

democracy *at* large

**POST-ELECTION REPORT ON THE 2006  
PRESIDENTIAL AND LOCAL COUNCIL  
ELECTIONS IN YEMEN**

**NOVEMBER 2006**



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## 1. EXECUTIVE SUMMARY

The simultaneous presidential, governorate council and local council elections in 2006 made them the most technically complex ever held in Yemen.

For the first time in the region, a head of state faced a credible opponent in a competitive electoral contest.

The elections were held in a political climate characterized by high levels of distrust of the Supreme Commission for Elections and Referendum (SCER) by the opposition Joint Meeting Parties (JMP) coalition.

Overall, and within the constraints and environment within which it had to operate, the SCER did a good job in preparing for the elections, and made real advances in some areas (e.g. training of election committees and of the military and security forces, and exercising its authority over the official media).

Following the apparent commitments by major political parties, the very low level of women candidates was a major disappointment.

Although there were irregularities and violations, a judgment about their effects on the election results, whether they were systematically organized in some areas or were sporadic, and the effectiveness of complaints and disputes procedures needs to await the full reports of the international and domestic election observers.

The priorities before the 2009 elections include amendments to the election law, an open and transparent boundary delimitation, a commitment by the SCER to be more open and transparent and to improve relations with political parties, better enforcement of the election law, improved women's representation, improving the quality of the voter registers, citizenship education, and improving the electoral process for people with disabilities.

## 2. INTRODUCTION

### *a) Background*

The Republic of Yemen was established in 1990 following reunification of the Yemen Arab Republic (North Yemen) and the People's Democratic Republic of Yemen (South Yemen). In a first for the region, the Constitution of the unified country established a multi-party democracy, with universal adult franchise for men and women. Elections for the presidency, the House of Representatives and local councils were to be administered by a Supreme Commission for Elections (SCE) for which the Constitution sets high standards of independence and impartiality. The Constitution also sets high standards relating to human rights by guaranteeing (among other things) equal opportunities for all citizens, the right of political participation, freedoms of association, thought and

expression, and the independence of the judiciary. Amendments to the Constitution may be made by a three-quarters majority of the members of the House of Representatives, except for certain specified articles which must then be approved by an absolute majority of the votes cast in a referendum.

An election law was passed in 1993, prior to that year's parliamentary elections. A new election law was passed in 2001, which also restructured the SCE, now known as the Supreme Commission for Elections and Referendum (SCER).<sup>1</sup> Seven of the nine current members of the SCER were appointed in November 2001 for a six year term; the other two members were appointed in July 2006 following an amendment to the election law agreed by the ruling party, the General People's Congress (GPC), and the Joint Meeting Parties (JMP, a coalition of five opposition parties); see the discussion of the June 18 Agreement in 3(f) below. Five of the SCER's current members are perceived as aligned to the GPC, and four members are regarded as aligned to the JMP. The election law requires a member of the SCER who is a member of a political party to suspend his party activities during his membership of the SCER. A member of the SCER must also not be a candidate in an election, and must not take part in any election campaign. SCER members must take an oath of office before the President of the Republic.

The following electoral events have occurred in Yemen since unification:

- 1991: referendum to approve the new Constitution;
- 1993: parliamentary elections;
- 1997: parliamentary elections;
- 1999: presidential elections;
- 2001: referendum on constitutional amendments; local council elections;
- 2003: parliamentary elections;
- 2006: presidential elections; governorate council elections; administrative district council elections.

Although the SCER's constitutional responsibilities are to 'administer, supervise and monitor the general elections and general referenda' (Constitution, Article 159),<sup>2</sup> the conduct of voter registration, elections and referenda is carried out by 3-person committees appointed by the SCER at the governorate, parliamentary constituency, administrative district, and voting center levels. Although it is not required by law, the practice in Yemen since 1993 has been for these committees to be formed by representatives of political parties. At the 2006 elections, there were 21 supervisory committees at the governorate level, 333 main committees at the administrative district level, and a total of 27,010 male and female sub-committees in 5,620 voting centers.

The SCER's headquarters are in Sana'a, at which it has about 200 permanent staff. The SCER also has a branch office in the capital city of each of the 21 governorates; there is a total of about 200 staff in all branch offices. The SCER hires large numbers of temporary staff for a general election.

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<sup>1</sup> For an outline of the formation of the SCER and its predecessors, see SCER, *Parliamentary Elections 2003*, pages 11-15.

<sup>2</sup> Article 24 of the 2001 election law says that the SCER is in charge of 'administering, preparing, supervising and overseeing the process of general elections and referendum'.

*b) 2003 parliamentary elections*

The post-election reports on Yemen's 2003 parliamentary elections issued by IFES, the National Democratic Institute (NDI) and the Election Support Programme of the United Nations Development Programme (UNDP) evaluated the elections as a big improvement on previous elections from a technical point of view, despite violations and irregularities.<sup>3</sup> However the reports also pointed to the need for amendments to the election law, for measures to enhance the independence and impartiality of the SCER and reduce party interference in election administration, for removal of barriers to women's electoral participation, and for improvements to the freedom of the media.

*c) Parliamentary by-election, January 2006*

A by-election was held in parliamentary constituency 227 in January 2006. NDI's observation report on the by-election showed that many violations and irregularities occurred at the by-election.<sup>4</sup> The main examples cited by NDI were as follows:

- ballot stuffing;
- campaigning inside voting centers;
- sub-committee members ticking ballots and influencing voters;
- candidate representatives ticking ballots and influencing voters;
- interference by unauthorized people in the voting process;
- under-aged voters;
- failure to check voters' identities;
- chaos due to large numbers of voters in polling stations;
- voters voting more than once;
- voting without any form of identification card;
- no voter secrecy.

These are serious matters for any democratic electoral process. This by-election was a major opportunity for the SCER to show that it was willing to take action against those responsible for the violations and to review its procedures and training to reduce the incidence of irregularities. However, although the SCER did investigate some violations with a view to reporting those responsible to the Office of the Public Prosecutor, its efforts were undermined by a successful defamation case against the SCER taken by the winning GPC candidate.

The SCER decided not to appeal the court's verdict and not to take strong action against those responsible for the violations. It appears the SCER was reluctant to risk a major confrontation with the GPC over the court decision and the violations that occurred at the by-election. More importantly, the court's decision appears to have significantly weakened the SCER's authority over the election committees it appoints. An amendment to the election law is needed to address this issue.

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<sup>3</sup> See IFES Yemen, *Post-Electoral Assessment*; NDI, *April 27, 2003 Parliamentary Elections in Yemen: Final Report*; United Nations Development Programme, *Electoral Support Project for the Supreme Commission for Elections and Referenda of Yemen, Final Report*.

<sup>4</sup> NDI, *Report on NDI Monitoring of PC 227, January 5, 2006*.

#### *d) 2006 presidential and local council elections*

The 2006 elections were the most complex ever held in Yemen:

- For the first time, elections for the presidency, for the governorate councils and for the councils of the administrative districts were held on the same day. This created significant logistical and voter education issues for the SCER.
- Also for the first time, the presidential candidate of the GPC, incumbent President Ali Abdullah Saleh, faced a credible opponent, Faisal Bin Shamlan, a former Minister of Oil who had been endorsed by the JMP.
- The elections were held in a political climate characterized by high levels of distrust of the SCER by the JMP, which appears to have decided to take a hard line in its dealings with the SCER. Although the SCER did make some sporadic efforts to promote a dialogue with the JMP, these attempts were not productive.

The challenges for the SCER in 2006 were (1) to maintain the technical gains made in 2003 for a much more complex logistical and administrative electoral process; and (2) to demonstrate that it had also made progress in establishing itself as a more independent and impartial election management body that is able and willing to assert its statutory authority in the interests of a free and fair democratic electoral process.

### **3. PREPARATIONS FOR THE 2006 ELECTIONS**

#### *a) The election law*

All the post-election reports on Yemen's 2003 parliamentary elections by IFES, NDI and UNDP recommended that amendments be made to the 2001 election law.<sup>5</sup> Consequently election law reform was a major component of IFES programming from 2004. Following an extensive consultative process with stakeholders (including the SCER, political parties, and local and international NGOs), in March 2005 IFES released a report in English and Arabic on reform of the election law, including a redrafted election law incorporating the recommendations made in the report.<sup>6</sup> IFES then undertook further consultations with political parties on the report's recommendations, and in September 2005 released a Supplementary Report<sup>7</sup> in English and Arabic showing the parties' responses to each recommendation (classified as 'unanimous agreement', 'near unanimous agreement', 'near unanimous disagreement', 'unanimous disagreement', or 'opinions divided').

At some time in 2005, however, the Government decided that no major amendments would be made to the election law before the 2006 elections. It is understood that the SCER was not consulted before the Government made this decision. The decision was not announced publicly.<sup>8</sup>

<sup>5</sup> See the reports cited in note 3.

<sup>6</sup> This report is available on the IFES website, [www.ifes.org/publications-detail.html?id=231&page=yemen](http://www.ifes.org/publications-detail.html?id=231&page=yemen)

<sup>7</sup> This report is available on the IFES website, [www.ifes.org/publications-detail.html?id=263&page=yemen](http://www.ifes.org/publications-detail.html?id=263&page=yemen)

<sup>8</sup> Yemen's party law was enacted in 1991, shortly after reunification, and has not been amended or reviewed since then. In 2004 and 2005, IFES conducted a project to review Yemen's party law through a consultative process with stakeholders. However a lack of cooperation from the Committee for the Affairs of Parties and Political Organizations and the Government's decision that no changes would be made to legislation before

Some legislative changes were made, however, to alter the timing and duration of the voter registration update, and to increase the number of members of the SCER as a result of the June 18 Agreement (see 3(f) below).

It was particularly unfortunate that the election law was not amended before the 2006 elections. Not only were the issues that arose in 2003 not dealt with, but the law assumes that presidential, parliamentary, and local council elections will be conducted as separate events and is quite prescriptive about the procedures to be used. Consequently the law was not well-suited to the conduct of simultaneous elections as in 2006 and as scheduled for 2009. In addition, consequential amendments were not made to the election law following an amendment to the local authority law in 2002 to permit multi-member districts for elections in the local electoral constituencies of some administrative districts.

The next scheduled elections in April 2009 will be for the House of Representatives, for governorate councils and for local councils. It is imperative that amendments are made to the election law well beforehand.<sup>9</sup> The SCER should, without delay, invite political parties to submit written recommendations on changes to the election law. Then, after considering the parties' proposals, the reports of the international NGOs and its own recommended law changes, the SCER should publish a report in the first half of 2007 recommending the changes to the election law that it considers need to be passed and their priorities. All amendments to the law should be passed at least one year before the 2009 parliamentary and local council elections.

#### *b) Boundary delimitation*

The Constitution and the election law require the SCER to determine the boundaries of the parliamentary constituencies. Article 63 of the Constitution says these constituencies must be 'equal in number of population with a variation of not more than 5% plus or minus'. The election law adds that 'geographical and social factors' must also be taken into account (Article 24(a)).

The local authority law says that the total number of members elected to the council of an administrative district is between 18 and 30, according to its population. The SCER's responsibilities under the election law include 'dividing each Administrative District into local electoral constituencies of equal population, and the Supreme Commission may when deemed necessary deviate by a margin of plus or minus 5%' (Article 24(b)). Following an amendment to the local authority law in 2002, the SCER must divide each administrative district 'into local voting constituencies, whereby each is represented by *one or more* members in the district's local council' (Article 60, emphasis added).

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the 2006 elections, meant this party law project was not implemented fully. IFES intends to issue an interim report on the party law before the end of 2006, in the hope that progress will be made on reviewing and updating the party law before the 2009 elections.

<sup>9</sup> If members of the Shura Council are to be elected, there will need to be amendments to the Constitution passed by a 75% majority of the House of Representatives, and also to the election law if they are to be directly elected by the people. The President has been reported recently as saying that governors and heads of administrative districts will be elected by elected local council representatives rather than directly by the people (see Mohammed al-Asaadi, 'Saleh vows to fight corruption, maintain political stability', *Yemen Observer*, October 10, 2006). The Minister of Legal Affairs has been reported as saying that work has commenced on drafting the necessary legislative changes (26 September, November 1, 2006).

Article 53 of the election law requires redistricting of parliamentary constituencies after a general census. It is implicit in the law that the SCER should also revise the boundaries of the local electoral constituencies after the decennial census. Because the local electoral constituencies are used as the building blocks of the parliamentary constituencies, the delimitations of the local constituencies will need to be completed before the boundaries of the parliamentary constituencies can be determined.

Although a population census was held in December 2004, the Central Statistics Organization did not issue the final results until January 2006, too late for the SCER to revise the boundaries of all 5,620 local electoral constituencies before the delayed start of the voter registration update prior to the 2006 elections.

IFES understands that in 2006 there was a review of the numbers of members elected from each local electoral constituency. It appears the review may have been conducted by the Ministry of Local Administration rather than by the SCER. In some cases, there were changes to the number members of administrative district councils elected from local electoral constituencies. However the review was not done in an open and transparent manner, and the factors that were taken into account in conducting the review are not known. Such a process inevitably raises suspicions of gerrymandering.<sup>10</sup>

In September 2004, an IFES delimitation consultant recommended that the SCER use Geographic Information Systems (GIS) technology to revise the boundaries of parliamentary constituencies and of local electoral constituencies. However support from donors and the Government for the necessary hardware, software and training was not forthcoming at that time. In any case, as noted above, even if the SCER did have a GIS capacity, the late release of final census data would have meant that the local electoral boundaries could not have been revised before the 2006 voter registration update had to be implemented. IFES understands that the UNDP Election Support Project is likely to receive support from the Japanese Government to enable the SCER to acquire GIS hardware, software, training, and technical assistance for a limited period to conduct a boundary delimitation in one or two governorates.

