



THE FOUNDATION FOR DEMOCRATIC ADVANCEMENT

Draft Research for Yemen

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Supreme Elections Committee in charge administering and monitoring elections.

Research Findings for the FDA Four Categories of Electoral Fairness:

1. Laws and regulation on equality of political content of media and broadcasters

Main Research Findings:

State media and broadcasters must be impartial (“objective and neutral”), and must guarantee equal access to all registered political parties.

A maximum one year prison sentence for distributing or propagating inaccurate information about the character and/or morality of a certain candidate among voters with the ultimate purpose of influencing voters and thus affecting the electoral outcome.

Article (50): State-media coverage of the daily activities of the President of the Republic shall not be construed as electoral propaganda – if the President is also a running candidate for a second term in office.

The private press’s political content must conform to the Constitution, goals of the Yemeni Revolution and aim of solidifying national unity.

Owners of media and journalists can lose their media rights if they have been found guilty by the court of an offense against honor or integrity unless his/her reputation has been restored in accordance with provisions of this law.

Right of reply and correction to negative media content are guaranteed to citizens, political parties, popular organizations, ministries, government authorities and companies.

Persons employed in media, broadcast, and press are required that political conform to the Islamic faith, not spread spirit of dissent and division, not cause tribal, sectarian, racial, regional and ancestral discrimination, be contrary to the principles of the Yemeni Revolution, prejudicial to national unity, undermines public morality, prejudices the dignity of the individual and freedom of the individual by smears and defamation, provide false data and misinformation about economic trends and situation, spread chaos and confusion, be advertisement inconsistent with Islamic values, public ethics, mislead public, defame individuals, criticize the person of the head of state (does not necessarily apply to constructive criticism).

Research Details:

Article (48): Audio, visual or printed official media shall permit parties or political organizations registered in accordance with the provisions of the Party Law and its By-Law, to express their views through its resources and in a manner that **guarantee equal access to all.**

Article (49): During the campaign period for parliamentary or local general elections, publicizing the views of a single party or political organization through the official media is prohibited. Also, special coverage of the activities of such party or political organization in exclusion of others is prohibited.

Article (50): Various official media outlets are obliged to remain **objective and neutral** when covering the preparation and execution of parliamentary and local general elections

Article (51): Various official media outlets shall grant equal access to all parties and political organizations to broadcast their parliamentary and local electoral programs.

Article (52): Various official media outlets shall cover equally the news and activities of parties and political organizations registered in accordance with the Party Law and its By-Law, as follows:

(a) Coverage of the news, activities and the opening and final sessions of periodic meetings for the leadership conventions of the different parties and political organizations.

(b) Coverage of the opening and final sessions of the general conferences of the parties and political organizations

Article (53): Any media release through the official media outlets of any party or political organization must be in compliance with the principles of the constitution and the provisions of the applicable Laws, specifically the following:

(a) Must promote national solidarity and protect the unity of the internal frontier.

(b) Must assist in building national awareness based on objective facts and information.

(c) Must cover national and social issues of concern to the citizens and the Republic, and must not address issues and phenomena from a regional perspective.

(d) Must support the principle of democratic dialogue, and resist expressions encouraging political extremism.

Article (54): When granting the parties and political organizations access to express their view, heads of the official media outlets shall comply with the following:

(a) Must not broadcast or publish any article that contradicts in any manner the rules and regulations stipulated in this By-Law, and these rules and regulations shall be treated as regulating the political freedom of expression.

(b) Must ensure that a political media release addressed to the public is in conformity with its technical and other requirements before publishing the release.

(c) Must ensure that the media release of the party does not contradict the policies of the

national media for the Republic.

(d) Must ensure that the access to visual, audio and printed official media is not utilized by the party or political organization for the purpose of criticizing, insulting or defaming another party or political organization.

Article (55): The Chairman of the Committee shall be informed by certified letter accompanied by an acknowledgement receipt, within (10) days from the date of the decision of the following:

1. A decision made by a party or political organization changing its president.
2. A decision made by a party or political organization dissolving the party or political organization.
3. A decision made by a party or political organization merging it with another party or political organization.
4. Any changes to its by-laws.

Article (56): Any party or political organization when carrying out its activities shall comply with the following:

1. Not to contradict Islamic precepts or Sharia'a.
2. Not to endorse any of the former regimes of the Imam or the Sultans. Any actions contrary to the objectives of the Revolution, the Republic, Unity or Democracy are forbidden.
3. Not to disrupt the general order and security, or to be involved in plots or violence or to motivate others to do so.
4. Not to use any public service positions or public funds for direct or indirect political gain. Such violations shall be punished by the applicable laws.
5. Not to recruit members for the party or political organization contrary to clause (4) of Article (10) of the Party Law.

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6. Not to use mosques, or educational or governmental facilities to carry out their activities or to campaign for or against or criticize any party or political organization.

7. It is permissible to use public places for political activities on condition of a prior coordination with the proper authorities.

Article 36: The Supreme Committee shall regulate the use of the State audio-visual media and press their electoral platforms, and shall ensure equal access to such media.

Article (36): The Supreme Committee shall regulate the use of the state-run media (i.e. radio, TV, and the press) by all candidates on equal basis to enable them to present to the public their electoral programs. To this effect, the Supreme Committee shall undertake appropriate measures to ensure equal access to such media facilities.

Article (39): The Supreme Committee shall regulate the use of the State-run media (i.e. radio, TV, and the press) by all running candidates on equal basis to enable them to present to the public their electoral programs. To this effect, the Supreme Committee shall undertake appropriate measures to ensure equal access to such media facilities. Political parties and organizations shall have the right to use state-run media (i.e. radio, TV, and the press) to present their platforms on equal footing and in accordance with rules and regulations stipulated by the Supreme Committee.

Article (50): State-media coverage of the daily activities of the President of the Republic shall

not be construed as electoral propaganda – if the President is also a running candidate for a second term in office.

