

## WOMEN'S PARTICIPATION

Women's political participation in Yemen is significantly higher than that of other countries in the region. Yemen was the first country on the Arabian Peninsula to enfranchise women. In 1993, 21 women ran for parliament and two won seats; in 1997, 17 women ran for parliamentary office and again two women won seats; in the country's first local council elections in 2001, 147 women ran, and 38 won. In the previous government there was one female minister, one female ambassador and a small number of deputy ministers. As noted earlier, registration of women voters increased significantly for these elections, from 1.8 million to 3.4 million voters.

Despite this increase in registered women voters, however, it appears that women's participation in Yemen's democratic political life has been diminishing, rather than growing stronger. Each round of parliamentary elections has seen a decrease in the number of women running for office; only 11 women ran in 2003. In these elections, political parties failed to either set aside seats for women or to appoint them to the electoral commissions. Women who chose to run faced considerable pressure throughout the pre-election period to withdraw. The parties – which failed to nominate women candidates in any significant number – did little to protect the rights of those who were running.



In the lead-up to parliamentary elections, women's organizations sought to pressure the parties and government to set aside seats for women in certain districts, and NDI worked with the GPC, *Islah* and the YSP, Baath and Nasserites to try to develop a Memorandum of Understanding whereby seats would be set aside for women in some major urban areas. *Islah*, citing problems with traditionalist elements within the party, would not agree to run women candidates. The party was willing to negotiate not running male candidates against women in these constituencies if they were not *Islah* strongholds.

The GPC, however, was unwilling to negotiate with the opposition on a formal agreement, and claimed that the national leadership could not over-rule local choices and nominate women because of recent decentralization initiatives. Given the GPC's predominance in political life, this decision was unfortunate, as the party was in a position to play a leadership role in encouraging women's participation.

Among the larger parties, the YSP nominated two women, and the GPC one; smaller parties ran three women and five women ran as independents. As noted in preceding sections, women faced serious hurdles in the nomination and campaigning period.

## DOMESTIC MONITORING AND THE ROLE OF CIVIC ORGANIZATIONS

The relationship between the elections commission and domestic monitors has, in previous elections, been a contentious one. Despite the election law, which after 1996 allowed for the presence of observers in the polls on election day, some observers were denied access to voting centers or were refused accreditation in 1997.

From the beginning of the election cycle the SCER expressed a commitment to full access for international and domestic monitors. In addition and in response to international concerns, the SCER undertook a number of initiatives to see that domestic monitoring efforts were facilitated rather than restricted in these elections. In response to time constraints, the SCER waived the requirement in the law requiring each individual monitor to sign the NGO monitoring application form and permitted the NGOs to use their stamps instead. It also removed the demand that each monitor supply a photocopy of his national ID. Both requirements would have limited monitoring in remote areas because there was insufficient time to collect signatures and photocopies.

The commission also adopted a set of guidelines for observers which formally established observers' rights and responsibilities. Additionally, the SCER chairman addressed local observers at two domestic monitoring trainings emphasizing the importance of the role of domestic monitors in ensuring a free and fair process. Both speeches were televised, sending an important message to local election officials on the rights of observers on election day.

The lack of experience with institutional transparency inhibited SCER outreach and communication with domestic stakeholders and was an obstacle to domestic organizations' engagement with the SCER in preparation for their role as domestic monitors. At the same time, however, domestic organizations and political parties lacked a concrete strategy to engage the SCER and follow up on issues of concern. NDI encourages the SCER and NGOs to enter into discussions well before the 2006 elections on how to best enhance SCER-NGO coordination.

### NDI-Supported Coalition

In the lead-up to the 2003 elections, NDI was approached by several organizations interested in mounting a domestic monitoring campaign. With the Institute's technical assistance and funding from the Royal Embassy of the Netherlands, the British Embassy, USAID and the UNDP, a loose coalition of Yemeni civil society organizations organized a comprehensive nonpartisan election monitoring effort for the 2003 elections. This effort included monitoring of the registration period, the campaign period and the voting and counting procedures. The program fielded approximately 3,000 monitors on election day. There were an additional 20,000 Yemeni citizens registered by the SCER under the auspices of other associations and NGOs. While the high number of citizens registered to monitor could be interpreted as a positive sign of civic responsibility, many of the associations and NGOs were political party creations or party dominated.