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<sup>10</sup> The lack of population data for local electoral constituencies means it is difficult to judge the precise extent of imbalances in representation on the councils of administrative districts. However where an administrative district has multi-member local electoral constituencies, examining the numbers of registered voters per elected member within the district can provide an indicative measure of whether some of the local electoral constituencies used in 2006 were likely to comply with the statutory population criteria. As an example, take just the first three administrative district in the Capital Secretariat. In the Old City administrative district the numbers of registered voters and the number of representatives elected to the council are as follows: 1,749 registered voters – 1 elected representative; 1,795 – 1; 2,040 – 1; 1,344 – 1; 918 – 1; 2,417 – 2; 2,285 – 1; 1,972 – 1; 2,231 – 1; 2,789 – 1; 2,152 – 1; 1,872 – 1; 3,604 – 3; 4,517 – 2; 1,191 – 1; 3,480 – 2; 2,215 – 1; 1,524 – 1; 3,386 – 2; 1,806 – 1. In the Azal administrative district, the numbers are: 5,957 – 1; 4,900 – 2; 4,668 – 1; 4,263 – 2; 3,615 – 2; 4,287 – 1; 5,044 – 2; 2,632 – 1; 4,674 – 1; 3,934 – 2; 5,105 – 1; 3,631 – 2; 3,377 – 1; 5,795 – 2; 2,937 – 1; 3,391 – 1; 4,972 – 3. In the Al-Safia administrative district, the numbers are: 6,674 – 2; 4,381 – 1; 6,376 – 2; 6,474 – 3; 6,181 – 2; 8,052 – 2; 7,032 – 2; 5,387 – 1; 3,989 – 2; 3,893 – 3; 4,531 – 2; 5,175 – 2; 6,858 – 2. It is, however, possible that in some cases, differences in the numbers of the population under 18 and in the rate of registration as a voter can account for these apparent imbalances. In addition, in some cases the geographic and social criteria were regarded as overriding the need for strict compliance with the requirement for total populations to be within the statutory  $\pm 5\%$  tolerance. Nevertheless, these figures do reinforce the need for a delimitation before the 2009 elections.

It is essential that the boundaries of all parliamentary constituencies and of all local electoral constituencies are revised, through an open and transparent process. The delimitations should be completed at least one year before the elections in April 2009. Given the magnitude of the task, further technical assistance to the SCER from IFES may be needed to enable the timely completion of the boundary delimitation for all constituencies in all governorates.

*c) Training*

The large numbers of people required to administer voter registration and the election makes their training extremely important. It is also crucial that the SCER and its staff are well trained in the efficient, effective and professional administration of elections.

In cooperation with UNDP Election Support Program, IFES developed, translated and implemented a SCER Professional Development Course which combined curriculum modules from IFES' BEAT training program, and from the BRIDGE training program jointly developed by UNEAD, International IDEA, and the Australian Electoral Commission. The result is a training resource that can easily be adapted to other countries in the region.

International trainers conducted two successful workshops, in November 2005 and June 2006, in each case for the same 35 middle-level SCER staff. The courses also resulted in the accreditation of Arabic-speaking trainers able to participate in training courses in the region. The effects of these two training workshops were apparent in the SCER's preparations for the election, particularly in the much improved training program and materials the SCER developed and implemented for the 2006 election committees.

The SCER needs to develop further training programs for its headquarters and branch office staff on general administrative, financial and IT matters as well as on specific election-related topics. The lessons learned from the 2006 training of voter registration and election committees will also need to be incorporated into training programs for the 2009 elections.<sup>11</sup> Finally, attention will need to be given to the training needs of any new members of the SCER who will be appointed in 2007, particularly if they are drawn from the judiciary as intended by the June 18 Agreement (see 3(f) below).

*d) Complaints and disputes*

Under Yemen's Constitution and election law, the judiciary plays an important role in election-related matters, including dealing with allegations of criminal violations, deciding challenges concerning voter registration, and adjudicating on disputed election results. The election law also allows wide scope for voters and candidates to go to court concerning actions by the SCER, by voter registration and election committees, and by individuals.

In the past, Yemen's judiciary has not been perceived as independent of the Government, although that may be changing as judges are replaced and new judges are trained and

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<sup>11</sup> IFES' pre-election assessment report is outlined in 3(g) below. One of the recommendations to the SCER for action after the election is that 'a representative sample of electoral staff should be debriefed to determine the effectiveness of the training by SCER and to comment/make recommendations to improve the training program and materials used, in particular the manuals'. See Annex 4.3, recommendation 3.

appointed. There have also been some changes to the structure and personnel of the Supreme Judicial Council, which is constitutionally responsible for appointing and dismissing members of the judiciary, and for approving the judicial budget.

The SCER encountered some problems in 2002 and 2003 with the ways the judiciary dealt with voter registration matters.<sup>12</sup> Apart from the very wide provisions in the election law concerning who is entitled to object to the Courts of First Instance and to appeal the courts' decisions to the Courts of Appeal, the issues included the courts' procedures and the information included in courts' decisions. In addition, all opposition challenges to election results in 2003 were rejected by the Supreme Court, even though some GPC challenges were upheld.<sup>13</sup> Consequently, in 2006 – for the first time – the Head of the SCER's Legal Sector provided some limited training for judges on electoral issues. Nevertheless there is a pressing need for further training programs on elections for the judiciary and the Office of Public Prosecutor, and for the preparation and distribution of suitable resources on elections for them. Since the SCER is often a party to the cases before the courts, it is appropriate for this training and these resources to be provided by an independent body.

Although recourse to the courts is essential for criminal violations and for those electoral matters that the law specifically reserves to the judiciary, many other complaints and disputes can arise during an electoral process that need to be solved quickly, or do not justify the time and cost of court processes. However the SCER did not have documented procedures for committees at the different levels to receive and deal with election complaints, that could be dealt with without going to court. During 2005 and 2006, IFES discussed with stakeholders draft procedures for receiving and resolving electoral complaints. IFES then provided revised procedures to the SCER which adapted and implemented them for the voter registration and election periods.

Having effective remedies to deal with breaches of the election law and election procedures is essential to free and fair elections. Based on its experience at the 2006 voter registration update and the elections, the SCER should review those procedures and should incorporate revised versions into its manuals for the 2009 elections.

#### *e) Voter registration update*

Changes to the election law were made in 2005 and 2006 concerning the timing and duration of the pre-election voter registration update.

After major delays caused by the failure of the GPC and the JMP to agree on their proportions of members of the voter registration committees, the SCER decided that the legal timetable for the election process meant it could wait no longer and appointed these committees from applicants for civil service positions. The experience was mixed, with some committees performing well and others performing poorly.<sup>14</sup> The SCER's use of contracted personnel to train voter registration committees was not successful in many cases.

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<sup>12</sup> See SCER, *Parliamentary Elections 2003*, pages 111-16.

<sup>13</sup> See NDI, *April 27, 2003 Parliamentary Elections in Yemen: Final Report*, page 21.

<sup>14</sup> See NDI, *Monitoring Report, Yemen 2006 Voter Registration Update*; UNDP Election Support Project, *Internal Monitoring of Voters Roll Editing Process*, (May 2006).

The voter registration update period in April-May 2006 began with a 15-day application period, followed by an objection period and a period for lodging court challenges. The voter registers became final under Article 16(a) of the election law when the President issued the call for the elections on July 24, 2006.

Article 16(b) of the election law provides that voters lists are ‘indisputable at the time of voting and no person shall be allowed to participate in any election or referendum unless that person’s name is listed therein’. It was therefore disturbing to find voters claiming that they discovered after the call for elections that their names had been removed from voters lists without their knowledge. Some only discovered this on election day, when they went to vote.<sup>15</sup> The SCER requires that a voter registration committee must have proper evidence before it can remove a deceased voter from the list, and that in other cases the voter must be notified before he or she can be removed. It appears, however, that committees did not always adhere to these requirements. Voters who discovered after the call for elections that they had been wrongly deleted had no remedy and were denied their voting rights. The SCER must take action to ensure this does not happen before the 2009 elections.

The SCER’s figures show the total number of registered voters increased from 8,097,495 at the 2003 elections to 9,247,370 at the 2006 elections (see Annex 2). Following the 2006 update, women comprised 42% of registered voters, the same proportion as in 2003. As Annex 2 shows, the overall rates of increase for male and female voters were the same. However, the rates of increase of registered women voters exceeded those of registered men voters in about half the governorates, although in about 50% of those cases this increase was from a low base of registered women.

Following the last voter registration in 2002-03, it was apparent that there were many cases of multiple registrations and of registration of under-age persons. Because the election law does not give it the explicit power to do so, the SCER could not remove these ineligible voters from the registers during a voter registration update through the objection and challenge process. In 2006, however, the SCER completed an analysis of the voter registers and referred to the Office of the Public Prosecutor (OPP) about 60,000 cases of multiple registrations identified through computer matching of names followed by comparison of voters’ photographs on the registers, and about 240,000 cases of under-age registrations identified from the voters’ photographs. Multiple registration is a specific violation in the election law, and the OPP referred those cases to the courts. Under-age registration is not a specific violation under the election law, but is prohibited under the fraud provisions of the Penal Code. Where it agreed with the SCER that a voter was clearly under-age, the OPP ordered the SCER to remove the voter from the register and prosecuted those responsible for procuring their registration. In doubtful cases, the OPP referred the matter to the courts without the voters being removed from the registers; however not all cases could be dealt with before the registers became final when the call for elections was issued. These processes resulted in a total of about 248,000 registered voters being removed from the registers.

The processes outlined in the previous paragraph were not open and transparent, leading to JMP suspicions that it might have been influenced by partisanship, and to the inclusion

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<sup>15</sup> IFES learned of one example where 20 blind women discovered on the day of the election that their names had been deleted from the voter registers without their knowledge, apparently for partisan reasons.

in the June 18 Agreement (outlined in the next section) of provisions relating to the further review of the voter registers.

The SCER must make a major effort to improve the integrity of the voter registers before the 2009 elections, aided by appropriate law changes and by the review mandated by the June 18 Agreement discussed in the next section. Moreover, the Yemen Government's recent re-commitment to a civil registry may provide a vehicle for improving voter registration. IFES understands that there is a Memorandum of Understanding between the SCER and the Ministry of Interior concerning the civil registry. If a comprehensive and accurate civil registry can be implemented in Yemen, a register of voters could be derived from it at much less cost than to compile the voter registers under the present system.

*f) June 18 Agreement*

After several months of discussions, the GPC and the JMP signed an agreement on June 18, 2006, on 'principles to conduct free, fair, transparent and safe elections in the upcoming presidential and local council elections' (see Annex 3). The most significant points of the Agreement for the 2006 elections were as follows:

- to amend the election law to increase the SCER's membership from 7 to 9, with the two new members being representatives of the JMP appointed from the list of nominees agreed by the House of Representatives in 2001 and submitted then to the President;
- the percentages of the members of the election committees at all levels would be 54% for the GPC and 46% for the JMP;
- lawyers from both parties were to examine the voters lists and were to refer to the courts any violations such as duplicate registrations and registration of under-age persons;
- the SCER will ensure the neutrality of the official media during the elections;
- the security committee of the SCER should be headed by a SCER member, and the security committees must not interfere in the work of election committees;
- the SCER shall provide parties with electronic copies of the voters list on request.

The June 18 Agreement is a political document, not an enforceable legal document. Some aspects of the Agreement merely re-emphasize existing legal provisions. Although some provisions purport to bind the SCER (a body which the election law says is independent, is not subject to interference, and cannot have its powers and jurisdiction restricted), IFES understands the SCER was not formally consulted during the parties' discussions leading up to the Agreement.

Some clauses of the Agreement have been implemented. Following an amendment to the election law, the two additional JMP members of the SCER were appointed in July. The two new members were assigned the portfolios of foreign relations and security respectively. The committees to run the election were formed according to the percentages for the party groups stated in the Agreement. The SCER exercised its statutory powers over the official media to a much greater extent than at previous elections, and provided some training to members of the security forces.

The provisions of the Agreement relating to voter registration have not been implemented fully. Although a legal committee from the GPC and JMP was established to review the

voters lists, the members could not agree on procedures for conducting the review, and eventually decided to delegate the process to the Vice-Chairman of the SCER. That review was begun, but as with the previous review conducted by the SCER, the process was not open and transparent. In addition, this review came after the official call for the 2006 elections and after the statutory time for any changes to be made to the lists.

Although the legal basis for doing so is debatable, the SCER offered to provide parties with electronic copies of the final voters lists. However the JMP and the SCER could not agree on the format of the electronic lists or on the conditions of usage the parties would have to accept, and the lists were not provided.

The June 18 Agreement also provided that after the 2006 elections, the election law will be amended to (among other things) re-form the SCER so all its members are judges. If this change is made, it can be expected that the role of the SCER members will change markedly, from having active operational responsibilities to more of a supervisory and oversight role. This is likely to place additional demands on senior SCER staff and on the training and professionalism of senior and middle-level SCER personnel, which the SCER will need to be taken into account in preparing the training programs referred to in 3(c) above.

*g) IFES' pre-election assessment*

In August 2006, a pre-election assessment conducted by IFES consultant Ian Smith concluded:

The upcoming 2006 Presidential and Local Council Elections will be the most technically demanding elections ever conducted in Yemen. The SCER has made significant progress since the previous elections in 2003 and includes a highly dedicated and experienced staff with considerable resources and organizational capacity to draw on. However, there remain a number of shortcomings, both systemic and technical, which will negatively impact on these and future elections if not addressed.

The main areas of concern raised in this assessment are in the procedures in place to enforce the Election Law; the quality of the voter register; the unresolved problems of boundary delimitation of constituencies; the general lack of confidence in the SCER by opposition parties; the SCER's media policy; the lack of oversight over the security forces by the SCER; the inadequate provisions for counting of ballots and announcing results; and the logistical demands of a highly centralized ballot production and distribution system.

Mr. Smith made a number of recommendations for action by the SCER before the elections (see Annex 4.1). In response, the SCER told IFES it had 'adopted operational and technical regulations and procedures which are more effective and firm' than those recommended by Mr. Smith.

Annex 4.2 shows Mr. Smith's recommendations for pre-election action by IFES. All were implemented, except for (i) recommendation 31 relating to gathering information about court processes, which was done in cooperation with the legal expert of the European Union's Election Observer Mission (EUEOM); and (ii) recommendation 51 relating to the SCER's Media Center which had already been established by the time the report was received.