Article (133): Without contravening stricter punishment provided for in Penal Laws, any of the followings shall be punishable by a **maximum one year imprisonment**:

1. Any person who may have used force or threatened to use force to prevent a voter from voting or to coerce a voter to vote in favor of a certain candidate;
2. Any person who may have granted, offered or pledged to grant a voter (or others on behalf of the voter) certain favors and/or concessions with the ultimate purpose of coercing the voter to act in favor of a certain candidate or to abstain from voting;
3. **Any person who may have distributed or propagated inaccurate information about the character and/or morality of a certain candidate among voters with the ultimate purpose of influencing voters and thus affecting the electoral outcome;**
4. Any person who may have entered a polling station with fire arms in violation of the provisions of Article (97) of this Law;
5. Any person who may have been convicted of swearing at, slandering, attacking or threatening to attack any election committee or any of its members while on duty or because of such duties;
6. Any person who may have been convicted of hijacking ballot boxes with the intention to bargain with or hinder the outcome of the election process;
7. Any person who may have abused power and authority to influence the opinion of any given voter. Such a person may also be removed from office;
8. Any person who may have violated the provisions of Article (143) of this Law.

Article 4: The press shall be independent and shall have full freedom to practise its vocation. It shall serve society, form public opinion and express its different outlooks within the context of Islamic creed, within the basic principles of the Constitution, and the goals of the Yemeni Revolution and the aim of solidifying of national unity. No obstacles may be placed in the way of its activities except in accordance with the provisions of this law.

Article 5: The press shall be free to print what it pleases and to gather news and information from their sources. It shall be responsible before the law for what it prints.

Article 6: The law assures the protection of journalists and authors, and it provides the legal guarantees necessary for them to practise their profession, to enjoy freedom of expression and immunity from interference so long as they do not contravene the provisions of this law.

PART ONE: CONDITIONS OF WORKING IN JOURNALISM

Article 7: Any person working as a journalist shall:

- a) be a Yemeni national,
- b) be at least 21 years old,
- c) enjoy full citizen's rights,
- d) not have been found guilty by a court of an offence against honour and integrity unless his/her reputation has been restored in accordance with the law,
- e) be the holder of a qualification from a college or institute or have journalistic experience of not less than three years,
- f) work effectively and continuously in journalism.

Article 8: In addition to fulfilling the conditions set out in Article 7, a chief editor shall:

- a) not work for a foreign state,
- b) be at least 25 years old,
- c) have perfect knowledge of the language in which the newspaper is published,
- d) have experience and knowledge of journalism not less than five years for holders of qualifications in journalism, and eight years for others,
- e) have to work in this job full-time.

Article 20: In what he/she publishes, a journalist shall respect the objectives and aims of the Yemeni Revolution and the provisions of the Constitution and shall not contravene this law.

TERMS OF WORK FOR ARAB AND FOREIGN JOURNALISTS

Article 27: A journalist may be accredited as correspondent of one or more of the media belonging to Arab or foreign governments or organisations once he has been granted a card as an accredited correspondent.

Article 28: The Ministry of Information shall accredit Arab and foreign journalists as correspondents of Arab and foreign newspapers, news agencies and radio and television stations for a period of a year, renewable regularly thereafter. They shall be able to carry out their journalistic work within the country. This privilege shall be on a reciprocal basis. It is for the Ministry to refuse or cancel accreditations.

Article 29: Arab and foreign journalists and the correspondents of the media accredited in the Republic of Yemen shall enjoy the following rights:

- a) right of residence for him/herself and family,
- b) right to a visa for him/herself and family,

- c) the opening of an office with the permission of the Ministry of Information,
- d) trips to obtain information throughout the country, of which the Ministry is to be kept informed in advance,
- e) the privileges and facilities set out in the by-laws.

Article 30:

- a) A journalist or a correspondent of newspapers or other working in Yemen shall respect and adhere to the laws and regulations in force and shall also respect the sovereignty and independence of the country, the creed, religious law and the ethics and traditions of the Yemeni people. He/she shall engage in no activity which endangers the security of the country.
- b) Journalists referred to in item (a) above shall gather news and information only through legal channels.

Article 31: The Ministry of information has the right to grant a facility card to accredited journalists, and it may cancel, withdraw, or refuse to renew it, or cancel a licence without giving any reasons. This shall result in the loss of the right of residence in the country for such correspondent unless there is another reason, not contrary to the provisions of this law, to remain in the country.

Article 32: The Ministry of Information shall issue by-laws setting out the conditions under which Arab and foreign journalists may work in Yemeni written, audio or visual journalism and news agencies.

Article 33: The right to own and issue newspapers and magazines is guaranteed by the Constitution for all citizens, for licensed political parties and for public companies, for popular organisations and for Ministries and Government. corporations in accordance with the provisions of this law.

Article 46: The owner of a newspaper or magazine shall:

- a) be a Yemeni,
- b) have full citizen's rights,
- c) not have been found guilty by the court of an offence against honour or integrity unless his/her reputation has been restored in accordance with provisions of this law,**
- d) if the owner is a shareholding company, all its equity must be held by Yemenis only,
- e) provide capital to the newspaper or magazine on the scale specified in the by-laws to be issued by the Ministry of Information. Newspapers of political parties, popular organisations, ministries and government authorities are exempt from this provision.

PART FOUR: RIGHTS OF CORRECTION AND REPLY AND OFFICIAL COMMUNIQUES

Article 60: The rights of reply and of correction are assured to citizens, political parties, popular organisations, ministries, government authorities and companies and may be exercised by their representatives if the material published concerns them.

Article 61: Whenever a newspaper or a magazine publishes an article in which an individual or a body has the right of reply under the conditions and in the circumstances set out in this part of the law provided that there is a legitimate interest even if the article did not contain aspersions or libels against the complainant.

Article 62: The editor in chief shall publish the correction and reply in the same typescript, language and space and on the same page without recompense in the following fashion and circumstances:

- a) in accordance with the request of the person concerned,
- b) in accordance with the request of the heirs or of their accredited agents if the article concerned the deceased after death,
- c) provided that the reply or correction reaches the editor-in-chief not later than three months after publication of the item which for which the correction is being made.

