it talked about conducting measures for enhancing and improving what is already there such as (improving the organizational structure of the administrative system of the state in a way that ensures interaction and integration between the administrative institutions and units of the state and removing the forms of duality of employment” The program also promised to improve the law of the local power in a way that ensures electing governors and directors of districts and expanding the local councils authorities, completing the institutional structure of the local power and enhancing its revenues, reconsidering the current administrative division according to appropriate scientific economical social bases, minimizing the gap of development between urban and rural areas" Nevertheless, president Saleh announced a political initiative in the middle of October 2007 included ten points most of them from his platform except the point related to changing the form of the political system and establishing a complete presidential system with an ambiguous promise regarding establishing the local governance, however these two cases have not been followed by official explanations that present specified visions in this regard. Generally speaking, political and electoral platforms of the Yemeni political parties seem to be reserved and not specific in regard to empowering women except the political program of the socialist party endorsed in its fifth general conference (July 2005), which called for liberating women and rebuilding the social values in a way that leads to getting rid of duality between the call and practice and incorporating women’s rights in reality.

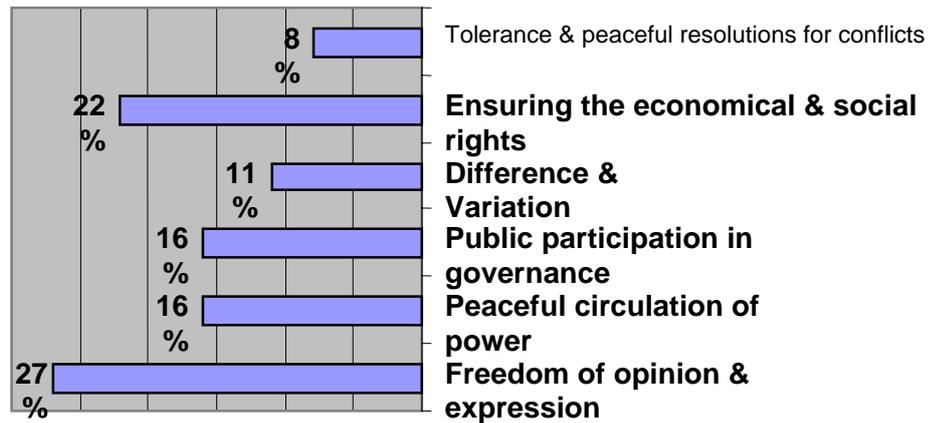
The political report also called for adopting a positive distinction policy in favor of women that grants them 30% of all elected and appointed councils. It is also noticed that the attitude of the General People’s Congress has changed to some extent towards women recently. The president's initiative of October 2007 included 10% of the parliamentary seats. However, the initiative did not suggest the mechanism that enables women to win with the suggested percent, whereas the socialist party suggested minimum 30 % for women and to ensure achieving this percentage, the party suggested changing the current electoral system from the constituency-based system to the proportional list-based system and amending the electoral law in a way that makes the proportion of 30% mandatory for all parties.

Third: Democratization Forces

Youth

Because the state has not modernized, the social structure at the rural areas and also because it has not adopted a policy that weakens the dominance of the traditional elite over power in general, the decentralization has led to empowering the traditional elite instead of empowering the ordinary people. Therefore, the majority of the members of the local councils are from the traditional elite (Sheikhs of tribes) and the new traditional elite (the educated sons of sheikhs). In such situations, the youth in general and the youth of the poor categories in particular are not allowed to participate in decision making in the country since they are more marginalized than before so the directors of the development projects particularly in the rural areas have become mainly of the traditional elite.

Chart No. () the meanings indicated by the concept of democracy from the prospective of a sample of Yemeni youth



Political Upbringing that Develops Spirit of Responsible Citizenship for the Youth

The governmental organs lack the institutional characteristics since they are subject to personal decisions in their management. Educational institutions, which are supposed to be the source of raising awareness among Youth, are based on non-institutional standards in their administration and leadership centers. The educational curriculum is traditional and teaching is conducted by means of traditional methods so the educational system does not build capacities and skills of the youth. Consequently, the educational products are unable to participate in changing the current situation and they do not have the values of responsible citizenship. The Annual Report for Human Rights and Democracy of 2007 issued by the Yemeni Observatory for Human Rights in

Frame No. 15: Special Needs of youth

- Ensuring the educational services, improving their quality and equality in getting them.
- Ensuring affordable public health services and reproductive health services.
- Ensuring equal work opportunities with wages that ensure a decent life.
- Ensuring sports and leisure time activities.

Yemen, shows that the performance of the modern institutions suffers from inefficiency in regard to enhancing values of citizenship so these institutions do not perform their real role in developing youth awareness and enhancing their role in the democratic process.

Political Participation of Youth

In response to a question directed to a randomly selected group of the Yemeni youth about the existence or activities or Youth-related initiatives and the level of their participation in them, it was pointed out that they know about the existence of the Union of Yemen Youth, but they don't know its activities or participate in them. Because it is managed by the ruling party and its objectives also serve the ruling party. This is an indication for the lost confidence between the youth and the category of the youth that makes hopeless in regard to achieving anything. The majority of the surveyed individuals pointed out that they know about the program of "the Youth Leaderships" and there

participation in this program that is oriented to human rights and democracy presented by "Youth Economical Development Center". They also pointed out that they know about the programs and the youth-oriented. They also stated that are not interested in the leading experiences of the civil organizations, but they like the programs adopted by the center for developing the Youth leaders because its training programs are educational and related to economy and human rights and principles of democracy.

In connection to the previous paragraph and in regard to the activities of the "CSOs" concerned with the youth, we find a weakness in the role of the civil society directed to the youth and also there is a deficiency in the role of the youth initiatives in the political parties and also the shortage of initiatives and the youth-oriented organizations and their activities and spreading awareness related to their existence for encouraging the youth.

Although there is a vital role that must be played by the different types of media in regard to the youth-related issues and their activities and their problems, but still there is inefficiency in targeting this category by means of media, although there are many members of this category working for media institutions but they are more concerned with their positions than their expected role. NGOs concerned with the youth category are not more than 20 organizations but their influence is still not noticeable because they are not many and their capacities are limited. Also, there more than 300 clubs for the youth in the whole Republic. The ministry of youth assigned 10 millions for purchasing books to be distributed among those clubs. (35). However, the role of the ministry of Youth is restricted to clubs and sports events.

Also, the president of the country has an initiative dedicated to encouraging the creative individuals of the youth category. The initiative started in 1999 and is represented by annual awards for the prominent youth in the field of arts, painting and cultural creation.

International organizations and regional programs concerned with the youth play a good role in supporting youth-related activities, political and social participation and developing the spirit of volunteering among the youth such as "Naseeg Program" that started in the middle of 2006 and the activities supported by "Fredric I pert" which works in the field of democracy and human rights and it focuses on the youth category through supporting the local organizations. It was noticed, through the observations of the year 2007 that protesting events against the violations against human rights, that the majority of the participants were of the youth category. There is also a good initiative led by the youth affiliated to the parties of the Joint Meeting represented by

dialogues and agreements related to the youth activities and the political and partisan activities at Sana'a University.

Hesitation of the youth, particularly the youth of the universities in regard to participating in the democratic activities and rights-related practices is attributed to their fear of the security authorities' reaction and also because of their frustration represented by their belief that whatever they do will not lead to any real change but it will lead to more negative consequences. What happened in the middle of 2007 to the young student " Gameel Suba'e" is an example about the reactions of the security authorities since this student was attacked by the security forces while he was at the university campus. The inactive participation of the youth is also attributed to the inefficiency of the governmental policies and the weakness of its institutions and the insufficient concern of the political parties and the weakness of the role of the civil society oriented to the youth and it is also because of the scarcity of the civil organizations concerned with the youth and their activities.