IFES has provided the SCER with a translation of the full report, and has drawn the SCER's attention to Mr. Smith's recommendations for SCER action before the 2009 elections (Annex 4.3). IFES will take account of the post-election recommendations directed at it in preparing for any future programming in Yemen.

#### **4. THE ELECTION PROCESS**

##### *a) Logistics*

In general, the SCER successfully managed the major logistical exercise of providing election supplies (e.g. ballot boxes, ballot papers, voters lists, voting screens, forms, stationery, manuals, indelible ink) for the 27,000 male and female election sub-committees. Where there was no alternative, the SCER used military transportation.

Printing of three different types of ballot papers was a major undertaking. Different colored security paper was used for each type of ballot. All were printed centrally and distributed to each male and female sub-committee according to the number of registered voters for that sub-committee. The SCER color-coded all documentation for each election (e.g. manuals, forms, envelopes) corresponding to the colors of the ballot papers: white for the presidential elections, pink for the governorate council elections, and beige for the local council elections.

The presidential ballot paper was printed in color and contained the names, photographs and symbols of the five candidates. The SCER contracted a private company in the Capital Secretariat to print the presidential ballot papers under secure conditions. The printed ballots were then transported to the SCER's headquarters, where the number for each sub-committee at each center was assembled. On August 27 the SCER invited representatives of international NGOs to view the printing and security arrangements at the printer, followed by a visit to the assembly room at the SCER. The SCER invited representatives of political parties to visit the assembly room and the SCER's Operations Room on August 30, although representatives of the JMP were the only ones to attend.

Because of the complexity of the task and the short time frame, the SCER decided to produce the governorate council and local council ballot papers in-house. The ballot papers were produced in black and white using photocopiers provided by UNDP, and the ballot papers for each sub-committee inserted into an envelope of the corresponding color that showed the sub-committee's details. On September 10 the SCER invited representatives of international NGOs to visit the rooms where it was producing and assembling both types of ballot papers.

There have been reports that some sub-committees received fewer ballot papers than their number of registered voters, but at the time of writing it is not known how widespread this was. In any case, there have been no reports to date of sub-committees running out of ballot papers. However, the SCER did lodge extra supplies of essential documents (including sealed ballot papers) with the main committee of each administrative district, in case of damage to the supplies provided to election committees. Nevertheless, there are

reports that some sub-committees did run out of the indelible ink used to mark voters' thumbs.

Up until very close to election day, the SCER intended to establish an 'exceptional center' in the main city of each of the 333 administrative districts, to receive votes in the presidential elections from voters who were absent from their voting districts. Voters would have been allowed to vote on production of a voter's card only, provided the card was not included in the list of deletions of duplicate or under-age voters as a result of the process outlined in 3(e) above. The majority of members of the SCER considered this was required by Article 5 of the election law, although JMP representatives considered there should only be one such center per governorate, with access to the full voter registration database. Although voter education about these centers was under way, the SCER decided just before election day not to proceed with the exception centers, reportedly after consulting the President.

Article 6 of the election law provides for out-of-country voting for presidential elections and referenda at any of Yemen's diplomatic posts where there is a minimum of 500 voters with voter cards. This quorum was not met at any embassy or consulate for the 2006 elections, and no out-of-country voting took place. IFES understands that the Ministry of Foreign Affairs was responsible for publicizing this provision in the countries where there are large numbers of expatriate Yemenis, but it is not known how extensively this was done.

*b) Appointment and training of election committees*

Following the June 18 Agreement between the GPC and the JMP, the parties submitted the names of their members of the supervisory committees, main committees at the district level, and the First Sub-committees at the local constituency level, for formal appointment by the SCER according to the agreed percentages. In making these appointments, the SCER adopted a formula that ensured that no party grouping had more than two of the three members of each committee. The SCER ensured that the chairs of committees were rotated between the party groupings. Following the precedent set for voter registration, the SCER ensured that women were members of some supervisory committees, main committees, and First Sub-committees (the counting committees).

Before the nomination period, the SCER trained all members of supervisory committees and main committees in Sana'a. The main committees then went to their headquarters in the administrative districts to train the members of the First Sub-committees.

The SCER's appointments of the male and female sub-committees for the elections did not happen until the JMP finally provided names of its members on September 9 (right to the last minute, the JMP was threatening to boycott the committees until the SCER provided it with the electronic copy of the voters lists in accordance with the June 18 Agreement). The male and female sub-committees at each voting center were trained by the First Sub-committee for that center. It is not known whether this training was supervised by the SCER to ensure it was carried out according to its instructions.

A notable omission from the current training programs concerns the training of candidate and party representatives. The SCER considers it is a responsibility of the parties and the candidates to ensure that the party and candidate representatives they appoint are

informed about their rights and responsibilities. IFES understands, however, that parties and candidates rarely do so, resulting in the presence of people in sub-committees during the voting and counting processes who may not fully understand the processes, who at times intervene inappropriately in the work of the committees, and who do not understand the right way to lodge complaints about irregularities or violations. The SCER should provide written information to party and candidate representatives about the electoral process and about their rights and responsibilities, which the representatives should sign as a condition of their appointment.

*c) Candidate nominations*

Individuals' applications to be a presidential candidate are received by the Speaker of the House of Representatives, and examined by the presidiums of the Shura Council and the House in compliance with the constitutional requirements. Of the 64 applicants, 14 were rejected and one withdrew. Five rejected applicants appealed to the Supreme Court, which rejected all appeals. The 49 remaining applicants were then forwarded to a joint sitting of the Shura and the House. Three withdrew, and five of the remaining 46 applicants received the required endorsement by 5% of the members present at the joint sitting.<sup>16</sup>

The prescribed nomination period for the governorate and local council elections opened as scheduled. Since Yemen's election law does not permit uncontested elections, the nomination period was extended for 5 days in some constituencies. Even so, constituencies in five administrative districts had insufficient candidates. The SCER will hold supplementary elections on December 19, 2006 in these constituencies and in constituencies in eight administrative districts where elections could not be held or completed due to 'social problems'.<sup>17</sup>

Yemen's election law allows a candidate to withdraw his or her candidacy up to 20 days before election day, with withdrawals announced in the media and at voting centers on election day. It is alleged that some local council candidates (particularly women and independent candidates) were pressured to withdraw, and that some false claims were made at voting centers on election day of withdrawals by candidates. Over 4,000 candidates withdrew, amounting to about 17% of those whose applications had been accepted.

Following the prescribed withdrawal period, the SCER announced that 1,612 candidates were competing for 431 governorate council seats, and 18,901 candidates were competing for 6,896 seats<sup>18</sup> on the councils of the administrative districts. There were very low numbers of women candidates – see 4(k) below.

In 2003, some election committees used the provisions of the election law relating to candidate nominations for parliamentary elections to refuse applications for partisan

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<sup>16</sup> See Abdul-Aziz Oudah, 'Saleh, bin Shamlan, Yaseen, al-Majeedi and al-Azab approved for presidential run', *Yemen Observer*, July 24, 2006; Nasser Arrabyee, 'Five presidential candidates approved', *Yemen Mirror*, July 24, 2006 ([www.yemenmirror.com](http://www.yemenmirror.com)).

<sup>17</sup> The SCER advises that supplementary elections will be held for the presidency in 120 local electoral constituencies, for governorate councils in 187 local electoral constituencies, and for the councils of administrative districts in 164 local electoral constituencies.

<sup>18</sup> The number of seats for the councils of the administrative districts includes the seats for which supplementary elections are due to be held in December 2006.

reasons. Those provisions are not applicable to applications to be a candidate at local council elections, and the nomination process in 2006 seemed to be less problematic than in 2003. Nevertheless the lack of a specific right in the election law to contest committees' decisions about nominations must be remedied. In addition, the period for withdrawing nominations is unduly long, and delays finalizing and printing of ballot papers. This long withdrawal period also increases the opportunities to pressure and intimidate candidates, which should be made a specific offence under Article 133 of the election law, along with making false claims that a candidate has withdrawn.

*d) Voter education and information*

Voter education in Yemen is very challenging. Most of the population is poor and lives in rural areas, many of which are remote and inaccessible, and lack electricity and radio and TV coverage. The high rate of illiteracy (particularly among women) mean that communicating information about elections and the voting process is extremely difficult in a short pre-election period.

Voter education and information programs for voter registration and for the 2006 elections were carried out by the UNDP Election Support Project with significant donor support, under the direction of the SCER. Various communications techniques were used in the two campaigns, including advertising in the official and private print media, radio and TV advertising and programming, posters, banners, pamphlets, street theatre, media interviews, and face-to-face education campaigns run by contracted NGOs. The campaigns paid particular attention to voter education among women. There are no quantitative measures by which to judge the effectiveness of the SCER's voter education campaigns.

IFES was engaged by UNDP to carry out a pilot voter information and education campaign in remote rural areas in eight administrative districts in five governorates for the 2006 voter registration update. This was done through contracting four NGOs which each formed two 2-person voter education teams to travel to remote areas to conduct voter education presentations for men and women. The field phase of the campaign was from March 11-30. The trainers conducted an average of three face-to-face voter education sessions per day during their 18 days in the field. In total, they conducted 805 face-to-face sessions for 23,360 people, 409 sessions for 10,831 males and 396 sessions for 12,529 females.

Voter education was also an important part of an IFES project to improve the electoral participation of people with disabilities. This project is discussed in 4(I) below.

The election campaigns by parties and candidates undoubtedly played a major role in raising awareness of the election, but – naturally enough – they were not concerned with providing voters with information about the voting process.

It is difficult to evaluate the effectiveness of the various voter education campaigns, in the absence of benchmark research on voters' understanding of the election and the election process and follow-up research after the campaigns. The SCER and its partners should consider undertaking such research for the 2009 voter registration and election processes. However the difficulty of voter education in a country like Yemen suggest that more long-term, coordinated programs of civic and citizenship education are needed to provide the

necessary foundations for the short-term pre-election campaigns that focus on the specific information needs of voters for each particular election. Such programs could involve a number of elements, such as the curricula in schools, regular radio and television programs focusing on civic and citizenship themes, and encouragement of public outreach by elected representatives at all levels and by their institutions.

*e) Election violence*

Previous elections in Yemen have been marred by election-related violence, leading to several deaths. Following a concerted effort in 2003 by the SCER, parties and local and international NGOs, the level of violence was less than in 2001.

However the more competitive elections in 2006 raised fears of an escalation in election-related violence. This led to a campaign supported by the SCER, parties, and local and international NGOs aimed at reducing the incidence of election violence.

According to the SCER, there were eight deaths in 2006 attributable to election-related violence.<sup>19</sup> This was twice the official figure in 2003 but far fewer than in 2001. (However there were many deaths in a stadium stampede following a presidential campaign rally in Ibb.) At this point, it appears that the violence that did occur was between rival candidates and/or party supporters, and did not involve ordinary voters. There were very high levels of security at polling stations on election day, following attempts to attack oil installations in Marib and Mukalla on September 15, and arrests in Sana'a the next day of persons alleged to be members of Al-Qaeda. However election day passed without major incident.

*f) Election campaign period*

The presidential campaign period lasts for four weeks prior to election day. The election law requires each presidential candidate to hold a rally in the capital city of each governorate; the SCER is responsible for approving each candidate's schedule. Presidential candidates receive an equal amount of public money towards their campaigns (about US\$125,000).

By law, the SCER is also responsible for controlling the official media's coverage of the presidential campaigns, to ensure the candidates have 'equal access' to present their campaigns. Unlike 2003, the SCER did ensure in 2006 that opposition candidates received quite a lot of coverage, although the legal provision that reporting of the president's 'daily activities' does not count as campaign coverage meant that the incumbent received by far the most coverage. A report on media coverage of the election issued by the EUEOM<sup>20</sup> shows that there was 'clear bias' in the official media's coverage towards the incumbent president and the ruling party. However the EUEOM also said that 'in contrast to events in previous years, [it] did not observe any case of apparent censorship or intimidation against the media during the election campaign period'.<sup>21</sup>

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<sup>19</sup> NewsYemen, 'SCER: 45 election centers cancelled and 8 killed', September 22, 2006.

<sup>20</sup> EUEOM, *Media Monitoring: basic findings 23 August-19 September*, available at [www.eueom-ye.org/pdf/MM%20Basic%20Findings.pdf](http://www.eueom-ye.org/pdf/MM%20Basic%20Findings.pdf). The findings are summarized in the EUEOM's *Preliminary Statement*, September 21, 2006, pages 7-8; available at [www.eueom-ye.org/pdf/EU%20EOM%20Yemen%20Press%20Release%20210906.pdf](http://www.eueom-ye.org/pdf/EU%20EOM%20Yemen%20Press%20Release%20210906.pdf).

<sup>21</sup> EUEOM, *Preliminary Statement*, September 21, 2006, page 7.

A perennial issue in Yemen's elections has been the use of state resources to support the candidates of the ruling party. This occurred again in 2006, despite SCER instructions that it was illegal. The most visible violations were the display of posters and billboards on government buildings. Although use of state resources 'directly or indirectly in favor of any political party, organization or candidate' is a violation of the Constitution and the election law (Article 143), no cases have ever been brought to the courts.

There is a two week campaign period for the governorate and local council elections. Not surprisingly given the simultaneous presidential elections, these other elections were largely ignored by the media. Public campaigning seemed to consist largely of display of candidates' posters. Inevitably, there were many instances of posters being defaced, ripped or removed. The election law states that such actions are offences, although it is not known whether many of the perpetrators were brought to justice.

The SCER should develop further mechanisms for avoiding partisan bias in election coverage by the official media, including proposing any law changes it considers necessary. It should also make it clear that it will refer to the Office of the Public Prosecutor all cases where state resources are used for partisan electoral purposes.

#### *g) Voting process*

There were long queues of voters before many voting centers opened. There are reports that some voting centers opened late because of the absence of party or candidate representatives, or because of the time sub-committees took to count the three sets of ballot papers and complete all the documentation required before they could start the voting process.

On the whole, it appears that most sub-committees were competent and efficient.<sup>22</sup> Most voters appeared to be able to cope with the three different ballot papers. Despite concerns before the election about the complications that would be caused if many voters cast ballot papers into the wrong ballot boxes, it appears that the SCER's instructions to sub-committees to be vigilant in ensuring that ballot papers were placed in the correct ballot boxes were effective.

