

# YEMEN 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Yemen is a republic with a constitution that provides for a president, a parliament, and an independent judiciary. After 33 years in power, former President Ali Abdullah Saleh formally stepped down in February 2012 when Abdo Rabbo Mansour Hadi, running as the sole consensus candidate, was elected president in a vote generally considered to be free and fair. During the subsequent transition process, implemented through the framework of the Gulf Cooperation Council (GCC)-brokered initiative, elements of the transitional National Consensus Government sought to expand political participation to formerly excluded groups, such as women, youth, and minorities. Despite progress in security sector reform, a key component of the overall transition, the transitional government did not exercise full control over the security forces due to competing family, tribal, party, and sectarian influences. Security forces, some affiliated with the former regime, operated outside the law and committed human rights abuses.

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

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

Impunity was persistent and pervasive. The transitional government planned to undertake investigations and prosecutions of government and security officials for human rights abuses, but political pressures and limited government capacity precluded significant action. Despite government efforts to disband the former police state and reform the security services during the transition, local

nongovernmental organizations (NGOs) and activists reported that abuses continued. Security forces essentially remained immune from civilian oversight.

Nonstate actors engaged in internal armed conflict with government forces and committed significant abuses during the year. Multiple armed groups, including progovernment and opposition tribal militias, regionally and religiously oriented insurgents, and terrorist groups including al-Qaida in the Arabian Peninsula (AQAP) perpetrated numerous human rights abuses. During the year AQAP repeatedly attacked security installations and conducted frequent campaigns to kill government officials and individuals deemed to engage in “immoral” conduct.

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

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

There were numerous reports that members of the security forces committed arbitrary or unlawful killings. Government forces and their proxies responded at times with excessive force to demonstrations and protests in various parts of the country, particularly in Aden, where groups affiliated with the Southern Mobility Movement (Hirak) clashed with security forces and government proxies. On February 21, security forces opened fire to disperse a protest by Hirak activists in Aden, killing at least four persons and wounding 40 others. Excessive force was also used on both sides in internal armed conflicts in Sana’a, Marib, Ta’iz, Zinjibar, Abyan, and elsewhere, resulting in the killing of civilian bystanders (see section 1.g.). Incidents in which significant numbers of innocent bystanders or noncombatants were killed dropped notably compared with the previous year, according to reports from local NGOs. NGO representatives stated, however, there were considerably more small-scale incidents that resulted in such deaths during the year.

Impunity for security officials remained a problem, as the government was slow to act against officials implicated in committing abuses and using excessive force. Some remained in their posts or were transferred to new ones. The government took some steps to address impunity by removing some officers from their posts.

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

Politically motivated killings by nonstate actors, including terrorist and insurgent groups, frequently occurred, and targeted killings of military, security, and government officials by those claiming affiliation with AQAP increased significantly during the year. On June 18, an explosive device detonated in Aden, killing the head of the military's Southern Regional Command, Major General Salem Ali Qatan. He was the ranking officer in charge of the coordinated military and tribal attacks that drove AQAP and the affiliated Ansar al-Sharia militias from several southern strongholds during the spring and early summer of 2012. The number of assassinations involving gunmen on motorcycles also increased. For example, in July armed motorcyclists shot and killed Mohammed Fadhil Jubari, a prominent HIRAK leader. The government reported persons on motorcycles killed 40 security officers by year's end.

On December 5, AQAP claimed responsibility for launching a two-pronged attack on the Ministry of Defense in Sana'a, targeting the collocated military hospital. Reportedly, a car laden with explosives was used to gain entrance to the ministry compound, after which 12 gunmen entered in another vehicle and began firing on people indiscriminately. The reported death toll was 57 with more than 300 injured, with most of the victims civilians, hospital staff, and patients.

Nonstate actors targeted foreigners and those working for foreign diplomatic missions. In October unknown assailants killed a German embassy security officer in Sana'a, and in November two Belorussian contractors were gunned down by unknown assailants outside their hotel in Sana'a.

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

## **b. Disappearance**

During the year there were reports of politically motivated disappearances of individuals associated with NGOs and media outlets critical of various security forces within the government, as well as others reportedly kidnapped for supporting the Houthis in the north or HIRAK in the south.

Tribal groups were responsible for kidnappings, as were other nonstate actors such as AQAP. On September 17, an American photojournalist was kidnapped in Sana'a; his whereabouts remained unknown at year's end. On October 6, a UNICEF worker was kidnapped on his way to Sana'a International Airport; his whereabouts also remained unknown at year's end.

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

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

While the transitional government pledged to change the former regime's culture of oppression, human rights NGOs, former detainees, and prisoners continued to allege authorities employed torture and mistreatment. Most incidents of torture or abuse occurred during arrests.

According to unconfirmed press reports from Aden in April, police in Ibb arrested for shoplifting and tortured a nine-year-old boy named Mohammed Saleh al-Arashi. Authorities reportedly held al-Arashi for five days inside the police station, where police officers beat him.

In a March Human Rights Watch (HRW) report on juvenile offenders, all six individuals interviewed reported torture at the hands of police, including "severe beatings, prolonged suspension, and threats." HRW reported in September that security officers arrested 22-year-old Sana'a taxi driver Ibrahim Ali Nassan al-Sanbare after he reportedly got into a dispute over a fare with a member of the Central Security Forces, a paramilitary force under the control of the Interior Ministry, and held him without charge for 14 days. Al-Sanbare alleged that during this period officers shackled and severely beat him and broke his arm, and that authorities denied him medical care for his injuries. HRW further reported that after his release, officials intervened with hospitals to prevent al-Sanbare from documenting his injuries. HRW investigators reported observing scars on al-Sanbare's ankles and wrists consistent with long-term shackling.

In an interview conducted by the *Yemen Times* on July 17, Zuhair al-Qurashi described his detention and torture at the hands of security officials for one and one-half years, the majority of the time under the former regime. Al-Qurashi claimed he was participating in the demonstrations in Change Square in 2011 when armed men abducted him. Authorities released him 18 months later in July. Al-Qurashi stated he was first taken to the headquarters of the National Security Bureau, and then to an unknown location where his captors brutally tortured him. For the majority of his captivity, al-Qurashi was blindfolded and handcuffed in a dark cell. Al-Qurashi alleged that other prisoners were whipped daily or doused with gasoline and set alight. He further stated that he was forced to sign a confession admitting to crimes such as human organ trafficking to secure his release. Al-Qurashi reported his captors “threatened to kill us and our families if we revealed they tortured us [or named] our kidnappers,” according to the newspaper’s report.

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

Prison conditions were poor and did not meet international standards, with prisoners lacking many basic needs.

Physical Conditions: According to the director of the Rehabilitation and Correction Authority, in July there were approximately 14,000 individuals held in the country’s prisons, 92 percent of whom were men between the ages of 18 and 35. Political prisoners reportedly faced torture, abuse, and other forms of mistreatment, while all prisoners experienced harsh physical conditions. Many prisoners also faced prolonged stays in detention beyond their sentences if they or their families were unable to pay fines or expected bribes. Many prisons, particularly in rural areas, were described as overcrowded, with poor sanitary conditions, inadequate food, and inadequate medical care. According to a local NGO, during the year an unknown number of prisoners died as the result of a conflict in Dhamar Prison, and two to three prisoners died of unknown causes in the National Security Bureau (NSB) and Political Security Organization (PSO) prisons.