Political Participation of Women

The main Yemeni political parties (General People's Congress and Joint Meeting Parties) signed an agreement of principles in 18/2/2006. That agreement confirms in one of its principles the importance of encouraging women for participating in the democratic process "and enhancing their political participation (35). However, this principle has not been applied in the real practice since the number of women participating in the local elections was humble. Even the only woman who decided to run for presidency was not supported by the parties and she could not get the needed 5 % of the total number of the parliament member in order to participate as a candidate in the presidential elections. The Yemeni political parties justify their negative attitudes in regard to encouraging women to participate in the political life by referring that to the conservative culture of Yemen and the negative social attitude towards women. Therefore, political parties realize that the chances for women to win the elections are limited so that they try not to take risks by nominating many female candidates for the elections. In other words, Yemeni political parties fear the decrease of their representation in the parliament and that is why they minimize the number of there female candidates. For example, the political program of the General People's Congress party (GPC) states in it's the chapter of the basics and documents: (women are the sisters of men, the differences between the two sexes must not be a basis for favoritism and

³⁵ Agreement of Principles Between : The ruling Party & and Parties of the joint meeting in 18 July, 2006.

preference and it does not justify the absence of the active participation of women in the public life”.

In its seventh conference, the (GPC) also approved the proposal that allocates 15% of the candidates list to women. However, the (GPC) presented only 38 candidates (33 for the districts and 5 for the governorates). This low number of the candidates by the (GPC) cannot be justified by the social attitude or conservative culture since a major number of the female candidates, who applied, as candidates for the local elections were basically members of the (GPC). Islah Party has different attitudes towards women political participation, which were not decided upon at that time. The primary regulation of the party precisely article (6) indicates to women as members but it does not point out any of their political rights and it did not present any of its female members as a candidate. In all the previous elections, whether the local or parliamentary, the role of women was restricted to their role within its frame as a voter and not more. Although it signed the agreement of principles as one of the parties of the joint meeting, but it does not adopt the article related to supporting women in the democratic process and improving their participation in the political life. The Islah party seemed to sign the agreement of principles under internal pressure represented by Tahalof Al-Watan and the national committee for women as well as external pressure such as the American Institute for Democracy and Eves Organization. However, the Islah party's attitude towards women is expected to be more liberal for retreating of its conservative stream. This was clear during the party's fourth conference conducted in 2007, during which representation of women in the consultative council of the party increased remarkably. Yemeni Socialist Party, known as the most supportive to women in its theoretical discourse. It has the experience of supporting women's rights during the period of the socialist party in the southern part of Yemen before the unification. It was the first party in which a woman occupies the position of the secretary General of the party. However, this party did not present a number of female candidates that reflects its political and theoretical heritage biased to women and their rights and their political participation, although it recommended in the decisions of its fifth conference in which the party recommended 30% at least. The party did not adhere to this in the last local elections. Despite the efforts of the socialist party, before the last local elections of 2006, regarding allocating closed constituencies for women to compete for them but the ruling party, which has the majority of the parliament, refused the initiative of the socialist party, after it already refused the proportional-based system suggested by the parties of the joint meeting. This system is more appropriate for ensuring a good political

participation for women. This attitude from the part of the ruling party may have given an excuse to the socialist party in regard to not adhering to its commitments, issued in its fifth conference, pertaining to the political participation of women. Therefore, the number of women, who were nominated as candidates in the name of the (SP), was only 12 candidates only.

State and Civil Society

Yemen civil society organizations suffer from legal and procedural constrictions practiced from the part of the executive power. The government tries in an illogical way to separate what is political practiced by parties and what is not political and can be practiced by civil society organizations. The government also tries to control and dominate the civil society organizations and it establishes civil society organizations to represent the civil society before grantors.

Civil Society Organizations: Freedom of Establishing and Activities

By reviewing the Yemeni constitution, we can find that it is in line with the international standards to a high extent. For example, it does not allow the law to restrict practicing these rights and freedoms and it only restricts them by not contradicting with the texts of the constitution and that the activities of the NGOs must serve the objectives of the constitution since NGOs are partners of the government for achieving the objectives of the constitution in the field of development and development of democracy and human rights and since they are a part of the political system, the constitution stipulates that ensuring the practice of these rights and freedoms and empowering organizations of that practice as a mandatory issue on the government that must be achieved by means of all the necessary ways that help each citizen to practice and ensure all freedoms of establishing and practicing their activities. Article No. (58) of the constitution stipulates that (All citizens all over the country have the right to establish their own political and professional organizations as well as their own unions. Also they have the right to construct their scientific cultural and social organizations and national unions in a way that serves the objectives of the constitution and this right is guaranteed by the government and the government is committed to take all the necessary measures that empower the citizens to practice this right and ensure all freedoms to all the institutions (political, cultural, scientific, social and union-related organizations). Thus, the objective of the legal organization is directed towards achieving the constitutional text by defining the legislative and institutional measures that are necessary for

ensuring practicing freedom of establishing,, empowering and practicing freedom of establishing and freedom of activities. There is no right for the concerned governmental authority to monitor the establishing process of NGOs or their activities and it has no right to reject establishing these social institutions.³⁶ This can be achieved by adopting a number of measures such as defining the concerned governmental authority, which is in charge of caring of the NGOs and providing them with the financial and technical support in a way that enables the citizens of practicing this right. However, the law makes these organizations under the custody of the government and it restricts establishing NGOs by the adopted laws and legislations and that is in contradiction with article (85) of the constitution and (22) of the international convention regarding the civil and political rights by restricting establishing NGOs on the basis of certain laws and regulations, which have led to minimizing the legal status of these organizations and confiscating the freedom of establishing them. In order to establish a non-governmental organization and get it gain its legitimacy and nominal entity, an application must be submitted to a specialized governmental authority for obtaining the license and the right to be declared. This authority, according to the law, has the right to accept or reject the declaration. Legitimacy of the elections of NGOs bodies is decided by the ministry of labor and social affairs through supervising the elections and regulating their progress. Article No. (A/20) of the relevant law stipulates that (supervising the election and regulating their progress in a democratic way. NGOs are not allowed to commence their activities until completing registration procedure (article 48). Thus, it is clear that the procedures required establishing an NGO in Yemen are licensing procedures as article 13/ D of the executive law that stipulates (The specialized administration must issue a registration certificate for the society or NGO with 10 days of the application. Also, according to article (12) of the law, any organization does not become a recognized entity until it completes its. The article stipulates that (after declaring any civil society or a non-governmental organization, according to the terms of this law, only then, the Society or organization gains its recognition or legal entity that empowers it to defend itself and prosecute by its name and do any act allowed by the law and its executive bylaw. Article (13/ H) of the law stipulates that (the specialized administration must issue a registration certificate for the new NGOs within 10 days of its declaration date as per the law). Then, the organization must obtain a license from the ministry

³⁶ Review. Mohammed Ahmed Al-Mikhlafl: The Status of the NGOs for Human Rights and its impact on partnership in Yemen.. HRTC, Taiz, 2006, P.25 and on.

in order to start its activities. The license must be renewed every year. Thus the legal regulation does not recognize the independent legal status of NGOs that make them become partners for the state and it does not admit the right of establishing unless it is under the supervision and guardianship of the government. This clearly contradicts with article No. (58) of the constitution and article (22) of the international convention. Legitimacy of the elections of NGOs bodies is decided by the ministry of labor and social affairs through supervising the elections and regulating their progress. Article No. (A/20) of the law stipulates that "supervising the elections and regulating their progress democratically". NGOs are not allowed to commence their activities until completing registration procedures (article 48). Thus, we can say that the procedures required for establishing an NGO in Yemen are clearly licensing procedures as article (13/D) of the current law stipulates that (The specialized administration must issue a registration certificate for the society or NGO within ten days of the application). These constraints, incorporated in the law and in its relevant executive bylaw, violate the international standards represented by article (22) of the international convention pertaining to civil and political rights and article 58 of the Yemeni constitution. Although, terminating the activities of an (NGO) is one of the exclusive rights of its founders to be taken optionally or in special cases termination of activities is decided by the judiciary to be implemented obligatory. However, the law in its article (44/A) grants the ministry of labor and social affairs the right to file a lawsuit before specialized courts claiming termination of the activities of (NGOs). In addition to that, articles (68 & 69) legalize application of criminal penalties. NGOs are created and they gain recognition according to the will of the government and under its custody. The right of an (NGO) to practice its activities and the continuation of these activities is linked to obtaining a license for practicing the activities. The license expires after one year³⁷ of its issuance; therefore NGOs are forced to renew their licenses every year.(38) Since legal regulation does not recognize the legal independent status of NGOs that qualify them to be partners of the state and it does not admit the right of establishing, then we can say that NGOs lack a safe environment and that the legal regulations in general contradict with the standards of NGOs represented by their independence and freedom. Also, such unsafe environment is not in compliance with the principles of the international conventions stipulated in articles No. 5, 15 and 22 regarding the political and civil rights as well as articles 5, 46 and 58 of the terms of the Yemeni constitution.