Normally voting centers close at 6pm, although if voters are still waiting to vote at that time, they may stay open until 8pm. The SCER issued a late instruction to that effect, although it appears to have been interpreted as requiring all voting centers to remain open until 8pm.

As expected, there were reports of irregularities and violations, e.g. non-secret voting, campaigning on election day near voting centers, and vote buying. Observers' reports will allow better understanding of their extent and seriousness.

#### *h) Counting and election results*

Once voting closed, sub-committees had to seal the ballot boxes and complete the required documentation, including minutes showing the number of ballot papers issued

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<sup>22</sup> The EUEOM reports, however, that there were many procedural problems at female sub-committees; EUEOM, *Preliminary Statement*, September 21, 2006, page 8. This suggests that some female sub-committees may not have been well-trained.

for each of the three elections, and the number of unused ballot papers. They then had to deliver the documents, unused ballot papers and sealed ballot boxes to the First Sub-committee at the voting center, which acts as the counting committee for all votes cast in all sub-committees at the center.

Vote counting begins after all polling stations at a voting center have delivered all ballot boxes to the First Sub-committee. Each ballot box is counted in the presence of the relevant sub-committee, party and candidate representatives, and domestic and international observers. The ballot boxes from the women's sub-committees are counted first, so that the women members of those sub-committees are able to leave. The SCER's instructions were that all presidential ballot boxes were to be counted first and the results delivered to the main committee for the district, followed by the governorate council ballot boxes and then the local council ballot boxes. This meant that women sub-committee members had to wait a considerable time before they could depart.

As a result of the procedures required before vote counting could begin, counting started late.<sup>23</sup> It was also slow, as counting committees held up each ballot paper for viewing by the members of the sub-committee, by party and candidate representatives, and domestic and international observers.

There have been some reports of irregularities during the counting process, e.g. exclusion of party and candidate representatives and of observers, involvement of security forces in the counting process, and 'creative' interpretations of the legal rules about what counts as a valid vote (it is said that the counting committee at one center counted as invalid any presidential vote that was not for one of the GPC or JMP candidates!). In the circumstances of three simultaneous elections, it was not surprising that the election law provisions that the count must be continued 'without interruption' and that final results must be declared within 72 hours were not observed.

The SCER announced the final results of the presidential election on September 23 (see Annex 5.1), showing that the incumbent GPC candidate won with just over 77% of the valid votes.<sup>24</sup> The candidate endorsed by the JMP received almost 22% of the valid votes, and won a majority in 18 administrative districts.

The figures issued by the SCER for the presidential election show that the turnout of registered voters for that election was 65.1% of registered voters. Turnouts for the elections for governorate councils and administrative district council elections were 63.8% and 64.4% respectively.<sup>25</sup> The turnout at the parliamentary elections in 2003 was 76.6% of registered voters.

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<sup>23</sup> Part of the delay at the voting center at which IFES representatives observed the count was due to a discussion lasting 1¼ hours led by the chair of the main committee for the administrative district, to reach a consensus among the members of the first sub-committee and the party and candidate representatives on what would count as a valid vote. Various 'what if' examples were discussed. At the end of the discussion, the First Sub-committee prepared a minute of the consensus, for signature by all its members and by all the party and candidate representatives. The First Sub-committee opened the first ballot box at 10.30pm and had counted two presidential ballot boxes by 11.45pm. The agreed criteria seemed to be reasonable and to be applied properly; the combined rate of invalid votes for these two ballot boxes was 5%.

<sup>24</sup> The JMP's published claim that the President was re-elected with 68.9% of the votes is based on the percentage of all votes cast, including invalid votes.

<sup>25</sup> In each case, these turnout figures exclude registered voters in local electoral constituencies where supplementary elections will be held on December 19, 2006.

The SCER published the final results for the elections for the governorate councils and for the local councils of the administrative districts on October 10, 20 days after election day. The results are summarized in Annexes 5.2 and 5.3. There is anecdotal evidence that the final results in some places were decided by negotiation rather than by counts of votes. No information on the re-election rate of incumbent candidates was available at the time of writing.

No court challenges were made to the presidential election results. There were about 200 challenges to governorate council and/or local council results, and it is understood that the EUEOM will try to monitor the court processes where it can.

The delay in issuing the final results for the governorate and local council elections was unacceptable, since it leads to suspicions about the legitimacy of the counting process and the basis of the results. The SCER should review the law and its procedures relating to vote counting and declaration of results, and implement improvements for the 2009 elections.

The overall rates of invalid votes were 3.2% for the presidential elections,<sup>26</sup> 5.6% for the governorate council elections and 4.6% for the local council elections. The overall rate of invalid votes at the 2003 parliamentary elections was 3.3%. No information is available on the invalidity rate at the 2001 local council elections.

Annex 5.4 shows the invalidity rates for each election in each governorate. Although the overall invalidity rates are within acceptable limits, the SCER's published election results show some very high rates in some administrative districts and in some local constituencies. For example, in Hodeidah governorate 10 of the 26 administrative districts had invalidity rates over 10% for the elections to the governorate council. The published results show that the Al-Shoaib administrative district in Al-Dahle'a governorate had an invalidity rate for the governorate council elections of 34.4%, compared to 2.2% and 1.1% for the presidential elections and administrative district elections respectively. Constituency number 6 in the Ramah administrative district in the Hadramout governorate recorded an invalidity rate for the administrative district elections of 56%. In the Sa'afan administrative district in the Sana'a governorate, constituency number 3 recorded an invalidity rate of 60% and constituency number 12 recorded 63%.

The causes of these high rates are likely to vary from place to place, and could include confusion by voters, poor understanding by counting committees of the rules about the validity of votes, or manipulation of the results by counting committees or others.<sup>27</sup> The SCER needs to investigate the causes of the unusually high rates in some centers through an examination of the counting records and ballot papers from those centers so that any improvements to voter education programs, counting procedures, and training can be implemented for 2009. This examination should be conducted in an open and transparent manner, and should involve representatives of international NGOs and political parties. It

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<sup>26</sup> Reporting errors by election committees (including aggregating unused ballot papers with the invalid votes) meant that the SCER's announcement of the presidential election results on September 23 showed an invalidity rate of 10.8%.

<sup>27</sup> The Al-Shoaib district in the Al-Dahle'a governorate and the constituencies in the Sana'a governorate were among those also reporting turnouts in excess of 100% for those elections, which suggests these published invalidity and turnout figures could be the result of reporting or data entry errors.

must be clearly understood, however, that the findings of the review will not affect the results of the 2006 elections.

*i) Role of military and security forces*

About 80,000 military and security forces were deployed on election day. In previous elections, the military and security forces have been perceived as interfering in the election process in favor of the GPC, in part because they received no training in their role and because the SCER did not exercise its authority over them.

For the first time, the SCER made an effort in 2006 to train the military and security forces in their role at the election. The SCER provided training for one military or security person from each of the 333 administrative districts, who was then responsible for training the personnel for each voting center in the district.

The observers' reports outlined in the next section identify some instances where military and security forces at voting centers did interfere in the election process in an inappropriate manner. However judgments about the extent of this will have to await detailed observation reports and analysis.

The military's communications capacity has meant it has had a role in the SCER's Operations Room, which has also been seen as allowing them undue influence as the gatekeeper of information provided to the SCER. However IFES observers in the SCER's Operations Room on election day report that the military personnel there carried out their duties in an effective and non-partisan manner. They were, however, surprised that no senior SCER staff were present.

Further efforts should be undertaken for the 2009 elections to reduce the SCER's reliance on the military, to ensure proper training of military and security personnel, and to hold to account those members of the military and security forces who act in violation of the law or contrary to the SCER's instructions.

*j) Election observation and monitoring*

Article 142 of Yemen's election law specifically provides for election observation by local and international NGOs, and for parties to form election monitoring committees. The SCER's booklet *Yemeni Elections: Democracy System and Electoral Activities in Yemen* records (p. 19) that 58 international observers and 11,538 domestic observers participated during the 2006 voter registration update, and that it expected the corresponding numbers for the election period to be 325 and 70,000 respectively. The SCER has yet to publish the final figures for the election period.

The European Union and NDI each undertook a major observation program for the elections. The EUEOM (details of which are available at [www.eueom-ye.org](http://www.eueom-ye.org)) involved a combination of long-term and short-term observers in most governorates. The EUEOM issued a preliminary statement on September 21,<sup>28</sup> and expects to issue its final report in November.

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<sup>28</sup> European Union Election Observer Mission, *Preliminary Statement*, September 21, 2006; available at [www.eueom-ye.org/pdf/EU%20EOM%20Yemen%20Press%20Release%20210906.pdf](http://www.eueom-ye.org/pdf/EU%20EOM%20Yemen%20Press%20Release%20210906.pdf)

NDI's observation program involved a combination of international observers and a Network for Observation formed by four domestic NGOs that included about 1,200 domestic observers at voting centers in 20 governorates. NDI generously included questions in its polling observation form relating to accessibility of voting centers for disabled people, and to whether disabled people who needed help with the voting process were able to choose their own assistant. Although NDI's report on its observation program had not been released at the time of writing, the data for these questions has been provided to IFES and is discussed in 4(1) below.

Some other domestic NGOs ran their own observation programs. In addition, staff from a number of embassies in Sana'a participated in observation on election day. There were also some observers from Palestine, Egypt, Morocco and Lebanon, part of the newly-formed Arab Initiative for Election Observation.

IFES' election observation exercise for the elections had two components. The first used local and international staff at voting centers in Sana'a, in the SCER's Operations Room, and in parts of the Al-Mahweet governorate. The second component used the disability NGOs (DNGOs) that IFES had been working with to improve the electoral participation of Yemenis with disabilities (the project is described in 4(1) below). The DNGO observers were at voting centers in the Capital Secretariat, Amran, Dhamar, Ibb, Taiz, Hodedia, Hadramout, Aden, and Hajja governorates. NDI generously agreed to allow the participants in both components to use its observation forms for voting and for counting.

Annex 6 summarizes the polling observation reports received from the IFES and DNGO observers.<sup>29</sup> Although IFES received 91 observation reports, not all observers answered all questions and the percentages for each question exclude the non-responses.

The results in Annex 6 will need to be confirmed by the findings of the more extensive observation programs undertaken by the EUEOM and NDI. But they show that, in general and with some exceptions, sub-committees conducted most aspects of the voting process properly and in accordance with the law and the SCER's instructions. The most significant lapses were:

- failure to display voting instructions – 22.4% (question 31);
- not setting up voting booths (screens) to ensure secrecy of the vote – 10.1% (question 38);
- failing to check voters' faces against their IDs before allowing them to vote – 7.1% (question 44);
- failing to check voters' thumbs for ink before allowing them to vote – 23.4% (question 45); and
- not allowing observers to accompany ballot boxes to the First Sub-committees – 23.8% (question 54).

As at previous elections, some members of the security committees appeared not to fully understand their role. It is unacceptable that some members of security committees were seen to be campaigning (question 12) and telling people who to vote for or marking their

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<sup>29</sup> Counting observation reports have not been included since only 6 were received.

ballots (question 41), and 25.3% of observers' reports said women waiting in line were being treated roughly by security personnel (question 30).

Some of the results in Annex 6 are cause for serious concern.<sup>30</sup> For example, 38.1% of observers' reports said that many voters appeared to be confused by the voting process (question 47), and 9.3% said the sub-committee members were unable to explain the process to voters (question 48). Both findings suggest the need for longer-term and more intensive voter information and voter education programs, and better training of sub-committee members. There were instances of campaigning in and around voting centers (questions 12, 13, 34, 36); bribery (question 21); and people telling others who to vote for or marking their ballots (questions 40, 41, 43).<sup>31</sup>

Overall, 88% of the reports from the IFES and DNGO observers said that voting at a voting center was 'generally orderly with few irregularities or violations' (question 55). This is consistent with the EUEOM's finding in its *Preliminary Statement* that 'EU observers positively evaluation voting procedures in 82 per cent of the polling centers visited in spite of a large number of irregularities observed'.<sup>32</sup>

Nevertheless these finding do point to the need for the SCER to develop better training programs for sub-committee members and for security personnel. More importantly, the SCER needs better mechanisms for monitoring activities in voting centers on election day, so it can take action to correct irregularities and violations, and hold those responsible to account. This requires better communications facilities between voting centers and main committees and supervisory committees. It also requires clear legal authority for the SCER to exercise its authority over election committees at all levels, and a determination by the SCER to exercise that authority in the interests of a free and fair election process.

#### *k) Women's participation*

In November 2005, the SCER established a Women's Unit to enhance the SCER's ability to fulfill its statutory obligation in the election law 'to take all appropriate measures to encourage women to exercise their electoral rights'. The Women's Unit in the SCER is the first of its kind in the MENA region.

The SCER amended its organizational by-law to incorporate the Women's Unit into its structure. The by-law states the Unit's responsibilities and duties as follows:

- 1 In coordination with relevant sectors in the SCER, proposing programs and activities that contribute to the wide participation of women during all electoral stages, and submitting these programs and activities to the SCER chairman for approval.

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<sup>30</sup> The response to question 49 is also of concern, since 44.3% of observers' reports said they had witnessed 'ballot stuffing'. It has not been included in this list, however, because it is not clear that all observers knew what is meant by that term.

<sup>31</sup> Question 40 in Annex 6 reports some members of sub-committees as telling people who to vote for or marking their ballots. Some sub-committee members may have marked ballots at the request of disabled voters, even though SCER instructions are that they should not do so.