Groups involved in the voter registration monitoring program supported by NDI included Civic Democratic Initiatives Support Foundation (CDF), School for Democracy (SD), Sisters Arab Forum (SAF), and Yemen Human Rights and Freedoms Foundation (YHR). The civil society organizations in this loose coalition mobilized approximately 3,000 volunteer monitors during the

month-long registration campaign. The groups identified problems during the registration campaign, including the registration of a high number of underage individuals; inadequate training of electoral authorities and security officials; involvement of unauthorized individuals in the registration process; procedural confusions about women's registration; and the absence of women in higher-level election commissions.

A number of the same NGOs – CDF, School for Democracy (SD) – and in addition the National Youth Center, mobilized to monitor election day activities. CDF also monitored the nomination and campaign periods, including the provision of registration data; the scheduling of rallies and marches; assignment of locations for distribution of campaign materials; scheduling of presentations on state-run media; compliance with the electoral law by candidates and parties; and the resolution of complaints. Monitors attended campaign rallies and marches around the country and also conducted a media monitoring campaign.

On election day, these organizations reported that their observers were present in all 301 constituencies for either voting or counting procedures. The coalition of civil society organizations played an integral role in briefing the international delegation on the status of the election environment. A detailed report of their findings will be issued in early 2004.

## RECOMMENDATIONS

From NDI's experience in more than 50 countries in transition toward democracy, it is clear that citizen confidence in elections and broader political processes, as well as a perception of fairness, are as important as the letter of the law. The government and ruling party have a special responsibility to ensure not only that the election process is administratively correct and meet at least minimum international standards, but also that the process is free from even the *perception* of unfairness. At the same time, all parties share an obligation to respond to the challenge of entering into constructive partnerships to create real democratic progress. In Yemen, the government, election authorities, political parties and civic organizations have all committed themselves to developing pluralist political competition and an open society. The 2003 elections demonstrated progress in this respect and it is in this context and in the spirit of international cooperation that the NDI offers the following recommendations.

- A careful review of the election law should be undertaken to correct deficiencies which may have negative effects on the integrity of the registration, voting and counting procedures. The process of review should be open and transparent and should include the participation of political party representatives and members of civil society organizations.

Legal procedures pertaining to election complaints should be reviewed. The lack of an appeals process and the failure of the court to explain the basis of its decisions contributed to a perception of unfairness. NDI noted that all 34 of the cases filed against the ruling party were rejected by the court and only cases filed by the ruling party were accepted. This imbalance contributes to opposition party and citizen distrust. Additionally, the fee of 50,000YR to file a complaint with the court should either be eliminated or greatly reduced, as it discriminates against independents and smaller parties.

- The structure and appointment process of commissioners should be reviewed and an effort made to reduce the politicization of commissions at all levels.
- Parliament and the government should take steps to clarify the enforcement authority of the SCER. The fact that no election commissioners were sanctioned for election abuses – despite reports by candidates and observers of commissioner misconduct – casts a shadow over the recent elections. The enforcement of election laws and regulations in the campaign period as well as on election day is critical to establishing genuinely democratic election processes.
- In order to comply with constitutional requirements, a comprehensive redefinition of constituency boundaries is required. To be successful, such a process must not only respect the principle of equality of each person's vote, but it should avoid drawing constituency boundaries that deliberately disadvantage particular political parties. Redistricting, therefore, should be undertaken through an inclusive political process that respects long-term national interests.

- The SCER should take effective steps to correct deficiencies in the voter registry, particularly the appearance of underage voters. Political leaders should consider developing continuous voter registration, perhaps based upon a comprehensive civil registry.
- Effective measures should be taken to achieve balanced political coverage in the state-owned news media. The 2003 elections witnessed improved access to state media for political parties; however, the control of content was so restrictive as to seriously undercut the access provided. Restrictions against political expressions including criticism of political parties and the government should be eliminated. A provision of access to both broadcast and print media for political parties is also necessary beyond the official election campaign period; in this same respect, regulations should be promulgated to eliminate political bias in the state-owned media.
- The role of the military in elections should be reviewed. The military should have no role in decision-making at the national, governorate or local level, except with regard to the provision of security. The steps taken by the SCER to reduce the role of the military in the operations room<sup>16</sup> at the national level deserve credit. The opening of the operations room to international and domestic monitors was also a positive step. However, the military continued to play a role in the decision-making process, particularly at the governorate level. While the role of the military in decision-making at the national level was reduced, military officers continued to be involved in determining which problems deserved intervention by the SCER, raising suspicions that opposition complaints were not handled impartially.