³⁷ Review. Mohammed Al-Mikhlafl: Previous Source.P. 41

Summary and Recommendations of the Third Chapter

Although democratic transformation, in Yemen, started in 1990, it is still not complete at the institutional level. Also, democratic culture has not been rooted, yet. This is represented by continuous battles between the political forces in regard to some articles of the constitution and the amendments that it was subject to and the way in which these amendments have been conducted in addition to the initiatives that each party presents for amending the constitution and rejecting such initiatives by the other parties. This indicates that there is no agreement between the political parties concerning regulating the democratic game and what have been really happening for 18 years are merely exercises on the rules of the game or it can be described as a deformed form of democracy.

Yemeni legislations that regulate the relation between the civil society and the state suffer from a structural crisis. The Yemeni constitution stipulates that the NGOs are partners of the state but the law No. (1) of 2001 regarding the NGOs contradicts with the constitution and the international conventions in this respect. According to this law, civil society organizations in Yemen are deprived of their independent legal status and their right in support and empowering of all forms and they seem to be working in an unsafe environment. This situation requires issuing a new law that assimilates the international standards pertaining to freedom of establishing organizations, freedom of practicing their activities, provided they are subject to the terms of the constitution only. The new law must specify empowering mechanisms represented by the right of establishing, the right to practice their activities freely and the right to have technical and financial support. Also, the new law must cancel license system imposed on NGOs, make their activities subject to the judiciary only and cancel imposing penalties on them.

Therefore, the report recommends carrying out a constitutional reform as soon as possible before starting with any constitutional or legislative reform. Institutional reform includes state's and society institutions in a way that makes partnership really accomplished in the political and developmental decision and in regard to power circulation in the existence of the state of law and managing the state and civil society's institutions according to the international standards of good governance and in a way that achieve the state's protection against failure and ensure the conditions of development, stability and national unity protection.

Second Part

Observational Data of 2007

Introduction

After issuing two annual reports by the Observatory, dealing with human rights-related violations through a comprehensive analysis for the profoundly studied justice-related cases and cases of democratic transformation in general, we have made a significant change in the usual form of the report represented by presenting the observed violations of 2007 in a separate part of the report. This change has been conducted upon the recommendations and suggestions raised by a number of specialists and those who are concerned with human rights issues during discussions organized by the observatory on the two previous reports. These discussions and recommendations insisted on the importance of concentrating on a central aspect of human rights and democracy every year in the first part of the report and dedicating the second part of it for analyzing what has been observed throughout the year attached with the necessary charts, tables and data in order to reflect the violations-related facts and their victims in a better way. This is what we have tried to do in the second part of this report. The Yemen Observatory (YOHR) with its main objectives represented by observation, documentation and protection of human rights has managed utilizing its possible capacities to present a good experience accumulated throughout the previous period of the actual work in the field of human rights. To achieve its noble mission, the observatory applies specialized software dealt with by competent individuals for ensuring effective process of observation, documentation and preparation for the annual report for human rights. Currently, observation conducted by the observatory covers 12 governorates by means of 15 field observers at the governorates in addition to 3 other observers working at Sana'a office of the observatory. They are specialists in the documentation of violation-related events. Although, field observation does not cover centers of all governorates, it gives real indicators for the situation of human rights in Yemen. This part of the report presents a brief extract for the state of human rights during the year of 2007, which can become as an important reference for the researchers in this field and for the official concerned institutions in order to reconsider the necessary measures for protecting human rights and ensuring practicing by the citizens.

Mechanism of Observation

The Yemeni Observatory (YOHR) adopts two different mechanisms for carrying out observation:

- A. Direct field observation through field observers at the governorates using a special form for this purpose, and then send the collected information to the

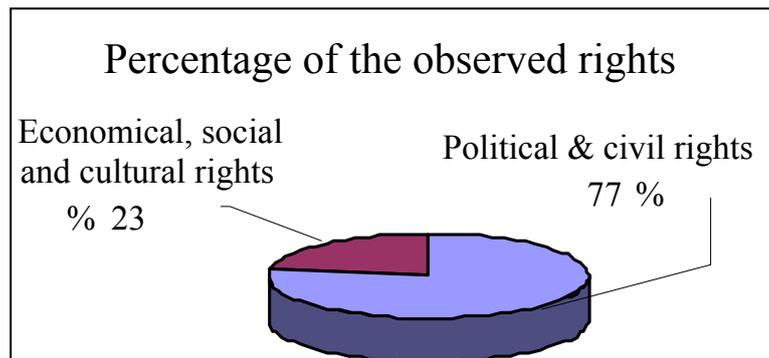
observatory via its website. This information is reviewed at the unit of observation and the legal unit then it is processed into the database to be categorized according to the category of the violated right, type of event, location and date, type of the victim and the perpetrators.

B. Press observation by following up the published violation events through 15 newspapers (official, partisan, national and independent). The published violation events are categorized using forms prepared for this purpose. The collected information is processed in the same way adopted for the field observation.

The observatory has good cooperation and partnership relations with a number of the national organizations working in the field of human rights and exchanging of information and dealing with its data according the methodology of observation.

Summary of Observation, 2007

The total number of events, observed (through field observation, through what is reflected through the press) during 2007, amounted to (1009) (39³⁸) Violation events, (692) events out of that number are individual violation events and (371) events are collective violation events, in which the victims were more than one person and with regard to the violated rights. According to the violated rights, the share of the civil and political rights was the most since the total of events in this category amounted to (781) events and they represent (77, 40 %) out of the total of observation distributed among six civil and political rights. In addition to that (228) violation events related to economical, social and cultural rights representing (22, 59 %) out of the total of observation distributed among six rights. Also, (140) peaceful congregation cases were observed.



³⁸ Sa'ada Events & Civil Interaction-related Violations are not included within these statistics. They referred to separately.

