

Human rights situation in Yemen

• Yemen's obligations under international human-rights law: ratification of the principal international conventions

- 1966 UN Covenants on Economic, Social and Cultural Rights and Civil and Political Rights (CESCR and CCPR) : ratified on 9 February 1987 (optional protocols not ratified).
- Convention against all forms of Racial Discrimination: ratified on 18 October 1972.
- Convention on the Elimination of all forms of Discrimination Against Women (CEDAW): ratified on 30 May 1984 (optional protocol not ratified).
- Convention against Torture (CAT): ratified on 5 November 1991.
- Convention on the Rights of the Child (CRC): ratified on 1 May 1991 (optional protocols not ratified).
- Rome Statute of the ICC: signed but not ratified. According to Amnesty International (AI)¹, there are serious reasons for believing that Yemen has signed a bilateral impunity agreement with the United States prohibiting Yemen from bringing US citizens accused of war crimes, crimes against humanity or genocide to the ICC. AI is appealing to Yemeni parliamentarians to raise this issue and call the government to account.

• Relations with the EU on human-rights issues²

An advanced and expanded framework cooperation agreement on commercial, development, and economic cooperation (signed on 25 November 1997 and replacing the 1984 Agreement) came into force on 1 July 1998. This agreement contains a human rights and democracy clause. In 2003 bilateral relations were strengthened through the decision to launch a political dialogue. The establishment of the political dialogue was announced at the Joint Cooperation Committee in October 2003. A first meeting took place in July 2004, under NL presidency, and focussed on democracy, human rights, democratisation and cooperation in the fight against terrorism. The second EU-Yemen Political Dialogue Meeting was held on 21 September 2005. Among other things, the EU welcomed Yemen's engagement to continue to undertake democratic reforms but they also discussed the importance of continuing efforts in the fields of judicial and penal reform, and in developing a free and independent media.

• General situation

Tensions arose in 2003 following protests by supporters of Hussain Badr al Din al Huthi, a cleric from the Zaidi community, before and during the invasion of Iraq by the coalition forces led by the United States. After the war, the demonstrations continued and protests were invariably followed by arrests and detentions. In June 2004 the government called on Hussain Badr al-Din al-Huthi to surrender. When he refused, the tension escalated into armed clashes, which lasted until September when government officials announced the death of Hussain Badr al-Din al-Huthi. The human rights situation, already seriously undermined by a 'war on terror' without regard for the rule of law, was exacerbated by these clashes. However, at the present time there is no further worsening in the situation and efforts are being made, for example the setting up of a Ministry of Human Rights.

¹ See Amnesty International, *Yemen: Parliamentarians urged to support ratification of the Rome Statute of the International Criminal Court*, 6 February 2006. Article available on AI Internet site, English version; <http://web.amnesty.org/library/eng-yem/index>.

² See Internet site of External Relations Service of the European Commission on EU-Yemen relations; http://www.europa.eu.int/comm/external_relations/yemen/intro/index.htm

- **Main issues**

- **Death penalty:**

The death penalty is in force and applied. Yemen applies the death penalty to a wide range of offences including rape and sexual offences, murder and blasphemy. Death sentences are often passed in Yemen after proceedings which fall short of international standards for fair trial. Furthermore, some people have been sentenced to death in spite of concrete evidence that they were under 18 at the time of the crimes of which they were convicted.¹ However, the CRC, to which Yemen is a party, specifically prohibits the execution of convicted persons below the age of eighteen, as does the Penal Code of Yemen itself. Since 1993, however, none of the sentences has been carried out: Naseer Munir Nasser Al Kirbi was the last minor to have been executed, at the age of 13, on 21 July 1993.

Example² : **Fuad'Ali Mohsen al-Shahari** was executed by firing squad on 29 November 2005. A lawyer and former member of the Socialist opposition party, he had been under sentence of death for more than nine years following an unfair trial for murder.

Adil Muhammad Saif al Maamari is likely to be executed in the very near future following an unfair trial for murder committed when he was aged sixteen.

- **Torture :**

Example³ : Three Iraqi citizens (**Ahmed Salman al Zubaidi, Ahmed Muthana al Aani and Mohammed Mehdi al Kanani**), who had been working as teachers in Yemen since 2002, were arrested in March 2003 in connection with alleged plans to attack the American and British embassies in the capital, Sana'a, and are alleged to have been agents of the Iraqi government of Saddam Hussein. They have been acquitted of all charges, but are now in danger of being forcibly returned to Iraq, where they would be at risk of ill-treatment or even torture.

- **Detention without charge, conviction or fair trial:**

There is some evidence of lack of independence on the part of the judiciary, both in law and in practice. The judicial authorities are not immune from interference (particularly from the executive) because of tribal loyalties and cronyism.