<sup>32</sup> EUEOM, *Preliminary Statement*, September 21, 2006, pages 1, 8; available at [www.eueom-ye.org/pdf/EU%20EOM%20Yemen%20Press%20Release%20210906.pdf](http://www.eueom-ye.org/pdf/EU%20EOM%20Yemen%20Press%20Release%20210906.pdf)

- 2 Preparing studies and research on the level of women's political participation at all electoral stages, and submitting the results of these studies and research to the chairman of the SCER.
- 3 In coordination with other relevant sectors in the SCER and the General Secretariat, preparing plans and sustainable awareness programs that aim at increasing participation of women at all the different electoral stages.
- 4 In coordination with relevant sectors and under the supervision of the SCER Chairman, contacting CSOs and other bodies who are interested in the electoral and political affairs of women in order to coordinate the work of the SCER with the work and activities of those bodies.
- 5 Coordinating the work and activities of the SCER sectors with all matters relating to the electoral affairs of women.
- 6 In cooperation with relevant SCER sectors and the General Secretariat, participating effectively in solving any problems and removing difficulties that might face women during their participation in the electoral process, either as voters, candidates, or as participants in the electoral committees.

The Director of the Women's Unit reports directly to the Chairman of the SCER. In addition to the Director, the Unit has five core staff and has a liaison person from the staff of each of the five sectors of the SCER (Technical and Planning; Legal Affairs; External Affairs and Civic Organizations; Media and Voter Education; and Statistical, Studies and Research).

Although the establishment of the Women's Unit within the SCER represented a major step in promoting women's electoral participation in Yemen, the SCER was not able to provide the Unit with all the resources it needed to carry out its responsibilities and reach its full potential. The UNDP's Election Support Program (ESP) therefore supported the Women's Unit and its outreach activities in 2006, including providing some computer equipment, assisting with networking among women's organizations in political parties and NGOs, voter information and education, and encouraging women to stand as candidates in the 2006 elections.<sup>33</sup> The ESP's voter education activities targeted women through media and other advertising, and through contracting NGOs, including women's groups, to carry out voter education programs.

The low level of candidacy by women at the 2006 elections was a major disappointment. Although 2 women applied to be presidential candidates, none received the 5% vote for endorsement in the joint sitting of the Shura Council and the House of Representatives. Despite many statements by the GPC before the elections that women would comprise at least 15% of its candidates for governorate councils and at least 20% of its candidates for administrative district councils, in fact it nominated very few women candidates. Islah did not nominate any women candidates at either level.

In total, women comprised 27 of the 1,612 candidates for 431 governorate council seats (1.7%), and 122 of the 18,901 candidates for 6,896 seats on the councils of administrative districts (0.7%).<sup>34</sup> Overall, the proportion of women candidates in 2006 was 0.7%, only slightly more than at the 2001 local council elections and slightly less than the 0.8% recorded at the 2003 parliamentary elections.

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<sup>33</sup> The UNDP program complemented a similar program organized by NDI, which also ran training workshops for potential women candidates.

<sup>34</sup> The figure for the number of seats on the councils of administrative districts does not take account of the local constituencies where elections had to be postponed until December 2006.

A total of seven women were elected to governorate councils, all from the GPC, and 28 women were elected to local councils (24 GPC, one YSP and three Independents). The total number of women elected (35) is the same as in 2001.<sup>35</sup>

No detailed figures were available at the time of writing on women's participation as voters. However the SCER has advised that, overall, 59% of those who voted were male, and 41% were female, which is close to the male and female proportions of registered voters shown in Annex 2.

There have been reports that the women who did stand as candidates faced major obstacles in running effective campaigns, including social pressures, intimidation of women who wanted to vote for women candidates, spreading of falsehoods and rumors against women candidates, and violations, bribery and election fraud directed against women candidates.<sup>36</sup> Similar problems occurred in 2003.

It is certain that there will be renewed debate before the 2009 parliamentary and local councils elections about the need for law changes to improve the representation of women, and to allow women to campaign freely and competitively. There must also be more research to improve understanding of how to convey voter information to Yemeni women, particularly given high levels of illiteracy, so that more effective voter education and information campaigns can be developed and implemented in 2009.

#### *l) Electoral participation by people with disabilities*

Following an initial assessment in November 2005, and with the advice and assistance of several visits from an international consultant on disability issues, IFES developed a program to increase the electoral participation of people with disabilities. The program was largely funded by the US Department of State's Bureau of Democracy, Human Rights and Labor.

The program focused on raising awareness of the electoral rights of disabled people, and on voter education. It was conducted in eight governorates by DNGOs for the blind, for the deaf and mute, and for the physically disabled. Special voter education resources were prepared and distributed, including an audio cassette and Braille materials for the blind and visually impaired, a script and pamphlet to be translated into sign language, and a printed pamphlet and poster illustrating the steps in the voting process and how disabled people can be assisted to exercise their electoral rights. The voter information materials developed for the SCER by the UNDP Election Support Project included images of disabled people, and a sign language pamphlet. IFES trained representatives of the DNGOs in voter education techniques, who in turn trained their voter education teams. IFES also trained DNGO representatives in financial and administrative procedures relating to the grants IFES provided to them to conduct the voter education campaigns.

IFES also worked with the SCER to reduce the barriers faced by people with disabilities when they exercise their electoral rights. The SCER agreed to establish a Disability Unit to coordinate its efforts relating to people with disabilities. It incorporated disability issues

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<sup>35</sup> See International IDEA, *Building Democracy in Yemen* (2005), p. 36.

<sup>36</sup> See Kawkab Al-Thaibani, 'Women candidates exposed to violations', *Yemen Observer*, September 29, 2006; accessed on [www.yobserver.net](http://www.yobserver.net)

in its training of election committees, including instructions on how to improve access to voting centers and to polling stations within the centers. The SCER and UNDP also ensured that images of people with disabilities were included in voter education materials. Following a request from the SCER for a copy of the poster for each voting center, IFES printed and delivered 5,620 posters to the SCER 6 days before the election, but distribution errors meant that the SCER failed to deliver them to all voting centers before election day.

The SCER also agreed to a pilot project using a Tactile Ballot Guide (TBG) in the main cities of five governorates for the presidential election. This would have been a first for the region, and was welcomed enthusiastically by blind and visually impaired voters. The TBGs were produced once the presidential nominees were finalized, funded by the UNDP. It was very disappointing to find that the time it took to hand-correct an error in the SCER's instructions printed on the TBG meant that it was not distributed to any of the targeted voting centers before election day.

As noted above, members of the DNGOs were accredited by the SCER to act as election observers. IFES also asked the DNGOs to record their members' experiences – good and bad – in participating in the election, and to provide that information to IFES for transmission to the SCER.

IFES held a post-election workshop for representatives of the DNGOs that participated in the voter education and observation programs, and their final written reports are due to be received shortly. It was clear from the comments at the workshop that the voter education programs succeeded in promoting awareness among disabled people and their families (one DNGO representative estimated that the proportion of disabled people who voted in his area doubled from 25% to 50%). Anecdotal reports the DNGOs received from disabled people showed that many election committees and security committees did follow the SCER's instructions about assisting disabled people through the voting process, for example by giving them priority in the queues and by allowing them to vote with an assistant of their choice.

The physically disabled faced major obstacles in accessing voting centers. NDI's observation reports on accessibility of voting centers (Annex 7) show that just over 27% of reports assessed voting centers as not accessible to a person in a wheelchair or with a mobility impairment. On the other hand, 41% of DNGO and IFES observation reports assessed a voting center as not accessible (see Annex 6, question 26).<sup>37</sup> However, both sets of observers' reports showed that 88% of disabled voters who needed assistance with voting were allowed to be assisted by a person of their choice (see Annex 6, question 28; Annex 7). Disabled people have told IFES that some sub-committees prevented a disabled person from voting behind the screen if they used an assistant, ostensibly to ensure that the assistant followed the voter's instructions. The SCER will need to do more to ensure

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<sup>37</sup> A similar NDI observation program during the 2006 voter registration update produced 147 reports on the accessibility of voting centers in 16 governorates (Capital Secretariat, Abyan, Aden, Al-Baida, Al-Jawf, Amran, Dhamar, Hadramout, Hajja, Hodeida, Mahweet, Marib, Raimah, Sana'a, Shabwah, and Taiz. Overall, 49% of centers were assessed as not accessible by a person in a wheelchair or with impaired mobility. In addition, the premises of 53% of voter registration sub-committees within voting centers were judged to be inaccessible, and about one-third of sub-committees were assessed as having insufficient space between furniture to allow easy movement by a person in a wheelchair or with impaired mobility. Information was not collected at the election about accessibility of sub-committees' premises or about whether the placement of furniture allowed easy movement.

there are accessible voting centers at the 2009 elections, and to ensure that sub-committees receive training in how different groups of people with disabilities may exercise their electoral rights.

A draft 'Convention on the Rights of Persons with Disabilities' is expected to go before the UN General Assembly before the end of 2006. If the UN adopts this convention and the Government of Yemen ratifies it, it will incur certain obligations, including to review laws, practices and policies relating to people with disabilities. It will also have to report periodically on its compliance with the Convention. This marks a shift in the approach towards people with disabilities, from a charity or social welfare approach to a rights-based approach. It will require capacity-building among Yemen's government agencies as well as among disability groups, particularly to improve the latter's advocacy skills. IFES' experience in working with DNGOs for the 2006 elections shows that these groups will need careful mentoring if they are to play an effective role in promoting the interests of disabled people in Yemen.

IFES is particularly well-placed to obtain donor support for a variety of projects that will improve the situation of disabled people in Yemen, particularly if the Government ratifies the new Convention. The disability consultant's post-election report identifies several options for IFES interventions in Yemen, and their relative priorities. They include activities that continue IFES' election-related work outlined above, but others focus on wider issues relating to the Convention, on obtaining better information on the incidence of disabilities in Yemen, and on advising and supporting various governmental agencies working with disabled people. Some of the proposed activities would have a regional application.

## 5. CONCLUSIONS AND RECOMMENDATIONS

### *a) Conclusions*

Yemen's presidential elections in 2006 were very significant for the country's progress to democracy. For the first time, Yemen's long-serving incumbent president faced a competitive opponent, who was allowed to campaign freely and who received a great deal of coverage in the official media. This was a major achievement.

On the whole, the SCER's conduct of the 2006 presidential and local council elections represents a consolidation of the progress it made at the 2003 parliamentary elections. Nevertheless, because the conduct of the 2006 elections was much more complex from a technical point of view, they can be seen as representing a significant advance over 2003.

There were, however, clear deficiencies in the 2006 electoral process. Some, such as lack of reform of the election law and failure to redraw the boundaries of local electoral constituencies, were matters outside the SCER's direct control, although perhaps the SCER could have done more to influence the decision-makers in each case. The SCER could also have made more concerted and effective efforts to be open and transparent, particularly in its relations with political parties. It is readily acknowledged, however, that the JMP's approach to its relations with the SCER were not always constructive and did

not reflect an understanding of the magnitude and difficulties of tasks the SCER faced. Some questions still remain at the time of writing about the counting process and the considerable time it took for the local election results to be declared, and about the rates of invalid votes in some areas. Further conclusions on those issues will need to await release of the observation reports from the EUEOM and NDI, and further analysis of the election results.

As well as the specific problems with Yemen's 2006 elections discussed in this report, IFES identified three major areas of weakness, all of which were also apparent in 2003, albeit to different degrees. Stakeholders in Yemen's democratic progress – especially the Government of Yemen, the SCER, and political parties – now have the opportunity to deal with these areas before the 2009 elections, with international support, advice and technical assistance.

The first area of weakness relates to the SCER's willingness to enforce the election law and its own instructions, particularly against the committees the SCER appoints to conduct voter registration and the election. The SCER considers its statutory authority to enforce the law is unclear, and was further undermined by the successful defamation case following the by-election in January 2006 (see 1(c) above). In any case, the SCER may be reluctant to exercise its authority – even indirectly by referral to the Office of Public Prosecutor – given that the members of election committees are appointed to represent political parties, and that others who are responsible for election irregularities and violations may also be affiliated to parties. But this hiatus in enforcing the election law may lead to perceptions that the law and SCER instructions can be violated with impunity, which sends precisely the wrong message if Yemen's election process is to be judged free and fair. The SCER is the proper body to initiate enforcement action against those who violate the election law or who do not abide by the SCER's instructions. The actions the SCER took in referring to the Office of the Public Prosecutor (OPP) the alleged multiple and under-age registrations was appropriate in the circumstances, even though the SCER did not adopt an open and transparent process to identify those cases. It is not known what legal interpretation the OPP relied on in instructing the SCER to delete clear cases of under-age registrations from the voter registers. It is also important that campaign violations – particularly those involving the illegal use of state resources – should be referred to the courts. It is therefore essential that the SCER ensure that it has clear statutory powers and responsibilities to enforce the election law, and any necessary amendments to the election law should be made before the 2009 elections. In addition, the SCER must make it clear to all stakeholders that it will carry out those responsibilities firmly and without fear or favor, and the courts must undertake to play their role in upholding the election law.

The second area of major weakness relates to women's electoral and political participation. Statements by political parties before the 2006 elections, particularly by the GPC, led to expectations of a significant increase in numbers of women candidates in 2006. These expectations were not fulfilled, and the proportions of women candidates and elected women representatives remained low. The 2006 elections represented a major opportunity for political parties to demonstrate a tangible commitment to improving representation of women. Their failure to do so will inevitably lead to further debate about whether the law should be changed before 2009 so that these important issues are no longer entrusted to parties' voluntary compliance. There are, however, a number of approaches that could be considered, and it is important that the options are discussed

fully, and that final decisions are made and implemented (including any law changes) at least 12 months before the 2009 elections.

However such strategies to improve women's participation as candidates and elected representatives should not be pursued in isolation from more general issues about barriers to women's electoral participation as voters. The SCER has not issued detailed voting figures at the 2006 elections at the time of writing, so it is not possible at this point to comment in detail on turnout and rates of invalid votes for males and females. In any case, there is no doubt that women face specific and substantial social and cultural barriers if they are to make progress towards the full equality of citizenship required by the Constitution.

Many programs in Yemen are working actively on these issues, with substantial donor support. As such, they contribute to overcoming the third major area of weakness evident in the 2006 elections: citizenship and voter education, understood in a broad sense as involving an active acceptance of democratic values such as tolerance, equality, and respect for the rule of law as well as a basic understanding of the democratic process. In these terms, Yemen has made remarkable progress since reunification, but it is still a young democracy. The challenges are substantial and real, but further progress can and must be made without delay if Yemen is to continue along the path of democratic development. It requires a carefully-devised, coordinated national strategy for long-term citizenship education involving a number of elements, such as the curricula in schools, regular radio and television programs focusing on civic and citizenship themes, encouragement of public participation by elected representatives at all levels and by their institutions, and local face-to-face campaigns.. Effective methods will need to be developed and tested for meeting the needs of particular groups, such as youth, women, illiterates, disabled, and the marginalized.

