

# YEMEN 2017 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Yemen is a republic with a constitution that provides for a president, a parliament, and an independent judiciary. In 2012 former vice president Abd Rabbuh Mansour Hadi was chosen by the governing and opposition parties as the sole consensus candidate for president. Two-thirds of the country's eligible voters went to the polls to confirm Hadi as president, with a two-year mandate. The transitional government he headed sought to expand political participation to excluded groups, including women, youth, and minorities. In 2014 Houthi forces aligned with forces loyal to former president Ali Abdullah Saleh occupied the capital Sana'a, igniting a three-year civil war between Houthi forces and the Hadi government that continued through year's end.

Civilian authorities did not maintain effective control over the security forces. Houthi-Saleh rebels controlled most of the security apparatus and state institutions. Competing family, tribal, party, and sectarian influences also reduced government authority.

In 2014 the Houthi uprising compelled the Hadi government to sign a UN-brokered peace deal calling for a "unity government." The Hadi government resigned after Houthi forces seized the presidential palace in January 2015. In February 2015 Houthi-Saleh forces dissolved parliament, replacing it with the Supreme Revolutionary Committee, allied with the former president Ali Abdullah Saleh's General People's Congress (GPC) party. Hadi escaped house arrest and fled to Aden, where he declared all actions taken in Sana'a unconstitutional, reaffirmed his position as president, pledged to uphold the principles of the 2014 National Dialogue Conference, and called on the international community to protect Yemen's political process. In March 2015 Houthi forces launched an offensive in southern Yemen and entered Aden, forcing Hadi to flee to Saudi Arabia. In March 2015 a military coalition led by Saudi Arabia initiated Operation "Decisive Storm" on behalf of the Hadi government. The Saudi-led coalition continued air and ground operations against the Houthi-Saleh rebels throughout 2017. On December 2, Saleh publicly split from the Houthis and welcomed cooperation with the coalition; he was killed by Houthi forces two days later.

The most significant human rights issues attributable to the Houthi-Saleh rebels, and sometimes to the government authorities or various armed actors in the country, included extrajudicial killings; forced disappearances and kidnappings; reports of

torture; harsh and life-threatening prison conditions; arbitrary arrest and detention; arbitrary infringements on privacy rights; repression of the freedoms of expression, the press, assembly, and association; the inability of citizens to choose their government through free and fair elections; pervasive corruption; criminalization of same sex sexual conduct, although the law was not enforced; recruitment and use of child soldiers; and trafficking in persons, including forced labor.

The Hadi government took steps to investigate, prosecute and punish officials who committed human rights abuses; however, impunity was persistent and pervasive. Houthi-Saleh influence over government institutions severely reduced the Hadi government's capacity to conduct investigations.

Nonstate actors, including Houthi-Saleh rebels, tribal militias, militant secessionist elements, al-Qaida in the Arabian Peninsula (AQAP), and a local branch of ISIS, reportedly committed significant abuses. Few actions led to prosecutions. Saudi-led coalition airstrikes resulted in civilian casualties and damage to infrastructure on multiple occasions. Hadi government and coalition delays or denials of permits for commercial and aid shipments bound for rebel-held ports, as well as actions by Houthi rebels and others, disrupted aid delivery on the ground.

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

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were numerous reports that current or former members of the security forces committed arbitrary or unlawful killings. Politically motivated killings by nonstate actors, including Houthi-Saleh rebel forces and terrorist and insurgent groups claiming affiliation with AQAP or ISIS, increased significantly during the year (see section 1.g.).

In June, the Mwatana Organization for Human Rights (Mwatana) reported that individuals in the Ministry of Interior's Special Security Forces (SSF), led by Houthi-Saleh rebels, detained a 26-year-old man in Sana'a in November 2016 and imprisoned him in the Criminal Investigation Department. The man was held incommunicado for four days, after which a prison supervisor told his family the man had committed suicide and that his body was at the morgue. A forensic report obtained by Mwatana concluded that, although the man died from a gunshot wound, his hands showed no traces of gunpowder or blood spray. There were also indications of severe abuse.

On May 14, an unidentified gunman killed a law student in an internet cafe in Aden. Al-Hizam, a local Islamist security force aligned with southern secessionist groups, accused the student of apostasy and threatened Aden residents not to attend his funeral.

### **b. Disappearance**

During the year there were reports of politically motivated disappearances and kidnappings of individuals associated with political parties, NGOs, and media outlets critical of government security forces and the Houthi movement (see section 1.g.). Houthi-Saleh rebels and their allies sometimes detained civilian family members of government security officials. Nonstate actors targeted and detained foreigners, including those believed to be working for foreign diplomatic missions.

The government's National Commission to Investigate Alleged Violations to Human Rights (NCIAVHR) received 1,037 allegations of arbitrary arrest and enforced disappearances from September 2016 to June.

Many unofficial groups abducted persons to achieve specific goals. In September, Mwatana reported Houthi authorities carried out eight enforced disappearances and that forces led by the Hadi government carried out two others during the period from September 2016 to July.

In October 2016 media outlets reported that an Australian soccer coach working in Sana'a appeared in a video claiming to have been kidnapped by an unnamed group. He was released in May.

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

The constitution prohibits torture and other such abuses. Although the law lacks a comprehensive definition of torture, there are provisions allowing prison terms of up to 10 years for acts of torture.

Torture and other forms of mistreatment were common in Houthi-Saleh detention facilities and by Houthi-Saleh rebels, according to NCIAVHR. The commission stated it received reports of 386 cases of torture from September 2016 to June.

In June Human Rights Watch (HRW) and the Associated Press both reported claims of torture by Hadrami Elite and Security Belt forces, tribal fighters aligned with the Hadi-led government and supervised by United Arab Emirates (UAE) security personnel in Mukalla and Aden. These forces reportedly abducted dozens of Yemenis to secret detention centers run by the UAE, where they were tortured. Accounts of torture included tying detainees to a pole and rotating them in a circle of fire, electric shocks, and beatings. The UAE government denied the existence of secret detention centers and the use of torture on prisoners during interrogation. The Hadi-led government ordered a six-member committee to investigate the reports of torture and abuses.

According to Mwatana, Security Belt forces detained a lost 15-year-old boy in December 2016 seeking help at a security checkpoint. The forces accused him of espionage for AQAP and drug use. Security Belt officers beat and burned him before releasing him in January.

Security Belt Forces detained another man in January 2016 and reportedly attempted to coerce a confession of AQAP ties by putting sand in his mouth, eyes, and ears and putting out cigarettes on his body. He was released in March.

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

Prison conditions were harsh and life threatening and did not meet international standards. The Hadi-led government exercised very limited control over prison facilities. In past years, government officials and NGOs identified overcrowding, lack of professional training for corrections officials, poor sanitation, inadequate access to justice, intermingling of pretrial and convicted inmates, lack of effective case management, lack of funding, and deteriorating infrastructure as problems within the 18 central prisons and 25 reserve prisons (also known as pretrial detention centers). Authorities held prisoners with physical or mental disabilities with the general population without special accommodations. The Office of the UN High Commissioner for Human Rights (OHCHR) reported during the year that conditions of detention facilities deteriorated, including overcrowding, damaged buildings, and shortages of food and medicine.