Article 63: The editor in chief shall publish a reply or correction within three days of receiving it if the newspaper is a daily or in the next issue of the newspaper or magazine if it is not a daily.

Article 64: The editor in chief shall publish without recompense in his next issue and in the area reserved for important news items any communiqué, statement or news item sent to him by a ministry or a government body which concerns the public good and corrects an item previously published in the newspaper.

Section Five: Prohibitions on Publications and Penal Provisions

PART ONE: PROHIBITIONS ON PUBLICATION

Article 103: Persons employed in radio, television and written journalism and especially those employed in responsible positions in radio and television journalism, owners and editors-in-chief of newspapers, owners of printing presses and publishing houses and journalists, shall be bound to abstain from printing, publishing, circulating or broadcasting:

- a) **Anything which prejudices the Islamic faith and its lofty principles or belittles religions or humanitarian creeds,**
- b) **In accordance with the law, any secret document or information which might jeopardise the supreme interests of the country or expose any of its security or defence secrets.**
- c) **Anything which might cause tribal, sectarian, racial, regional or ancestral discrimination, or which might spread a spirit of dissent and division among the people or call on them to apostasise,**
- d) **Anything which leads to the spread of ideas contrary to the principles of the Yemeni Revolution, prejudicial to national unity or distorting the image of the Yemeni, Arab or Islamic heritage.**

e) **Anything which undermines public moral or prejudices the dignity of individuals or the freedom of the individual by smears and defamation,**

f) Deliberations behind closed doors of the supreme bodies of the state,

g) The details of cases during the stages of investigation and trial in ways which might prejudice the course of justice. During these stages, the criminal investigation departments, the police, the prosecution and the judiciary determine the items publication of which is forbidden,

h) **The intentional publication of false data or information with the aim of influencing the economic trends and situation or of spreading chaos and confusion in the country,**

i) Incitement to use violence or terrorism,

j) **Advertisements containing texts or pictures which are inconsistent with Islamic values and public ethics, to defame or libel individuals, attack the rights of others or mislead the public,**

k) Advertisements for pharmaceutical preparations, beauty aids or foodstuffs without the permission of the body concerned,

l) **To criticise the person of the head of state, or to attribute to him declarations or pictures unless the declarations were made or the picture taken during a public speech. These provisions do not necessarily apply to constructive criticism.**

PART TWO: PENAL PROVISIONS

Article 104: Without prejudice to any more severe penalty under another law, any person who contravenes the provisions of this law shall be subject to a fine not exceeding ten thousand riyals or a period of imprisonment not exceeding one year.

Article 105: The court may order the closure of a newspaper, printing press, publishing house or premises for the circulation of printed material, artistic compositions or similar products which have been opened without the proper licences provided for in this law.

Article 106: The court may order the imposition of any of the following supplementary penalties:

a) **Prohibition of continued practice of the profession of journalism, circulation and printing of newspapers and printed materials or of the import, export, renting or sale of cinema films at the exhibiting of artistic compositions or any other of the professions covered by the provisions of this law for a period not exceeding one year.**

b) Confiscation.

Article 107: A newspaper or printed material may, by a decision of the Minister or his deputy, be seized by administrative action if it has been printed, issued or circulated in violation to the provisions of this law. The matter shall be brought before the courts to rule on whether the material seized should be confiscated. The person concerned has the right to appeal to the courts against the decision of seizure and to claim compensation.

2. Laws and regulations on equality of candidate and party influence

Main Research Findings:

Private media, broadcasters, and press restricted in their content:

Persons employed in media, broadcast, and press are required that political conform to the Islamic faith, not spread spirit of dissent and division, not cause tribal, sectarian, racial, regional and ancestral discrimination, be contrary to the principles of the Yemeni Revolution, prejudicial to national unity, undermines public morality, prejudices the dignity of the individual and freedom of the individual by smears and defamation, provide false data and misinformation about economic trends and situation, spread chaos and confusion, be advertisement inconsistent with Islamic values, public ethics, mislead public, defame individuals, criticize the person of the head of state (does not necessarily apply to constructive criticism).

Severe restrictions placed on political parties and their registration:

Naturalized citizens must wait 15 years before political participation

Political parties must be consistent with Islamic values, objectives and principles of the Islamic revolution, national unity, and the Constitution.

Members of political parties must have full political rights: no court decision has been issued against him depriving him of these rights or convicting him of a crime relating to honor or good conduct unless he is exonerated.

Members of political parties must be not less than 2,500 provided they are represent most of the Governorates in the Republic and the capital city, Sana'a.

State media, broadcasters, and press must provide equal access to registered political parties.

If necessary, educational facilities may be used equally by political parties during elections.

Maximum one year in prison for any person distributing or propagating inaccurate information about the character and/or morality of a certain candidate among voters with the ultimate purpose of influencing voters and thus affecting the electoral outcome.

President of Syria appoints the seven members of the Supreme Electoral Council from a 15 person list determined by the parliament.

Candidates for the presidency must have recommendation from 10% of the members of the House of Representatives.

The rights of reply and of correction are assured to citizens, political parties, popular organizations, ministries, government authorities and companies and may be exercised by their representatives if the material published concerns them.

State electoral subsidies to political parties based on 25% to parties in Assembly and 75% based on number of votes received in previous election. State determines total amount of subsidy.

No private electoral spending limits on citizens, legal entities, and political parties.

Research Details:

Presidential Decree No. (109) 1995 pertaining to the Executive By-Law for the Parties and Political Organizations Law No. (66) for 1991:

PARTY or POLITICAL ORGANIZATION: Any group of Yemenis, organized according to common principles and objectives based on constitutional legitimacy, which undertakes political and democratic activities with the aim of achieving peaceful transfer of power or sharing thereof.

Article (4):

(a) All Yemenis are entitled to form parties and political organizations in the Republic in accordance with the Constitution and provisions of the Party Law. The establishment and the formation therein shall be according to the terms, conditions and procedures stipulated in the Party Law and this By- Law.