First: Civil and Political Rights

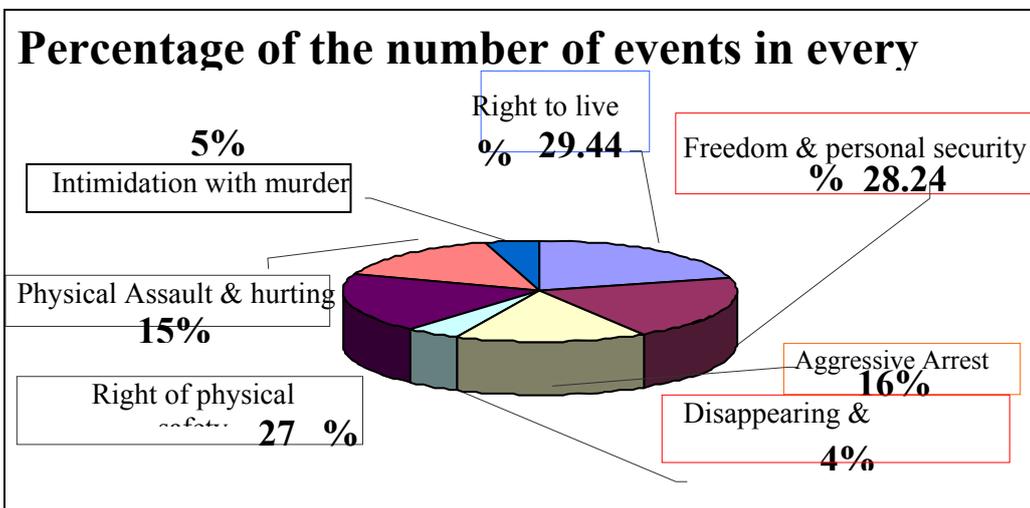
During 2007, the number of the observed violation events committed against the right of life, right of freedom, personal security and the right of physical safety amounted to (670) events with a percentage of (85, 75 %) out of the total number of the observed events in regard to the civil and political rights.

Taiz governorate was the city that subjected to the most violations regarding the right of life since the number of the observed events comes to (36)events followed by the capital secretariat (22)events of arbitrary arrest, then Aden

The percentage out of the total of events with regard to civil and political rights	No. of events	Violated Right
29,44%	230	Right to live
28,24%	222	Freedom and personal security:
	174	1. arbitrary arrest
	48	2. Disappearance/ kidnap ping
27,14%	212	The right of physical safety
	162	1. Physical assault and injury
	50	2. intimidation of murder

governorate (20) events of arrest, Amran governorate (19) events. Regarding disappearance and kidnapping, the capital secretariat had the highest number regarding violations against this right since (13) kidnapping cases were

Frame No. (33): - Samples of the violations against the right of life
<ul style="list-style-type: none"> - On Tuesday 17/7/2007, Sultan Abdo Husain Al-Qadi and mohammed Saif Al-Qadi and Abdullah Bn Husain Al-Qadi from Amran governorate were shot dead by Al-Kulaibi family as a revenge for an old case of murder. - Saleh Hamood Oda (22 years) from Al-Gunaid family and Mohammed Nasher Saleh Al-Hashidi (20 years) from Al-Hashidi family both are from Amran governorate. The two individuals were killed in 16/7/2007 because of the armed confrontations between the two families over a rainwater path. - In 5/8/2007, Faisal Derhem from Sana'a governorate and Derhem Atef from Amran Governorate lost their lives during gun shooting at Dhahban area between their families for a plot of land that each of the parties claims his ownership on. - In 11/12/2007, citizen " Hamood Al-Sharief was killed by a soldier after a dispute between the two parties for a plot of land that each party claims that it is his. - During the first quarter of 2007, traffic accidents claimed the lives of 479 and 2965 other individuals were injured by this same type of accidents. - In 18/1/2007 a student called Adel Mohammed Ali lost his life after he had been arrested by police forces, while he was at his university campus. The police justified the death accident by saying that the student jumped off the vehicle while it was moving.



observed, followed by Sana'a and Taiz governorates (7) cases each. In regard to violations against the right of physical safety, the capital secretariat witnessed 11 events as intimidation of murder out of (50) events, followed by Aden governorate by (7) events. On the other hand, Taiz governorate recorded (27) events of physical assault and injury out (162) events, followed by Aden governorate (18) events and Abyen (16) events out of the total number of events observed in this regard.

The year of 2007 witnessed less violations against the right of expression (freedom of journalists) comparing it with the previous year 2006 since only (32)40³⁹ events of violations against the freedom of journalists and the number of victims was (56) journalists, whereas the number of events observed during the year 2006 was (57) events of violations, however the tense relation between the authorities and the partisan and independent press is still there. Journalists are exposed to various types of intimidations, defamation and constriction from the part of the influential dignitaries and the governmental press and security organs because of adopting opinions criticizing the government and expressing them. During 2007, a number of protesting events were organized by the defenders of freedom of expression for releasing freedom of press.

³⁹ - Some reports indicated that the violation events against the right of expression (Press Freedoms) have exceeded 100 events during 2007, however, the events observed by the observatory were only 32 events. The violated right in these events was the right of expression. Other violations were against journalists such as intimidation of murder , aggressive arrest, kidnapping and prosecution procedures.

Table No. (6): Samples of the violations against freedom of expression and opinion
-In August 2007, security manager directed intimidation of murder against journalist Bashir Al-Sayed.
-In 16/7/2007, the electronic bulletin website of Al-Sahwa net was shut off.
-The number of cases raised against Al-Wahdawi newspaper was 14 cases
-In 23/1/2007, the escorts of the former prime Minister Abdul-Qader Bagammal attacked journalist Mohammed Al-Ghubari, correspondent of Al-Bayan Emeriti newspaper, while he was attending for covering a joint press conference between the prime ministers of Yemen and Jordan.
-In 25/2/2007, ministry of telecommunications blocked Al-Thouri electronic website.
-In 2/3/2007, Al-Thoura government-affiliated newspaper publishes a notice stating that any TV channel or news agency or newspaper publishes statements for Abdel Malek Al-Hoothi or his brother Yahia Bader Addin Al-Hoothi or any of their supporters will be considered as a hostile act against Yemen and supporting and encouraging terrorism and a service for the terrorist plans.
-In 4/3/2000, "Al-Wahdawi Newspaper" is assaulted by some soldiers, who belong to Al-Nasr police station and they arrested its editor-in-chief Ali Al-Sakkaf, and its editor journalist Mo'ad Al-Maqtari after the newspaper had published an article about the seventh brigade, Republican Guards.

Second: Economical and Social Rights

Estimations indicate that the percentage of poverty in Yemen exceeds (33%) and the governmental anti-poverty programs have proved to be unable to solve the problem⁴⁰

This also clearly shows the failure of the reform policies adopted by the government since the middle of the nineties of the last century and it also reflects the failure of the government in making use of the extreme rise of the oil prices that provide the governmental treasury with additional revenues and during the year 2007 prices of commodities hiked up to the highest

⁴⁰ See. Report of accomplishing the strategy of poverty of 2005, the main unit for monitoring poverty, Ministry of planning & international cooperation, July 2006.

Table No. (7): The Rights that subjected to the highest level of violations		
Percentage out of the total number of the economical rights	No. of events	Violated Right
35,76%	82	Right of ownership
25,87%	59	Right of fair wages
14,35%	32	Right to Work

rate since the rise percentage reached (100%) for some commodities. However, the rate of the monthly income particularly for the employees in the governmental sector remained without change and that is reflected negatively on the right to decent life and it affects the economical, social and cultural rights in general.

According to the observation indicators, (228) events were observed in regard to the economical, social and cultural rights, and the right of ownership and the right of fair wages and the right to work were the highest economical and social rights that were violated. However, in regard to the right to learn, (17) events of deprivation in regard to the right to learn and the number of victims of these events was (4776) victims.

Aden governorate was at the top of the governorates that were affected by the violations in regard to the right of ownership since (24) events were observed in this governorate out of (82) events of violations to this right in rest of the governorates. Also, the right to fair wages against labor, (12) events out of (59) events in this regard were observed. Regarding maternal and pediatrics health services, deprivation is still spread in high rates since the official statistics in this respect indicate that among every (100,000) birth cases, there are (365) death cases for mothers and only (50%) of children receive medical care. Also, the number of tuberculosis cases estimated in Yemen is (17107) annually. In a press statement, Dr. Yaseen Al-Absi; director of combating tuberculosis program, he confirmed that the rate of infection among citizens is estimated by (48) cases of every (1000) people and that (2500) people die every year because of tuberculosis infections. ⁽⁴¹⁾

Although, there are various sources of financing for combating AIDS, the possibility of conducting secure analysis and getting free medications is still limited.