In 2014 Houthi-Saleh rebels began seizing control of most prisons and released many convicted criminals; they also engineered several jailbreaks from facilities they did not control. Under Houthi-Saleh rebel management, prisons and other places of detention failed to meet minimum health or hygiene standards, according to monitors from the state-affiliated Yemeni Coalition to Monitor Human Rights

Violations who visited Houthi-run facilities in Sana'a in 2015. According to the OHCHR, Houthi-Saleh rebel-affiliated tribal militias, known locally as popular committees, operated at least eight detention facilities in Sana'a, including Habra in the al-Shu'ub District, Hataresh in the Bani Hashaysh District, and al-Thawra and the House of Ali Mohsen al-Ahmar in Haddah.

Tribes in rural areas operated unauthorized "private" detention centers based on 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.

Physical Conditions: The continuing armed conflict negatively affected the condition of prisons. Observers described most prisons, particularly in rural areas, as overcrowded with poor sanitary conditions, inadequate food and access to potable water, and inadequate medical care. Limited information was available on prison populations during the year.

Prior to the outbreak of the conflict, local NGOs reported that prison authorities held juveniles with adults in some rural and women's prisons as well as in some prisons in the capital. By custom, young children and infants born in prison remained in custody with their mothers until age nine. Prison authorities performed pregnancy tests on all female prisoners upon entry into a facility. Prisons segregated male and female adult prisoners.

Political prisoners reportedly faced torture, abuse, and other forms of mistreatment, while all prisoners experienced harsh physical conditions. Houthi-Saleh rebels reportedly hung detainees upside down, beat them repeatedly, and pulled their hair, according to former detainees.

No credible statistics were available on the number of inmate deaths during the year (see section 1.a.).

Administration: Limited information was available on prison administration since the Houthi-Saleh rebel takeover in 2014. Poor recordkeeping and a lack of communication between prisons and the government made it difficult for authorities to estimate accurately the size of the prison population.

In 2014 the NGO National Organization for Defending Rights and Freedoms (HOOD) claimed that bribery and corruption played major roles in prison

mismanagement and that prisoners who paid bribes received better services and benefits. Many prisoners faced prolonged stays in detention beyond their sentences if they or their families could not pay fines or bribes.

There was no ombudsman to serve on behalf of prisoners and detainees. Under past practice, prisoners could submit complaints to judicial authorities; according to NGO reports, authorities largely ignored such complaints. Authorities generally allowed visitors to see prisoners and detainees when family members knew a detainee's location but granted limited access to family members of those accused of security offenses. They generally allowed prisoners and detainees to engage in religious observances.

According to a November 2016 HRW report, the general prosecutor of the Houthi-Saleh-controlled Ministry of Justice ordered investigations into alleged abuses and the release of dozens of detainees held by Houthi and Saleh forces. In most cases, however, prison and police authorities ignored the orders and often blocked access to prisons by officials tasked with overseeing detainees. Saleh al-Sammad, president of the rebel-backed Supreme Political Council, issued a decree in September 2016 providing amnesty to those who had helped the Saudi-led coalition. There was little information, however, on whether the Houthi-Saleh rebels effectively implemented the decree.

Independent Monitoring: The continuing conflict prevented substantial prison monitoring by independent human rights observers.

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

The law prohibits arbitrary arrest and detention, but both continued to occur. The law prohibits arrests or serving subpoenas between sundown and dawn, but local NGOs reported that authorities took some persons suspected of crimes from their homes at night without warrants. Ministry of Interior security forces remained largely under the control of Houthi rebels as of year's end.

The OHCHR reported 235 arbitrary or illegal detentions by Houthi-Saleh affiliates between January and June and 76 by progovernment affiliates.

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

The primary state security and intelligence-gathering entities, the Political Security Organization (PSO) and the National Security Bureau (NSB), came under Houthi-

Saleh rebel control in 2014, although their structure and operations appeared to remain the same. The Hadi-led government, however, maintained its own appointments to the PSO and NSB in the parts of the country under government control. By law the PSO and NSB report first to the interior minister and then to the president. The relationship and coordination efforts between the PSO and NSB were unclear. The law charges the PSO with identifying and combating political crimes and acts of sabotage. There was no clear definition of many of the NSB's duties.

The Criminal Investigation Division reports to the Ministry of Interior and conducted most criminal investigations and arrests. The ministry's paramilitary SSF, often responsible for crowd control, was under the direct authority of the interior minister, as was the counterterrorism unit. The Ministry of Defense also employed units under its formal supervision to quell domestic unrest and to participate in internal armed conflicts.

Impunity for security officials remained a problem, in part because the Hadi-led government exercised limited authority and in part due to the lack of effective mechanisms to investigate and prosecute abuse and corruption. The SSF, the Yemen Special Operations Forces, the Presidential Guard (formerly the Republican Guard), the NSB, and other security organizations ostensibly reported to civilian authorities in the Ministry of Interior, Ministry of Defense, and Office of the President. Civilian control of these agencies continued to deteriorate, however, as regional efforts to promote national reconciliation stalled. Exacerbating the problem of impunity, interest groups--including former president Saleh's family and other tribal and party entities--expanded their influence over security agencies, often through unofficial channels rather than through the formal command structure.

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

Since its relocation in 2015, the Hadi-led government lost control over much of the court or prison systems, and both systems deteriorated. The law provides that authorities cannot arrest individuals unless they are apprehended while committing a criminal act or being served with a summons. In addition, authorities must arraign a detainee within 24 hours or release him. The judge or prosecuting attorney, who decides whether detention is required, must inform the accused of the basis for the arrest. The law stipulates authorities may not hold a detainee longer than seven days without a court order. There was no confirmed information on whether the law was respected during the year.

The law contains provisions for bail, but no information was available on its application; in the past, some authorities allowed bail 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 no information was available on whether authorities respected these provisions; in the past, authorities did not always respect these rights. The law states the government must provide attorneys for indigent detainees, but no information was available on whether this occurred; in the past, the government often did not do so. Tribal mediators commonly settled rural cases without reference to the formal court system.

Detainees often did not know which investigating agency arrested them, and the agencies frequently complicated matters by unofficially transferring custody of individuals between entities. Prior to the rebel takeover, 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.

Arbitrary Arrest: Houthi-Saleh rebels who seized power over government institutions routinely practiced arbitrary arrest. Prior to the outbreak of conflict, authorities did not record many detainees' names, did not transfer some detainees to official detention centers, and arrested and released many detainees multiple times during the year. In many areas, Houthi-Saleh forces and their allies arbitrarily detained persons and kept them in temporary prisons, including at military sites. Other nonstate actors also arbitrarily detained persons. NGOs reported that Houthi-Saleh rebel forces denied detainees family visits or legal representation.

In August 2016 Amnesty International reported that Houthi-Saleh-controlled NSB officers arbitrarily arrested and detained 65 individuals from a Bahai youth workshop in Sana'a. One of those arrested remained imprisoned at year's end (see section 1.e.).

Pretrial Detention: Very limited information was available on pretrial detention practices during the year. Prior to the outbreak of the conflict, international monitoring organizations estimated that one-half of the detainees held by the Ministry of Interior either awaited trial or were pending investigation. Prolonged detentions without charge or, if charged, without a public preliminary judicial

hearing within a reasonable time were common practices, despite their prohibition by law. Staff shortages, judicial inefficiency, and corruption caused trial delays.

Hamed Kamal bin Haydara, a Bahai, remained in detention at year's end after several court hearings were postponed during the year. The NSB detained him in 2013, reportedly for apostasy, proselytizing, and spying for Israel. Bin Haydara reported authorities tortured him during the first 45 days of his detention. After their takeover, Houthi-Saleh rebels kept him imprisoned and continued court proceedings against him.