Security forces should be properly identified, and plain clothes security officials should not be present at polling stations. Security force members should be properly trained to recognize the authority of election officials and they should receive effective training in crowd control tactics. Massive deployments as were witnessed during these elections should be avoided.

- In order to encourage women candidates for public office, Yemen's political leaders should consider affirmative steps taken by other countries, such as the voluntary party-based quota system in Morocco, the setting aside of seats specifically for women, as in Jordan and Bangladesh, the requirements for gender parity in candidacies adopted by France, and similar measures in effect in Argentina. Steps should be taken to secure seats for women on supervisory and main commissions.
- Procedures should be put in place that ensure rapid publication of election data. Six months after the parliamentary elections the data was still not available on the SCER website. Such a delay undercuts other efforts to build trust between government institutions, political parties and civil society organizations. It also makes it difficult for parties and candidates to participate in electoral reform discussions in an informed manner.

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<sup>16</sup> The renaming of the operations room to the "Communications and Follow-up Center" was intended to symbolize the reduced role of the military.

- Future voter education campaigns should address the importance of individual decision-making about the candidates and should educate citizens not just in the procedures of voting, but on how to evaluate campaigns and candidates. In some constituencies voter turnout figures of 95 percent in which single candidates received over 95 percent of the votes suggest that many citizens did not understand that their vote should reflect their individual preferences and that their vote was secret.
- Steps taken in the election campaign, including the adoption of a voluntary code of conduct by the political parties and the agreement to publicly call for a non-violent election day, should be furthered in the period following the elections in order to help create an environment that is more conducive to political participation beyond the elections.
- Confusion between the role of the ruling political party and the State in Yemen is highlighted in election periods, as voters may not distinguish between political activity and the proper role of state officials, governmental agency services and security forces. Broad civic education efforts are therefore needed to highlight the separation between State agencies and the governing political party. Laws forbidding the use of government resources to promote ruling party candidates need to be enforced.

## CONCLUSIONS

The people of Yemen and the country's political leaders have expressed their commitment to achieving pluralistic political competition, women's full participation in the political process, and democratic governance. The challenge now facing the country is to firmly establish the institutions needed to achieve these goals. The April 27, 2003, elections represent a step forward in Yemen's development as an emerging democracy, illustrating that Yemeni citizens have begun to recognize the importance of the electoral process. There was an increase in voter registration, political parties competed actively for parliamentary seats, the election administration showed a desire to establish its independence, and civil society mobilized thousands of volunteers to monitor the process.

The international observer delegation mission was not present during the campaign period to document pre-election abuses which reportedly included violence and threats of violence, coercion of potential candidates forcing some to withdraw, use of public resources to promote candidates, and unduly restrictive regulations regarding the media. The identification of such incidents by NDI staff and locally based observers during these elections was, however, frequent enough to raise serious concerns.

On election day, the NDI observer delegation documented incidents of underage voting, removal of ballot boxes from observer view, marking of ballots by commissioners, interference by security in the voting process, presence of unauthorized persons in voting centers, intimidation of voters and in some cases, the refusal to allow voting. While NDI observers covered only a small fraction of the 301 constituencies on election day, a wider analysis based on domestic observer reports and an analysis of SCER statistics indicates that similar problems occurred in other areas of the country.

A new development in Yemen politics during the 2003 election period was the signing of a Memorandum of Understanding by seven opposition parties that was intended to improve the opposition's ability to gain more seats by avoiding splitting the vote. Although this was successful in some constituencies, the agreement was not implemented in other areas and opposition candidates competed against each other. However, opposition parties have indicated a desire to continue to refine this agreement in preparation for future election cycles.

Specific to these elections, NDI encourages the GPC and the government to demonstrate leadership to initiate reforms to the election law and procedures that would promote greater fairness and transparency. The Institute also calls on the opposition parties to participate actively to ensure that these discussions are constructive and to take into account the democratic ideals expounded by all of Yemen's political leaders.

These elections illustrate that Yemen has made advances on its path towards a more democratic system since the 1997 elections. However, significant challenges remain in order to consolidate these advances and achieve political reform. NDI would like to express its gratitude for the warm welcome and continuing partnership that has been extended to it by the Yemen Government and party leaders over the past decade. NDI remains committed to assisting those in Yemen who are striving to advance the democratic process.