(b) All Yemenis are entitled to voluntary affiliation with any party or political organization, in accordance with constitutional legitimacy and the provisions of the Party Law and this By-Law.

Article (8):

(a) According to the provisions of the Party Law and the applicable laws, affiliation with any party or political organization, and partaking or participating in political activities is prohibited for the following people:

1. All members of the judiciary.
2. All officers and soldiers of the military or security forces governed by the rules of employment for the military services and security forces.
3. All members of the diplomatic or consular services while serving abroad.
4. The Head and members of the Supreme Commission for Elections during their membership of the Commission.
5. The four members appointed to the Committee for the Affairs of Parties and Political Organizations mentioned in Article (13) of the Party Law.
- 6. All naturalized Yemenis, who have had their nationality for less than (15) years.**
- 7. Any person against whom a court decision was issued depriving him of political participation.**
8. Any person who is less than (18) years old.

(b) Any violation of the ban mentioned in clause (a) of this Article shall be considered an illegal act and the Public Prosecutor shall be responsible for filing a criminal case against the person who committed the violation. This shall not prevent the Committee from applying the procedures mentioned in Article (34) of the Party Law against the political party or organization responsible for the breach or violation.

Section Three: The Main Conditions for Establishing and Forming Parties and Political Organizations and for the Continuation of their Activities:

Article (9): For the establishment or the continuation of the activities of any party or political organization, the following are the requirements:

First: That its principles, objectives, programs, and means do not contradict:

(a) Islamic precepts and values;

(b) The sovereignty, independence, and unity of the country and the people.

(c) The Republican system, and the objectives and principles of the September and October Revolutions, and the Republic's Constitution.

(d) The national unity of Yemeni society.

(e) The basic freedoms and rights, and the international declarations on human rights.

(f) The Yemeni society's affiliation to the Arab and Muslim nations.

Second: When applying for the establishment of a party or political organization, the programs and policies on which it depends to achieve its objectives in the political, economic, social and cultural fields, must not replicate those of other parties and political organizations.

Third: The party or political organization must be established on a national basis and not a regional, tribal, sectarian, class, or professional basis, or on any other form of discrimination among citizens based on sex, racial origin, or color.

Fourth: The party or political organization may not be based on concepts contrary to Islamic law, and should not charge other parties, political organizations, society or individuals as infidels or atheists, or claim to be the only representative of the true Islam, or patriotism, or nationalism, or the Revolution.

Fifth: Parties and political organizations are prohibited from the following:

(a) The establishment of a military or paramilitary force or helping to establish them;

(b) The use of violence in any form, or threats or instigations thereof;

(c) Including in their literature, publications or programs anything that instigates violence or the establishment of military or paramilitary structures, openly or in secret.

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(d) A party or political organization may not be affiliated with any other party or political organization or a foreign country. Yemeni parties and political organizations may however, establish bilateral ties on an equal footing with any non-Yemeni party or political organization, in a manner that is not contrary to Yemen's supreme national interests, the Constitution or the applicable laws.

Article (10): The following conditions must apply to anyone who participates in founding a party or political organization:

(a) Must be born of a Yemeni father.

(b) Must be at least (24) years old.

(c) Must have full political rights, and no court decision has been issued against him depriving

him of these rights or convicting him of a crime relating to honor or good conduct unless he is exonerated.

(d) Should not be from the individuals prohibited from political affiliation mentioned in Article

(8) clause (a) of this By-Law.

Section Five: Rules and Procedures for the Establishment and Acquiring Legal Status

Chapter 1: Rules and Regulations for the Establishment

Article (24): Any party or political organization has the right to submit an application for the establishment of a party or political organization to the Chairman of the Committee if the following legal conditions are met:

1. The number of members of any party or political organization on establishment shall not be

less than (2,500) members, provided that they represent most of the Governorates in the Republic including the Capital City of Sana'a.

2. The party or political organization shall have by-laws and a political program approved by its members on submission of the application for establishment.

Article (25): For the Committee to accept an application for the establishment of any party or political organization, the following conditions must be fulfilled:

1. The application shall be in writing and addressed to the Chairman of the Committee. The Chairman shall notify the applicant in writing upon receipt of the application. The date of receipt of the application by the Chairman is the official date to be taken into consideration when counting the timeframes necessary for the establishment procedures stipulated in the Law.

2. The Application shall be signed by no less than (75%) of the founding members, and their signatures shall be authenticated by the Head of any Court of First Instance in the Republic.

3. Any Application shall include the following information:

(a) The name of the party or political organization.

(b) The addresses of its offices in the Republic.

(c) The names, surnames, addresses, professions and the dates of birth of the founders who signed on the application along with a copy of their personal ID or family cards.

(d) The name of the representative of party or political organization during the establishment. proceedings.

Article (29): Taking into consideration the time specified in clause (f) of Article (14) of the Party Law, the Chairman of the Committee shall, by registered correspondence and within a maximum of one week of the Committee's objection decision, inform the founding members of the party or political organization of the Committee's decision and the justifications thereof. The Chairman shall also allow the founding members of the party or political organization a (30)-day period from the date of their receipt of the Committee's objection decision, during which they can complete any requirements or respond to the objections of the Committee. In case the differences are not resolved, the case may be referred to the proper court by the Committee or through a lawsuit filed by the founding members of the party or political organization. Such a case is to be treated as urgent by the courts, and all parties are entitled to appeal the court decision according to the law.

Section Six: Resources and Financial Provisions

Article (33): The resources of the party or political organization include:

1. Subscriptions and contributions from its members.

2. The subsidies allocated by the government in its annual budget.

3. Returns on the party's or political organization's investments from publishing newspapers, or utilization of printers and publishing houses provided that they aim at serving the objectives of the party or political organization.

4. Gifts and donations provided they are contributed by Yemeni individuals or entities.

Article (46):

1- The offices of parties and political organizations and their documents, correspondence, and means of communications may not be subject to surveillance, interception, search, or forceful seizure.