#### Detainee's Ability to Challenge Lawfulness of Detention before a Court:

Information was limited on whether persons arrested or detained were entitled to challenge the legal basis of their detention in court. The law provides that authorities must arraign a detainee within 24 hours or release him. It also provides that the judge or prosecuting attorney must inform the accused of the basis for the arrest. The Hadi government, however, lacked the capacity to enforce the law.

Mwatana claimed that those detained by the Houthi-Saleh rebels were often not informed of the charges against them. In some cases, detainees who were issued release orders from the Houthi-controlled courts had yet to be released.

HRW noted that in several cases in which individuals disappeared into detention centers allegedly run by UAE-supervised forces in the South, the Aden prosecutor's office issued release orders that were not respected.

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

The constitution provides for an independent judiciary, but under Houthi-Saleh control, the judiciary was weak and hampered by corruption, political interference, and lack of proper legal training. Judges' social and political affiliations and occasional bribery influenced verdicts. The government's lack of capacity and reluctance at times to enforce court orders, especially outside of cities, undermined the credibility of the judiciary. Criminals threatened and harassed members of the judiciary to influence cases. NCIHVHR stated it received reports of 693 cases of extrajudicial prosecution from September 2016 to June.

#### **Trial Procedures**

The law considers defendants innocent until proven guilty. Trials were generally public, but all courts may conduct closed sessions "for reasons of public security or

morals.” 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. The law provides for the government to furnish attorneys for indigent defendants in serious criminal cases, but no information was available on whether this occurred; in the past, the government did not always provide counsel in such cases. The law allows defense attorneys to counsel their clients, address the court, and examine witnesses and any relevant evidence. Defendants have the right to appeal and could not be compelled to testify or confess guilt. There was limited information available regarding respect for due process.

A court of limited jurisdiction considers security cases. A specialized criminal court, the State Security Court, operated under different procedures in closed sessions and did not provide defendants the same rights provided in the regular courts. Defense lawyers reportedly did not have full access to their clients’ charges or court files. The lack of birth registration compounded difficulties in proving age, which reportedly led courts to sentence juveniles as adults, including for crimes eligible for death sentences (see section 6, Children).

In addition to established courts, there is a tribal justice system for noncriminal issues. Tribal judges, usually respected sheikhs, often also adjudicated criminal cases under tribal law, which usually involved public accusation without the formal filing of charges. Tribal mediation often emphasized social cohesion more than punishment. The public often respected the outcomes of tribal processes more than the formal court system, which was seen by many as corrupt and lacking independence.

### **Political Prisoners and Detainees**

There were numerous reports of political prisoners and detainees. Following their takeover of state institutions, rebels detained activists, journalists, demonstration leaders, and other political figures representing various political groups and organizations opposed to the Houthi-Saleh rebels. They did not charge detainees publicly, and they severely restricted or barred information to and access by local or international human rights organizations. NGOs claimed that, absent public charges, it was often difficult to determine whether authorities held detainees for criminal or political activity.

### **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 or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The law prohibits these actions, but authorities continued such interference. According to human rights NGOs, rebel security actors searched homes and private offices, monitored telephone calls, read personal mail and email, and otherwise intruded into personal matters without legally issued warrants or judicial supervision.

Prior to and throughout the continuing conflict, the attorney general was required personally to authorize telephone-call monitoring and reading of personal mail and email; information was not available on whether this practice continued.

Citizens may not 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 ministry typically approved marriages to foreigners if they provided a letter from their embassy stating that the government of the non-Yemeni spouse had no objection to the marriage and presented a marriage contract signed by a judge. Bribes frequently facilitated approval. There was no available information on current practice.

#### **g. Abuses in Internal Conflict**

In 2014 Houthi-Saleh rebels took control of the capital and occupied many government offices, precipitating the relocation of President Hadi and his government in 2015. The ensuing conflict continued as of year's end. The UN-led peace process included attempts to reestablish a cessation of hostilities at intervals throughout the year. These efforts made no progress, and the conflict continued to escalate. Throughout the year, the Saudi-led coalition continued military operations against Houthi-Saleh rebels, including an active military role by the UAE.

The Hadi-led government re-established a presence in Aden and additional areas in the South in 2016. Prime Minister Ahmed Bin Dagher and part of the cabinet

remained in Aden, with some cabinet members also present in Marib. President Hadi remained abroad in Saudi Arabia.

Throughout the year, clashes occurred as warring parties lost and regained territory. The military's loyalty was divided among numerous local actors. Armed clashes expanded to several areas of the country among Houthi-Saleh rebels, supporters of the Islah Party (Sunni Islamist) and the Rashad Party (Salafi), armed separatists affiliated with the southern separatist movement Hirak tribal forces, progovernment resistance forces, and some Saudi-led coalition ground forces, with participation by elements of the Hadi-led government's armed forces. Terrorist groups, including AQAP, carried out many deadly attacks against government representatives and installations, Houthi combatants, members of Hirak, and other actors accused of behavior violating sharia law.

Yemeni and international observers criticized all parties to the conflict for civilian casualties and damage to infrastructure resulting from shelling and airstrikes.

As a result of the fighting, the humanitarian situation in the country deteriorated significantly, with 8.4 million people at potential risk for famine and a reported 80 percent of the country's population requiring humanitarian assistance by year's end, according to the United Nations. An estimated three million Yemenis remained internally displaced during the year. The United Nations estimated that only 55 percent of health facilities remained functional.

Yemen suffered from two cholera outbreaks, the first in October 2016 and the second in April. The World Health Organization reported more than 964,000 suspected cases and more than 2,220 deaths since April.

Killings: While information on civilian casualties was incomplete--especially with the closure of many health facilities during the year due to insecurity and the lack of supplies--NGOs, media outlets, and humanitarian and international organizations reported what they characterized as disproportionate and indiscriminate use of force by all parties to the continuing conflict.

At least 5,000 civilians, including 1,120 children, were killed and more than 8,700 injured in the conflict from March 2015 until August 2017, according to the OHCHR. The OHCHR further estimated there were more air strikes in the first half of the year than in all of 2016, resulting in an increase in the number of civilian deaths and a worsening humanitarian emergency. Civilian casualties also resulted from shelling by Houthi-Saleh rebels and their affiliated popular

committees. Other deaths resulted from attacks and killings by armed groups, including AQAP and ISIS.

Near year's end in November and December, Houthi militias fired two ballistic missiles into Saudi Arabia over Riyadh. Saudi media reported that more than 370 Saudi civilians have been killed in Houthi attacks along the Saudi Arabia-Yemen border since March 2015.

The Saudi-led coalition airstrikes reportedly resulted in civilian casualties and damage to infrastructure on multiple occasions. The United Nations and NGOs, including HRW and Amnesty International, voiced serious concerns regarding Saudi-led coalition activities, claiming some coalition airstrikes were indiscriminate and caused disproportionate collateral impact on civilians. Coalition sources sometimes reported that damage in a given explosive incident resulted not from airstrikes but from shelling by Houthi-Saleh rebel forces; there were often contrary claims by pro-Houthi media. Due to continuing fighting, there was limited opportunity for postincident forensic investigations.

According to HRW, on March 16, a helicopter fired on a civilian boat in the Red Sea near Hudaydah that was carrying predominantly Somali citizens, including many refugees and migrants. There were 42 casualties, including women and children. Both the Saudi-led coalition and Houthi-Saleh forces denied responsibility for the attack; a UN investigation attributed responsibility to the Saudi-led coalition.