In March the UN Office of the High Commissioner for Human Rights (OHCHR)-Yemen visited Aden Central Prison, which held 785 prisoners despite a maximum capacity of 300. NGO sources stated that in Ibb Governorate, authorities left a prisoner with tuberculosis untreated and did not isolate him from other prisoners. Prisoners had access to potable, although often unclean, water.

Human rights NGO contacts reported that 70 percent of detainees were either awaiting trial or were under remand subject to investigation. Pretrial detainees were held with convicted criminals. Because of poor recordkeeping and a lack of communication between prisons and the central government in Sana'a, the size of the prison population could only be roughly estimated to be between 10,000 and 15,000. In some rural and women's prisons, as well as in some prisons in the capital, local NGOs reported that children were held with adults and that segregation between adults and juveniles was inconsistent. The Ministry of Human Rights began a campaign in 2012 to separate juvenile detainees from the adult population. By custom, young children and infants born in prison remained in custody with their mothers. During the year, prison authorities began performing pregnancy tests on all female prisoners upon entry into a facility. Male and female adult prisoners were segregated and were subject to similar conditions, although NGOs reported improvements in women's prisons during the year.

The OHCHR-Yemen raised the issue of substandard prisons with the minister of interior in April. The minister acknowledged prison conditions were not in line with international standards and stated the government did not have the financial ability to make improvements. The transitional government reportedly reduced the prison budget by 50 percent during the year.

Unauthorized "private" prisons and detention centers controlled by tribes in rural areas continued to operate on the basis of traditional tribal justice. Tribal leaders sometimes placed "problem" tribesmen in private jails, sometimes simply rooms in a sheikh's house, to punish them for noncriminal actions. Tribal authorities often detained persons for personal or tribal reasons without trial or judicial sentencing.

Administration: Recordkeeping was poor. Government restructuring also impeded improvement in recordkeeping. Authorities were slow to investigate credible allegations of inhuman conditions. The transitional government recognized the need to find alternatives to incarceration for nonviolent offenders; however, authorities took no action to address this need during the year. There was no ombudsman to serve on behalf of prisoners and detainees. Complaints to judicial authorities could be submitted; however, according to NGO reports, authorities largely ignored such complaints. Prisoners and detainees generally were allowed visitors when family members knew a detainee's location, and authorities generally allowed prisoners and detainees religious observance. Authorities granted limited access to family members of security-offense prisoners and detainees but routinely denied parliamentarians and both local and international NGOs access to investigate claims of human rights violations.

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

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

Improvements: The minister of human rights began a series of visits to prisons and security headquarters in late 2012, continuing during the year, to push for official action to improve conditions and reduce detention for minor offenses.

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

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

In 2012 the transitional government released most of the thousands of protesters detained during the mass arrests of 2011; however, an estimated 58 detainees continued to be held without charge in Sana’a Central Prison. As a result of a hunger strike launched by the group in May, which was joined by Minister of Human Rights Hooria Mashour, authorities released all but five detainees in June following a presidential order. The remaining five were awaiting trial at year’s end.

The OHCHR-Yemen reported that during a March visit to Aden Prison it found 37 detainees being held without court order, including three members of Hirak who were detained in connection with a demonstration in February.

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

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

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

The Criminal Investigation Division reports to the Ministry of Interior and conducted most criminal investigations and arrests. The Central Security Forces (CSF), often responsible for crowd control and accused in the past of using excessive force, was renamed the Special Security Force (SSF) and placed under the direct authority of the interior minister, along with the Counter-Terrorism Unit. The Ministry of Defense also employed units under its formal supervision to quell domestic unrest and to participate in internal armed conflicts.

The SSF, Yemen Special Operations Forces, Republican Guard, NSB, and other security organs ostensibly reported to civilian authorities in the Ministries of Interior and Defense and in the Office of the President. Civilian leadership of these agencies improved as a result of restructuring efforts outlined in the GCC initiative, which committed the government to reorganizing the security services and armed forces. These units continued to be influenced by members of specific interest groups, however, from both former president Saleh's family and other tribal and party entities, often through unofficial channels rather than through the formal command structure. Such influence, coupled with a lack of effective mechanisms to investigate and prosecute abuse and corruption, exacerbated the problem of impunity. Between December 2012 and November President Hadi issued several decrees that restructured key segments of the security forces.

## **Arrest Procedures and Treatment of Detainees**

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



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

Citizens regularly accused security officials of ignoring due process when arresting and detaining suspects and demonstrators. Some members of the security forces continued to arrest or detain incommunicado persons for varying periods without charge, family notification, or hearings. Detainees often did not know which investigating agency arrested them, and the agencies frequently complicated this determination by unofficially transferring custody of individuals among agencies. Security forces routinely detained relatives of fugitives as hostages until the fugitive was located. Authorities stated they detained relatives only when the relatives obstructed justice, but human rights organizations rejected this claim. In 2010 the UN Committee against Torture expressed concern about this practice.

Local and international NGO reports and accounts by former detainees claimed some branches of the security forces operated extrajudicial detention facilities, although the government denied that it authorized this practice. Private unauthorized prisons and detention facilities also existed. The government planned to address these issues through the National Dialogue, ministry restructuring, and the overall political transition process, which produced new regulations intended to establish effective official control over both territory and functions.

Arbitrary Arrest: The government routinely practiced arbitrary arrest. The number of persons arrested arbitrarily was difficult to estimate, as authorities did not record many detainees' names, never transferred some detainees to official detention centers, and arrested and released many detainees multiple times during the year. Nongovernmental groups also arbitrarily arrested persons.

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

Detention of Rejected Asylum Seekers or Stateless Persons: The government repatriated rejected asylum seekers, particularly from the Horn of Africa (except Somalia), without prolonged detention. The relative weakness of data collection rendered identification and processing of migrants and refugees slow and unreliable.

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

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

#### **Trial Procedures**

Laws governing trial procedures apply to all citizens. Defendants are considered innocent until proven guilty. Trials are generally public, but all courts may conduct closed sessions "for reasons of public security or morals." Persons accused of crimes can be detained for lengthy periods without being informed of the charges against them. The Ministry of Human Rights began a campaign in late 2012 to require authorities to make charges clear to detainees and their families. There are no jury trials. Judges, who play an active role in questioning witnesses and the accused, adjudicate criminal cases. Defendants have the right to be present and to consult with an attorney in a timely manner. Defendants can confront or question witnesses against them and present witnesses and evidence on their behalf. Defendants and their attorneys (whether selected by defendants or assigned) have access to government-held evidence relevant to their cases. Defense attorneys are allowed to counsel their clients, address the court, and examine witnesses and any relevant evidence. The law provides for the government to furnish attorneys for indigent defendants in serious criminal cases, but the government did not always provide counsel in such cases. All defendants have the right to appeal, and the slow pace of court cases provided adequate time to prepare a defense.

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

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

### **Political Prisoners and Detainees**

There were numerous reports of political prisoners and detainees, although the transitional government took some steps to release individuals detained during the 2011 protests. The government was accused of detaining HIRAK activists, as well as demonstration leaders, journalists, and persons with alleged connections to Houthi rebels. Authorities held some for prolonged periods, while releasing many within days. Elements within the security forces reportedly continued to detain persons for political reasons on bases or within headquarters.

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

### **Civil Judicial Procedures and Remedies**

The law provides a limited ability to pursue civil remedies for human rights violations as tort claims against private persons. There were no reports of such

efforts during the year. Citizens cannot sue the government directly but may petition the public prosecutor to initiate an investigation.