2- Except in cases of criminal activity, no search of a party's or political organization's offices can be carried out unless in the presence of the Head of the authorized Public Prosecutor's Office and a representative of the party or political organization. If the latter refuses to attend, a report to that effect must be prepared and the investigation may proceed in the presence of two witnesses. If this Article has been violated, the search is invalid as well as any civil or criminal responsibility resulting therefrom.

3- The Public Prosecutor's Office has to inform the Committee of the process that was carried out at the office of the party or political organization within 48 hours thereof stating the reasons for the search and its outcome.

Article (47):

1- In accordance with the provisions of Articles (30) and (31) of the Party Law, each party or political organization has the right to issue one or more newspapers, magazines or pamphlets to make public its objectives and express its views without having to obtain the permit stipulated in the.

2- Each party or political organization has the right to use any permissible means of expression to communicate its views providing it does not contradict the Constitution, the Party Law, this By-Law and the applicable laws.

Article (48): Audio, visual or printed official media shall permit parties or political organizations registered in accordance with the provisions of the Party Law and its By-Law, to express their views through its resources and in a manner that guarantee equal access to all.

Candidates are not allowed to use defamatory or slanderous means against each other during their election campaign.

Article 36: The Supreme Committee shall regulate the use of the State audio-visual media and press their electoral platforms, and shall ensure equal access to such media.

Article (38): The locations for posting election campaign materials within each electoral district shall be designated as of the fourteenth day prior to the General Elections. In each of the above locations, candidates shall be granted equal space. Such locations shall not exceed the limits set by the Supreme Committee.

Article (39): Each Election Committee shall designate the locations cited in the above article in accordance with the order of candidacy presentations. Local Authorities and their affiliates shall have to cooperate fully in the execution of the election committee's instructions and directives particularly those concerning the provisions of the required space and locations as specified in the above article. Failure to cooperate shall render such authorities and their affiliates legally liable. In such events, the head or deputy head of the Election Committee shall be accorded executive authorities to implement what is deemed essential.

Article (40): Candidates are not allowed to post in the space locations referred to in article (38) hereof until the end of the day preceding the General Elections:

- a. more than two electoral posters;
- b. More than two notices concerning electoral meeting which shall only contain the date and venue of the meeting and the names of the those registered to give a speech as well as the names of candidates.

Article (41): Candidates may not use, or allow the use of the billboards allocated to them for any purpose other than presenting their candidacy and defending their programs. Candidates may not cede the boards allocated to them to any other person.

Article (42): On election day, candidates may not distribute or cause someone to distribute programs, leaflets, cards or any other related documents. In general, on election day, government officials and local authorities may not distribute cards, leaflets or program on behalf of candidates. Bills, programs, leaflets and/or cards belonging to candidates who are not duly registered in the candidates' rolls may not be posted or circulated.

Article (43): Subject to the provisions of the following article, mosques, prayer congregation centers, colleges, schools, educational institutions, government offices, barracks, public facilities, athletic clubs and sports' facilities may not be used for election campaigns in what so ever capacity.

Article (44): Candidates shall during their election campaigns organise electoral meetings and caucuses for the presentation of their platforms and programs to the voters. The regulations governing such meetings shall be laid down by the Supreme Committee, provided that mosques and prayer-congregation centers are not used for such purposes. **The supervisory and main committees may, if necessary, authorise the equal use of educational facilities by all candidates for such electoral gatherings.**

Article (45): Loudspeakers may not be used for election campaigns except in electoral meetings and caucuses held in conformity with the law. Moreover, the use of any product for election campaign purposes is prohibited. In general, all means of publicity which are not provided for in this law or authorised by the Supreme Committee may not be used by candidates.

Article (46): Authorised forms of publicity for election campaign purposes may not be attacked either by tearing or removing or any other means. Any such act shall construe an election offense.

Article (47): All parties, groups, organisations, and/or individuals are prohibited from exercising any form of pressure and intimidation or levelling treason accusations or accusations of heresy during election campaigns. Such groups are also prohibited from resorting to tactics such as waving incitements and/or promising financial or symbolic gains.

Part Three: The Supreme Elections Committee - Duties and Responsibilities

Article (20):

- a. The Supreme Elections Committee shall be composed of seven members appointed by the President of the Republic . Members of the Supreme Committee shall be selected

from a list of 15 potential candidates nominated by the Parliament. All candidates for the Supreme Elections Committee shall meet the conditions and requirements stipulated by this law.

- b. Candidates for the Supreme Elections Committee shall have to secure the nomination of at least two-thirds of parliamentary members.

Article (21):

- a. The term of office for the committee members shall be four calendar years effective from the date of appointment.
- b. Nominations for the Supreme Elections Committee may be filed within the first five months from the first session held by the Parliament. Committee members may be renominated and reappointed for only one second term in office.

Article (22): Candidates for the Elections Supreme Committee shall fulfill the following conditions:

- a. they must have attained 35 years of age;
- b. both parents of each candidate must be Yemeni nationals;
- c. candidates must hold a college degree or its equivalent and must demonstrate appropriate experience and/or qualifications;
- d. they must demonstrate good character and conduct;
- e. they must not have been convicted by court for any election offense or for any other crime in breach of ethics and/or professional conduct;
- f. they must suspend their political and/or party affiliation(s) during their tenure in office as member of the Elections Supreme Committee;
- g. they must refrain from nominating themselves for any general elections and/or pa-taking in any election campaign during their term in office as members of the Committee.

Article (23):

- The Supreme Committee's members shall have the rank of cabinet minister at least. members not having this rank prior to their appointment shall automatically be entitled to such a rank effective from the date marking their appointment.
- Members of the Supreme Committee shall be accorded with all the entitlements and fringe benefits appertaining to active cabinet ministers during their term in office.
- No member of the Supreme Committee shall be removed from office unless a Presidential Order is issued to that effect and only if such a committee member becomes ineligible in accordance with the provisions of article No. (22) of this law and in conformity with an irrevocable court order to this effect. In the event of death, resignation and/or dismissal of a committee member, a replacement may be appointed from the list of candidates endorsed by the Parliament upon formation of the Supreme Elections Committee.