Reuters and several local media sources reported that, on June 17, two Saudi-led coalition air raids killed at least 25 civilians in al-Mashnaq market in the Shada District of the Sa'ada Governorate.

On July 18, the OHCHR reported a Saudi-led coalition airstrike killed at least 18 civilians, including 10 children in al-Asheerah village in Taiz. The three families in the house were internally displaced persons who moved due to airstrikes in their home village.

The coalition's Joint Incident Assessment Team, based in Riyadh and consisting of 14 military and civilian members from coalition member states, investigated some incidents of airstrikes that reportedly resulted in civilian casualties and concluded that facilities hit during the year were targeted as legitimate military facilities.

Abductions: In its August report, the OHCHR stated it verified 491 cases of abduction and “deprivation of liberty” since July 2015. Of these, 89 percent were allegedly committed by the popular committees or tribal militias, 6 percent by AQAP affiliates, and 5 percent by the popular resistance committees or armed groups. The OHCHR reported that, as of March 24, some 249 individuals, including 18 journalists, were reportedly detained without cause in detention facilities throughout the country. Tribal groups were also responsible for kidnappings for ransom, as were other nonstate actors, such as AQAP (see section 1.b.).

Local press reports and activists also alleged that coalition and local forces abducted, arbitrarily detained, and mistreated individuals, including those without apparent ties to terrorist organizations, as part of their counterterrorism efforts in the Mukalla area.

Physical Abuse, Punishment, and Torture: The NCI/VHR claimed to have received 386 cases involving torture from September 2016 to June (see section 1.c.).

Following a visit to Aden early in the year, HRW reported in an April statement that Houthi-Saleh forces used land mines in six governorates, including in residential areas, which appear to have killed and maimed hundreds of civilians since the conflict began.

In February the Yemen Executive Mine Action Center (YEMAC) found and cleared improvised mines on civilian roads near the port city of Mokha in Taiz governorate, from which Houthi-Saleh forces had recently withdrawn. HRW reported that AQAP has also used landmines.

Between July 2015 and March 2, YEMAC’s southern branch reportedly found and destroyed 65,272 landmines, including 20,807 antipersonnel landmines, attributed to Houthi-Saleh forces and AQAP in Aden, Abyan, Lahj, al-Dhale, and Taiz.

Child Soldiers: Although law and government policy expressly forbid the practice, children under the age of 18 directly participated in armed conflict for government, tribal, and militant forces, primarily as guards and couriers. Nearly one-third of the combatants in the country were younger than 18, by some estimates. The lack of a consistent system for birth registration compounded difficulties in proving age, which at times contributed to the recruitment of minors into the military. In September the OHCHR reported 1,702 verified cases of recruitment and use of

child soldiers since March 2015, of which 67 percent were attributed to Houthi-Saleh forces and 20 percent to progovernment forces.

During the year the Houthis and other armed groups, including tribal and Islamist militias and AQAP, increased their recruitment, training, and deployment of children as participants in the conflict.

A February Amnesty International report found that the Houthis actively recruited boys as young as 15 to fight as child soldiers. According to the report, Houthi representatives ran local centers where young boys and men were encouraged to fight. One source said the Houthis imposed recruitment quotas on local representatives.

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. Houthi-Saleh rebels routinely used children to staff checkpoints, act as human shields, or serve as suicide bombers. Combatants reportedly involved married boys between the ages of 12 and 15 in fighting in the northern tribal areas; tribal custom considered married boys as adults who owe allegiance to the tribe. As a result, according to international and local human rights NGOs, one-half of tribal fighters were youths under 18. Other observers noted that tribes rarely placed boys in harm's way but used them as guards rather than fighters.

The UN Security Council Panel of Experts on Yemen reported in January 2016 that young men and child combatants of all local fighting groups in Aden were reportedly subject to rape upon capture.

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

**Other Conflict-related Abuse:** All parties to the conflict routinely imposed severe restrictions on movements of people, goods, and humanitarian assistance. Food insecurity, fuel shortages, damage to local infrastructure, and lack of access for humanitarian organizations to vulnerable populations contributed to the deteriorating humanitarian situation.

The Houthi-Saleh militias' forceful takeover and misadministration of government institutions led to dire economic consequences--nonpayment of workers' wages and allegations of widespread corruption, including at checkpoints controlled by

Houthi-Saleh militias--that severely affected the distribution of food aid and exacerbated food insecurity.

The government, the coalition, or both delayed or denied clearance permits for humanitarian and commercial aid shipments bound for rebel-held Red Sea ports. After a Houthi ballistic missile attack was intercepted over the Riyadh airport on November 4, the Saudi-led coalition blocked all air, sea, and land crossings in and out of Yemen, ceasing all commercial imports and humanitarian aid into the country for more than two weeks. The Saudi-led coalition reversed this action on December 20, allowing ports, including the critical Red Sea port of Hudaydah, to reopen.

Militias held trucks containing food, medical supplies, and aid equipment at checkpoints and prevented them from entering major cities.

There were reports of attacks on health-care facilities and health-care workers. The September OHCHR report for Yemen noted that, according to the World Health Organization, as of October 2016, at least 274 health facilities had been damaged or destroyed by fighting, 13 health workers killed, and 31 injured while performing their duties.

In January the UN Security Council Panel of Experts found that all parties to the conflict--the Saudi-led coalition, the Houthi-Saleh military alliance, and forces associated with the government of Yemen--committed or contributed to violations against hospitals. The panel recorded three incidents in Taiz in which armed men threatened hospital staff and disrupted life-saving treatment to demand treatment first for their wounded.

There were reports of the use of civilians to shield combatants. Houthi-Saleh forces reportedly used captives as human shields at military encampments and ammunition depots under threat of coalition airstrikes.

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

### **a. Freedom of Expression, Including for the Press**

Although the constitution provides for freedom of expression, including for the press, "within the limits of the law," the Press and Publications Law calls for journalists to uphold national unity and prohibits criticism of the head of state.

Rebel actors did not respect the rights as provided, and the government was unable to enforce them.

Freedom of Expression: There were reports Houthi-Saleh rebels suppressed speech critical of them.

On December 2, Houthi rebels detained more than 41 media personnel, including staff from Yemen Today, a television station affiliated with former president Ali Abdullah Saleh. All 41 were released on December 13. In addition, the national journalists' syndicate reported that Houthis posted names of media personnel they deemed "hostile" at area checkpoints around the capital.

In February 2016 Houthi-Saleh rebels abducted the editor of *al-Sahwa News*, Abdullah al-Minefi, from his home in Dhamar; according to Reporters without Borders, he has not been released.

Press and Media Freedom: Prior to the outbreak of conflict, the transitional government approved legislation to regulate broadcasting and television channels. A number of domestic private stations operated under media production company permits, and several stations broadcast from abroad for domestic audiences.

On July 19, the United Nations reported the Saudi-led coalition blocked three BBC journalists from traveling on a UN aid flight to Sana'a.

In November the Saudi-led coalition prevented a CBS *60 Minutes* crew from entering the country three times, once by ship and twice by air. Although the crew reported it had obtained visas from the Hadi government and Houthi rebels, the CBS crew was removed by order of the coalition.

Violence and Harassment: Houthi militias and forces loyal to Saleh were responsible for a campaign of violence and harassment against journalists, according to the Yemen Journalists Syndicate, an affiliate of the International Federation of Journalists. The government was unable to take any substantive steps to protect journalists from violence and harassment.