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

The law prohibits these actions, but authorities continued such interference, although to a lesser extent under the transitional government. Some officials searched homes and private offices, monitored telephone calls, read personal mail and e-mail, and otherwise intruded into personal matters. According to human rights NGOs, security forces did this without legally issued warrants or judicial supervision, claiming it was justified for security reasons. Security organizations rejected the NGO claims, stating their policies require the attorney general personally to authorize telephone call monitoring and reading of personal mail and e-mail. One security organization reported that to do a house search, it first must obtain a warrant and a signed certification by an appointed mukhtar or “head of the neighborhood,” and that two neighbors who serve as witnesses must accompany officers on the search. Human rights organizations disputed the independence of mukhtars.

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

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

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

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

A number of significant internal conflicts continued during the year. The use of excessive force and other abuses by all parties was reported in conflict areas. Clashes occurred in the center of the country, near the capital, including in the districts of Arhab and Nihm, and near Ta'iz. Government forces and progovernment tribal proxies battled fighters who sought to retain tribal control over routes and resources.

Terrorist groups, including AQAP, regularly carried out attacks against government representatives and installations, members of HIRAK, and other individuals accused of "immoral" behavior.

Killings: There were fewer incidents during the year that resulted in large numbers of persons being killed, compared with the widespread violence of 2011. Clashes in and around Sana'a were sporadic and smaller in scale, with few fatalities. Targeted killings, however, increased during the year, usually directed at members of security organizations or foreign officials. In addition to the killings of security officials by drive-by motorcyclists, there were two bombings of military buses carrying recruits.

Conflicts between factions of the Zaydi Ansar Allah (Houthi) movement and their conservative Sunni Salafi adversaries periodically escalated. Tensions heightened in June after security forces fired on Houthis demonstrating outside the NSB in Sana'a, reportedly killing at least nine persons and wounding dozens. A suicide bomber subsequently detonated himself at a market in Houthi-controlled Sa'ada. Throughout July, Houthis clashed with supporters of the Islamist Islah and Rashad parties, apparently over competing efforts to control mosques. In September, Houthis and tribesmen loyal to the al-Ahmar family reached a short-lived cease-fire agreement, following clashes that left more than 60 dead in Amran alone. Fighting resumed in October, and a presidential mediation committee was working in November to reduce tensions and reach a permanent agreement. Salafi sources asserted the area surrounding the Dammaj Institute (a center of Salafi teaching and military training) was under siege and heavy shelling by Houthis for several weeks. Houthis claimed Salafis were gathering Yemeni and foreign militants to attack the non-Sunni Zaydis of the region. Given the lack of foreign press and NGO presence in that region, data concerning deaths and other details of this conflict were unverifiable. Sa'ada residents reported, however, that the clashes resulted in dozens, possibly hundreds, of deaths through the year.

Abductions: Abductions were difficult for foreign entities to verify, unless they involved a foreigner or high-value target who was a government official. Many unofficial groups abducted persons to achieve limited goals. Reports from local and international NGOs indicated an increase in the frequency of abductions compared with the previous year, as more unofficial groups resorted to this tactic for money, services, or terrorist aims. Security officials indicated eight foreigners were abducted during the year, compared with three in 2012.

Child Soldiers: Although law and policy expressly forbid the practice, persons under age 18 reportedly directly participated in armed conflict during the year for government, tribal, and militant forces, primarily as guards and couriers (also see section 6). Reports indicated underage recruits in military uniforms were seen on a regular basis manning military checkpoints and carrying weapons. The Popular Committee in the Abyan Governorate used boys between the ages of 13 and 17 to guard checkpoints, and NGOs reported that children were recruited in Sa'ada by both Houthi and Salafi factions.

In 2012 the government took several significant steps toward confronting the recruitment and use of child soldiers, most notably the approval of an action plan. The September 2012 action plan called for the immediate release of children serving in government forces and their reintegration into society; however, the Ministry of Defense refused to provide data on the number of children released and reintegrated. The Seyaj Foundation reported that apart from the announcement of the action plan, there was no significant progress on reintegration of child soldiers into society.

There were significant obstacles to full implementation of the government's action plan, since abject poverty and high rates of unemployment were the root causes of child soldier recruitment. Child recruits often received money and food in exchange for military service, whereas a child attending school might be perceived as a financial burden to his or her family.

Government efforts during the year against the recruitment of child soldiers included the display of large banners on major city streets, as well as near military camps and in high-traffic neighborhoods. The Army and Security Working Group of the National Dialogue Conference (NDC) recommended that a ban on child soldiers be included in the new constitution.

AQAP recruited boys for combat operations against military and security forces.

Assessment of the extent of the problem and removal of underage soldiers were complicated by the poor birth registration system, especially in rural areas, which allowed youths to claim as many as four additional years of age in order to enlist.

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

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

Other Conflict-related Abuses: According to HRW, Hiram elements attacked at least 12 schools in Aden from February to June, and Hiram activists closed all schools in Aden on Wednesdays and Saturdays so that children could participate in a civil disobedience campaign. When the campaign resumed in September, students were exempted from participation in the general strike and schools were allowed to remain open.

Reports from a domestic NGO sympathetic to the Islah party also indicated a pattern of abuse by Houthis in the northern governorates of Sa'ada, Amran, and al-Jawf. The NGO reported Houthis disrupted the provision of humanitarian assistance to non-Houthi supporters. International relief organizations confirmed humanitarian assistance projects could not operate in areas under Houthi control without Houthi permission and sometimes requirements that Houthi staff be hired. In addition some human rights NGOs reported that Houthis detained opponents in schools under their control. As conflict between Houthis and Salafis escalated in the latter half of the year, reports that Salafis blocked assistance to Houthi regions increased.

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

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

The constitution provides for freedom of speech and the press "within the limits of the law, but the government did not always respect these rights. The government still enforced restrictions on coverage of security and military-related events, confiscated newspapers, and harassed journalists. Despite several initiatives to

amend the Press and Publications Law, the government did not enact any amendments by year's end.

Freedom of Speech: While there were some signs of improvement, there were reports of cases in which authorities suppressed freedom of speech. For example, in December the NSB took a Western journalist's press pass and denied him an exit visa. The case remained unresolved at year's end.

In November three members of the SSF assaulted a European Press Photo Agency photographer and seized his camera for covering a protest.

In September the Childhood and Motherhood Center (a government organization) in Hajja Governorate threatened two journalists working for *al-Masdar* and *al-Share'a* newspapers with punishment for publishing reports on the death of a child due to her early marriage.

Press Freedoms: After the transitional government took office in February 2012, the number of print, broadcast, and online media significantly increased. Despite this improvement, however, there were still some reports the government destroyed copies of newspapers and harassed journalists.

The government selected items for news broadcasts and government-owned print media; however, it allowed broadcasts critical of the government. The government also televised parliamentary debates that included aggressive criticism of ministries. Government media also presented live and unedited coverage of plenary sessions of the NDC and conducted live interviews with representatives of the full range of political opinions.

Authorities reportedly used bureaucratic requirements to obstruct media outlets from obtaining or renewing publishing licenses. The law specifies newspapers and magazines must apply annually for license renewal and must show evidence of maintaining 700,000 rials (\$3,270) in operating capital.

Under former president Saleh, the government maintained a national monopoly over television and radio broadcasting. Since the establishment of the transitional government, there have been no amendments to the legislation governing broadcasting; however, television channels have proliferated. Reportedly a number of domestic private stations are operating under media production company permits, and several stations broadcast for domestic audiences from abroad.