- The committee's members shall elect a chair-person and a deputy-chair person from among themselves for the term of their membership.

Article (97): Any of the following offenses shall be punishable by one to two years imprisonment:

1. Using force or threats to prevent a voter from voting or to coerce a voter to vote in favor of a certain candidate;
2. granting, offering or pledging to grant a voter or others on behalf of the voter certain favors and/or concessions with the ultimate purpose of coercing the voter to act in favor of a certain candidate or to abstain from voting;
3. agreeing to receive or demanding certain favors and/or concessions for one's self or for others in lieu of voting;
- 4. distributing or propagating inaccurate information about the character and/or morality of a certain candidate among voters with the ultimate purpose of influencing voters and thus affecting the electoral outcome;**
5. entering a polling station with fire-arms in violation of the provisions of article (61) of this law;

swearing at, slandering or attacking any election committee or any of its members during the elections

Article (21): Each Supreme Committee member must:

- (a) Be at least (35) years old;
- (b) Be of Yemeni parental origin;
- (c) Hold a college degree or its equivalent and with relevant professional competence & experience;
- (d) Be of good character and conduct;
- (e) Have not been convicted by court for any election offense or any other crime in breach of ethics and professional conduct;
- (f) Suspend political and/or party affiliation (if any) during his/her term in office.

Article (19):

(a) The Supreme Elections Committee is composed of (7) members to be appointed by the President of the Republic. The appointees shall be selected from a list of (15) candidates forwarded to the President by the Parliament. All candidates for the Supreme Elections Committee shall have to meet the conditions and requirements stipulated by this Law.

(b) Candidates for reprimand. the Supreme Elections Committee shall have to secure the nomination of at least 2/3 of parliamentary members.

Article (20):

(a) The term of office for members of the Supreme Committee shall be six calendar years effective from the date of appointment.

Article (106) Every Yemeni who meets the following specified conditions may become a candidate for the post of the President of the Republic:

- a. To be at least forty years old.
- b. To be a descendant of Yemeni parents.
- c. To be at liberty to practise his political and civil rights.
- d. To be of good character, practise his Islamic duties and have no dishonorable criminal record and if so, he has been
- e. Not to be married to a foreign spouse or to enter into such a marriage during his term of office.

Article (107) Nomination and election of the President shall be as follows:

- a. Election of the President of the Republic shall be by the people and in a competitive elections.
- b. Proposals must be submitted to the Speaker of the House of Representatives.
- c. Candidatures must be studied by the Presiding Board of the House of Representatives to ensure that the candidates meet the constitutional conditions.
- d. Names of candidates who meet the conditions shall be presented to the House for approval.
- e. **A candidate who wins the recommendation of 10% of the members is considered a candidate for the post of the President of the Republic.**
- f. The House of Representatives is bound to recommend at least two persons for the post of the President of the Republic before submitting the candidates to the people in competitive elections.
- g. The person who wins an absolute majority of those who participated in the elections is considered the President of the Republic. If none of the candidates win this majority, elections shall be repeated according to the above procedures for the two candidates who got the highest number of votes.

PART FOUR: RIGHTS OF CORRECTION AND REPLY AND OFFICIAL COMMUNIQUES

Article 60: The rights of reply and of correction are assured to citizens, political parties, popular organisations, ministries, government authorities and companies and may be exercised by their representatives if the material published concerns them.

Article 61: Whenever a newspaper or a magazine publishes an article in which an individual or a body has the right of reply under the conditions and in the circumstances set out in this part of the law provided that there is a legitimate interest even if the article did not contain aspersions or libels against the complainant.

Article 62: The editor in chief shall publish the correction and reply in the same typescript, language and space and on the same page without recompense in the following fashion and circumstances:

- a) in accordance with the request of the person concerned,
- b) in accordance with the request of the heirs or of their accredited agents if the article concerned the deceased after death,
- c) provided that the reply or correction reaches the editor-in-chief not later than three months after publication of the item which for which the correction is being made.

Article 63: The editor in chief shall publish a reply or correction within three days of receiving it if the newspaper is a daily or in the next issue of the newspaper or magazine if it is not a daily.

Article 64: The editor in chief shall publish without recompense in his next issue and in the area reserved for important news items any communiqué, statement or news item sent to him by a ministry or a government body which concerns the public good and corrects an item previously published in the newspaper.

3. Laws and regulations on equality of electoral finance

Main Research Findings:

State electoral subsidies to political parties based on 25% to parties in Assembly and 75% based on number of votes received in previous election. State determines total amount of subsidy in annual budget.

No private electoral spending limits on citizens, legal entities, and political parties.

Financing election campaigns with public funds or from the budgets of Ministries, public sector organizations or companies or public bodies or from foreign sources is prohibited.

Presidential candidates receive an equal lump sum from the state to cover campaign costs. In addition, presidential candidates can receive private donations from citizens and corporations with no limits. No donations from foreign sources.

Research Details:

Section Six: Resources and Financial Provisions

Article (33): The resources of the party or political organization include:

1. Subscriptions and contributions from its members.
- 2. The subsidies allocated by the government in its annual budget.**
3. Returns on the party's or political organization's investments from publishing newspapers, or utilization of printers and publishing houses provided that they aim at serving the

objectives of the party or political organization.

4. Gifts and donations provided they are contributed by Yemeni individuals or entities.

Article (34): The party or political organization shall not invest its resources in any commercial activities except as provided for in clause (3) of Article (33) of this By-Law. The party or political organization may not accept from non-Yemeni individuals or entities any gifts, benefits, or donations. The party or political organization must record the name of each donor and the amount donated in a financial legal records. **The Committee shall be informed if a single contribution exceeds (YR 100,000), or if the total annual donations from a donor exceed (YR 200,000). The donations given to parties and political organizations may not be deducted for income tax purposes.**

Article (35): The Committee for the Affairs of Parties and Political Organizations shall present to the Council of Ministers annually the total amount of support or subsidy which the government will allocate for the parties and political organizations in accordance with the provisions of the Party Law and this By-Law. This amount, once approved, is then included in the government budget.