In multiple instances, Houthi-Saleh rebels went to the homes of activists, journalists, and political leaders opposed to the Houthis and used the threat of arrest and other means to intimidate perceived opponents and to silence dissent. According to HRW, authorities frequently compelled detainees to sign contracts

promising not to affiliate themselves with groups their captors saw as opposed to Houthi movement.

The Yemen Journalists Syndicate reported freelance journalist Abdel-Raheem Mohsin was abducted on August 22 near the city of Taiz while covering the civil war. Mohsin's family said gunmen in civilian clothes searched the journalist at a checkpoint in the al-Rahida District before taking him to an unknown location. At year's end his whereabouts remained unknown.

Censorship or Content Restrictions: During the year the Houthi-controlled Ministry of Telecommunications and internet service providers reportedly systematically blocked websites and domains that authorities deemed critical of the Houthi agenda.

Libel/Slander Laws: The law criminalizes criticism of the "person of the head of state;" 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."

In October the Yemen Journalists Syndicate reported that 10 journalists detained by Houthis for two years would be tried before the State Security Court. The syndicate opposed the decision to prosecute the journalists in the security court, claiming it denied them the right of defense and did not provide minimum conditions for a fair trial.

Nongovernmental Impact: Houthi-Saleh rebels and AQAP significantly inhibited freedom of expression and members of the press through violence and harassment. The Houthi-Saleh rebels controlled several state ministries responsible for press and communications, including the Ministry of Telecommunications. In that capacity, they selected items for formerly government-run broadcast and print media and did not allow reports critical of themselves.

Houthi-Saleh rebels, progovernment popular resistance forces, and tribal militias were responsible for a range of abuses against media outlets. According to Reporters without Borders, more than 15 journalists remained captive by Houthi rebels through year's end, and two journalists were killed in fighting. In April the Houthis sentenced journalist Yahya Abdelraqib al-Jubaihi to death, charged with spying for an enemy country. In September, Houthi forces released al-Jubaihi due to health concerns.

## **Internet Freedom**

The government did not have the capacity to uphold internet freedom. Censorship affected internet freedom, and there were notable cases of Houthi-Saleh rebel intrusion into cyberspace. The Houthi-controlled Public Telecommunications Corporation systematically blocked user access to websites and internet domains it deemed dangerous to the rebel actors' political agenda.

According to the International Telecommunication Union, 24.6 percent of the population used the internet in 2016, while 5.5 percent had internet access at home.

Media outlets reported that the mobile messaging applications WhatsApp, Youtube, and Twitter appeared to be blocked in both Houthi-controlled territory and areas held by the Hadi-led government. The Houthi-controlled Ministry of Telecommunications claimed sites were not blocked but rather were offline due to local disruptions to internet service and damage to telecommunications infrastructure due to the conflict.

## **Academic Freedom and Cultural Events**

The NSB maintained permanent offices on campuses, reflecting continued government concern about security and, in some cases, controversial speech. Party-affiliated officials at the Ministry of Higher Education and 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 instances of censored curriculums or sanctioned professors or students; however, after their takeover, Houthi and other actors' incursions onto campuses and detentions of academics appeared designed to intimidate them as perceived opponents.

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

The law provides for the freedoms of peaceful assembly and association, but the government lacked the capability to protect these rights.

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

The law provides for freedom of peaceful assembly. The government was unable to prevent infringements on freedom of assembly by Houthi-Saleh rebels and their

affiliates, who at times responded to demonstrations and protests in various parts of the country with excessive force.

### **Freedom of Association**

While the law provides for freedom of association, the government lacked the capacity to protect this right, and there were reports Houthi-Saleh rebels harassed and shut down NGOs. The law regulates associations and foundations and outlines the establishment and activities of NGOs. Authorities required annual registration. 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. It forbids NGO involvement in political or religious activities. It permits foreign funding of NGOs. The law requires government observation of NGO internal elections. There were no known attempts by NGOs to register during the year.

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

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

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation.

Prior to 2014, the transitional government 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, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The Houthi takeover and the ensuing conflict, however, made it difficult for humanitarian organizations to reach many areas of the country due to security concerns. The Hadi-led government did not and could not enforce the law, even in government-controlled areas, due to capacity and governance issues.

According to UNHCR, the country's laws and policies were consistent with international standards, but authorities' capacity to protect and assist persons in need was limited. The Houthi-Saleh rebels imposed ad hoc and unpredictable requirements on humanitarian organizations throughout the year, making implementation of humanitarian programs difficult in areas under their control.

Abuse of Migrants, Refugees, and Stateless Persons: In past years, multiple NGOs reported that criminal smuggling groups built a large number of “camps” near the Yemen-Saudi border city of Haradh, where militants held migrants for extortion and ransom.

UNHCR, the International Organization for Migration (IOM), and other partners continued to face challenges accessing detention centers. UNHCR and the IOM negotiated with relevant ministries to find alternative means to monitor refugees and asylum seekers in detention.

The IOM estimated that 117,000 migrants arrived in 2016 and that some 56,000 have arrived during the year as of September. The IOM reported that both the government and Houthi-Saleh rebels detained migrants due to concerns that they could be recruited by the other party. While the government was able to deport migrants back to their country of origin, the Houthi-Saleh rebels generally detained migrants for indefinite periods. The IOM worked with the rebels to assist the migrants while in detention. Separately, UNHCR and the IOM worked together to provide assisted voluntary returns for migrants and assisted spontaneous returns for Somali refugees.

In-country Movement: Rebel forces, resistance forces, security forces, and tribesmen maintained checkpoints on major roads. 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 subjected travelers to physical harassment, extortion, theft, or short-term kidnappings for ransom. Damage to roads, bridges, and other infrastructure from the conflict also hindered the delivery of humanitarian aid and commercial shipments (see section 1.g.).

Social 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 increased restrictions on women in conservative locations, such as Safadi. Oxfam reported that men at checkpoints increasingly insisted on adherence to the “mahram” system, the cultural obligation of women to be accompanied by male relatives in public, in areas controlled by radical Islamic groups, such as AQAP (see section 6, Women).

Authorities required travel permits for all non-Yemeni nationals leaving Sana’a.

Local observers reported that Yemenis from Houthi-controlled areas faced increasing discrimination and difficulties when traveling in southern Yemen.

Foreign Travel: In the past women needed the permission of a male guardian, such as a husband, before applying for a passport or leaving the country. A husband or male relative could bar a woman from leaving the country by placing a woman's name on a "no-fly list" maintained at airports. Prior to the conflict, authorities strictly enforced this requirement when women traveled with children, but there were no reports of authorities enforcing this requirement during the year. There were attempts, however, by Houthi rebels to impose similar restrictions on women's international travel. Given the deterioration of infrastructure and lack of security due to the conflict, many women reportedly declined to travel alone (see section 6, Women).

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

According to UNHCR's *Fact Sheet* for September, there were three million IDPs, of whom 84 percent were displaced for more than one year. There were approximately 946,044 IDP returnees. The government's IDP registration system has been on pause since the escalation of the conflict in 2015.

IDPs originated from all governorates and have dispersed throughout the country. Taiz hosted 66 percent (620,934 individuals) of the identified IDP population, while the neighboring governorates of Ibb and Lahj hosted the next largest IDP populations with 12 percent (111,384 individuals) and 6 percent (52,866 individuals), respectively. Approximately 86 percent of the total conflict-displaced population originated from the governorates of Taiz, Hajjah, Amanat al-Asimah, Sa'ada, and Sana'a, according to the Task Force on Population Movement.