Violence and Harassment: Government harassment of journalists lessened during the year, but they continued to suffer from attacks. For example, on January 5, Jabr Sabr, a journalist for Mareb Press, reported that uniformed members apparently from the then CSF physically assaulted him while he covered a protest. The attorney general announced an investigation; however, Sabr alleged no action was taken.

According to HRW, during the first half of the year Freedom Foundation, a Yemeni NGO, documented 144 hostile acts against journalists, newspapers, and other media outlets. Journalists also criticized the government for failing to conduct serious investigations of attacks on journalists or to bring the perpetrators to trial. Human rights activists emphasized that such inaction was likely to lead to more serious attacks.

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

NGOs reported that unlike the previous year, when security services perpetrated most acts of harassment and violence against journalists, the majority of threats stemmed from a variety of nonstate actors, including tribal leaders, AQAP, former regime loyalists, and other political actors, including the Islah Party. HRW and local NGOs asserted journalists reporting on corruption were prime targets of violence. The government did not effectively investigate cases involving violence and harassment.

In December 2012 unknown assailants detonated a bomb outside the home of journalist Khalid Hussain al-Qarni, who claimed that the attack was perpetrated by someone or a group of persons who were critical of his reporting. No suspects were arrested.

Murad al-Saeedi, a journalist for *Akhbar al-Youm*, alleged he was assaulted on January 15 for his work criticizing the actions of Houthi rebels.

On February 22, two unidentified men shot and killed journalist Wagdy al-Shabi at his home. The Ministry of Interior allegedly formed a committee to investigate; however, the NGO community was not aware of any progress on the case by year's end.

A journalist for *Al-Ahali* newspaper, Nasser Ali, reported that on April 6, a man fired a shot at him and attempted to seize his camera while Ali was covering a protest by members of the disbanded Republican Guard in Rada'a, al-Bayda Governorate.

On April 17, unidentified men fired shots at Mansour Noor, a journalist working for the *September 26* news website. Later doctors amputated a part of Noor's right leg injured by the gunfire.

Local NGOs reported various political actors used intimidation tactics to limit freedom of expression. The host of a popular satirical television show, Mohammed al-Rubaa, continued to report receiving telephone calls and text messages threatening him with death if he did not terminate his program.

Censorship or Content Restrictions: The government penalized some of those who published items contrary to government guidelines by confiscating copies of newspapers and magazines, usually at checkpoints. Seizures prevented independent and opposition print media from reaching areas outside the cities where they were printed. In December 2012 the *Wahdawi Journal* reported that unknown individuals raided its offices and seized electronic equipment and archive materials. In addition the Freedom Foundation reported that on October 5, masked men attacked two distributors and the distribution car for *Akhbar al-Youm* and *Yemen Fox*. The attackers confiscated and burned copies of the publications.

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

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

Libel Laws/National Security: The law criminalizes criticism of the "person of the head of state," although not necessarily "constructive" criticism; the publication of "false information" that may spread "dissent and division among the people";

materials that may lead to “the spread of ideas contrary to the principles of the Yemeni revolution”; and “false stories intended to damage Arab and friendly countries or their relations” with the country. Citing these restrictions, the Specialized Press and Publications Court engaged in excessive use of criminal defamation prosecutions to intimidate journalists.

### **Internet Freedom**

In 2012 the government stated the government-owned Public Telecommunications Corporation (PTC) would cease censorship of the internet by lifting a ban on news websites, including *Aden Press* and *Shabakat Al Taif*. The ban was lifted, although a formal decree had not been issued by year’s end. Citing security concerns, the PTC continued to restrict and intermittently block access to some internet forums and blogs where political and religious views and opinions were openly exchanged and shared. The government regulated access to internet content through commercially available filtering technology and control of the country’s two internet service providers, TeleYemen (operators of the service YNET) and YemenNet.

There were credible reports the government monitored e-mail and internet chat rooms, especially those related to planned demonstrations, but social media versatility outpaced the government’s surveillance capacity. Government blocks were easily bypassed, while social media sites such as Twitter were not blocked at all. Although access to the internet was limited by the scarcity of electric power, unavailability of access points, poor quality of internet lines, and expensive access rates, citizens used social media sites to coordinate campaigns online and on the ground successfully. They also used social media sites to promote marches and political views to members and the public at large. Internet penetration was limited outside the cities. According to the International Telecommunication Union (ITU), 17.45 percent of the population used the internet in 2012. Local and international observers, however, stated the ITU estimate was too high, and placed internet penetration at between 3 and 9 percent. The government signed contracts to expand wireless internet access in the major cities greatly. In January the Ministry of Telecommunications and Information Technology announced plans to reduce internet access costs to improve penetration, meet the demands of the country’s youth, and develop the information technology sector.

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

The government restricted academic freedom on campuses. Political parties frequently attempted to influence university academic appointments and faculty and student elections. During the year security officials were present on university campuses and at intellectual forums. Political parties also actively recruited new students into party branches specifically created as youth divisions (e.g., the General People's Congress (GPC) Youth Division, the Islah Youth Division, etc.), through which the parties could mobilize youth on campuses. The PSO maintained permanent offices on campuses, reflecting continued government concern about security and in some cases controversial speech. Authorities at academic institutions reviewed prospective university professors and administrators for political acceptability before hiring them and commonly showed favoritism toward supporters of specific political parties. There were no reported specific instances of censored curriculums, sanctioned professors or students, restrictions on travel, or intimidation that led to self-censorship, censored films, or canceled plays, art exhibits, or musical performances.

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

The law provides for freedom of assembly and association. While the government generally respected these rights, some problems existed in practice.

##### **Freedom of Assembly**

The law provides for freedom of assembly. Although authorities largely respected this right, at times security forces or competing political groups attacked and used excessive force against protesters. Since large-scale Arab Spring protests began in 2011, local authorities generally have not enforced the requirement of a permit for demonstrations. Some demonstrations continued during the year, although on a much smaller scale.

Military and police forces used live ammunition against southern protesters in Aden between February 16 and 25, killing between nine and 18 persons and injuring more than 150, according to HRW. The HRW report indicated protesters also were shot at as they attempted to leave the scene, and authorities prevented access to medical care.

On June 9, during a protest outside the National Security Bureau headquarters in Sana'a, members of the security services killed at least nine protesters, wounded 38, and detained as many as 87 others, according to security officials. The demonstrators were members of Ansar Allah and demanded the release of

detainees. Demonstrators accused the police of using live ammunition on peaceful protesters, while the government claimed protesters stormed the NSB headquarters.

In Hadramawt Province police shot and killed a protester on March 18, during demonstrations marking “a day of civil disobedience” to protest the start of the National Dialogue Conference.

### **Freedom of Association**

The law provides for freedom of association, and the government generally respected this right, although there were some instances of interference with this right. Associations and NGOs operated openly, but with some government interference (see section 5). The government cooperated to varying degrees with the more than 9,200 civil society organizations in the country, including human rights NGOs, depending on their issues of concern. According to the OHCHR and some human rights organizations that attempted to obtain licenses, the Ministry of Social and Labor Affairs interfered with the licensing of some human rights-related organizations that were viewed with suspicion, including organizations focused on accountability and transitional justice. Civil society organizations and NGOs not focused on these issues experienced minimal restrictions on their activities.