Article (36): The total amount of government subsidy mentioned in the above Article is divided among the parties and political organizations as follows:

(a) (25%) in equal amounts to all parties and political organizations which are represented in the House of Representatives.

(b) (75%) to the rest of the parties and political organizations (including the parties mentioned in clause (a) of this Article) according to the numbers of votes their candidates obtained in the election for the House of Representatives. A party or political organization is not entitled to a share of this amount if the total number of votes its candidates obtained was less than (5%) of the total votes.

Article (37): The Supreme Commission for Elections shall provide the Committee with the details of the election results and the votes that were obtained by the candidates of each party or political organization.

Article (38): Without contradicting the provisions of Articles (33), (34), (35), and (36) of this By-Law, **the total amount of subsidy from the government to a party or political organization shall not exceed the total amount of annual subscriptions and dues paid by its members.**

Any excess in the determined amount shall be returned to the government treasury.

Article 20: The election Supreme Committee is composed of five members at least and seven members at most appointed by virtue of a decision from the Presidential Council from a list of 15 names proposed by parliament and who must meet the conditions laid down by this law. the Presidential Council may appoint additional members to the Committee during the election year from among the list of candidates mentioned above in order to assist the Committee during the election process.

Article 22: The members of the Supreme Elections Committee should fulfil the following conditions:

- a. They must have attained 35 years of age.
- b. Both their father and mother must be Yemeni nationals.
- c. They must be experienced and qualified.
- d. They must be of good morals and conduct.
- e. They must not have been sentenced by a court judgment for any election offence or any offence against honour or in breach of trust.
- f. If the Committee's member is adherent to a political party or organisation, he must publicly resign from such party or organisation during the term of his membership in the Committee.**
- g. The Committee's members must not be candidates during the term of their membership in the Committee.

Article 37: Financing election campaigns with public funds or from the budgets of Ministries, public sector organisations or companies or public bodies or from foreign sources is prohibited. The use of public institutions and facilities for the election campaign is also prohibited.

Article (71): Campaign costs for presidential candidates shall be borne by the State. To this effect, an equal lump sum shall be granted to each candidate upon recommendation of the Parliament Presidium and approval of the House. The provisions of Article (40) of this Law may not apply under such circumstances.

Article (75): Each presidential candidate shall have the right to accept contribution and/or donations from Yemeni individuals or body corporates on condition that such contributions are credited to a bank account. Bank statements to this effect should be forwarded on order of arrival to the Supreme Committee. Acceptance of financial donations from foreign sources shall be strictly prohibited.

Article (143): State funds, resources and facilities may not be used and/or mobilized (directly or indirectly) in favor of any political party, organization or any running candidate. Such acts are punishable in accordance with the provisions of Article (133) of this Law.

Misuse of Governmental posts and public funds for the special interest of a specific party or organization is not permitted. (Yemen Constitution)

4. Laws and regulations on equality of voter say

Main Research Findings:

No restrictions on donations to political parties and presidential candidates from citizens, and therefore wealthy voters are favored.

Freedom of expression must conform to Islam and Yemeni Revolution etc. Up to one year in prison, for violating content restrictions.

No restrictions on internet, except the content must conform to Islam, Yemeni Revolution etc.

Naturalized citizens must wait 15 years before being allowed political participation.

Citizens have no political rights, if revoked by Yemeni court.

Regulations through Supreme Electoral Council encourage and support woman's right to vote.

Members of the Supreme Electoral Council determined by the Yemeni President.

Right of reply and correction to negative media content are guaranteed to citizens, political parties, popular organizations, ministries, government authorities and companies.

Research Details:

Article (8):

(a) According to the provisions of the Party Law and the applicable laws, affiliation with any party or political organization, and partaking or participating in political activities is prohibited for the following people:

1. All members of the judiciary.
2. All officers and soldiers of the military or security forces governed by the rules of employment for the military services and security forces.
3. All members of the diplomatic or consular services while serving abroad.
4. The Head and members of the Supreme Commission for Elections during their membership of the Commission.
5. The four members appointed to the Committee for the Affairs of Parties and Political Organizations mentioned in Article (13) of the Party Law.

6. All naturalized Yemenis, who have had their nationality for less than (15) years.

7. Any person against whom a court decision was issued depriving him of political participation.

8. Any person who is less than (18) years old.

(b) Any violation of the ban mentioned in clause (a) of this Article shall be considered an illegal act and the Public Prosecutor shall be responsible for filing a criminal case against the person who committed the violation. This shall not prevent the Committee from applying the procedures mentioned in Article (34) of the Party Law against the political party or organization responsible for the breach or violation.

Article (11): The following conditions must apply to anyone who becomes a member of a party or political organization:

1. Must be a Yemeni national. If he is a naturalized Yemeni, then must have obtained his nationality for a complete (15) years.

2. Must be at least (18) years old.

3. Must have full political rights. Such rights can only be revoked by a court order.

4. Must not be one of the individuals prohibited from political affiliation mentioned in clause

(a) of Article (8) of this By-Law.

CHAPTER TWO: VOTING RIGHTS

Article 3: All Citizens who have attained 18 complete calendar years are entitled to vote except naturalised persons who have not completed the legal period of time provided for in the Nationality Law since acquiring Yemeni citizenship.

Article 4: All voters exercise their voting rights in the election district in which they domicile and if a person has more than one domicile, he shall chose the domicile where he wishes to vote. in any event, one person cannot be registered in more than one Electoral District in which he is registered.

Article 5: The Supreme Committee shall take all appropriate measures to encourage women to exercise their voting rights and shall set up women's committees which shall be entrusted with registering the names of female voters in the voting registers and verify their identity during the voting process at the polling stations which shall be determined in each of the Electoral Districts.

Article 6: Each voter has one voter and voters are not entitled to vote more than one during the same elections.