Humanitarian organizations' access to IDPs was generally limited and unpredictable due to the continuing conflict; however, many humanitarian organizations maintained a presence in multiple locations throughout the country. According to the United Nations, humanitarian organizations, local NGOs, and charities that still functioned in the capital supported IDPs in Sana'a with food, shelter, and nonfood items. IDPs from Sa'ada reported limited access to cash for purchasing basic household items.

Parties to the conflict interfered with the distribution of humanitarian goods. Houthi forces conducted armed robberies and stole vehicles throughout the year, yet this type of limitation generally occurred in conflict hotspots and represented a

small fraction of overall aid. Due to general insecurity, humanitarian organizations' access to populations of concern was restricted and somewhat unpredictable. According to UNHCR, there were 20.7 million people in need.

There was a marked increase in food insecurity throughout the country, and rates of acute malnutrition were high among IDPs and other vulnerable groups (see section 1.g.).

The IOM reported that IDPs largely sought refuge with relatives or friends or rented accommodations where many faced frequent threats of eviction due to late payments of rent. Others were housed in unconventional shelters in public or private buildings, such as schools, health facilities, or religious buildings, primarily in Taiz and Lahj. Between January and August, UNHCR provided more than 30,889 IDP households with nonfood items and more than 6,552 households with shelter kits. UNHCR also provided cash assistance to more than 67,000 individuals, including IDPs and host community members.

The Saudi government-run King Salman (KS) Relief Agency set up a temporary camp in 2015 for displaced persons in al-Abr District, 60 miles south of the al-Wadiah border crossing. The camp provided services for as many as 3,000 IDPs, including electricity, air-conditioning, and drinking water. In late 2016 the KS Relief Agency decided to close the camp due to security problems that included fires and the theft of electricity generators, but media reports indicated the camp remained open at year's end.

### **Protection of Refugees**

The country maintained open borders during the conflict and received refugees from a variety of countries. Many refugees became increasingly vulnerable due to the worsening security and economic situation in the country. Somali, Ethiopian, Eritrean, and other refugees shared in the general poverty and insecurity of the country.

According to UNHCR's September *Fact Sheet*, there were more than 280,000 refugees and asylum seekers in the country, mostly from Somalia and Ethiopia. Many were attempting to reach or return to Saudi Arabia for work and had entered the country based on false information from smugglers that the conflict in the country was over, according to UNHCR and the IOM. Due to the fighting, many left Aden and took refuge at the camp at Kharaz and towns in the South. The Hadi-led government could not provide physical protection to refugees; many were

held in detention centers operated by Houthi-Saleh rebels in the North and the government in the South. UNHCR claimed there were reports of refugees facing physical and sexual abuse as well as torture and forced labor and that many refugees were susceptible to trafficking.

In July, UNHCR estimated more than 188,000 people had fled the country since the outbreak of conflict, some seeking to cross the border into Saudi Arabia, others to cross the Red Sea for Djibouti, Somalia, or other nearby countries, despite the difficulty and danger of the crossing. Approximately one-third of the persons who fled the country were citizens; others included Somali refugees, Ethiopians, Djiboutians, Sudanese, and other foreign nationals who had worked in the country prior to the conflict.

Refoulement: In 2016 media outlets reported that UAE-supported Security Belt Forces deported Ethiopian migrants from Aden, and the IOM reported that Hadi-led government authorities deported hundreds to Djibouti. Information was not available for deportations during the year.

Access to Asylum: The country is a signatory to the 1951 Refugee Convention and its 1967 protocol; however, no law addresses the granting of refugee status or asylum, and there was no system for providing protection to asylum seekers. In past years, the government provided automatic refugee status to Somalis who entered the country. The Houthi-Saleh rebels attempted to take over the refugee status determinations process in areas under their control, leading many refugees to have lapsed documentation. UNHCR was able to access populations to provide assistance and was working with the rebels to come to a resolution on registration of refugees. UNHCR continued to conduct refugee status determination in southern Yemen in territory under government control, in coordination with the government.

Freedom of Movement: Freedom of movement remained difficult for all in the country, including refugees, given the damage to roads, bridges, and basic infrastructure caused by the conflict. Most of the country's airports have incurred significant damage or been closed to commercial traffic, making travel difficult for all, including refugees. In areas controlled by Houthi-Saleh rebels and the Hadi-government, unofficial checkpoints caused unnecessary delays or blocked the movement of individuals or goods.

Access to Basic Services: Refugees lacked access to basic services due to the ongoing conflict. The United Nations estimated that only about 55 percent of

public-health facilities remained functional during the year. Many were closed due to damage caused by the conflict, some were destroyed, and all facilities faced shortages in supplies, including medications and fuel to run generators.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens with the ability to choose their government peacefully through free and fair periodic elections based on universal and equal suffrage. The outbreak of conflict interrupted a government-initiated new voter registration program. There have been no elections since the outbreak of conflict in 2014.

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

Recent Elections: Elections for the presidency remained pending under the GCC-I, a regional effort to promote national reconciliation, which superseded elements of the constitution and permitted the extension of President Hadi's term through the end of the transition. In 2014 political parties acting within the National Dialogue Conference (NDC) endorsed that extension. Thirteen parties signed a Peace and National Partnership Agreement in 2014 that temporarily ended the violence associated with the Houthi-Saleh rebel entrance into Sana'a and called for implementation of the NDC, including holding elections and establishing a new constitution.

In 2015 Houthi-Saleh rebels declared the constitution null and void, disbanded parliament, and announced the formation of the appointive Supreme Revolutionary Committee as the highest governing body. The Houthi-aligned GPC announced the formation of a Supreme Political Council and the reconvening of parliament in Sana'a, followed by the announcement of a "national salvation government." The institutions did not receive international recognition as government bodies, and elections for parliament were not held during the year. The UN-led political process continued at year's end.

Political Parties and Political Participation: The law requires political parties to be national organizations that do not restrict their membership to residents of a particular region or to members of a given tribe, religious sect, class, or profession. The power-sharing agreement outlined in the 2011 GCC-I broke down as rebels drove the internationally recognized government from the country in 2015.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they participated in the 2012 one-candidate election.

The Hadi-led government has two women ministers. Prior to the outbreak of conflict, the agreed-upon provisions at the 2014 NDC included a 30 percent quota for women in all branches of government. Thirty percent of delegates to the 2013-14 NDC were women, and women chaired many committees and working groups.

The NDC had one delegate representing the minority group commonly known as “Muhamasheen” or “Akhdam” (an ethnic group largely descended from East Africans). According to some preconflict estimates, the Muhamasheen comprised up to 10 percent of the population. Although only one of the 565 delegates was from the Muhamasheen, this representation was a first for the community.

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

While the law provides for criminal penalties for official corruption, the government was unable to implement the law effectively. There were reports of official corruption during the year. A burdensome criminal judicial process creates a separate legal system for the political elite. According to the constitution, approval of one-fifth of the members of parliament is necessary to conduct a criminal investigation of a deputy minister or higher-ranking official. The law then requires a two-thirds majority in parliament and presidential permission to bring criminal investigation results to the general prosecutor for indictment. The government did not use the procedure before Houthi rebels disbanded parliament in 2015.

Corruption: A culture of corruption was pervasive throughout the country, and observers reported petty corruption in nearly every government office. Job applicants were often expected to purchase their positions. Observers believed tax inspectors undervalued assessments and pocketed the difference. Many government officials and civil service employees received salaries for jobs they did not perform or multiple salaries for the same job. Corruption also regularly affected government procurement. Corruption and goods on the black market increased overall in parts of Houthi-controlled areas, particularly in institutions controlled from Sana’a.