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

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

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights, with some restrictions. The government generally cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

According to the UNHCR the country’s laws and policies were consistent with international standards; however, the government’s capacity to protect and assist persons in need was limited. The government’s ability to provide services in some

parts of the country was weakened, as it focused resources on maintaining stability during the political transition. Authorities continued to provide automatic refugee status to Somalis who entered the country. The UNHCR country operations profile for 2013 noted continued high numbers of new arrivals from the Horn of Africa, despite greater difficulty traveling onward to Saudi Arabia. The country hosted more than 240,000 registered refugees, more than 230,000 of whom were Somalis recognized prima facie as refugees, and the remainder from Ethiopia, Eritrea, Iraq, and other countries recognized under the UNHCR's mandate. Many refugees became increasingly vulnerable due to the worsening economic situation and insecurity in the country.

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

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

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

Within its very limited capacity, the government provided protection and assistance to IDPs, mainly by facilitating international groups' humanitarian efforts

within limits dictated by local security concerns. While the relatively weak transitional political system reduced attention to and resources for IDPs, in June the government adopted a national policy to address the needs of IDPs that includes government responsibility for protecting, feeding, housing, educating, and supporting voluntary resettlement of IDPs. Under the new policy, IDPs are allowed freedom of movement.

According to the UNHCR and the UN Office for the Coordination of Humanitarian Affairs, there were more than 344,019 IDPs as of the end of the year, with another 200,000 vulnerable citizens experiencing many of the same privations. Eleven of the 21 governorates hosted IDPs displaced by the protracted conflict between Houthis and other armed groups in the north, AQAP expansion, and conflict with government forces in the south. General instability related to the 2011 political protests which sought to topple the former regime centered on major population areas. According to the UNHCR, approximately 62 percent of IDPs were from the Sa'ada and Hajja governorates in the north affected by long-running tribal, regional, and sectarian conflict between Houthi and Sunni/Islahi tribesmen. Thirty-eight percent of IDPs were from southern governorates, displaced by conflict between AQAP and government forces. Other citizens were displaced temporarily by armed clashes related to Arab Spring protests and general insecurity stemming from weakened government rule in Sana'a, Ta'iz, Aden, and other cities.

AQAP took control of Zinjibar and other areas in Abyan, Lahj, and Shabwah governorates in 2011 and held these locations for approximately one year until a government offensive drove them out in June 2012. This fighting displaced more than 100,000 persons. Mines, unexploded ordnance, and improvised explosive devices planted by AQAP, which deliberately targeted the civilian population, slowed or prevented their return to their homes. By October the UNHCR had registered more than 163,000 IDPs who returned to their homes in the south.

The access of humanitarian organizations to IDPs varied by region. In the capital, Sana'a, accessibility to IDPs continued to improve during the year after the conflict between al-Ahmar tribesmen and government forces subsided in late 2011. Ninety-four percent of IDPs lived outside of camps and often were dispersed over a wide geographic area, making access difficult. Inaccessibility prevented humanitarian assistance from reaching IDPs in certain districts of Al Jawf and Amran governorates, although the UNHCR and NGOs maintained a presence in Sa'ada City, Harod, and Hajja. Humanitarian organizations continued to report periodic difficulties in accessing certain parts of Sa'ada Governorate as well due to obstruction by Houthi-affiliated authorities.

Humanitarian organizations had limited access to southern governorates due to security concerns, but the UNHCR had offices in Zinjibar and elsewhere.

Most IDPs lived outside of official camps, sheltering with host families and relatives in communities, scattered settlements, schools and empty public buildings, or under trees and bridges. Journalists reported that in the worst areas, many IDPs were malnourished and lacked basic requirements such as clean water, food, medicine, and sanitation. There was also a marked increase in food insecurity throughout the country. The World Food Program reported that the number of persons who experienced food insecurity remained extremely high, and that nearly half of the population did not have enough to eat. Rates of acute malnutrition were high among displaced persons and other vulnerable groups.

### **Protection of Refugees**

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

Access to Asylum: There is no law that addresses the granting of refugee status or asylum, and the government has not established a system for providing protection to asylum seekers. The government worked with the UNHCR to establish formal structures. The government lacked the ability to conduct refugee status determinations on its own, but it continued to grant prima facie refugee status to Somalis who arrived in the country after 1991. Of the UNHCR-estimated 240,000 refugees in the country at year's end, approximately 95 percent were Somalis, although the majority of new arrivals were Ethiopians. The UNHCR conducted individual Refugee Status Determinations (RSDs); however, the government did not consistently allow the UNHCR to conduct determinations for non-Somalis, whom the government considered economic migrants.

The UNHCR conducted an RSD process for non-Somali asylum seekers, principally Ethiopians. Upon arrival in the country, non-Somalis were provided with information on RSD procedures by UNHCR staff at their reception centers. Those wishing to seek asylum were given a 20-day appointment slip to facilitate their transit to the UNHCR offices in Aden or Sana'a, where they could apply for



asylum and onward access to RSD procedures. Difficulties remained in accessing potential asylum seekers in detention, although the UNHCR and its partners conducted regular monitoring missions in detention centers throughout the country.

Refugee Abuse: NGOs reported numerous cases of refugee abuse, primarily at the hands of smugglers and human traffickers. On occasion security personnel also were accused of abuse. These reports indicated that refugees and migrants faced multiple abductions resulting in ransom demands for their release, and female refugees/migrants who were unable to pay ransom demands were sold to households to work as maids. Female migrants also reported numerous incidents of gender-based violence.

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

The law provides citizens with the right to change their government peacefully through periodic elections based on universal suffrage. The one-candidate election conducted in 2012 as a consequence of the GCC agreement was generally considered free and fair. According to the terms of the GCC agreement, a national election was expected in late 2014 or early 2015. New parliamentary elections also were expected, to be held when electoral districts were confirmed. The government initiated a new voter registration program in connection with the elections, in cooperation with international organizations.

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

Recent Elections: The GCC initiative signed by former president Ali Abdullah Saleh, his party the GPC, and a coalition of six opposition parties, the Joint Meeting Parties (JMP), provided for a political settlement and transfer of power on November 23, 2011. A national consensus transitional government was formed in December 2011 on the basis of a 50-50 power-sharing agreement between the GPC and the JMP. According to the initiative and its implementation mechanism, formation of a government launched a two-stage transitional period: the first stage from formation of the government until the election of a new president, and the second stage from when the new president took office until the completion of a series of transition benchmarks – a comprehensive NDC, constitutional drafting and referendum, updated voter registry, and national elections. In February 2012 former Vice President Abdo Rabbo Mansour Hadi, running as the sole candidate, was elected president in a mostly peaceful, free, and fair election; he was sworn in on February 25, 2012.

Voter turnout was high, including among youth and women. There were concerns, however, that the election served as a referendum on one party and one candidate rather than as a fair democratic election among multiple parties and candidates.

In March the NDC commenced, with the goals of bringing together all sectors of society, providing guidance for constitutional reform, and advising on legislative and policy changes. It consisted of 565 delegates, including organized political parties, as well as southerners, youth, and marginalized groups, including women and minorities. The NDC, although delayed, remained broadly on track to meet its objectives.

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

Although the GPC had been the dominant party since unification in 1990, the power-sharing agreement and ascendancy of other parties, including the Islah Party, the major “opposition” party in the JMP, began to erode the GPC’s influence. New political parties formed in the wake of the 2011 uprising, some apparently testing the constitutional prohibition against sectarian parties. The Rashad Party, representing Salafi conservative Islamists, was formed, and the government officially recognized it in 2012. The government also recognized the Umma Party, representing moderate Zaydi Shias, the same year. In addition, the government recognized the Watan Party, Liberal Party, and Arab Spring Party, which also were formed in 2012, representing youth and women’s groups that sought a voice in the political process.