#### *b) Recommendations*

The recommendations listed below are drawn from this report, and should be read in conjunction with recommendations in previous IFES reports, the recommendations in the pre-election assessment report discussed in 3(g) above (see Annex 4), and the recommendations in the disability consultant's post-election report, discussed in 4(1) above.

##### Election law reform

1. The SCER should, without delay, invite political parties to submit written recommendations on changes to the election law. Then, after considering the parties' proposals, the reports of the international NGOs and its own recommended law changes, the SCER should publish a report in the first half of 2007 recommending the changes to the election law that it considers need to be passed. All amendments to the law should be enacted at least one year before the 2009 parliamentary and local council elections.

##### Boundary delimitation

2. The SCER must revise the boundaries of all parliamentary constituencies and of all local electoral constituencies, through an open and transparent process; the delimitations should be completed at least one year before the 2009 elections.

### Training

3. The SCER should develop and implement training programs (i) for its headquarters and branch office staff, on general administrative, financial and IT matters as well as on specific election-related topics, after taking into account the lessons learned from the 2006 training of voter registration and election committees; and (ii) for any new members of the SCER who are appointed in 2007.

### Complaints and disputes

4. The SCER should review its procedures for receiving complaints and disputes for voter registration and the election in the light of experience in 2006, and should incorporate revised procedures into its manuals for the 2009 elections.
5. A training program on electoral matters should be developed and implemented for the judiciary and for the Office of Public Prosecutor.

### Voter registration

6. The SCER should make a major effort to improve the accuracy of the voter registers before the 2009 elections, aided by appropriate law changes and by the review mandated by the June 18 Agreement.
7. The SCER should ensure that (i) a deceased voter can only be deleted from the voter register with proper evidence; and (ii) that a voter who is not deceased cannot be deleted from the voter register without proper notification.
8. The SCER should participate in the development of a civil registry, to ensure that comprehensive and accurate registers of voters can be derived from it.

### Election logistics

9. The SCER should prepare an internal review of the election logistics for the 2006 elections, and implement any necessary improvements for the 2009 elections.

### Appointment and training of election committees

10. The SCER should publish an election timetable including final dates for parties to provide names of members of voter registration and election committees.
11. The SCER should provide written information to party and candidate representatives about the electoral process and about their rights and responsibilities, which the representatives should sign as a condition of their appointment.

### Candidate nomination process

12. The period for withdrawal of candidates should be reduced.
13. The election law should be amended to include an objection period concerning committees' decisions about candidate nominations.
14. Pressuring and intimidating a candidate or an intending candidate, and making a false claim that a candidate has withdrawn, should be made specific offences under Article 133 of the election law.

### Voter education and information

15. For the 2009 voter registration and election processes, the SCER and its partners should consider undertaking benchmark research on voters' understanding of the election and the election process and follow-up research after the campaigns.

#### Election violence

16. The SCER should support an early start of a campaign to reduce the incidence of violence at the 2009 elections, involving political parties, and local and international NGOs.

#### Election campaign

17. The SCER should develop further mechanisms for avoiding partisan bias in election coverage by the official media, including proposing any law changes it considers necessary.
18. The SCER should make it clear that it will refer to the Office of the Public Prosecutor all cases where state resources are used for partisan electoral purposes.

#### Voting process

19. After considering the information available to it and observers' reports, the SCER should prepare an internal review of the voting process for the 2006 elections, and implement any necessary improvements for the 2009 elections.
20. The SCER should ensure it has better communications on election day between voting centers and main committees and supervisory committees, so it can take action to correct irregularities and violations, and hold those responsible to account.

#### Counting and election results

21. The SCER should review the law and its procedures relating to timely vote counting and declaration of results, and implement improvements for the 2009 elections.
22. The SCER should investigate the causes of the unusually high rates in some centers through an examination of the counting records and ballot papers from those centers so that any improvements to voter education programs, counting procedures, and training can be implemented for 2009. This examination should be conducted in an open and transparent manner, and should involve representatives of international NGOs and political parties. It must be clearly understood, however, that the findings of the review will not affect the results of the 2006 elections.

#### Role of military and security forces

23. The SCER should make further efforts for the 2009 elections to reduce its reliance on the military, to ensure proper training of military and security personnel, and to hold to account those members of the military and security forces who act in violation of the law or contrary to the SCER's instructions.

#### Women's participation

24. Careful consideration should be given to proposals to change the law before the 2009 elections to improve the representation of women. Final decisions should be made and implemented at least 12 months before the 2009 elections.

#### Enforcement of election law

25. The SCER should ensure that it has clear statutory powers and responsibilities to enforce the election law, and that any necessary amendments to the election law are made before the 2009 elections.
26. The SCER should make it clear to all stakeholders that it will carry out its law enforcement responsibilities firmly and without fear or favor.
27. The courts must undertake to play their role in upholding the election law.

### Citizenship education

28. Yemen should devise and implement a coordinated national strategy of long-term citizenship education that combines educational curricula, electronic media, and face-to-face campaigns, and includes effective, pre-tested methods for meeting the needs of particular groups, such as youth, women, illiterates, disabled, and the marginalized.
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## **Annex 1: 2006 election timetable**

April 18	15 day voter registration update period begins
July 3	Presidential candidate application period begins
July 24	Joint sitting of Shura Council and House of Representatives endorses 5 presidential candidates
July 26	President issues call for elections; voter lists become final
August 12	Beginning of 10-day nomination period for local election candidates
August 23	Presidential campaign period begins
September 1	Beginning of campaign period for local election candidates
September 20	Election day
September 23	SCER announces results of presidential elections
September 26	President sworn in, 7-year term begins
October 9	SCER announces results of governorate council elections and local council elections

## Annex 2: Registered voters by governorate, 2003 and 2006

Governorate	2003				2006				% change 2003-2006			
	No. of registered males	No. of registered females	Total no. of registered voters	% females	No. of registered males	No. of registered females	Total no. of registered voters	% females	No. of registered males	No. of registered females	Total no. of registered voters	% females
Capital Secretariat	446,619	234,664	681,283	34.4	544,304	286,752	831,056	34.5	21.9	22.2	22.0	0.1
Aden	146,581	112,740	259,321	43.5	167,616	122,289	289,905	42.2	14.4	8.5	11.8	-1.3
Taiz	523,917	468,593	992,510	47.2	616,304	553,679	1,169,983	47.3	17.6	18.2	17.9	0.1
Lahj	160,698	155,784	316,482	49.2	182,637	167,473	350,110	47.8	13.7	7.5	10.6	-1.4
Ibb	493,725	360,023	853,748	42.2	575,085	430,653	1,005,738	42.8	16.5	19.6	17.8	0.6
Abyan	104,465	95,760	200,225	47.8	122,494	105,819	228,313	46.3	17.3	10.5	14.0	-1.5
Al-Baida'a	151,031	95,811	246,842	38.8	160,267	104,795	265,062	39.5	6.1	9.4	7.4	0.7
Shabwah	95,752	83,791	179,543	46.7	111,933	93,394	205,327	45.5	16.9	11.5	14.4	-1.2
Al-Maharah	27,856	19,016	46,872	40.6	32,266	20,686	52,952	39.1	15.8	8.8	13.0	-1.5
Hadramout	239,202	205,915	445,117	46.3	276,586	223,105	499,691	44.6	15.6	8.3	12.3	-1.6
Al-Hodeidah	478,218	339,822	818,040	41.5	556,061	384,318	940,379	40.9	16.3	13.1	15.0	-0.7
Dhamar	293,410	242,638	536,048	45.3	331,887	269,924	601,811	44.9	13.1	11.2	12.3	-0.4
Sana'a	325,990	240,250	566,240	42.4	294,563	201,887	496,450	40.7	-9.6	-16.0	-12.3	-1.8
Al-Mahweet	123,821	106,744	230,565	46.3	134,788	118,260	253,048	46.7	8.9	10.8	9.8	0.4
Hajjah	368,309	257,081	625,390	41.1	389,886	290,774	680,660	42.7	5.9	13.1	8.8	1.6
Sa'adah	186,257	70,304	256,561	27.4	225,070	81,393	306,463	26.6	20.8	15.8	19.5	-0.8
Al-Jawf	78,475	37,658	116,133	32.4	86,146	45,980	132,126	34.8	9.8	22.1	13.8	2.4
Marib	74,813	37,737	112,550	33.5	81,010	41,409	122,419	33.8	8.3	9.7	8.8	0.3
Amran	253,579	159,289	412,868	38.6	258,342	178,845	437,187	40.9	1.9	12.3	5.9	2.3
Al-Dahle'a	109,567	91,590	201,157	45.5	118,093	98,933	217,026	45.6	7.8	8.0	7.9	0.1
Rimah*					81,467	80,197	161,664	49.6				
<b>Total</b>	<b>4,682,285</b>	<b>3,415,210</b>	<b>8,097,495</b>	<b>42.2</b>	<b>5,346,805</b>	<b>3,900,565</b>	<b>9,247,370</b>	<b>42.2</b>	<b>14.2</b>	<b>14.2</b>	<b>14.2</b>	<b>0.0</b>

Source: adapted from SCER website, [www.scer.org.ye/arabic/indexa.htm](http://www.scer.org.ye/arabic/indexa.htm) (accessed October 4, 2006)

\* new governorate formed in 2004 from parts of the Sana'a governorate.

## **Annex 3: June 18, 2006 Agreement\***

### **Agreement between the GPC and JMP 06.18.06**

#### **Agreement on principles to conduct free, fair, transparent, and safe elections in the upcoming presidential and local council elections between the GPC and JMP**

As Yemen in this stage is up to the most important democratic event in the political life and democratic practice which is the presidential and local council elections... and as political parties- signing this agreement- are aware of the national responsibility they hold in practicing their constitutional right which is built upon pluralism and peaceful transfer of power, and responding to the call of serious dialogue directed by his Excellency the president of the republic Ali Abdullah Saleh, and reinforcing the democratic process, and because of political parties' concern to actively and seriously participate in the upcoming presidential and local council elections to reflect the reality of pluralism and the achievement of the principle of peaceful transfer of power in responsible democratic atmosphere with absolute awareness that competitive elections do not mean antagonism as much as they mean being ready and working hard to serve the people in the best possible manner and deepening the principles of partnership and democracy and confirming that dialogue is a tool of development and transformation in all aspects of life. For that the political parties agreed upon the following:

#### **First: the SCER:**

It was agreed to add 2 members from JMPs to the current SCER structure. For that the political parties in parliament should provide a proposal to amend article, 19 Clause "A" of the law no 13 for the year 2001 regarding elections and referendum. The proposal should include amendment request to expand SCERs structure from 7 to 9 members from amongst the 15 member list that were already nominated by the parliament.

#### **Second: Formation of the elections commissions:**

It was agreed to form the supervisory, main and sub elections commissions according to the law in the upcoming presidential and local council elections based upon 54 percent to GPC and 46 percent to the JMP.

#### **Third: The Voter Lists Record:**

It was agreed to form a legal professional team from the GPC and JMP to be approved by the SCER. This team will examine the voter Lists Record and take necessary legal procedures to transfer any legal violations in the Record (voters' lists) to the court arming at clearing them from the record. The SCER should allow this team to start its mission as soon as possible.

#### **Fourth: Neutrality of State Media:**

1. Giving all political parties participating in the elections and the presidential candidates equal and enough space in the state run media to present their platforms and express their opinions. This right shall not be restricted except in matters that come to individuals' private lives or their honor. Any person working in the public

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\* Translated by NDI

media who shall violate the principle of neutrality shall be fired. SCER should itself observe the neutrality of the state-run media and receive and handle complaints from political parties and candidates and refer those who are proven guilty to administrative or judicial investigation according to a clear and transparent mechanism identified by SCER.

2. SCER should make a media plan to ensure neutrality of state-run media according to the Law.

**Fifth: Neutrality of Public Office:**

The public office should not be used for the interest of a particular political party. All district directors, governors and security and military leaders should be committed to neutrality towards the competition between political parties and candidates in the elections and not perform any campaign activities for or against any party or candidate during the electoral.

Any official or person holding public position is prohibited from donating or promising any project from public money during the elections campaign. The SCER itself should monitor the neutrality of public office and receive and handle complaints from political parties and candidates and refer those who are proven guilty to administrative or judicial investigation according to a clear and transparent mechanism identified by SCER.

**Sixth: Public Money:**

Using public money for a particular political party or candidate during elections is prohibited. The money allocated according to the law for presidential candidates should be distributed equally amongst all candidates under the observation of the parliament. Apart from that it is prohibited to spend public money or from the budgets of ministries, associations, companies and public authorities on elections campaigning. It is also prohibited to use public facilities, mosques and prayers' places for elections campaigning for or against any political party or candidate during campaigning. The SCER itself should undertake supervising and monitoring that. Those who prove to violate this during the elections campaign should be ceased from his job and referred to administrative or judicial investigation according to a clear and transparent mechanism identified by SCER. Local donations should be handled in a transparent way according to the law. Any outside donation is prohibited.

**Seventh: Neutrality of military and Security Forces:**

The Supreme leader of the Military Forces should issue a directive to military and security forces to confirm the right of military and security forces to practice their political right in running for office and voting. Military and security leaders are prohibited from forcing or compelling the individuals to vote for any political party or candidate. Campaigning is prohibited inside military and security units and locations. This directive should be published in state-run and military media.

**Eighth: Security Commissions:**

The tasks of the security commissions of the SCER and the security commissions under those commissions are limited to protect the security of voting centers. They are prohibited from interfering in the electoral in any manner. They should report to and receive their directives, orders and instructions from the SCER. They should be headed by a member of the SCER.

**Ninth: Political Party Observation Commissions:**

Political party observation commissions shall be formed from all political parties. Every political caucus should be represented by one observer in all voting centers. The observers shall not interfere in the electoral process. Funding for this procedure shall come from government fund for the electoral process.