Recent analyses by international and local observers, including Transparency International, agreed that corruption was a serious problem in every branch and

level of government, and especially in the security sector. International observers claimed government officials benefited from insider arrangements, embezzlement, and bribes. Political leaders and most government agencies took negligible action to combat corruption.

The Central Organization for Control and Audit (COCA) is the national auditing agency for public expenditures and the investigative body for corruption. It has not conducted any known investigations since 2015.

Some police stations reportedly maintained an internal affairs section to investigate security force abuses, and citizens have 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. No information was available on the number of complaints the ministry received or investigated or whether the mechanism still existed.

A government plan to collect biometric information on all government employees, including soldiers and security forces, and to create a central registry designed to eliminate tens of thousands of fraudulent and duplicate names from the payroll, was suspended following the armed Houthi takeover in 2015. The government also suspended implementation of a payment system for soldiers and security forces via bank or post office accounts. Prior to the outbreak of conflict, that system bypassed paymasters who had previously paid soldiers in cash.

Prior to the outbreak of conflict, the independent Supreme National Authority for Combating Corruption (SNACC) received complaints and developed programs to raise awareness of corruption. It included a council of government, civil society, and private-sector representatives. A lack of capacity, particularly in terms of financial analysis, hampered the SNACC. According to the government, the SNACC continued to operate "at minimal levels" during the year. No information was available, however, on the number of complaints received or referrals for prosecution. NGO sources reported that in July Houthi forces raided the SNACC building in Sana'a to hinder anticorruption work and confiscate files that implicated the Houthis in corruption.

Financial Disclosure: The law requires annual disclosure of financial assets by all ministers, deputy ministers, agency heads, members of parliament, and Shura Council members. Filers are to provide disclosures to the SNACC for verification. The information was not publicly available. The SNACC may also request disclosures from any other government employee and provides for penalties for

false filing of information. The law does not require disclosure of assets of children or spouses. There was no information on whether officials complied with the law.

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

Nonstate actors, including the Houthi-Saleh rebels, subjected domestic human rights NGOs to significant harassment during the year (see also section 2.b.). After publishing negative reports, international human rights groups were targeted by media affiliated with both the Hadi government and Houthi-Saleh forces. Most human rights groups were blocked from accessing the country.

The United Nations or Other International Bodies: The coalition and Hadi government worked with the United Nations, particularly through the UN Verification and Inspection Mechanism for Yemen, to process delivery of commercial imports and humanitarian aid. The UN and humanitarian organizations report coalition delays and denials obstruct delivery to the population. All parties permitted access to UN humanitarian organizations distributing aid, but obstacles remained due to blockades, checkpoints, and continuing armed conflict.

Government Human Rights Bodies: In 2014 multistakeholder working groups within the NDC focused on a wide spectrum of problems pertaining to human rights, including freedom of press and expression, women's and minority rights, and religious diversity. In 2015 Presidential Decree Number 13 established the NCIHVHR as an independent group responsible for investigating all alleged human rights violations since 2011. The commission consists of a chair and eight members with legal, judicial, or human rights backgrounds.

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

### **Women**

Rape and Domestic Violence: The law criminalizes rape, but it does not criminalize spousal rape because the law states a woman may not refuse sexual relations with her husband. The punishment for rape is imprisonment for up to 25 years. The government did not enforce the law against rape effectively.

There were no reliable rape statistics. By law authorities can prosecute rape victims on charges of fornication if authorities do not charge a perpetrator. There were no known cases of rape during the year. According to law, without the perpetrator's confession, the rape survivor must provide four male witnesses to the crime.

The law states that authorities should execute a man if convicted of killing a woman. The penal code, however, allows leniency for persons guilty of committing an "honor" killing or violently assaulting or killing a woman for perceived "immodest" or "defiant" behavior. The law does not address other types of gender-based abuse, such as beatings, forced isolation, imprisonment, and early and forced marriage.

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. Victims rarely reported domestic abuse to police and criminal proceedings in cases of domestic abuse were rare.

Female Genital Mutilation/Cutting (FGM/C): The law does not prohibit female genital mutilation/cutting (FGM/C), although a 2001 ministerial directive banned the practice in government institutions and medical facilities, according to HRW. The *2013 Demographic and Health Survey*, administered by the Ministry of Public Health and Population, found that 19 percent of all women between the ages of 15 and 49 had undergone some form of FGM/C.

Other Harmful Traditional Practices: Cases of "honor" killing--the murder of a daughter or sister who "shamed" the family--occurred, particularly in rural areas. Authorities investigated very few instances.

Sexual Harassment: No laws specifically prohibit sexual harassment, although the penal code criminalizes "shameful" or "immoral" acts. Authorities, however, rarely enforced the law. Sexual harassment in the streets was a major problem for women.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at:

[www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/](http://www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/).

Discrimination: Women faced deeply entrenched discrimination in both law and practice in all aspects of their lives. Mechanisms to enforce equal protection were weak, and the government could not implement them effectively.

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. They experienced discrimination in areas such as employment, credit, pay, owning or managing businesses, education, and housing (see section 7.d.). The estimated 55 percent female literacy rate, compared with 85 percent for men, accentuated this discrimination.

A male relative's consent was often required before a woman could be admitted to a hospital, creating significant problems in a humanitarian context in which the men of the household were often absent or dead.

Women also faced unequal treatment in courts, where the testimony of a woman equals half that of a man's.

A husband may divorce a wife without justifying the action in court. In the formal legal system, a woman must provide justification.

Any citizen who wishes to marry a foreigner must obtain the permission of the Ministry of Interior (see section 1.f.). 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."

Women experienced economic discrimination (see section 7.d.).

## **Children**

Birth Registration: Citizenship derives from a child'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, in rare cases the Ministry of Interior may permit a woman to transmit citizenship to the child if the father dies or abandons the child.

There was no universal birth registration, and many parents, especially in rural areas, never registered children or registered them 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 authorities denying educational or health-care services and benefits to children based on lack of registration.

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. For school attendance statistics, see the May 2016 *Humanitarian Situation Report* from UNICEF.

Medical Care: Due to social 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. Authorities considered violence against children a family affair.

Early and Forced Marriage: Early and forced marriage was a significant, widespread problem. The conflict likely exacerbated the situation, and local and international NGOs reported an increase in forced marriage and child marriage for financial reasons due to economic insecurity. There is no minimum age for marriage, and girls married as young as eight years of age.

Sexual Exploitation of Children: The law does not define statutory rape and does not impose an age limit for consensual sex. The law prohibits pornography, including child pornography, although there was no information available on whether the legal prohibitions were comprehensive. Article 161 of the Child Rights Law criminalizes the prostitution of children.

Child Soldiers: See section 1.g., Child Soldiers.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at [travel.state.gov/content/childabduction/en/legal/compliance.html](http://travel.state.gov/content/childabduction/en/legal/compliance.html).

## **Anti-Semitism**

Approximately 50 Jews remained in the country; according to media reports, most lived in a closed compound in Sana'a after the Israeli Jewish Agency succeeded in

transporting 19 Jews to Israel in March 2016. The continuing conflict further weakened law enforcement, putting the Jewish community at risk. Many fled the country as a result.