The patients are still subject to disdain and danger and they face difficulties in regard to getting medications and care and since AIDS is considered to be a disgrace for the one who is infected with, then AIDS patients in Yemen along

⁴¹.Al-ummah, issue No. (397), dated 8/3/2007

Frame 34: Samples of the violations committed against the right of health

- in May 2007, the municipality unit of general works office in Dalae seized 370 boxes designed in the form of pills similar to “Panadol”, which is an Irish trademark of medicine but it was made of gypsum.
- In March 2007, an epidemic called “Jita” spread among the citizens of asoor neighborhood at Hodaidah. It appears in the form of watery swollen spots on the face and neck and despite of citizens’ appeals to the government for help but there was no reaction from the part of the government.
- In February 2007 a committee formed by the ministry of health for an investigation campaign discovered 160 medical cadres working without any licenses.
- A study conducted by Eng. Jouhara Saif- General authority for water resources shows that 95% of water treatment stations in Aden governorate use contaminated water.
- Aden educational hospital continued to impose fees against maternal and pediatric services till the first week of March 2007 despite this kind of services is free according to the decision of ministry of health at the beginning of 2006.
- In 6/5/2007 the branch of the supreme authority for pharmaceuticals a medical equipment data seized three containers at Al-Hudaida seaport containing 619 parcels of forged medicines after the authority had discovered that the specifications were not identical with the official specifications of the medicine.
- In April 2007, the German organization for combating tuberculosis and leprosy sent a message to the Minister of health in which the German organization stated that its medical team discovered 24 cases of leprosy in Marawa’a district out of them (14 cases among children) in addition to 40 cases were already discovered but none of them received medical treatment. Also, Dr. Hareth Muharram in charge of the national program for eliminating leprosy/ Hodaida branch confirmed the existence of 35 cases in three villages of Bagel.

with their families become socially discarded. Although the official statistics indicate that there are only (1850) AIDS cases in Yemen, the other statistics indicate that the numbers are greater than that. For example, International Health Organization believes that for every declared case, there are ten unknown cases or un-informed about.

During the recent years, Yemen has become an open market for the trade of the insecticides used in farming, out of which is (50) types internationally prohibited, however they cover the Yemeni market without any monitoring or regulations, in addition to that, the smuggled and forged medicines, which are considered to be a lucrative trade at these times because of the continuous

increase of the prices of pharmaceuticals, which has led to the rise in the numbers of cancer infections in the country. In this regard, some specialized reports indicate that the number of cancer cases amounts to (15000) cases. The sufferings of the infected individuals increase because they do not get the required health care since there is only one specialized center in Yemen for combating cancer and most of the cancer patients cannot afford the travel expenses to other countries for seeking cure despite the assistance offered by the government in this respect. The right of learning witnessed remarkable fallback since the rate of joining the basic and secondary education remained low particularly among large categories of the poor and particularly those citizens in the rural areas since the world bank report indicated that the percentage of literacy in Yemen amounted to (50 %) and according to the ministry of education the percentage reached (40%). In a press statements by the chairman of removing illiteracy unit in Yemen (Ahmed Abdullah Al-Oudhali) declared that illiteracy percentage is expected to rise in Yemen from (5,445,000) to (7,000,00) illiterates during the coming five years. According to the official statistics, illiteracy percentage in the governorates of Al-Gouf –Sa'ada-Hajjah and Raimah amounts to (50 %) out of the total number of the population in these governorates, whereas illiteracy percentage in the governorates of Amran, Mahweet, Dhamar and Hudaida amounts to (40%) and (30-39%) in the governorates of Ebb, Lahj, Sana'a, Shabwa, Taiz, Al-Baidha, Al-Dala'e, Mareb and Al-Mahara. Illiteracy Eradication Unit indicates that the percentage of those who join schools at the age category (6-14) ranging between (60%-70%), whereas the percentage of dropping off schools and failure at the basic stage amounts to 42% out of the total number of school students.

Summary for the Events of Observation

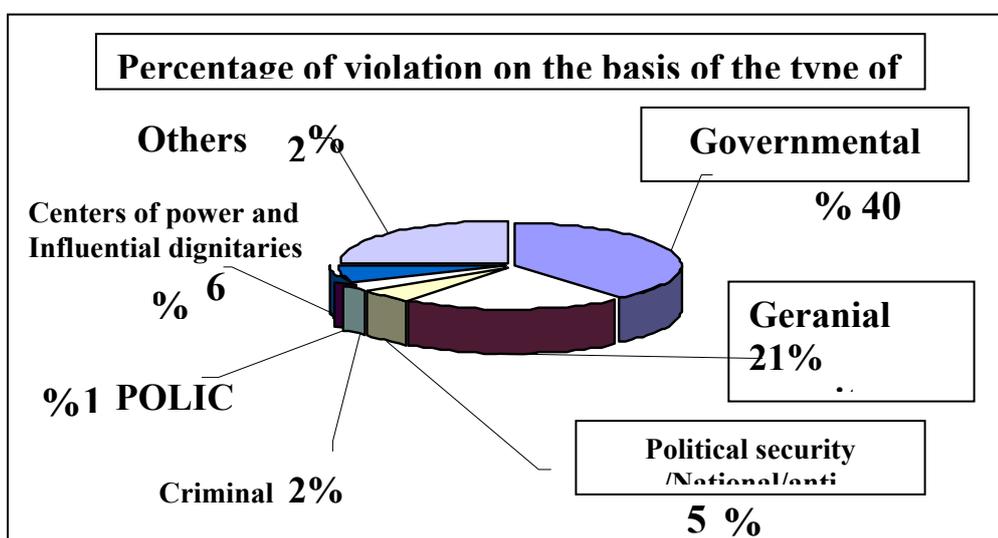
According to the statistics of observation of 2007, the governorate of the Capital Secretariat (Sana'a), Taiz, and Aden stand first among the governorates that subjected to the violations followed by the governorates of Amran, Hudiadah, Abyen and Lahj since the number of the observed events in these governorates was (652) events with a percentage of (64, 61 %) out of the total number of the overall total of the observed violation events.

<ul style="list-style-type: none"> - Frame No.35: Number of violations committed against the right of learning in the districts of Assaid at Shabwa governorate and Al-Hazem district at Al-Gouf Governorate
<ul style="list-style-type: none"> - Assaid district/ Shabwa - No. of schools is 13 schools out of which are three schools for girls (three schools for girls: two for basic education and one for the secondary education) and five co-ed schools. In a survey report that included eleven schools, the number of classes in these schools was 125 classes so if we suppose that the average number of students in every class is 40 students, then the total number in eleven schools will be 5000 students (males & females). - Assaid district schools suffer from an extreme shortage in the number of teachers particularly teachers of mathematics, physics, Holy Quran and Islamic Education. Assaid School, which is the only secondary school for girls at Assaid district, remained till 29/10/2007 without teachers for Math and physics. - The number of teachers distributed among the surveyed schools is 183 teachers (males & females) three of them are middle school certificate holders and 61 are secondary school certificate holders and 95 are Diploma holders, whereas the number of BA holders, out of the above mentioned total number of teachers, is only 25 (6 studied education, but the rest are from other specialties). - Al-Hazm district of Al-Gouf governorate: - - An observational report, by the Yemeni Observatory for Human Rights on six schools at the governorate, found that the six surveyed schools are without WCs and three of them are without doors or windows and the walls of some of them have started to crack so they become subject to collapse at any moment. - Al-Qisma Basic school is made of 7 classrooms (3 of them are being constructed) and since there are six classes, every two of them are grouped in one classroom and sometimes some students take their lessons in the schoolyard exposing in the sun. - Al-Ma'amoora secondary school terminated its educational mission then some of its classrooms became an accommodation for a teacher and stables for goats, while the rest became stores for the goats' fodder. - Ayesha school for females stopped receiving students for more than six months, whereas Al-Mithaq school closed completely depriving 360 female students from learning. The three schools were closed by the owners of the land on which the schools had been built on because these owners had been promised by the government to grant them public positions then it did not fulfill its promises.