Tribalism distorted political participation in previous years and still had an impact, influencing the composition of parliament and ministries within the central government. Observers noted elections and positions in government ministries sometimes were based on tribal affiliation. Patriarchal systems dominated in tribal areas, reportedly enabling some tribal leaders to influence other tribe members’ votes.

Participation of Women and Minorities: In an attempt to sustain gains made by women in public life after the revolution, the government in 2012 called for greater political participation for women, specifying a quota of at least 30 percent women in all transitional political bodies and ensuing legislative and executive institutions. Thirty percent of NDC delegates were women, and women chaired many committees and working groups, although religious conservatives outside the NDC started a campaign against the 30-percent quota in September. Nonetheless, in late October the NDC approved a 30-percent quota for women in all branches of the government.

The NDC had one delegate representing the minority group commonly known as “Muhamasheen” or “Akhdam.” According to some estimates, the “Muhamasheen” (the Marginalized) comprised up to 10 percent of the population. Although a single delegate out of 565 greatly underrepresented that group, it constituted the community’s first official political role.

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

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

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

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

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

The culture of corruption was pervasive, and petty corruption was widely reported in nearly every government office. Job candidates often were expected to purchase their positions. Tax inspectors were believed to undervalue assessments and pocket the difference. Many government officials and civil service employees received salaries for jobs they did not perform or multiple salaries for the same job.

The independent Supreme National Authority for Combating Corruption (SNACC) was formed in 2007 to receive complaints and develop programs to raise awareness of corruption, and included a council of government, civil society, and private sector representatives. The SNACC ended its statutory five-year term in 2012, and President Hadi extended its term for six months. In January the president dissolved the membership of the SNACC and instructed the Shura Council to select new members for approval by parliament. Parliament rejected the list of new members amid rumors of corruption. A new SNACC board was appointed in September.

According to SNACC officials, 100 corruption cases were referred for prosecution during the year, but no sentences were pronounced by year's end.

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

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

A total of 25,621 public employee financial disclosure statements have been filed with the SNACC, with 686 noncompliance cases submitted to the Public Prosecutor's Office for action. These declarations were largely unavailable to the public.

As a part of the pledge by the transitional government to maintain transparency throughout the course of the National Dialogue, live coverage of NDC meetings was televised, and the NDC Secretariat established a website providing background information and daily updates of working group activities and other NDC news.

Whistleblower Protection: The country does not have a law extending protections to public or private employees from retaliation for making internal or public disclosure of corruption. NGOs reported many cases of individuals losing their jobs or suffering other harm after revealing instances of corruption.

Financial Disclosure: The law requires disclosure of financial assets by all ministers, deputy ministers, heads of agencies, members of parliament, and Shura Council members. Disclosures are provided to the SNACC, which verifies the veracity of the disclosures. The SNACC publishes the disclosures on its official website and notes the names of officials who have failed to submit a disclosure. The SNACC reserves the right to request disclosures from any other government employee. Disclosures must be submitted annually, but do not require assets of children or spouses to be disclosed. The law provides for penalties for false filing of information. In 2008 several officials were investigated for providing false information, and their cases were submitted for prosecution, but no trials have been held.

Public Access to Information: The country has a "right of access to information" law signed by the president in July 2012. The law requires establishment of an independent agency to respond to requests for information and resolve grievances when requests for information are denied; however, no agency had been established.

The Ministry of Finance is required to make the government budget publicly available online, in print, and in CD format. Information related to contract awards, including geographical area, company, and terms of the contract, are also publicly available through the High Tender Board website and announcements in state media. Government spending, however, particularly at the local level and with respect to military/security, and data relating to extractive industries were murky and difficult to trace.

The press and publications law provides for journalists to have some access to government reports and information, but the government did little to ensure accessibility or transparency.

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

Domestic and international human rights groups generally operated without outright government restriction, but government officials, particularly those in various security organizations, were frequently uncooperative and unresponsive to human rights groups' views and requests for information. Groups attempted to investigate human rights cases, and some local and international organizations reported significant obstacles in accessing victims, prisoners, and prisons. Their reports were published in international, regional, and local media.

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

In 2011 the law governing associations and foundations was amended to provide for additional restrictions on the operations of international NGOs, including approval requirements and oversight by the Ministry of Planning and International Cooperation. The government, however, had not enforced the amendment.

Domestic human rights NGOs reported they operated throughout the year with little government restriction. They reported that the government, specifically the

Ministry of Human Rights and the Ministry of Social Affairs, worked closely with them on human rights programs promoting women's rights and prison reform.

HRW and other international NGOs reported relatively unrestricted access to all areas, particularly in contrast to 2011 and 2012.

Within the NDC, multi-stakeholder working groups focused on a wide spectrum of issues pertaining to human rights, including freedom of press and expression, women's and minority rights, and religious diversity.

UN and Other International Bodies: The government cooperated with the OHCHR delegation visit from September 29 to October 3. During the visit the high commissioner inaugurated the new UN Human Rights Office in Sana'a and expressed appreciation for government assistance in establishing the office, which was intended to allow closer monitoring of human rights issues. The Ministry of Human Rights facilitated visits by delegations from the Danish Institute for Human Rights, the International Labor Organization (ILO), and other international groups. The only complaint reported by international NGO representatives was difficulty obtaining residency permits, but that was seen as a bureaucratic rather than a policy obstacle.

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

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape, although spousal rape is not criminalized because a woman may not legally refuse sexual relations with her husband. The government did not effectively enforce the law against rape. The punishment for rape is imprisonment for up to 15 years; however, the maximum sentence was not imposed during the year. There were no reliable statistics on the number of rapes, as the social repercussions and fear of retaliation against victims

sharply limit their willingness to report the crime. Female activists asserted that physical, emotional, and sexual abuse within marriage was widespread.

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

The law provides women with protection against domestic violence except spousal rape under the general rubric of protecting persons against violence, but authorities did not enforce this provision effectively. Courts were largely viewed as corrupt or inefficient. Criminal sanction for spousal violence was rare. Violence against women was usually handled through the tribal arbitration process rather than through the criminal courts. Local female tribal experts have argued that tribal arbitration is fairer for women, and it often was preferred to the courts for that reason. Spousal abuse generally was undocumented but was considered a major problem by women's groups. Violence against women and children was considered a family affair and was more likely to be handled through tribal arbitration than be reported to police. Due to social pressures, an abused woman was expected to take her complaint to a male relative, rather than to authorities, to intercede on her behalf or provide sanctuary.

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

Women's rights activists and the media continued to investigate and report on violations of women's rights. During the year NGOs and the Ministry of Human Rights sponsored several women's rights conferences dealing with violence against women, increasing the political representation of women, and economic empowerment. The Arab Sisters Forum, with funding from a donor government and in cooperation with the Ministry of Social and Labor Affairs, established projects aimed at providing protection against violence for women and children.

The Ministry of Interior's Women and Children Office carried out police training to improve the official response to abuses, including rape. It also maintained a telephone number dedicated to reporting abuses. The number reportedly received dozens of calls per month, and the office claimed all cases would be investigated. The Ministry of Information broadcast programs on official television and radio



stations promoting women's rights but did not cover some sensitive topics, such as forced marriage and illiteracy. The NDC included gender issues in several of its working groups and in its final outcomes.