**Tenth: Transparency:**

1. SCER shall inform the political parties and the public about all the steps it takes related to its tasks.
2. Provide electronic versions of the voter lists records archived at the SCER to political parties-upon their request.

**Eleventh: The Role of Women in the Democratic Process:**

The role of women in the democratic process should reflect the leading Yemeni civilization spirit and renew the human and dynamic balance in the mutual relationship between men and women. For that Yemeni women and their constitutional and legal rights should be supported without any undermining in any manner, morally or financially. That is because women are the sisters of men. All political parties should make women's political participation a national, human and civilized goal.

**Twelfth: things agreed to be addressed after the upcoming presidential and LC elections:**

The following amendments to the law were agreed upon:

1. Re-forming the SCER so that all its members should be judges who are known for their qualifications, and impartiality. The mechanism of nominating and choosing them shall be agreed upon... their rank should not be less than appeal court judge.
2. Restructuring the administrative and technical body of the SCER according to civil service conditions and criteria. This should include SCER branches in governorates (announcement of vacancy and competition amongst those who meet the conditions).
3. Electoral judicial guarantees.
4. Finalizing the process of making a civil record of all administrative units which should be a reference to voters' lists.

Implementation of this agreement shall start as soon it is signed.

Sana'a

Sunday 06.18.06

## **Annex 4: IFES' Pre-election Assessment Recommendations<sup>38</sup>**

### **4.1 Pre-Election Recommendations to the SCER**

#### *A. Training of Election Committees*

1. A member of the higher level commissions should visit the training of the Sub-Commissions and provide any necessary remedial training or clarifications.
2. A technical/procedural point of contact should be nominated at each administrative level (with applicable contact information) to answer any questions of electoral staff of the subsequent lower level committees before, during and after Election Day.<sup>39</sup>

#### *B. The Role and Training of Security Forces and Arrangements for their Oversight*

8. Senior staff of the SCER should occupy the Operations Room at all times and communication channels between the SCER and Military should be kept open.
9. The SCER should assert authority over all electoral issues to ensure that the Security Commissions do not exceed the security mandates.
10. A member of the SCER Secretariat should accompany military transport of materials at all times.

#### *C. The SCER's operational and logistical plans for the elections*

16. Prior to the start of delivery of sensitive items to the governorates, consider a full test run of all printing, packing and shipping systems to verify timing, accuracy and capacity.
17. Manually count ballots copied from photocopiers to verify that photocopier counts are accurate and to verify the quality of the photocopies.
18. Create detailed inventory checklists of all assets to be delivered and have SCER staff independently verify contents prior to final packing and delivery.
19. Ensure that the contents of all envelopes are clearly labelled on the outside of the envelope.
20. Ensure that at each handover point there is a signed inventory checklist that remains with the SCER, ensuring a complete paper trail of all material deliveries (Note: The SCER reports that this is being done, but should be followed up on.)
21. In the absence of the Chair, counting of ballots should continue, however arrangements should be made to ensure that both major parties are represented by the remaining two committee members.
22. Ensure that secure storage is locally available for the uncounted ballot boxes.
23. That the printing, cutting and delivery of ballots is supervised at all times by staff from the SCER Secretariat; that observers should also be invited to the ballot production process; and that all sheets are properly accounted for.
24. That international observers visit the Operations Room, as was done in previous elections.
25. That Exceptional Polling Centers be limited to 21 locations at the Governorate Level for the current election (maintaining the spirit of the Election Law) and that this legal issue be properly addressed after the election.

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<sup>38</sup> The numbering of the recommendations follows that in the report, but they are here grouped under headings for easy reference.

<sup>39</sup> This was effectively in place at the governorate level with the installation of 21 "hotlines" providing immediate communication with the Operations Room at the SCER headquarters in Sana'a.

*D. The SCER's regulations and procedures relating to election campaigns*

45. Increase the transparency of SCER activities by conducting regular press conferences for all official and private media. Topics could include: the candidate nomination process; the voter list review process; Sub-Committee training; important messages to voters; the mechanism for filing election complaints or reporting electoral offences; the domestic observation programme; the counting process; and the results of the election(s). Journalists should be encouraged to ask questions and to print accurate information.
46. Nominate an official SCER spokesperson who can speak on behalf of the SCER to domestic and international media.
47. Provide a point of contact for all media inquiries (ideally, this would not be the Commissioner himself, as this position could be extremely time consuming).
48. Issue guidelines to all SCER staff (including field staff) about how to talk to the media and what they should and should not talk about (i.e., normally election staff can talk about their job, their training, and factual information, but should not speculate about the election results or make any political or partisan comments.)
49. Develop clear guidelines for dealing with SCER staff who violate their official neutrality by making public partisan comments.
50. Refer cases of clear violations of the media guidelines of the Election Law to the Office of the Public Prosecutor.

*E. SCER Regulation of Domestic Observation Program*

70. That the SCER does not limit observer accreditation to those with prior observation experience, but require that domestic and party observers must be registered voters.
71. That SCER emphasizes the need for training of observers and that entities are responsible for the behavior of their observers.
72. That the SCER continue to accept applications for accreditation as long as possible.
73. That the SCER request one single point of contact per entity for all accreditation issues.
74. That the SCER consider a circular stating that observers may be asked by the Head of a Sub-Committee to observe in rotation if there is a problem of overcrowding in the Polling Centre AND that the Heads of the Sub-Committees have the right to remove any observer (or ask security to do so), who in any way disrupts the voting or counting process.
75. That the SCER DOES NOT attempt to train NGO or party monitors as this would be a conflict of interest—they should however, provide procedures, Code of Conduct, and any training materials that may be useful to them.
76. That the SCER remove all restrictions on observer movements, other than limiting the number per entity per polling centre.

*F. Addressing Electoral Violence*

77. Issue a clear and strong statement emphasizing the need for all election commissions, voters, parties, candidates, security forces and observers to abide by the Election Law and uphold the democratic right of all registered Yemeni voters to vote freely and in secret without intimidation or violence.
78. Issue a clear statement reminding all election workers that they are legally and morally bound to abide by the Oath that they have all taken to uphold the Election Law and act in a professional and non-partisan manner.
79. Monitor and track (statistically) incidents of election related violence.

## **4.2 Pre-Election Recommendations to IFES**

### *The Role and Training of Security Forces and Arrangements for their Oversight*

11. Request permission to conduct observation and monitoring of the Operations Room during Election Day, as in previous elections.
12. Ensure that there is field observation of security forces on Election Day.

### *The SCER's policies and procedures for enforcing the election law*

31. That IFES consider hiring a local lawyer to observe and gather data regarding the investigation and adjudication process in courts dealing with election law violations, in order to make further recommendations for possible reform or capacity building.

### *The SCER's plans for voter information campaigns and for promoting election participation by women and by people with disabilities*

39. Efficacy of Tactile Ballot Guide should be closely monitored on Election Day. Consideration should be given to training; sensitivity of staff; and voter education messages when making recommendations for further development of this program.
40. Develop a simple training guide for electoral staff to accompany the tactile ballot (in progress).

### *The SCER's regulations and procedures relating to election campaigns*

51. Provide assistance to the SCER in the establishment of a media centre and drafting of press releases.

### *Addressing Electoral Violence*

80. Encourage all parties to issue a joint statement reminding their supporters and representatives that they should abide by the Election Law and voting procedures and that they should respect the democratic right of all Yemeni voters to freely elect their representatives.

## **4.3 Post-Election Recommendations to the SCER and IFES**

### **A. Training of Election Committees**

#### *Post-Election Recommendations to the SCER*

3. A representative sample of electoral staff should be debriefed to determine the effectiveness of the training by SCER and to comment/make recommendations to improve the training program and materials used, in particular the manuals.
4. The SCER should follow through with plans to develop a permanent training centre that would be a vehicle for enhancing professional development of the SCER; provide space and resources for developing national and regional training networks; and house training materials, manuals, and voter education materials.
5. The SCER should continue to develop a small cadre of permanent, professional trainers within the SCER Secretariat to develop materials and programs.

#### *Post-Election Recommendations to IFES*

6. That prior to the 2009 elections, IFES work with SCER to further develop training content and methodology, particularly for the security forces.

7. That IFES work with the SCER to produce a generic training handbook for electoral officials that could be adapted to any election and would incorporate elements of IFES BEAT program.

## **B. The Role and Training of Security Forces and Arrangements for their Oversight**

### *Post-Election Recommendations to the SCER*

13. Review the communications and material delivery plans in order to propose cost-effective communication and delivery systems that are independent of military assets and personnel.
14. Ensure that in future any training of security personnel on electoral procedures or operations is conducted by the SCER.
15. Advocate a reformulation of the Security Committees for future elections so that they comprise a joint operational and security role under the direction of the SCER branch office.

## **C. The SCER's operational and logistical plans for the elections**

### *Post Election Recommendations to the SCER*

26. Consider decentralizing the production, storage and delivery of sensitive materials to the Governorate Level.
27. That ballots be printed in pads with sequentially numbered counterfoils for tracking and accountability purposes.
28. Clarify procedures for counting of ballots during concurrent elections in the Election Law.
29. That the voter lists continue to be reviewed and updated every two years.
30. That provisions be considered for allowing improperly deleted voters who are eligible to vote to cast a ballot even if they are not found on the voter list, provided that they have appropriate identification and can establish residency requirements.

## **D. The SCER's policies and procedures for enforcing the election law**

### *Post-Election Recommendations to the SCER*

32. That the final post-election report of the SCER include recommendations to update the Election Law to remove inconsistencies and take into consideration the experiences of the 2006 elections (e.g. the complications resulting from combining voting and counting for multiple elections).
33. That a full post election report be submitted to the House of Representatives.
34. That previously discussed and agreed upon revisions to the law (see, for example IFES reports of 2005) be considered in any recommended changes to the Election Law.
35. That the various reports and recommendations of domestic and international monitoring bodies be considered when proposing changes to the Election Law.
36. That the investigative and adjudication responsibilities for electoral offences and complaints be prescribed to specific authorities in the Election Law.
37. That an investigative unit be established within the SCER to conduct preliminary investigations into all allegations of violations of the Election Law and make recommendations as to whether the SCER itself can impose corrective actions or sanctions, or whether the matter should be referred to the Office of the Public Prosecutor.

*Post-Election Recommendations to IFES*

38. That further training in investigating and adjudicating the Election Law be offered to the SCER, the Office of the Public Prosecutor and the three levels of courts.

**E. The SCER's plans for voter information campaigns and for promoting election participation by women and by people with disabilities**

*Post-Election Recommendations to the SCER*

41. Support the proposal to amend Law No. 66 (1991) Governing Parties and Political Organizations in order to legislate quotas for female nominees for the parties, as well as other legal mechanisms to improve the representation of women.
42. Expand the use of the tactile ballot guide to all polling centers and elections in Yemen.
43. Ensure that the Disability Unit is placed within the Civil Society Sector of the SCER and that it has the mandate and resources to deal explicitly with the special needs of voters with disabilities.
44. Ensure that the General Unit for Women has adequate resources to fulfill its mandate and that it is involved in planning and management decisions.

**F. The SCER's regulations and procedures relating to election campaigns**

*Post-Election Recommendations to the SCER*

52. Advocate for the creation of a separate institution (outside of the SCER) to monitor the media during election periods.
53. Develop a permanent media center within the SCER.

*Post-Election Recommendations to IFES*

54. Provide training to journalists on how to independently report on elections, including such topics as basic principles for democratic elections and the Election Law of Yemen.
55. Provide training to SCER (or relevant institution) on how to conduct media monitoring.

**G. Other Issues to be addressed**

**(a) Local Constituency Boundary Delimitation**

*Post-Election Recommendations to the SCER*

56. Immediately upon completion of the 2006 electoral operations form a Boundary Delimitation Committee to begin reviewing the local constituency boundaries, making full use of all available statistical data (i.e. 2004 Census) and technology, and inviting any required technical expertise from relevant government bodies or international agencies. The Committee should include a representative from the SCER, Ministry of Local Administration, Survey Authority, and the Centre for Statistical Information.
57. Recommend amending the Election Law to make the review of constituency boundaries by the Boundary Delimitation Committee mandatory after every census.
58. Redraw boundaries as single member districts considering geographic, population and, where necessary, social data.

59. Consider increasing the population threshold of local constituencies in order to reduce the size of local councils. (The current average number of voters per elected member of local council is very low at about 1,300 voters).
60. Support a planning committee to explore the needs and capacities for conducting a civil registry and initiate a National ID Card pilot project before 2009.

*Post-Election Recommendation to IFES*

61. Offer technical assistance and training in the use of appropriate technology in support of SCER efforts to revise and update constituent boundaries.

**(b) Financial Accountability**

*Post-Election Recommendations to the SCER*

62. That the SCER publish the results of the audit of its operations as well as details on the number of people employed by the election process as part of a post-election report to the House of Representatives.
63. That each level of election authority properly accounts for all funds received and disbursed and that all unused funds are correctly returned to the SCER.
64. That the SCER review the budget and financing of the election and find ways to improve the cost-effectiveness of the electoral process, while maintaining the quality and integrity of the electoral process.

**(c) Organizational Review and Capacity Building for the SCER**

*Post-Election Recommendations to the SCER*

65. Review the organizational structure of the SCER at central, branch and lower levels with an aim towards consolidating functions and reducing the number of staff (both permanent and part-time).
66. Develop clear job descriptions, a manual of standard operating procedures and an organigram for the SCER and its Secretariat Staff.
67. Consider ways of further harmonizing procedures for recruitment, training, and professional development of staff with that of the Yemen Civil Service.
68. Conduct a professional needs analysis of permanent staff and develop a training and capacity building program that could be used to further professionalize SCER staff.

*Post-Election Recommendations to IFES*

69. Propose to work with the SCER from 2007 to review its organizational structure and develop a professionalization and capacity building program.