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

Anti-Semitic material was rare. Media coverage of the country's Jewish population was generally positive. The Houthi movement, however, adopted anti-Semitic slogans, including "death to Israel, a curse on the Jews," and anti-Israeli rhetoric at times blurred into anti-Semitic utterances. Houthis continued to propagate such materials and slogans throughout the year, including adding anti-Israeli slogans and extremist rhetoric into elementary education curriculum and books.

Members of the Jewish community are not eligible to serve in the military or federal government. Authorities forbid them from carrying the ceremonial Yemeni dagger.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

Several laws mandate the rights and care of persons with disabilities, but the government was unable to enforce them. The law permits persons with disabilities to exercise the same rights as persons without disabilities, but this did not happen in practice. Social stigma and official indifference were obstacles to implementation.

The law reserves 5 percent of government jobs for persons with disabilities and mandates the acceptance of persons with disabilities in universities, exempts them from paying tuition, and requires that schools be accessible to persons with disabilities. The extent to which any authority implemented these laws was unclear.

Children with disabilities may attend public schools, although schools made no special accommodations for them.

Although the law mandates that new buildings have access for persons with disabilities, compliance was poor.

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

The Ministry of Social Affairs and Labor is responsible for protecting the rights of persons with disabilities. The Hadi government could not continue collaboration with the World Bank to administer a social development fund; the ministry was also unable to oversee the Fund for the Care and Rehabilitation of the Disabled, which provided limited basic services and supported more than 60 NGOs assisting persons with disabilities.

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

Although racial discrimination is illegal, some groups, such as the Muhamasheen or Akhdam communities, and the Muwaladeen (Yemenis born to foreign parents), faced social and institutional discrimination based on race, ethnicity, and social status. The Muhamasheen, who traditionally provided low-prestige services such as street sweeping, generally lived in poverty and endured persistent societal discrimination. Muhamasheen women were particularly vulnerable to rape and other abuse because of the general impunity for attackers due to the women's low-caste status.

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

Lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons faced discrimination and could face the death penalty, although there were no known executions of LGBTI persons 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.

Due to the illegality of and possible severe punishment for consensual same-sex sexual conduct, there were no LGBTI organizations. Because the law does not prohibit discrimination, the government did not consider LGBTI problems "relevant" for official reporting, and few LGBTI persons were open about their sexual orientation or gender identity. The government blocked access to LGBTI internet sites.

## **HIV and AIDS Social Stigma**

While there were no reports of social violence against persons with HIV/AIDS, the topic was socially sensitive and infrequently discussed. Discrimination against persons with HIV/AIDS is a criminal offense, and information was not available on whether there were reports of incidents of discrimination occurring during the year.

## **Section 7. Worker Rights**

Government enforcement of labor law was weak to nonexistent due to the continuing conflict. Labor laws were still in effect, but Houthi-Saleh rebels controlled the ministries responsible for their implementation, and the government was unable to enforce them.

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

The labor code provides for the right of salaried private-sector employees to join unions and bargain collectively. These protections do not apply to public servants, day laborers, domestic servants, foreign workers, and other groups who together made up the majority of the work force. The civil service code covers public servants. The law generally protects employees from antiunion discrimination and prohibits dismissal for union activities. Due to the continuing conflict, the government lacked the capacity to enforce labor laws effectively.

While unions may negotiate wage settlements for their members and may conduct strikes or other actions to achieve their demands, 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. Strikes may not be carried out for “political purposes.” The proposal to strike must be put to at least 60 percent of all workers concerned, of whom 25 percent must vote in favor for a strike to be conducted.

The government was unable to enforce laws on freedom of association and the right to collective bargaining.

Although not required by law, all unions were federated within the GFYWTU. While not formally affiliated with the government, the GFYWTU was the only

official federation and worked with the government to resolve labor disputes. In practical terms, a union's ability to strike depended on its political strength. Under the transitional government, authorities often accused unions and associations of being linked to a political party. The Development Working Group of the NDC called for the independence of all unions.

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

The penal code prescribes up to 10 years' imprisonment for any person who "buys, sells, gives [a human being] as a present, or deals in human beings." This statute's narrow focus on transactions and movement means the law does not criminalize many forms of forced labor.

The Hadi government did not effectively enforce the law due to the continuing conflict, lack of resources, and interests of the elite, many of whom supported such forms of labor.

There were numerous reports of such practices in both urban and rural areas. Some sources reported that the practice of chattel slavery in which human beings were traded as property continued. While no official statistics existed detailing this practice, a 2014 study by a human rights organization documented 190 cases of slavery in three directorates of the Hajjah Governorate. Sources reported there could be several hundred other men, women, and children sold or inherited as slaves in the al-Hodeida and al-Mahwit Governorates. In some instances employers forced children into domestic servitude and agricultural work (see section 7.c.) and women into domestic servitude or prostitution. 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/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

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

The law prohibits child labor, but the government was unable to implement its regulations effectively. The Combating Child Labor Unit (CCLU) within the Ministry of Social Affairs and Labor was responsible for implementing and enforcing child labor laws and regulations.

The country's minimum employment age is 14 or not lower than the age of completion of compulsory education.

Children under 18 with formal contracts may work no longer than six hours a day, with a one-hour break after four consecutive hours, on weekdays between 7 a.m. and 7 p.m.

Child labor was common, including its worst forms. According to a 2013 International Labor Organization study, more than 1.3 million children participated in the workforce, including 469,000 children between the ages of five and 11. The results of the country's 2012 national child labor survey indicated that 17 percent of the 7.7 million children in the five-to-17 age group and 11 percent of those between the ages of five and 11 were involved in child labor. In 2014 the director of the CCLU estimated the informal minimum wages paid by private-sector businesses to children ranged between 430 and 650 riyals (\$1.70 to \$2.60) per day.

In rural areas, family poverty and traditional practice led many children to work in subsistence farming. In urban areas, children worked in stores and workshops, sold goods, and begged on the streets. Children also worked in some industries and construction. Continued weak economic conditions forced hundreds of children to seek work in the hazardous fishery sector. Children also reportedly worked in dangerous conditions in construction, mining, and waste dumps. According to HRW, nearly one-third of all combatants in the country were under 18 years of age (see section 1.g., Child Soldiers).

See also the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The labor law does not address sexual orientation, political opinion, national origin, social origin, gender identity, HIV status, or other communicable diseases. Authorities did not consistently enforce the law, and discrimination based on race, gender, and disability remained a serious problem in employment and occupation.

Racial and employment discrimination against the Muhamasheen was a problem. Persons with disabilities faced discrimination in hiring and limited access to the workplace (see section 6). Foreign workers may join unions but may not be elected to office.

#### **e. Acceptable Conditions of Work**

There was no established minimum wage in the private sector. The minimum civil service wage was more than the estimated poverty income level, and government agencies implemented it. Labor laws were not enforced in the informal sector, which included an estimated 89 percent of the workforce.

The law specifies a maximum 48-hour workweek with a maximum eight-hour workday, although 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. The law requires overtime pay and paid holidays and leave and prohibits excessive or compulsory overtime.

The law prescribes occupational safety and health standards. It states every employer must provide industry-appropriate safe and healthy conditions for workers. The law recognizes the right of workers to remove themselves from dangerous work situations, and workers may challenge dismissals based on such actions in court. The safety law does not apply to domestic servants, casual workers, or agricultural workers. There was no credible information available regarding work-related accidents or fatalities during the year.

Government enforcement of labor law was weak to nonexistent. Working conditions generally were poor, and wage and overtime violations were common. Foreign migrant workers, youth, and female workers typically faced the most exploitative working conditions.