Harmful Traditional Practices: The law regarding violence against women states that a man should be executed if convicted of killing a woman. The penal code, however, allows leniency for persons guilty of committing an honor crime or violently assaulting or killing a woman for perceived "immodest" or "defiant" behavior. The law does not address other types of honor crimes, including beatings, forced isolation, imprisonment, and forced and early marriage. The penal code also allows for a substantially reduced sentence when a husband kills his wife and a man he believes to be her lover.

Sexual Harassment: The extent of sexual harassment, as well as a legal definition within the local context, was difficult to determine, although direct observation and very infrequent media reports suggested it occurred in the workplace and in the streets. No specific laws prohibit sexual harassment. There were anecdotal reports of men accused of sexual harassment being transferred to other offices to prevent further incidents. Sexual harassment in the streets was a major problem for women. A 2010 report by the Athar Foundation for Development found that 98.8 percent of women have faced sexual harassment in the streets. The website of Safe Streets, an NGO focusing on sexual harassment, contained many anecdotal reports of harassment, for example, a case in which a young girl on a bus confronted a man who had been attempting to grope her. Instead of coming to her defense when she protested loudly, other men on the bus complained that her behavior was not "adequate for a woman of moral standing," and that she should have remained quiet and respectful.

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

midwives and did not see a doctor during their pregnancies or after delivery. According to the latest available UN statistics, there were approximately 200 maternal deaths per 100,000 live births in the country during the year. Major factors contributing to the high maternal mortality rate included very limited access to even primary health care in rural areas, poor access to transportation, and lack of awareness and education.

Discrimination: Women faced deeply entrenched discrimination in both law and practice in all aspects of their lives. Women cannot marry without permission of their male guardians, do not have equal rights in inheritance, divorce, or child custody, and have little legal protection. Women did not enjoy the same legal status as men under family law, property law, inheritance law, and in the judicial system. They experienced discrimination in areas such as employment, credit, and pay, owning or managing businesses, education, and housing. This discrimination was accentuated by the 52 percent female illiteracy rate. In higher education women accounted for 30.5 percent of university students countrywide. A 30-percent quota for the admission of women to institutions of higher education was adopted by the National Dialogue Conference, and the NDC recommended a 30-percent quota for women in all government agencies be included in the new constitution.

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

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

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

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

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

Women experienced economic discrimination. The law stipulates that women are equal to men in employment rights, but women's rights activists and NGOs reported discrimination was a common practice in the public and private sectors. Despite the government's goal to increase the role of women in the economic sector, females age 15 and older represented only 20 percent of the formal workforce, largely due to barriers to women's access to education and social restrictions that precluded women from seeking and gaining employment. Cultural barriers also restricted the exercise of women's property rights. In most rural areas, social norms largely prevented women from owning land. Cultural barriers also restricted women's access to formal credit.

Government mechanisms to enforce equal protection were weak, although the Ministry of Human Rights has launched several programs promoting equal rights for women in business and has established a structure to investigate complaints of discrimination against women.

According to the Ministry of Social and Labor Affairs, more than 170 NGOs worked for women's advancement. The Arab Sisters Forum for Human Rights worked with other NGOs, the government, and donor countries to strengthen women's political participation. The Yemeni Women's Union and Women's National Committee, with support from the Ministry of Human Rights, conducted workshops on women's rights.

## **Children**

Birth Registration: Citizenship is derived from one's parents. A child of a Yemeni father is a citizen. Yemeni women may confer citizenship on children born of a

foreign-born father if the child is born in the country. If the child is not born in the country, the Ministry of Interior may, in rare cases, permit a woman to confer citizenship on the child if the father died or abandoned the child. The NDC recommended that a parent of either sex be able to pass on citizenship to a child. Women do not have the right to confer citizenship on their foreign-born spouses.

There was no universal birth registration, and many children, especially in rural areas, were never registered or registered several years after birth. The requirement that children have birth certificates to register for school was not universally enforced, and there were no reports of educational or health care services and benefits being denied to children based on lack of registration. The lack of birth registration, however, compounded difficulties in proving age, which led to minors being recruited into the military and juveniles being tried and sentenced as adults, including receiving the death penalty.

Education: The law provides for universal, compulsory, and tuition-free education from ages six to 15. Public schooling was free to children through the secondary school level, but many children, especially girls, did not have easy access. Although attendance was nominally mandatory through the ninth grade, only 82 percent of boys and 69 percent of girls attended primary school. The gender gap was larger for secondary and postsecondary schooling, with 31 percent of girls attending secondary school and only 6 percent going on to postsecondary education. The lack of private toilet facilities for girls in school contributed to the drop in female attendance after puberty.

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

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

Forced and Early Marriage: Forced and early marriage was a significant problem. Child marriage was widespread. There was no minimum age for marriage, and there were cases of girls married as young as eight years of age. The law has a provision that forbids sex with underage brides until they are "suitable for sexual intercourse," an age that is undefined. According to HRW, 15 percent of all girls were married before they were 15, which traditionalists reported was to ensure they were virgins at the time of marriage. In September reports in the international

media emerged about an eight-year-old girl who bled to death as a result of internal injuries sustained on her wedding night after she was raped by her 40-year-old husband. Although government officials denied the story, activists across the country, including the Minister of Human Rights, called for a law abolishing the practice of forced and early marriage. On October 31, the NDC's Rights and Freedoms Working Group announced final approval of a provision setting age 18 as the legal age for marriage; however, this recommendation does not yet have the force of law.

Harmful Traditional Practices: The law prohibits female genital mutilation/cutting (FGM/C), but according to a 2012 UNICEF estimate, its prevalence was approximately 24 percent among Yemeni females, and the UNICEF report asserted that the country's FGM/C prevalence rate had not changed in the last 30 years. Although government health workers and officials discouraged the practice, and it was banned in all government and private health facilities, women's groups reported FGM/C rates as high as 90 percent in some coastal areas influenced by cultural practices reportedly stemming from the Horn of Africa, such as Mahara and Hudeidah. The Women's National Committee and the Ministry of Endowments and Religious Guidance provided a manual for religious leaders on women's health issues, including the negative health consequences of FGM/C. The report by UNICEF concluded that despite an awareness campaign, the country still lagged in addressing the problem. A 2011 study by the United Nations Population Fund estimated that 97 percent of young girls in Hudeidah were subjected to FGM/C, primarily Type II (excision). The NDC's Rights and Freedoms Working Group announced its recommendation to ban FGM/C on October 31. This recommendation was expected to be considered during the constitutional drafting process.

Sexual Exploitation of Children: The law does not define statutory rape, and does not impose legal limits on the age for consensual sex. The law prohibits pornography, including child pornography. There were reports that underage girls were coerced into prostitution in major cities, particularly in Aden and Sana'a. The practice of foreigners visiting the country to enter short-term marriages with underage girls was reported. The country was a destination for sex tourism. No laws specifically address sex tourism from outside the country, but it was particularly a problem in Aden and Sana'a. The Ministry of Interior attempted to stop the use of "temporary marriage" provisions of Islamic law as a vehicle for sex tourism (see section 1.f.). There were reports that elements within the government security forces exacted bribes and fees in exchange for facilitating temporary marriages.