Table No. (8): Governorates violating most of the rights			
percentage	No.	Governorate	
13,37%	135	The Capital Secretariat	1
10,90%	110	Taiz	2
10,80%	109	Aden	3
8,91%	90	Amran	4
8,32%	84	Hudaida	5
6,64%	67	Abyen	6
5,64%	57	Lahj	7

The previous table does not mean that the other governorates are less violated, but expanding the circle of observation will require new numbers of observers and more financial capacities to train them on human rights-related observation so that it can cover the other governorates marked by the high percentages of illiteracy and poverty.

A quick glance at the list of violation events related to the civil, political, economical, social and cultural rights is enough to give the impression that all citizens are almost subject to violations because of the absence of the dominance of law and fallback of the state's powers and the absence of the state of institutions but the poorest citizens are the most subject to violations.



According to the observation of 2007, out of (1009) events of violation, (589) events were committed against citizens, 154 events were against public

officials, whereas 64 events were committed against children and (60) events were against journalists.

On the other hand, (257) events were committed by citizens not connected to the government such as events of tribal wars, revenge, home violence cases and personal disputes, 61 events were by the influential dignitaries and centers of powers, however the rest of the other events of violations were by the official authorities.

Rise in the percentages of violation caused by the official authorities is attributed to the lack of application of disciplinary measures against perpetrators since the governmental authorities and those in charge of executing the law react negatively towards violation cases because either the perpetrators are the governmental authorities themselves or influential groups able to resist the law and escape interrogation so it is hard to hold them accountable or because the concerned with application of law do not have full awareness. The total number of violation events in which the government applied the legal measures was (203) events against (511) events of violations were committed by the governmental authorities and (295) events of violation cases did not receive positive reaction from the part of the governmental authorities since their role was restricted to either overlooking or silence.

Most Prominent Events of 2007 and their Impact on Human Rights

- Sa'ada War

The first half of 2007 witnessed the re-newal of the war between the governmental forces and Al-Huthi supporters or what is called “ Al-Shabab Al-Moamen” and it was the fourth and longest war between the two parties since 2004. During which Sa'ada governorate became a completely isolated area regarding press and legal and human organizations.

The recent war has led to many miseries and the people of Sa'ada have subjected to various violations since not less than 50000 citizens became homeless and they had to leave their villages. Epidemics and contagious diseases pervaded as it happened in Dahyan city in addition to the disappearance of the feelings of security. Also, properties were subject to distraction and confiscation such as (homes/farms). Prices hiked up as a result of the siege that was imposed on Sa'ada and many schools closed and stopped receiving students.

Table No. (9): Samples of violations against private properties	
Case	
Citizens' cars(distraction, looting, burning)	80
Homes(became military barracks, residence for military members)	115
Mosques & Health Centers (became military location and stores)	4
Partially destroyed schools	8
Partially destroyed homes	74
Completely destroyed homes	79
Partially destroyed mosques	5
Source(Yemeni Organization for Defending right and Freedoms)	

Because of the war, many members of the Zaidi sect and many of the Huthi followers were arrested or they disappeared since the number of the missing individuals during the four wars amounted to (286) and not less 2000 citizens were detained during the recent war (530 citizens were located). Detentions expanded to other governorate other than Sa'ada such as the capital secretariat, Hajjah, Amran, Dhamar and Hudaida)

Until 30/9/2007, three hundred and seventy of them were still detained. Some of them spent more than one year in detention without referring them to the General Prosecution under un-legal justifications such as precautionary detention. For Example,48 detainees in Hajja and 11 detainees in Dhamar. According to the information declared by some of those who were released and according to the report of the field visit, conducted by the Yemeni Observatory for Human Rights along with some of the civil society organizations, to the detainees at Al-Nusairia prison at Hajja. The prisoners pointed out that they were subject to various violations such as psychological and morale torture, insulting and inhumane treatment in addition to inserting large numbers of them in narrow and moist rouse and badly ventilated chambers. in addition to preventing those from visits and the ill members among them rarely get medical treatment. For example, The detainee called Hashem Hajer was one of the victims of such violations after the detention authorities had refused to allow him get the medical treatment despite the directives of the judiciary and the appeals of the legal organizations. He died in September 2007. An observational report issued by one of the legal organizations pointed out that 220 women were subject to violations during the four wars (2004-2007), 110 women out of that number were subject to violations during the year 2007 and there were 30 events of murder and thirty events were described as physical assaults in addition to the violation committed against homes through

night attacks. The observational report also stated 23 arbitrary detention events among women during 2007

Table No. 10: Samples of those who were detained in Sana'a during celebration of Al-Ghadeer day			
Remarks	Location of Detention	Date	Name
Minor	Capital Security Administration, then moved	27/12/2007	Mohammed Abdul Kareem Al-Hadi
minor	Anti-terrorism unit		Abdullah Al-Rwani
Minor			Abdul-Mughni Al-Rwani
Minor			Ali Husain Sharaf Addeen
Minor			Abdullah Zaid Al-Mutawakel
Minor			Eshaq Mutahhar Al-Kuhlani
Minor			Abdul-Rahman Al-Hadi
Minor			Yahia Al-Kuhlani
	Security of Sana'a governorate		Mohammed Miftah
	Security of Sana'a governorate		Mahmood Al-Naemi

Table No. 11:				
Remarks	Location	Date	Name	
During leaving Fatayer area	Otoma- Fatayer	2007	Eman Yahyia Saleh	1
During leaving Fatayer area	Otoma- Fatayer	2007	Bashayer Yahyia Mohammed	2
During leaving Fatayer area	Otoma- Fatayer	2007	Bushra Ahmed Husain	3
During leaving Fatayer area	Otoma- Fatayer	2007	Taqia Ayeshe	4
During leaving Fatayer area	Otoma- Fatayer	2007	Tahani Hasan Daood	5
During leaving Fatayer area	Fout Khoulan Bani Amer	2007	Sabah Ahmed Ali Al-Baqesh	6
During leaving Fatayer area	Otoma- Fatayer	2007	Fatima Ahmed Husain	7
During leaving Fatayer area	Otoma- Fatayer	2007	Noor Hasan Husain	8
During leaving Fatayer area	Otoma- Fatayer	2007	Haila Ahsan Abdullah	9
During leaving Fatayer area	Political security-Sana'a		Muna Al-Khaled	10
Electronic source out of (a report by Defense Movement for observing and supporting women's rights in Yemen)				

Civil Interaction

What characterized the legal and political scene of 2007 in Yemen, particularly the second half of it, is the remarkable rise of the level of the civil interaction in comparison with the previous years since the total number of the observed events was

Table No. 12: The number of events at the governorates during 2007

Percentage	Number of Events	Governorate	
20%	24	Lahj	1
16%	20	The Capital Secretariat	2
15,83%	19	Dala'e	3
18,33%	22	Abyen	4
9,16%	11	Shabwa	5
8,33%	10	Taiz	6
5,83%	7	Hadramot	7
5,83%	7	Aden	8

140 events covering most of the governorates, however the governorates of Lahj, the Sana'a capital secretariat, Dale'a, Abyen, Shabwa, Taiz, Hadramot and Aden were the most protesting governorates since the number of the events conducted in them amounted to 120 events.

Reaction of Authorities

Table No. 13
: Arrested Individuals During the Peaceful Congregations

Remarks	No. of the Arrested Individuals	Date	Governorate	
	9	22/2/2007	Aden	1
	60	7/7/2007	Aden	2
	148	2/8/2007	Aden	3
	60	6/8/2007	Aden	4
	97	1/9/2007	Aden	5
	22	6/9/2007	Aden	6
Found via field Observation, but newspapers estimations mounts to more 30	12	1/9/2007	Mukalla	7
	30	During Nov.2007	Abyen	8
Arrested for a number of hours on a military vehicle at Birr Basha because they insisted to participate, after the armored vehicles stopped the protesters coming from Hujaria	3	14/11/2007	Taiz	9

The security organs and authorities, in many of the activities particularly those held in the capital cities of towns, adopted ways that prevent protestors from practicing their rights of peaceful congregation such as changing the location of the activity, intensive security diffusion, blocking the entrances that lead to the squares, where the activity is intended to be held.