## Annex 5: 2006 Election results

### Annex 5.1: Results of 2006 presidential elections

Note: figures exclude 120 local electoral constituencies in which supplementary presidential elections will be held on December 19, 2006.

governorate	turnout %	invalid votes %	% of valid votes				
			Ali Abdullah Saleh	Yassin Abdo Saeed No'aman	Ahmed Abdullah Majeed Al-Majidi	Faisal Bin Shamlan	Fathi Mohammed Al-Azab
Capital Secretariat	61.5	3.0	77.4	0.4	0.1	21.2	1.0
Aden	55.3	4.0	69.0	0.5	0.2	30.0	0.3
Taiz	65.9	4.1	68.4	0.6	0.2	30.3	0.5
Lahj	56.2	4.0	57.0	0.8	0.6	41.0	0.6
Ibb	67.8	2.8	76.9	0.5	0.2	22.0	0.4
Abyan	50.1	3.0	69.9	0.5	0.1	29.2	0.3
Al-Baida'a	64.6	2.7	81.4	0.3	0.1	17.8	0.4
Shabwah	55.8	2.9	58.9	0.4	0.1	40.4	0.3
Al-Maharah	54.7	3.7	75.8	0.8	0.2	22.7	0.4
Hadramout	58.5	4.8	53.5	0.6	0.2	45.3	0.4
Al-Hodeidah	64.8	4.4	90.2	0.7	0.2	8.4	0.4
Dhamar	63.7	2.4	86.8	0.3	0.1	12.4	0.4
Sana'a	73.1	2.1	84.1	0.2	0.1	15.1	0.5
Al-Mahweet	73.7	2.9	87.8	0.3	0.1	11.3	0.4
Hajjah	77.1	1.8	89.6	0.3	0.1	9.8	0.3
Sa'adah	70.5	3.6	91.2	0.2	0.1	8.1	0.5
Al-Jawf	54.3	1.1	82.3	0.1	0.1	17.1	0.4
Marib	70.0	2.6	75.1	0.2	0.1	24.4	0.2
Amran	64.8	3.2	73.9	0.4	0.1	25.0	0.5
Al-Dahle'a	68.7	3.8	50.3	0.4	0.1	48.8	0.3
Raimah	63.1	3.5	84.9	0.3	0.1	14.4	0.3
<b>Yemen</b>	<b>65.1</b>	<b>3.2</b>	<b>77.3</b>	<b>0.4</b>	<b>0.2</b>	<b>21.7</b>	<b>0.5</b>

Source: adapted from SCER website, [www.scer.org.ye/arabic/indexa.htm](http://www.scer.org.ye/arabic/indexa.htm) (accessed October 30, 2006)

### Annex 5.2: Results of 2006 elections for governorate councils

Note: figures exclude 187 local electoral constituencies in which supplementary governorate council elections will be held on December 19, 2006.

governorate	turnout %	invalid votes %	numbers of seats										
			GPC	Islah	YSP	Indep	NU	FPF	Haq	other	total	to come	
Capital Secretariat	61.2	5.2	20	0	0	0	0	0	0	0	0	20	0
Aden	55.7	5.3	15	0	0	1	0	0	0	0	0	16	0
Taiz	60.8	6.0	22	0	1	0	0	0	0	0	0	23	0
Lahj	56.1	6.2	9	1	3	1	0	0	0	0	0	14	1
Ibb	66.6	4.8	18	1	0	0	0	0	0	0	1	20	0
Abyan	54.6	4.2	15	2	0	1	0	0	0	0	0	18	4
Al-Baida'a	63.7	5.0	20	0	0	0	0	0	0	0	0	20	0
Shabwah	54.6	4.3	8	4	0	4	0	0	0	0	0	16	1
Al-Maharah	55.9	4.7	17	0	1	0	0	0	0	0	0	18	0
Hadramout	58.0	6.2	21	6	0	2	0	0	0	0	0	29	1
Al-Hodeidah	64.4	9.5	25	0	0	1	0	0	0	0	0	26	0
Dhamar	62.3	4.8	21	0	0	1	0	0	0	0	0	22	2
Sana'a	71.5	3.8	14	0	0	0	0	0	0	0	0	14	2
Al-Mahweet	73.1	4.7	15	0	0	1	0	0	0	0	0	16	2
Hajjah	73.1	4.0	27	1	0	1	0	0	0	0	0	29	2
Sa'adah	65.1	7.6	12	0	0	3	0	0	0	0	0	15	0
Al-Jawf	52.6	0.0	2	2	0	0	0	0	0	0	0	4	20
Marib	67.2	2.6	8	2	0	1	0	0	0	0	0	11	3
Amran	67.2	5.0	10	2	0	2	0	0	0	0	0	14	6
Al-Dahle'a	76.9	5.8	4	6	5	1	0	0	0	0	0	16	2
Raimah	62.4	3.5	15	0	0	0	0	0	0	0	0	0	3
<b>Yemen</b>	<b>63.8</b>	<b>5.6</b>	<b>318</b>	<b>27</b>	<b>10</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>376</b>	<b>49</b>
<b>%</b>			<b>84.6</b>	<b>7.2</b>	<b>2.7</b>	<b>5.3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.3</b>		

Source: adapted from SCER website, [www.scer.org.ye/arabic/indexa.htm](http://www.scer.org.ye/arabic/indexa.htm) (accessed October 31, 2006)

### Annex 5.3: Results of 2006 elections for councils of administrative districts

Note: figures exclude 164 local electoral constituencies in which supplementary elections for councils of administrative districts will be held on December 19, 2006.

governorate	turnout %	invalid votes %	numbers of seats										
			GPC	Islah	YSP	Indep	NU	FPF	Haq	other	total	to come	
Capital Secretariat	61.1	5.1	265	3	0	0	0	0	0	0	0	268	0
Aden	55.4	5.9	145	19	1	10	1	0	0	0	0	176	0
Taiz	64.7	4.5	424	75	17	23	14	0	1	0	0	554	4
Lahj	55.4	4.4	176	28	39	45	5	0	0	0	0	293	3
Ibb	67.4	3.6	394	60	4	21	0	1	0	0	0	480	10
Abyan	50.1	4.0	137	17	12	24	1	0	0	0	0	191	19
Al-Baida'a	64.3	4.4	282	38	3	23	0	0	0	0	0	346	2
Shabwah	55.2	3.4	180	56	16	52	0	1	0	0	0	305	3
Al-Maharah	54.8	4.9	135	10	8	9	0	0	0	0	0	162	0
Hadramout	58.3	5.1	355	93	26	98	0	0	0	0	0	572	4
Al-Hodeidah	63.8	7.5	536	16	0	26	0	0	0	0	0	578	2
Dhamar	62.9	4.1	267	19	0	18	0	0	0	0	0	304	8
Sana'a	72.4	3.5	268	39	1	22	0	1	0	0	0	331	7
Al-Mahweet	72.3	4.9	145	15	0	11	0	0	0	0	0	171	3
Hajjah	76.0	3.0	512	52	0	34	0	1	0	0	0	599	21
Sa'adah	69.1	6.1	240	0	5	52	0	0	0	0	0	297	1
Al-Jawf	44.8	2.5	66	39	3	13	0	1	0	0	0	122	100
Marib	67.3	4.4	165	49	0	21	0	0	0	0	1	236	30
Amran	66.0	3.8	230	103	0	40	0	0	0	0	1	374	24
Al-Dahle'a	67.0	3.8	62	56	34	10	2	2	0	0	0	166	4
Raimah	63.6	5.2	87	14	3	7	0	0	0	0	0	111	5
<b>Yemen</b>	<b>64.4</b>	<b>4.6</b>	<b>5,071</b>	<b>801</b>	<b>172</b>	<b>559</b>	<b>23</b>	<b>7</b>	<b>1</b>	<b>2</b>	<b>6,636</b>	<b>250</b>	
<b>%</b>			<b>76.4</b>	<b>12.1</b>	<b>2.6</b>	<b>8.4</b>	<b>0.3</b>	<b>0.1</b>	<b>0.0</b>	<b>0.0</b>			

Source: adapted from SCER website, [www.scer.org.ye/arabic/indexa.htm](http://www.scer.org.ye/arabic/indexa.htm) (accessed November 1, 2006)

Annex 5.4: Rates of invalid votes at 2006 elections

<b>governorate</b>	<b>presidential election</b>	<b>governorate elections</b>	<b>administrative district elections</b>
Capital Secretariat	3.0	5.2	5.1
Aden	4.0	5.3	5.9
Taiz	4.1	6.0	4.5
Lahj	4.0	6.2	4.4
Ibb	2.8	4.8	3.6
Abyan	3.0	4.2	4.0
Al-Baida'a	2.7	5.0	4.4
Shabwah	2.9	4.3	3.4
Al-Maharah	3.7	4.7	4.9
Hadramout	4.8	6.2	5.1
Al-Hodeidah	4.4	9.5	7.5
Dhamar	2.4	4.8	4.1
Sana'a	2.1	3.8	3.5
Al-Mahweet	2.9	4.7	4.9
Hajjah	1.8	4.0	3.0
Sa'adah	3.6	7.6	6.1
Al-Jawf	1.1	0.0	2.5
Marib	2.6	2.6	4.4
Amran	3.2	5.0	3.8
Al-Dahle'a	3.8	5.8	3.8
Raimah	3.5	3.5	5.2
<b>Yemen</b>	<b>3.2</b>	<b>5.6</b>	<b>4.6</b>

Source: adapted from SCER website, [www.scer.org.ye/arabic/indexa.htm](http://www.scer.org.ye/arabic/indexa.htm)

## Annex 6: IFES' and disability NGOs' responses to voting observation questions

(The percentages for each question exclude non-responses to that question.)

Question number	Question	Yes %	No %
9	Were ballot boxes shown to be empty at opening?	100.0	0.0
10	Did Sub-Committee members seal the ballot boxes before voting began?	98.5	1.5
11	Is the area around the VC free from campaign materials? (signs, posters, stickers, etc...)	50.0	50.0
12	Were members of the security committee campaigning?	4.4	95.6
13	Were members of the military campaigning in uniform?	3.3	96.7
15	Does the area surrounding the Voting Center feel safe?	95.6	4.4
16	Is the Security Committee turning away voters at the entrance to the Voting Center?	2.2	97.8
17	Were there people who appeared to be intimidating voters near the Center?	5.7	94.3
18	Are many voters armed?	7.8	92.2
19	Do there appear to be large numbers of uniformed military voting at this Voting Center?	5.7	94.3
21	Did you see voters being given money or goods in an apparent attempt to influence their votes?	7.1	92.9
22	Is the Voting Center easy to reach for the majority of voters?	85.4	14.6
24	Were you prevented from observing in any Sub-Committee(s)	4.5	95.5
26	Is the Voting Center accessible to a person in a wheelchair or with a mobility impairment?	58.6	41.4
27	Did you see any disabled voters who needed assistance with voting?	63.3	36.7
28	If yes, were they allowed to be assisted by a person of their choice in most cases?	88.3	11.7
29	Are the women's polling stations located in an area of the Voting Center which is easily accessible by women?	95.4	4.6
30	Are women waiting in line being treated roughly by security?	25.3	74.7
31	Were voting directions clearly displayed in most Sub-Committees?	77.6	22.4
32	Were the ballot boxes clearly labeled in most Sub-Committees? (Local, Governorate, Presidential)	96.6	3.4
33	Did there appear to be sufficient ballots and ink in most Sub-Committees?	84.7	15.3
34	Were there campaign materials in the voting center?	8.0	92.0
36	Was anyone campaigning inside the Voting Center?	20.7	79.3
38	Did all Sub-Committees have polling booths set up so that no one could see the voter marking his ballot?	89.9	10.1
39	Were most voters voting inside the booths?	96.4	3.6
40	Were Sub-Committees telling people whom to vote for or marking their ballots?	5.7	94.3
41	Were security committee members telling people who to vote for or marking their ballots?	1.2	98.8
42	Did the security committee turn people away from the entrance to the Sub-Committee?	5.3	94.7
43	Were other people telling people whom to vote for or marking their ballots?	14.1	85.9
44	Were IDs being checked against faces?	92.9	7.1
45	Were voters' thumbs checked for ink before voting?	76.6	23.4
46	Were voters' thumbs inked after voting?	98.9	1.1
47	Did many voters appear to be confused by the voting process?	38.1	61.9

<b>Question number</b>	<b>Question</b>	<b>Yes %</b>	<b>No %</b>
48	Did Sub-Committee members appear to be able to explain clearly the process to voters?	90.7	9.3
49	Did you witness any ballot stuffing?	44.3	55.7
50	Did the voting process appear to be reasonably orderly?	87.2	12.8
52	Were there voters still in line and unable to vote when the Sub-Committee closed?	4.3	95.7
53	Did Sub-Committee members seal ballot box-slots at the close of voting?	95.7	4.3
54	If you were not observing in the first Sub-Committee, were you permitted to accompany the ballot boxes to the first Sub-Committee for counting?	76.2	23.8
55	Is it your impression that the voting at this Voting Center was generally orderly with few irregularities or violations?	88.0	12.0

## Annex 7: NDI Network for Observation, results of questions on disability issues

Governorate	Number of reports on accessibility of voting centers	Voting center <u>not</u> accessible (%)	Number of reports of disabled voters needing assistance	% where disabled voters were able to choose an assistant
Capital Secretariat	23	8.7	17	83.3
Aden	44	13.6	26	84.8
Taiz	52	38.5	27	86.2
Lahj	24	25.0	13	93.8
Ibb	41	41.5	22	92.0
Abyan	23	13.0	12	76.9
Al-Baida'a	17	41.2	5	72.7
Shabwah	15	33.3	5	85.7
Al-Maharah	0	--	0	--
Hadramout	30	23.3	23	79.2
Al-Hodeidah	41	17.1	34	97.1
Dhamar	25	20.0	17	90.5
Sana'a	26	26.9	12	75.0
Al-Mahweet	19	21.1	13	100.0
Hajjah	47	36.2	28	100.0
Sa'adah	13	53.8	6	88.9
Al-Jawf	5	20.0	1	100.0
Marib	14	35.7	8	80.0
Amran	23	30.4	15	83.3
Al-Dahle'a	15	13.3	7	100.0
Rimah	13	30.8	9	100.0
<b>Total</b>	<b>510</b>	<b>27.3</b>	<b>300</b>	<b>88.6</b>