Child Soldiers: The law forbids the use of child soldiers, and the government opposed the practice as a matter of policy. President Hadi signed a law banning the practice in December 2012; however, there were reports of child soldiers in a number of armed conflicts across the country involving government forces. Tribal groups also used child soldiers (see section 1.g.). Tribes, including some armed and financed by the government to fight alongside the regular army, used underage recruits in combat zones, according to reports by international NGOs such as Save the Children. The government launched public campaigns against the practice, with large banners criticizing recruitment of child soldiers displayed on major streets and outside military camps. The Military and Security Working Group of the NDC, among others, called for an end to the use of child soldiers in October. Married boys, ages 12 to 15, reportedly were involved in armed conflicts in the northern tribal areas. According to tribal custom, boys who married were considered adults who owed allegiance to the tribe. As a result, half of the tribal fighters in such conflicts were youths under age 18 who volunteered to demonstrate their manhood and tribal allegiance, according to international and local human rights NGOs. Other observers noted tribal boys were rarely placed in harm's way but were used as guards rather than fighters. Militant groups also used child soldiers.

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

### **Anti-Semitism**

The government's stated policy was to protect the country's Jewish community, but fewer than 200 Jews remained from this historic group. In response to Houthi threats against Jews in Sa'ada, former President Saleh relocated the remaining Jewish community to Sana'a in 2009. The former regime afforded the Jewish community protection from violence, provided secure housing in Sana'a, and provided a living stipend. The transitional government continued to provide subsidies, but members of the Jewish community worried the Ministry of Finance would cut such funding.

Although criticism of Israeli actions appeared in mainstream media, anti-Semitic material was rare. The most prominent exception was the slogan of the rebel Houthi movement, including the lines, "Death to Israel, a curse on the Jews," which the Houthis posted across Sana'a.

Members of the Jewish community are not eligible to serve in the military or federal government and are primarily represented in trade and small-scale production. They are forbidden to carry the ceremonial Yemini dagger, the *jambiyah*, and many Yemeni Jews hide their distinguishing side curls when in public. There was no Jewish representative in the 565-member National Dialogue, despite earlier government promises of inclusion.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

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

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

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

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

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

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

Although racial discrimination is illegal, racial and societal discrimination against the “Muhamasheen” or “Akhdam” (estimated to constitute up to 10 percent of the population), who traditionally provided low-prestige services such as street sweeping, was a problem. The Akhdam generally lived in poverty and endured persistent social discrimination. Akhdam women were particularly vulnerable to rape and other abuse as a result of the general impunity for attackers due to the women’s low-caste status. In 2011 the United Nations Committee on the Elimination of Racial Discrimination stated that it was concerned by the “persistent and continued social-economic exclusion of descent-based communities such as the al-Akhdam,” and recommended the government strengthen its efforts to improve the welfare of the Akhdam in the fields of education, health care, housing, and property ownership. The government’s social fund for development provided basic services, including construction of housing, to assist its members. In some cases, tribes “adopted” Akhdam in exchange for allegiance, which provided them protection and higher status. On October 31, the Rights and Freedoms Working Group of the NDC announced agreement on proposed measures to protect the rights of the Akhdam and to ban discrimination against them, although this proposal did not have the force of law.

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

Lesbian, gay, bisexual, and transgender (LGBT) persons faced discrimination and could face the death penalty, although no executions have been held in more than a decade. The penal code criminalizes consensual same-sex sexual conduct, with the death penalty as a sanction, under the country’s interpretation of Islamic law. There were reports that members of AQAP killed four men accused of homosexual activity in Huta. At least two other similar attacks reportedly occurred during the year.



On September 29, suspected AQAP gunmen shot and killed a young man in the south, claiming that he was gay and thus an apostate. Police stated the incident represented the sixth murder targeting alleged gays during the year.

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

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

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

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

## **Section 7. Worker Rights**

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

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

Unions may negotiate wage settlements for their members and may conduct strikes or other actions to achieve their demands. There are significant restrictions, however, on the right to strike and excessive requirements for legal strikes. Workers have the right to strike only if prior attempts at negotiation and arbitration

fail. They must give advance notice to the employer and government and receive prior written approval from the executive office of the General Federation of Unions of the Republic.

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

Public sector employees are prohibited from unionizing and must take labor grievances to court.

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

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

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

In practice a union's ability to strike depended on its political strength. Under the transitional government, unions and associations often were accused of being tied to a political party. The Development Working Group of the NDC called for the independence of all unions in October.

The majority of employers in the private sector registered only five to 10 employees, allowing them to avoid many social security and labor union regulations. Large companies with more than 100 employees employed fewer than

100,000 total citizens, making it difficult for the vast majority of workers to enjoy union protection and benefits.

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

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

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

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

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

Current regulations reportedly do not clearly specify a precise age for the minimum work age, but common practice is 14 or 15 years. Many Yemenis lack birth certificates, making it difficult to ascertain exact age. The Ministry of Social and Labor Affairs proposed a new law, which is currently before parliament, which would specify 16 as the minimum work age.

Children under age 18 may work under formal contracts for no longer than six hours a day, with a one-hour break after four consecutive work hours, on weekdays between 7 a.m. and 7 p.m. Children under age 18 are prohibited from engaging in hazardous forms of work based on job, work conditions, and health circumstances, rather than by specific sectors or industries.

The CCLU worked closely with the Yemen High Council for Motherhood and Children, UNICEF, and the ILO to amend legislation regarding families and children to improve and merge the existing children's rights and juvenile welfare

laws. The proposed legislation was expected to be sent to the cabinet and parliament for approval by the end of the year.

The CCLU was responsible for implementing and enforcing child labor laws and regulations; however, the unit's lack of resources hampered enforcement. Due to limited resources and the security situation, child labor inspectors did not travel to carry out their work during the year. The Development Working Group of the NDC announced agreement on measures to address the problem of child labor and called for legal penalties against those who illegally employed children.

Although penalties exist to punish the worst forms of child labor, the government made minimal enforcement efforts. The Ministry of Social and Labor Affairs has trained safety inspectors to work also as child labor inspectors, raising the total number of inspectors to 57. Inspectors did not receive transportation allowances to carry out their inspection visits. If child labor violations were found, most cases were resolved between inspectors and employers with a verbal warning and by working with the employer to change the child's job to remove the child from danger.

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

Child labor was common, including its worst forms. According to a 2013 ILO study, more than 1.3 million children participated in the workforce, including 469,000 children in the 5-11 age group. The results of the country's first national child labor survey demonstrated that 17 percent of its 7.7 million children in the 5-17 age group and 11 per cent of those ages 5-11 were involved in child labor.

In rural areas, many children were required by family poverty and traditional practice to work in subsistence farming. In urban areas children worked in stores and workshops, sold goods, and begged on the streets. Many children of school age worked instead of attending school, particularly in areas where schools were not easily accessible. According to the Ministry of Social and Labor Affairs, small factories and shops, particularly in rural areas, employed children outside the family. Continued weak economic conditions forced hundreds of children to leave schools to work, especially in the fishery and agriculture sectors. Children also

reportedly worked in dangerous conditions in construction, offshore fishing, mining, and waste dumps.

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

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

There was no established minimum wage for the private sector. The minimum civil service wage was 21,000 rials (\$100) per month and was implemented in government agencies. The labor law provided equal wages for public sector workers employed in joint ventures between the government and the private sector. Private sector workers, especially skilled technicians, earned a higher wage. According to the World Bank, 45 percent of the population lived below the international poverty line of \$1.25 per day.

The law specifies a maximum 48-hour workweek with a maximum eight-hour workday; however, many workshops and stores operated 10- to 12-hour shifts without penalty. The 35-hour workweek for government employees was nominally seven hours per day from Sunday through Thursday. Current law requires overtime pay, paid holidays, and leave. Government enforcement of labor law was inconsistent as a result of corruption and lack of resources.

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