According to observation statistics, the intervention of security authorities was negative in 35 activities. The more the number of the protesting activities increases, the more the official attitude increases in regard to dealing with them to an extent that the live bullets and tear gas bombs were used for dispersing the participants in the sit-ins. Such reaction from the part of the government left 7 dead and 39 injured. In addition to these violations, 144 citizens were arbitrarily arrested and detained (their names are reserved by the observatory); among them are political activists and members of unions. They were detained for long periods. In some cases, the period exceeded 30 days as it happened to Hasan Baom and Naser Al-Noba.

Remarks	Date	Location	Name	
murdered	1/9/2007	Mukalla	Salah Said Al-Qahoom	1
murdered	1/9/2007	Dhalae	Waleed Saleh Obadi Al-Qatari	2
murdered	1/9/2007	Dhalae	Mohammed Qayed Humadi	3
murdered	13/10/2007	Radfan	Shafeeq Haithem Hasan	4
murdered	13/10/2007	Radfan	Mohammed Nasr Haithem Al-Omari	5
murdered	13/10/2007	Radfan	Fahmi Mohammed Hasan Al-Ga'afari	6
murdered	13/10/2007	Radfan	Abdul-Naser Qasem Humada	7
injured	1/9/2007	Aden	Toufiq Haithem Mohammed	8
injured	1/9/2007	Aden	Ahmed Nagi Mohammed	9
injured	1/9/2007	Aden	Taher Salem Tammah	10
injured	1/9/2007	Aden	Waleed Mohammed Qasem	11
injured	1/9/2007	Dhalae	Malek Hasan Saleh Al-Dhami	12
injured	1/9/2007	Dhalae	Mohammed Muqbel Taleb	13
injured	1/9/2007	Dhalae	Ya'aqoob Hasan Mohammed	14
injured	1/9/2007	Dhalae	Musa Saleh Ridwan	15
injured	1/9/2007	Dhalae	Abdul Hafed Esmail	16
injured	1/9/2007	Dhalae	Nadir Mohammed Moqbel	17
injured	1/9/2007	Radfan	Thabet Mohammed Dukais	18
injured	13/10/2007	Radfan	Omairan Naser Al-Gumhoori	19
injured	13/10/2007	Radfan	Haithem Mohammed Saleh	20
injured	13/10/2007	Radfan	Sa'ad Naser Mohammed	21
injured	13/10/2007	Radfan	Shayef Mohammed Saleh	22
injured	13/10/2007	Radfan	Shamsan Haythem Mohammed	23
injured	13/10/2007	Radfan	Husain Bin Husain Saleh	24
injured	13/10/2007	Radfan	Thabet Naser Mohammed	25
injured	13/10/2007	Radfan	Thabet Said Moqbel	26
injured	13/10/2007	Radfan	Abdul-Bari Thabet Rashed	27
injured	13/10/2007	Radfan	Abdul-Hamid Rajeh Mohsen	28
injured	13/10/2007	Radfan	Abdul-Elah Zaid Muzahem	29
injured	13/10/2007	Radfan	Said Muthanna Naji	30
injured	13/10/2007	Radfan	Asef Haithem Naser Al-Jomhoori	31
injured	13/10/2007	Radfan	Abdo Taher Salem	32
injured	1/9/2007	Mukalla	Akram Jarman	33
injured	1/9/2007	Mukalla	Reyad Salem Ba-Saleh	34
injured	1/9/2007	Mukalla	Mohsen Abdul-Rahman Ba-Salman	35
injured	1/9/2007	Mukalla	Hamed Hasan Al-Attas	36
injured	1/9/2007	Mukalla	Hamsa Ahmed Ebn Al-Shaikh	37
injured	1/9/2007	Mukalla	Hasan Saleh Al-Bakri	38
injured	1/9/2007	Mukalla	Waleed Ahmed Ba-Nagah	39

Table 14: The Murdered and Injured During their participation in peaceful Congregations at the governorates

Observational Statistics on the Basis of the Type of Event 2006/2007

Percentage	2007	2006	Comparison on the Basis of the Most Violated Type of Event
10%	230	209	Murder & Death
51.3%	174	115	Arrest, Detention
84.6%	48	26	Disappearance & Kidnapping
179.3%	162	58	Physical assault & injury
42.8%	50	35	Intimidation with Murder
1%	33	30	Deprivation from fair trial
18%	59	50	Deprivation from fair wages & decent life
-34%	32	49	Depreciation from Employment
-43%	32	57	Imposing restrictions on freedom of expression
15.5%	82	71	Destruction of properties, confiscation, closure

Observational Statistics on the Basis of the Type of Victims 2006/2007

percentage	2007	2006	Type of victims (most violated)
31.8%	589	447	Citizens
85.5%	154	83	Employees
6.6%	64	60	Children
40%	56	40	Journalists
31.3%	35	51	Supporters & members of parties

Observational Statistics on the Basis of the Type of Violating Authority 2006/2007

Percentage	2007	2006	Comparison on the basis of the type of violators
118.8%	394	180	Governmental authority/ civil/ judicial
77.6%	215	121	General security
22.2%	55	45	Security/ political/national/ anti-terror
9%	10	11	Police
56.4%	61	39	Centers of power& influential individuals
00%	17	17	Criminal investigation
30.1%	257	368	Others

Observational Statistics on the Basis of the Type of Violating Authority 2006/2007

Percentage	2007	2006	Comparison on the basis of the type of violators
118.8%	394	180	Governmental authority/ civil/ judicial
77.6%	215	121	General security
22.2%	55	45	Security/ political/national/ anti-terror
9%	10	11	Police
56.4%	61	39	Centers of power& influential individuals
00%	17	17	Criminal investigation
30.1%	257	368	Others

Governorate	Events of Violations at the Governorates																			Percentage	
	Disappearance & Kidnapping	Damaging Environment	Arrest & Detention	Torture	Segregation on the Basis of Race, Gender or Religion	Intimidation with Murder	Deprivation from Fair wages for a Decent Life	Deprivation from Education	Deprivation from Health Care	Deprivation from Public position	Deprivation from Fair Trial	Family violence against children &	Collective punishment	Murdering & Death	Imposing restrictions on movement of individuals	Imposing restriction on movement of groups and congregation	Imposing restrictions on freedom of expression	Attempts for murdering, physical assault, hurting	Property destruction, confiscation or closure and		Total
Abyen	1	1	13			2	4	5		1		2		9	5	1		16	7	67	13.87
Al-Baida			2				3		1	1	2			6				1	1	17	15.59
Al-Gouf						1				1				3	1			1	1	8	0.79
Hudaidah	4	2	16	5		4	3		4	2	5		1	23			2	10	3	84	8.32
Al-Dala'e	4		2			3	3		1	1	1			11		1		15	3	45	4.45
Al-Mahweet	1		1	1			3			1		1		2				1	1	12	1.18
Al-Mahara			3	1		1	2				1			5			2	3	5	23	2.27
Capital Secretariat	13		27	4	2	11	9	1	8		5			17	5		15	14	9	140	13.63
Ebb	3		9	1		1	2	1			1			19	1			10	5	53	5.25
Taiz	7	3	13	1		1	4	2		3	5			36	1	1	1	27	5	110	10.90
Hajjah		2	6								1			2				1		12	1.18
Hadramot			10			2	3	2	1		1			7	1		1	4	2	34	3.36
Dhamar	3		10			3		1			2			11				1	2	33	3.27
Raima							2							1					1	4	0.39
Shabwa	2		8			1	2		3	3				15	2		2	7		45	4.45
Sa'ada			1								1			4				2	2	10	0.99
Aden	2		20	1	1	7	12	1	3	6	2			9	1		2	18	24	109	10.80
Amran	1	1	19	3		4	4	3	1	9	2	2	5	19	1	1		12	3	90	8.91
Lahj			7	1		3		1	1	4	2			17		1	4	11	5	57	5.64
Mareb			1											4	1		1	1		8	0.79
Sana'a Governorate	7		6			6	3				2	1		10	1		2	7	3	48	4.75
Overall Total	48	9	174	18	3	50	59	17	23	32	33	6	6	230	20	5	32	162	82	1009	100.00
Percentage	4.75	0.89	17.2	1.78	0.29	4.95	5.84	1.68	2.27	3.17	3.27	0.59	0.56	22.8	1.98	0.49	3.27	16.1	8.12	100	