Article 42: On election day candidates may not distribute or cause someone to distribute programmes, leaflets, cards or other documents. In general, on election day, government officials and local authorities may not distribute cards, leaflets or programmes on the behalf of candidates. Bills, programmes, leaflets or cards belonging to candidates who are not registered in the candidates rolls may not be posted or circulated.

Article 43: Subject to the provisions of the following article, Mosques, Prayer oratories, faculties, schools, institutes, government offices, barracks, public facilities, clubs and playgrounds may not be used for the election campaign in any sort whatsoever.

Part Three: The Supreme Elections Committee - Duties and Responsibilities

Article (20):

- c. The Supreme Elections Committee shall be composed of seven members appointed by the President of the Republic . Members of the Supreme Committee shall be selected from a list of 15 potential candidates nominated by the Parliament. All candidates for the

Supreme Elections Committee shall meet the conditions and requirements stipulated by this law.

- d. Candidates for the Supreme Elections Committee shall have to secure the nomination of at least two-thirds of parliamentary members.

Article (21):

- c. The term of office for the committee members shall be four calendar years effective from the date of appointment.
- d. Nominations for the Supreme Elections Committee may be filed within the first five months from the first session held by the Parliament. Committee members may be renominated and reappointed for only one second term in office.

Article (22): Candidates for the Elections Supreme Committee shall fulfill the following conditions:

- h. they must have attained 35 years of age;
- i. both parents of each candidate must be Yemeni nationals;
- j. candidates must hold a college degree or its equivalent and must demonstrate appropriate experience and/or qualifications;
- k. they must demonstrate good character and conduct;
- l. they must not have been convicted by court for any election offense or for any other crime in breach of ethics and/or professional conduct;
- m. they must suspend their political and/or party affiliation(s) during their tenure in office as member of the Elections Supreme Committee;
- n. they must refrain from nominating themselves for any general elections and/or pa-taking in any election campaign during their term in office as members of the Committee.

Article (23):

- The Supreme Committee's members shall have the rank of cabinet minister at least. members not having this rank prior to their appointment shall automatically be entitled to such a rank effective from the date marking their appointment.
- Members of the Supreme Committee shall be accorded with all the entitlements and fringe benefits appertaining to active cabinet ministers during their term in office.
- No member of the Supreme Committee shall be removed from office unless a Presidential Order is issued to that effect and only if such a committee member becomes ineligible in accordance with the provisions of article No. (22) of this law and in conformity with an irrevocable court order to this effect. In the event of death, resignation and/or dismissal of a committee member, a replacement may be appointed from the list of candidates endorsed by the Parliament upon formation of the Supreme Elections Committee.

- The committee's members shall elect a chair-person and a deputy-chair person from among themselves for the term of their membership.

Article (47): All parties, groups, organisations, and/or individuals are prohibited from exercising any form of pressure and intimidation or levelling treason accusations or accusations of heresy during election campaigns. Such groups are also prohibited from resorting to tactics such as waving incitements and/or promising financial or symbolic gains.

Contested Cases over Presidential Elections

Article (117): Any person with vested interest shall have the right to contest the results of Presidential elections. Contests shall be submitted to the Supreme Court within (72) hours following the declaration of results. Each contest shall be based on reasons and shall be confined to balloting and vote-counting procedures. Each contestant shall be required to deposit with the Court the total sum of YR 100,000 as a guarantee to be refunded in full if contest is sustained by Court. The same amount however shall be forfeited and credited to the State Treasury if the contest is overturned by Court.

Article (118): The provisions of Articles (112) and (113) of this Law shall also apply in dealing with contentious Presidential Election cases.

Article (119): The sheer submission of contests shall neither deter the Supreme Committee from announcing Presidential Election results, nor shall such cases prevent the same Committee from awarding the successful candidate a certificate confirming his/her status as the winning candidate. Such cases shall by no means deter the President-elect from taking the Oath of Office in Parliament and assuming duties accordingly.

Chapter III: Social and Cultural Foundations

Article (24) The state shall guarantee equal opportunities for all citizens in the fields of political, economic, social and cultural activities and shall enact the necessary laws for the realization thereof.

Article (25) Yemeni society is based on social solidarity, which is based on justice, freedom and equality according to the law.

Article (26) The family is the basis of society, its pillars are religion, customs and love of the homeland. The law shall maintain the integrity of the family and strengthen its ties. (Yemen Constitution)

Article 3: Freedom of knowledge, thought, the press, expression, communication and access to information are rights of the citizen which enable him/her to express his/her thoughts orally, in

writing or in pictorial or in drawing form or by any other means of expression. These rights are guaranteed to every citizen by the Constitution and by the provisions of this law.

PART FOUR: RIGHTS OF CORRECTION AND REPLY AND OFFICIAL COMMUNIQUES

Article 60: The rights of reply and of correction are assured to citizens, political parties, popular organisations, ministries, government authorities and companies and may be exercised by their representatives if the material published concerns them.

Article 61: Whenever a newspaper or a magazine publishes an article in which an individual or a body has the right of reply under the conditions and in the circumstances set out in this part of the law provided that there is a legitimate interest even if the article did not contain aspersions or libels against the complainant.

Article 62: The editor in chief shall publish the correction and reply in the same typescript, language and space and on the same page without recompense in the following fashion and circumstances:

- a) in accordance with the request of the person concerned,
- b) in accordance with the request of the heirs or of their accredited agents if the article concerned the deceased after death,
- c) provided that the reply or correction reaches the editor-in-chief not later than three months after publication of the item which for which the correction is being made.

Article 63: The editor in chief shall publish a reply or correction within three days of receiving it if the newspaper is a daily or in the next issue of the newspaper or magazine if it is not a daily.

Article 64: The editor in chief shall publish without recompense in his next issue and in the area reserved for important news items any communiqué, statement or news item sent to him by a ministry or a government body which concerns the public good and corrects an item previously published in the newspaper.

Sources:

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The Parties and Political Organizations Law No. (66) for 1991