- **The media and freedom of expression:**

Reporters without Borders (RSF) – 4th Worldwide Press Freedom Index (October 2005) : Yemen : 136/167 [NB : 3rd Worldwide Press Freedom Index (October 2004) : Yemen : 135/167]

The Ministry of Information controls all broadcasting by the Public Corporation for Radio and Television. However, because of the high illiteracy rate in Yemen, radio and television are vital sources of information. They also reflect the government's determination to develop a national

¹ See Amnesty International, *Yemen : Adil Muhammad Saif al Maamari*, 6/03/06. Article available on AI internet site, English version; <http://web.amnesty.org/library/Index/ENGMDE310032006?open&of=ENG-YEM>

² See Amnesty International, *Yemen : Adil Muhammad Saif al Maamari* (6/03/2006); *Yemen : Ismail Lutef Huraish et Ali Mussaraa Muhammad Huraish* (1/12/2005); *Yemen : Fuad Ali Mohsen al Shahari* (29/11/2005). Articles available on AI internet site, English version <http://web.amnesty.org/library/eng-yem/index>

³ See Amnesty International, *Yemen: Fear of forcible return/Fear of Torture and Ill-Treatment: Ahmed Salman al-Zubaidi, Ahmed Muthana al-Aani and Mohammed Mehdi al-Kanani (Iraqi nationals)*, 6/04/2006. Article available on AI internet site, English version; <http://web.amnesty.org/library/Index/engMDE310052006?open&of=eng-yeM>

social fabric that goes beyond tribal loyalties. The government also controls most newspapers and printing works. The 1990 press law prohibits criticism of the President and sets out a long list of offences defined in very vague terms: journalists are often prosecuted for articles regarded as too political, some have even suffered intimidation to dissuade them from reporting on sensitive issues such as cooperation with the United States in the fight against terrorism, corruption or human rights violations.

Example¹: opposition journalist **Nabil Sabaie** was jostled and then stabbed by armed men in Sana'a, on 12 November 2005.

On 27 November 2005 a Sana'a court ordered the closure of the opposition newspaper Tagammu for 'sectarianism' and 'attacking Islam's image'. Editor **Abdul Rahman Abdallah** and reporter **Abdul Rahma Saeed**, who wrote the article, were each fined 220 euros and were banned from being published for a year.

In response to international criticism, in June 2004 the government promised to decriminalise press offences. However, according to Reporters without Borders, the press law has still not come into force, the suspension of newspapers, summonses, prison sentences and attacks on journalists are still every day occurrences. The Union of Yemeni journalists has repeatedly expressed concerns about press freedom. Its General Secretary, Hafez El-Bukari, resigned on 27 November 2005 as a protest against the government and certain political parties.

Cartoons affair² :

Journalists who have only done their job in choosing to publish news in the headlines worldwide have been imprisoned and prosecuted: **Abdel Halim Akram Sabra**, editor of the independent weekly *Al-Hurriya*, journalist **Yahya Al Aabed**, editor of the *Yemen Observer* **Mohammed Al Asaadi**) and **Kamal Aloufi**, editor in chief of *Al Rai Al Aam*. The privately-owned liberal newspapers *Al-Hurriya*, *Yemen Observer* and *Al Rai Al Aam* have been suspended for publishing the cartoons. All these decisions against journalists and newspapers have been taken under Article 103 of the Yemeni press law which 'bans publication of anything that harms the Islamic faith, denigrates a mono-theistic religion or a humanitarian belief'.

- Situation of women:

Contact point : **Amal Basha**, Executive director of *Sisters Arabic forum for human rights*. This is a local NGO that campaigns for women's rights in the Arab world. Amal Basha is a very active lawyer who is also campaigning in support of the International Criminal Court.

Yemen is a party to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and has adopted various legislative reforms to improve the position of women. However, Yemeni society, which is clan-based and tribal, offers little opportunity for women's emancipation, especially in rural areas. It is also important to note that for historical reasons, the position of women differs within the country, especially between the North and South, with greater discrimination in northern Yemen. Although the Constitution gives men and women the same rights, family law is based on Islamic Sharia law. These interpretations do not always reflect the most liberal thinking and often discriminate against women. In its final

¹ See RSF, 28.11.2005 *Mounting crackdown on the press*. Article available on RSF Internet site, English version; http://www.rsf.org/article.php3?id_article=15713

² See RSF, *Yemen : Cartoons controversy: 'Absurd and dangerous' measures continue in the Arab world*, 13/02/2006. Article available on RSF Internet site, English version http://www.rsf.org/article.php3?id_article=16434

observations at the 84th session (11-29 July 2005)¹ the UN Human Rights Committee calls on Yemen to step up efforts to change the stereotypes that are prejudicial to women's rights.

- role of women in public life: women have been encouraged to participate in political life by an electoral law which makes no distinction between men and women and is designed to facilitate their political activities. Although there are still few women in political parties, there has been a positive development in the participation of women in government and it is a woman who heads the Ministry of Human Rights.

- illiteracy and education of women: the government has made efforts to reduce the gap between boys and girls at school. However, in rural areas girls are unable to follow secondary or university education as their families keep them at home to do housework or work in the fields.

- violence against women: genital mutilation and excision are still common in rural and coastal areas. The Ministry of Health has prohibited this practice in hospitals and health centres and has launched an awareness-raising campaign in rural areas. Yemen should actively combat domestic violence through the enactment of appropriate penal legislation. The government also needs to tackle domestic violence by adopting appropriate criminal legislation. The Committee notes with concern that the law provides for lower sentences for husbands who have committed offences against their wives in the case of adultery. The Committee calls on Yemen to abolish its legislation on 'honour killings'.

- conditions of women in prison: discrimination against women in prison is a cause for concern. Women who have served their sentences often remain in prison until a male relative decides to come and collect them, which means that they could stay in prison indefinitely. Women reportedly receive longer sentences than men, especially when they are accused of 'moral offences' such as *zina* or *khilwa* (adultery or fornication under Yemeni law).

¹ See UN Human Rights Committee's final observations on the report on Yemen (CCPR/C/YEM/2004/4) at its 84th session, in Geneva from 11 to 29 July 2005.