Table (2): Violating Authorities and the Type of Events																					
Perpetrator	Disappearance & Kidnapping	Damaging Environment	Arrest & Detention	Torture	Segregation on the Basis of Race, Gender or Religion	Intimidation with Murder	Deprivation from Fair wages for a Decent Life	Deprivation from Education ¹	Deprivation from Health Care	Deprivation from Public position	Deprivation from Fair Trial	Family violence against children &	Collective punishment ¹	Murdering & Death	Imposing restrictions on movement of individuals	Imposing restriction on movement of groups	Imposing restrictions on freedom of expression and congregation	Attempts for murdering, physical assault, hurting	Property destruction, confiscation or closure and	Total	Percentage
Others	18	2	7	2	1	23	14	3	7	3	5	6	1	82	3	1	4	57	18	257	25.47
General Security	6		82	9	2	7	4			3	4			34	6	2	7	39	10	215	21.3
Political Security	3	1	22	1		1					2			4			3	3		40	3.96
National Security			1						1									1		3	0.29
Criminal Investigation			12	3													1	1		17	1.73
Police			5											2				2	1	10	0.99
Anti-terror Units	1								1	1				7			1	1		12	1.18
Governmental Authority/Civil/Judicial	13	6	42	3		13	40	14	14	25	21		4	92	3	2	15	49	38	394	39.04
Centers of power/ Influentials	7		3			6	1				1		1	9	8		1	9	15	61	6.04
Overall Total	48	9	174	18	3	50	59	17	23	32	33	6	6	230	20	5	32	162	82	1009	100.00
Percentage	4.75	0.89	17.42	1.78	0.29	4.32	5.84	1.68	2.27	3.17	3.27	0.95	0.95	22.79	1.98	0.49	3.17	16.05	8.12	100.00	

Table No. 3: Violating Authorities at the Governorate																							
Violating Authority	Governorate																				Percentage		
	Abyan	Al-Baidha	Al-Gouf	Al-Hudaidah	Al-Dhala'e	Al-Mihveet	Al-Mahara	Capital Secretariat	Ebb	Taiz	Hajjah	Hadrarnot	Dhamar	Rainah	Shabwa	Sa'ada	Aden	Amran	Lahj	Ma'areb		Sana'a Governorate	Overall Total
Others	20	5	1	19	9	4	4	36	18	29		5	5		19	3	26	27	13	2	12	257	25.40
General Security	13		1	16	9	1	5	32	9	13	5	13	4	1	9	7	32	18	11	2	14	215	21.30
Political Security	2			3	1		2	7	3	2			6				4	5	2		3	40	3.90
National Security					1			1				1										3	0.29
Criminal Investigation				5				4	1			2			2		1	1		1		17	1.60
Police	2			1			2	1					1				3					10	0.99
Anti-Terror units	2	1	1	1				3			1	1					1				1	12	1.10
Governmental authority/ Civil/Judicial	24	11	4	34	23	6	10	50	18	58	6	12	11	3	13		37	32	27	2	13	394	39.00
Centers of Power/ Influential	4		1	5	2	1		6	4	8			6		2		5	7	4	1	5	61	6.00
Overall Total	67	17	8	84	45	12	23	140	53	110	12	34	33	4	45	10	109	90	57	8	48	1009	100.00
Percentage			0.7	8.3	4.4	1.1	2.2	14	5.2	11	1.1	3.3	3.2	0.3	4.4	1	11	8.9	5.6	0.7	4.7	100	

Table (4): Type of Victims and th T type of Events													
Violated Rights	Supporters & Members of Political Parties	Children	Prisoners & Detainees	Writers & Journalists	School &university Students	Workers	Refugees	Human Rights activists	citizens	Employees	Members of unions	Overall total	Percentage
Disappearing & Kidnapping		15		1	1	3			26	2		48	4.59
Damaging Environment									9			9	0.89
Arrest/Detention/ Emprison	20	4	7	15	7	1	1	3	89	21	6	174	17.24
Torture		2	2	2	1	1			8	2		18	1.78
Segregation on the basis of race/ Gender/Religion							1	1	1			3	0.29
Intimidation of Murder	2			12	2				15	12	7	50	4.95
Deprivation from fair wages or Decent life	1	1				4			15	37	1	59	5.84
Deprivation from Education	1				13				2		1	17	1.68
Deprivation from health care		1	1						19	2		23	2.27
Deprivation from the Public position	2	2		2	2				10	14		32	3.17
Deprivation from fair trial	2	1	3	1	1			1	21	2	1	33	3.27
Family violance against children		2							3	1		6	0.59
Collective punishment	1								4	1		6	0.59
Murder & Death	2	25		1	5	6	2		168	21		230	22.79
Imposing Restrictions on Individuals' Movement	1			4	1	1			11	2		20	1.98
Imposing restrictions on groups' Movements									4	1		5	0.49
Imposing Restrictions on freedom of expression	2			12					13	4	1	32	30.17
Attempts to murder, physical assault, injury	1	10	1	5	5	1			102	31	6	162	16.05
Distraction of properties, confiscation,closure		1		1	1	2			69	5	3	82	8.12
Overall total	35	64	14	56	39	19	4	5	589	158	26	1009	100.00
percentage	3.40	6.30	1.30	5.50	3.80	1.80	0.30	0.49	58.30	15.60	2.50	100.00	

Percentage	Overall total	Members of unions	Employees	citizens	Human Rights activists	Refugees	Worker	School & university	Writers & Journalists	Prisoners & Detainees	Children	Supporters & Members of Parties	Prisoners & Detainees
6.60	67	4	7	39				6			5	6	Abyen
1.60	17	1	4	10		1					1		Al-Baida
0.70	8	1	2	3							2		Al-Gouf
8.30	84	1	12	56			2		6	1	6		Hudaidah
4.40	45		6	31					1		5	2	Al-Dala'e
1.10	12		3	7							2		Al-Mahweet
2.20	23		2	14			2	2	2		1		Al-Mahara
13.80	140	5	19	67	2			7	25	3	10	2	Capital Secretariat
5.20	53		9	33			5	2	1	1	2		Ebb
10.90	110	2	13	63			3	7	2	2	11	7	Taiz
1.10	12		1	9				2					Hajjah
3.30	34		10	14				1	4	1		4	Hadramot
3.20	33	1	2	21				1		3	3	2	Dhamar
0.30	4		2	2									Raima
4.40	45		8	29		1	1		1		3	2	Shabwa
0.99	10		1	9									Sa'ada
10.80	109	6	22	58	2	2	4	2	7	1	1	4	Aden
8.90	90	1	19	50				4	6	1	4	5	Amran
5.60	57		9	40			1	5	1		1		Lahj
0.70	8	1		6			1						Mareb
4.70	48	3	7	28	1					1	7	1	Sana'a Governorate
100.00	1009	26	158	589	5	4	19	39	56	14	64	35	Overall Total
	100.00	2.50	15.60	58.30	0.40	0.30	1.80	3.80	5.50	1.30	6.30	3.40	Percentage

